

No.

IN THE  
Supreme Court of the United States

Petitioner Wei Qiu

Wei Qiu

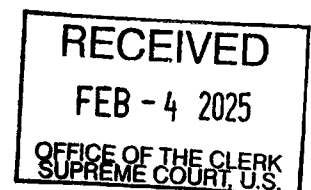
v.

Board of Education of Nelson County, KY

On Petition for Writ of Certiorari to the U. S. 6th  
Circuit Court of Appeals for Its Denial of Qiu's  
Appeal of Her Employment Discrimination Case

PETITION FOR WRIT OF CERTIORARI

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## **QUESTIONS PRESENTED FOR REVIEW**

Nelson absolutely and completely ignored Qiu for employment since Nelson found Qiu's Chinese accent. Qiu the American citizen sued Nelson under Title VII of the Civil Rights Act of 1964 based on her race, color, and national origin. Qiu's complaint alleged that Nelson absolutely and completely ignored Qiu the excellent chemistry teacher and highly Praxis qualified physics teacher for its chemistry/physics position because Nelson discriminated against Qiu's accent. Nelson filed its motion to dismiss. In her response, Qiu proved her excellence for the chemistry/physics position and Nelson absolutely and completely ignored her with the evidence of the emails. The facts in Qiu's complaint were fully evidence supported in Qiu's response.

The district court dismissed Qiu's complaint, and the circuit court affirmed the dismissal.

**Question 1.** Does the complaint meet the standard "state a claim to relief that is plausible on its face" when alleging the employer ignored the protected applicant of excellent qualifications for the position?

**Question 2.** Must the facts in the complaint go into detail to meet the standard "state a claim to relief that is plausible on its face"?

**Question 3.** Did the judges violate Qiu's Constitutional right to due process and equal protection of the laws in Section 1 of Amendment XIV? Were the judges against the Rule of Law?

## **LIST OF PROCEDURE**

*Wei Qiu v. Board of Education of Nelson County Schools, KY*, 3:22 cv 00334, U.S. District Court for the Western District of Kentucky. Judgment entered on 02/28/23; 59(e) was denied on 03/20/24.

*Wei Qiu v. Board of Education of Nelson County, KY* 24-5305, U. S. Court of Appeals for the 6th Circuit. Judgment entered on Oct. 11, 2024; Petition to rehear to the en banc was denied on Nov. 18, 2024.

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Petitioner Qiu respectfully asks that a writ of certiorari be issued to review Order D 15 of the U. S. 6th Circuit filed on 10/11/2024, and Order DN 17 of the U. S. Western District Court of Kentucky filed on 02/28/2023.

#### OPINIONS BELOW

Order D 15 filed on Oct. 11, 2024, from the U.S. Court of Appeals For the 6th Circuit, affirmed the order from the district court. Order D 15 is attached as Appendix B. Order D 19 denied the petition to the en banc to rehear on Nov. 18, 2024. Order D 19 is attached as Appendix D.

Order DN 17 filed on 02/28/23, from the U. S. Western District Court of Kentucky, dismissed Qiu's Complaint. Order DN 17 is attached as Appendix A. Order DN 26 filed on 03/20/24 denied Qiu's 59(e) motion. Order DN 26 is attached as Appendix C.

#### JURISDICTION

Order D 19 which denied Qiu's petition to the en banc to rehear was entered on Nov 18, 2024, in the 6th appeal court. Under 28 U.S.C. § 1254(1), the instant case is in the jurisdiction of the U.S. Supreme Court. Order D 19 is attached as Appendix D.

## **CONSTITUTIONAL PROVISIONS, STATUTES, AND POLICY AT ISSUE**

The Rule of Law, EQUAL JUSTICE UNDER LAW.

### **AMENDMENT XIV of the Constitution Section**

#### **1. Rights**

.... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **Title VII of the Civil Rights Act of 1964**

#### **UNLAWFUL EMPLOYMENT PRACTICES**

**SEC. 2000e-2. [Section 703] (a)** Employer practices It shall be an unlawful employment practice for an employer -

**(1)** to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin;

**FRCP Rule 8(a)(2)** a short and plain statement of the claim showing that the pleader is entitled to relief;

**(i) he belongs to a racial minority; (ii) he applied and was qualified for a job for which the employer was seeking applicants; (iii)**

**despite of his qualifications, he was rejected; and (iv) after his rejection, the position remained open and the employer continued to seek applicants from persons of plaintiff's qualifications.** 411 U.S. at 802.

**(1) is a member of a protected class; (2) was qualified for the position and applied for the position; (3) suffered an adverse employment action; (4) was treated differently than similarly situated non-protected employees.** *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-803 (1973).

**“state a claim to relief that is plausible on its face”.** *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007))

**“does not need detailed factual allegations,”** *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

## **STATEMENT OF THE CASE**

### **A. Introduction of the Case Procedure**

Qiu first depicts the events before introducing the filings.



Vice Principal Merrifield called Qiu for Qiu's application for a chemistry position in 2019. Having heard Qiu's accent, Nelson completely and absolutely ignored Qiu since the call.

In April 2021, Qiu contacted and applied for a chemistry/physics position with Nelson, and Nelson ignored Qiu. In June 2021, Nelson dropped the position into integrated science to attract a less qualified applicant from a class it preferred. Qiu contacted Nelson again, and Nelson ignored Qiu again.

Qiu filed the discrimination against her with the EEOC. Nelson did not settle the case. The EEOC issued the right to sue. Qiu sued Nelson in the U.S. Western District of Kentucky.

Qiu wrote her complaint by the emails she sent to Principal Newton and Vice Principal Merrifield. Nelson filed the motion to dismiss DN 6. Qiu responded with the attachment of the emails Qiu sent to Newton and Merrifield, DN 8. Nelson replied with DN 10. The district court dismissed the complaint with DN 17.

Qiu filed 59(e) motion DN 18 to alter Order DN 17. Qiu added her 59(e) motion DN 19 to tell the district court that Nelson lied to the EEOC. Nelson filed response DN 20 to Qiu's 59(e) motions. Qiu filed reply DN 21.

Qiu filed sanction motion DN 22 on Nelson. Nelson filed response DN 23 to Qiu's sanction. Qiu filed reply DN 24.

The district court denied Qiu's 59(e) and sanction motions with Order DN 26.

Qiu appealed to the 6th Circuit Court. The 6th Circuit Court affirmed the district court's order.

Qiu is appealing to the Supreme Court.

The filings of the case are in the dockets:

*Wei Qiu v. Board of Education of Nelson County Schools, KY*, 3:22 cv 00334, U.S. District Court for the Western District of Kentucky.

*Wei Qiu v. Board of Education of Nelson County, KY* 24-5305, U. S. Court of Appeals for the 6th Circuit.

The critical filings in the district court were:

1. DN 1: Complaint.
2. DN 6: Dismiss
3. DN 8: Qiu's Response to Dismiss DN 6
4. DN 10: Reply to Qiu's DN 8
5. DN 17: Order dismissed the complaint.

6. DN 18 and DN 19: Qiu's 59(e) motions to alter Order DN 17
7. DN 20: Response to Qiu's 59(e) motions DN 18 and DN 19
8. DN 21: Qiu's Reply to DN 20
  
9. DN 22: Qiu's Sanction
10. DN 23: Response to Qiu's Sanction DN 22
11. DN 24: Qiu's Reply to DN 23
  
12. DN 26: Order denied Qiu's 59(e) Motions DN 18 and DN 19 and Sanction Motion DN 22.

The critical filings in the 6th Circuit Court were:

1. D 9, Qiu's Brief
2. D 11, Nelson's Brief
3. D 13, Qiu's Reply Brief
4. D 15, Order affirmed the district court's order
5. D 17, Qiu's petition to rehear to the en banc
6. D 18, Qiu's petition to rehear to the three judges.
7. D 19, Order denied Qiu's petition to rehear to the en banc

## **B. Statement of the Facts**

### **BACKGROUND**

Qiu the American citizen was accented because of her national origin of China.

Since Vice Principal Merrifield knew Qiu was an accented Chinese in a call for Qiu's application and contact for a chemistry position in 2019, Nelson ignored Qiu's application and contact for employment absolutely and completely. Page 21-50 in Qiu's response DN 8.

Qiu applied and contacted Nelson for the chemistry/physics position in **April 2021**. Qiu was highly qualified for Nelson's chemistry/physics position. Qiu attached her support documents to the email to Principal Newton and Vice Principal Merrifield. Qiu's support were: Qiu's resume in which she had one year experience of teaching chemistry and physics, the reference from the director of Advance Kentucky in which "Qiu demonstrated an exceptional grasp of the fundamental principles of chemistry", Qiu's AP chemistry exam report in which her 5 rate was 38% while it was 6% in Kentucky, her excellence of chemistry Praxis, her Praxis report in which Qiu scored 163 to the passing score 133 for her physics Praxis, the reference from Professor Bush at the University of Kentucky in which Professor Bush

indicated Qiu's chemistry level was at Dr. Bush's. Page ID# 28-44 in Qiu's response DN 8.

Qiu proved her English was efficient in teaching chemistry and physics to Newton and Merrifield with her success in teaching AP chemistry. Page ID# 47-48 in Qiu's response DN 8. Newton and Merrifield ignored Qiu.

Two months after Qiu's application and contact for the chemistry/physics position, Nelson dropped the chemistry/physics position to integrated science in **June 2021** to attract a less qualified applicant from a class it preferred. Qiu contacted Newton and Merrifield again when Qiu saw the integrated science on the Education Professional Standard Board website. Page ID# 49-50 in Qiu's response DN 8. Newton and Merrifield ignored Qiu again. Nelson did not hire accented people of Chinese origin.

Qiu filed the discrimination that happened to her with the EEOC. Nelson did not settle the case. The EEOC issued the letter to sue. Qiu sued Nelson in the U.S. Western District of Kentucky under Title VII of the Civil Rights Act of 1964.

## **FACTS IN THE DISTRICT COURT**

### **Qiu's complaint**

Qiu wrote her complaint by the emails she sent to Principal Newton and Vice Principal Merrifield. PageID# 24-50 in Qiu's response DN 8, the emails. Qiu's complaint formed as the following:

*1. Wei Qiu the plaintiff is an American citizen with origin of China. She is an excellent licensed chemistry teacher. She is also highly Praxis qualified to teach physics.*

*2. In early July 2019, plaintiff applied for a chemistry position with defendant. Since Vice Principal Curt Merrifield called plaintiff for a telephone pre interview, defendant ignored plaintiff's job application and contact absolutely and completely. Defendant dislikes plaintiff the accented Chinese.*

*3. Plaintiff applied for the chemistry/physics position defendant opened in April 2021 for which she is highly qualified. Defendant absolutely and completely ignored her application and contact again. Defendant changed the name of the position into Integrated Science to attract teacher of less quality in June, 2021. Defendant discriminated against plaintiff as an accented Chinese to extreme.*

*Defendant discriminates against plaintiff as an accented Chinese to extreme which is a serious violation of Title VII.*

The complaint inferred the discrimination facts that Nelson absolutely and completely did not hire accented Qiu the excellent applicant since Merrifield found Qiu's accent. Nelson had Qiu's application in hand for the chemistry/physics position in **April 2021**, and Nelson ignored Qiu searching for Qiu's skills. When Nelson failed to find an applicant from a class it preferred, Nelson dropped the position into integrated science to attract a less qualified teacher in **June 2021**. Nelson directly violated Title VII for not hiring accented Chinese race people.

Qiu's complaint set up *prima facie* under 411 U.S. at 802 for direct discrimination. Because Qiu the absolutely and completely ignored job applicant did not know what Nelson interviewed or hired for the position, Qiu could not finish the 4th element of the *prima facie* of the *McDonnell Douglas* framework.

### **Nelson's Motion to Dismiss**

Nelson filed its motion to dismiss Qiu's complaint stating "the complaint does not contain an adequate factual basis for a discrimination claim ...." Page ID# 17 in Nelson's Dismiss DN 6. Nelson avoided the discrimination fact in the complaint that Nelson ignored Qiu completely and absolutely for employment since Merrifield knew Qiu's accent in the call in 2019. Nelson avoided the discrimination fact in the complaint that Nelson dropped the chemistry/

physics position to integrated science in June 2021 to attract a less qualified applicant ignoring the highly qualified Qiu who applied and contacted for the chemistry/physics position two months ago in April 2021. Page ID# 17 in Nelson's Dismiss DN 6. Nelson modified the facts to avoid the discrimination facts to meet its needs to dismiss the complaint.

### **Qiu's Response to the Motion to Dismiss**

Qiu attached the emails when she contacted Principal Newton and Vice Principal Merrifield for employment to support the facts in the complaint to respond to Nelson's motion to dismiss. Page ID# 21-50, Qiu's response DN 8. The facts in Qiu's complaint were fully evidence supported in Qiu's response DN 8.

### **Nelson's Reply**

Nelson stated that Qiu's attachment in her response were not incorporated even by reference into the complaint. Page ID# 57 in Nelson's reply DN 10. Nelson was opposite to the coherence and identification of the facts in the emails and the complaint.

### **Order DN 17 Which Dismissed the Complaint**



**1. The District Court Excluded Qiu's Evidence of the Emails Attached to Her Response to Motion to Dismiss**

The district court declined to consider the evidence of the emails attached to Qiu's response DN 8 which were all about the complaint. Page ID# 68-69 in Order DN 17; **Page 30-32 in Appendix A.**

**2. The District Court Falsely Applied Caselaws *Blakely***

The district court falsely applied *Blakely v. Austin Peay State University*, 591 F. Supp. 3d 278 (M.D. Tenn. 2022). Page ID# 70-71 in Order DN 17. **Page 34-35 in Appendix A.**

In *Blakely*, the two applicants of which one white and the other black applied for the same position. 3:21 cv 00425, DN 32, in Page ID# 125, 4 in 126. The employer modified the qualifications of the position before plaintiff Blakely applied for the position. 3:21 cv 00425, DN 32, Line 4-7 in Page ID# 129. In the instant case, Nelson had the only applicant accented Qiu from April to June 2021. Nelson discriminated against the accented Qiu that it ignored Qiu's application and contact for the chemistry/physics position in April 2021. Having failed to find an applicant from a class it preferred, Nelson dropped the chemistry/physics position to integrate science to attract a less qualified applicant in June 2021. The

complaint; Page ID# 21-50, Qiu's response DN 8. Nelson did not hire accented Chinese race people unconditionally and absolutely, even when it could not hire someone from a race it preferred. Nelson violated Title VII directly. The district court utterly misused *Blakely* which was a completely different thing.

The district court double misused *Blakely*. Since Merrifield found Qiu's accent in 2019, Nelson absolutely and completely ignored Qiu the job applicant. The complaint; Page ID# 21-50, Qiu's response DN 8. Nelson was 60 miles away from Qiu. Qiu did not know what Nelson hired for the chemistry position in 2019. Qiu did not know what Nelson hired for the position after dropping it to integrated science in June 2021, or if Nelson even filled the position. In *Blakely*, Blakely knew the white Winters was hired. 3:21 cv 00425, DN 32, 5 in Page ID# 126. The district court falsely applied *Blakely* to dismiss the complaint excusing Qiu did not allege the other applicant was from an unprotected class. "Qiu's complaint, in contrast to that in *Blakely*, does not allege that the individual who eventually filled the position that she had applied for fell outside a protected class." Page ID# 71 in Oder DN 17; **Upper in Page 35 in Appendix A. There was no the other applicant in the instant case from April 2021 when Qiu applied and contacted Nelson for the chemistry/physics position to June 2021 when**

**Nelson dropped the position to integrated science to attract less qualified applicant!** The district court made up the other applicant to use as fact to falsely apply *Blakely* to dismiss the complaint by the excuse Qiu did not allege the other applicant was from an unprotected class like *Blakely* did. Qiu stated that she did not know who was hired for the position in her 59(e) motion, and it needed discovery to find out. Page ID# 76 in Qiu's 59(e) DN 18. The district court did not correct its wrong of fact (making up the other applicant) and law (falsely applied *Blakely* to its made up the other applicant). The district court was on Nelson's side to dismiss the complaint that Qiu could not alter the district court's partiality. The district court was on Nelson's side.

### **3. The District Court Falsely Applied the Caselaw *Veasy***

The district court misapplied the caselaw *Veasy v Teach for Am., Inc.*, 868 F. Supp. 2d 688, 696 (M. D. Tenn. 2012). Page ID# 71 in Order DN 17; **Bottom in Page 35 in Appendix A.** In *Veasy*, *Veasy* was interviewed and he saw other applicants at his interview. *Veasy* at 693. In the instant case, Qiu was absolutely and completely ignored since Merrifield called Qiu in 2019. The district court misapplied *Veasy* to dismiss the complaint.

#### **4. The District Court Faked the Facts and Applied the Wrong Caselaws to Its Faked Facts**

The district court put the job application situation into a working place and applied the workplace caselaws. Page ID# 71 in Order DN 17; **Page 35 in Appendix A.** The district court dismissed the complaint based on its made up facts: "The complaint does not allege that Board or its employees 'made any statements concerning [Qiu's] race,' or that 'they engaged in any conduct whatsoever that could be reasonably be interpreted as racially motivated.'" "Thus, nothing in the complaint gives rise to a reasonable inference that Qiu was treated differently than anyone outside of a protected class." Page ID# 71 in Order DN 17; **Page 35 in Appendix A.** The district court falsified facts.

The actual facts in the instant job application case were Nelson absolutely and completely ignored Qiu since Merrifield found Qiu's accent in the call in 2019. Qiu's complaint; Page ID# 21-50, Qiu's response DN 8. Qiu the absolutely and completely ignored job applicant never knew what Nelson hired for the chemistry position in 2019 and the chemistry/physics position in 2021. Nor could Qiu hear Nelson and its employees talking about her. The district court falsified the facts and applied the wrong caselaws to its falsified facts. Based on the falsified facts and

misplaced caselaws, the district court granted Nelson's dismissal DN 6. The district court was on Nelson's side.

**5. Nelson and the district court did the team work to dismiss the complaint**

Circumstantially, Nelson and the district court did the teamwork: Nelson put the dismissal motion in the docket that the district court could and would grant it. Qiu's complaint was thus dismissed.

**Qiu's 59(e) Motion and Sanction Motion**

Qiu filed 59(e) motions to alter Order DN 17. Qiu was impossible to change the result of the teamwork of Nelson and the district court. Qiu's 59(e) DN 19 told the district court that Nelson lied to the EEOC. The district court did not mind Nelson's lies. Page ID# 149 in Order DN 26; **Middle in Page ID#53 in Appendix C.** Order DN 26 denied Qiu's 59(e) motion DN 18 and DN 19.

Qiu filed the sanction motion on Nelson. The district court denied Qiu's sanction DN 22 because the court granted Nelson's dismissal and denied Qiu's 59(e) motions. Page ID# 149 in Order DN 26; **Page 53-54 in Appendix C.** The district court did not give a legal accordancy for the way it denied Qiu's sanction motion, not hearing the facts and laws in the sanction motion.

Qiu appealed to the 6th Circuit Court.

## **FACTS IN THE 6TH CIRCUIT COURT**

### **1. The Three Judges Modified the Facts in the Complaint to Favor Nelson**

Qiu displayed her complaint in her brief and reply brief. Page 1-2 in Qiu's brief D 9, Page 1-2 in Qiu's reply brief D 13.

Qiu displays the statement of the fact of the three judges here: *In 2019, Qiu, a Chinese woman, applied for a chemistry position at Thomas Nelson High School. The vice principal conducted a phone "pre interview" with Qiu and then "completely and absolutely" ignored her application. Qiu applied for another position at the high school in April 2021 and did not receive any correspondence from the school. Qiu alleged that the school then changed the position description "to attract [an applicant of] less quality."* Page 1 in Order D 15; **First half in Page 40 in Appendix B.**

Based on Qiu's complaint and the statement of fact of the three judges, the three judges adjusted the facts in the complaint to favor Nelson:

The three judges eliminated Qiu's excellent qualifications for the position. Qiu's qualifications

were not in the three judge's Order DN 15 which affirmed the dismissal of Qiu's complaint.

The three judges eliminated the chemistry/physics position.

The three judges mentioned Qiu applied for another position in April 2021, but the three judges avoided Nelson dropped the chemistry/physics position to integrated science in June 2021 while holding but ignoring Qiu's application.

The three judges modified the fact that Nelson dropped the chemistry/physics position to integrate science into "changed the position description".

Therefore, the three judges modified the facts in the complaint to favor Nelson. Having modified the facts in the complaint, the three judges stated "We agree with the district court that Qiu failed to allege facts to support a reasonable inference that the Board discriminated against her based on her race or national origin." Page 2 in Order D15. **Page 41-42 in Appendix B.** Thus the three Judges affirmed the district court's dismissal based on their modified facts. Of course, to ignore an applicant with unknown or unshown qualifications for the position sounded no discrimination.

The three judges were on Nelson's side, hiding the facts Nelson ignored the excellent applicant Qiu

for its chemistry/physics position even when it could not fill the position with someone from a class it preferred, to affirm the dismissal of Qiu's complaint.

## **2. The Facts The Three Judges did not Hear**

The three judges did not hear that the district court rejected Qiu's evidence of the emails attached to her response to the motion to dismiss. The facts in Qiu's complaint were fully evidence supported in Qiu's response DN 8. Page 3 in Qiu's brief D 9, Page 2 in Qiu's reply brief D 13.

The three judges did not hear Qiu's complaint set up *prima facie* under 411 U.S. at 802, fully evidence supported. Page 1-2 in Qiu's reply brief D 13.

The three judges did not hear the district court avoided the discrimination facts in the complaint that Nelson ignored Qiu's application and contact for employment since Merrifield found Qiu's accent in the call, even when it could not fill the chemistry/physics position with an applicant from a race it preferred. Page 5 in Qiu's brief D 9. The three judges did not hear that the district court avoided to order on the legal ground of Qiu's national origin. Page 5-6 in Qiu's brief D 9.

The three judges did not hear that the district court falsified facts and misused case laws to its



falsified facts to dismiss the complaint. Page 10-15 in Qiu's brief D 9.

### **3. The Three Judges' Ground to Affirm the Dismissal**

The three judges had their own ground to affirm the dismissal: "... But she alleges no facts supporting this conclusive inference, such as who was ultimately hired for the position, a description of her initial phone conversation, or the details about the allegedly changed job description." Page 2-3 in Order D15; **Middle in Page 42 in Appendix B.**

The three judges did not hear Qiu the absolutely and completely ignored job applicant did not know what Nelson interviewed or hired for the positions she applied for. Qiu's complaint stated clearly Nelson absolutely and completely ignored Qiu since Merrifield found Qiu's accent in the call in 2019. Page 1-2 in Qiu's brief D 9. The facts in the complaint were fully evidence supported in Qiu's response DN 8. Page 2 in Qiu's reply brief D13. Qiu the absolutely and completely ignored job applicant did not know what Nelson interviewed or hired for the position she applied for. Page 10, 12 in Qiu's brief D 9; Page 3, 8, 12 in Qiu's reply brief D 13. Repeatedly, the three judges did not hear the fact that Qiu the absolutely and completely ignored job applicant did not know what Nelson interviewed or hired for the position she

applied for. Thus the three judges' ground "who was ultimately hired for the position" was factually wrong. Because repeatedly the three judges did not hear Qiu the absolutely and completely ignored job applicant did not know what Nelson interviewed or hired for the position she applied for, the three judges purposely made up "who was ultimately hired for the position" to affirm the dismissal of Qiu's complaint. The three judges falsified the facts. The three judges were on Nelson's side.

".... a description of her initial phone conversation, or the details about the allegedly changed job description." The three judges affirmed the dismissal of Qiu's complaint because the facts in Qiu's complaint did not go into details. The three judges were against Rule 8(a)(2).

The three judges so affirmed the dismissal of Qiu's complaint.

## REASONS FOR GRANTING THE PETITION

### QUESTION 1

**Does the complaint meet the standard "state a claim to relief that is plausible on its face" when alleging the employer ignored the**

**protected applicant of excellent qualifications  
for the position?**

The facts Qiu's complaint alleged:

1 in Qiu's complaint stated Qiu was an excellent chemistry teacher and Qiu was highly Praxis qualified to teach physics.

2 in Qiu's complaint stated Vice Principal Merrifield called Qiu in 2019 for a chemistry position. Since the call, Nelson absolutely and completely ignored Qiu for disliking her accent.

3 in Qiu's complaint stated Qiu applied for the chemistry/physics position with Nelson in April 2021, and Nelson absolutely and completely ignored Qiu's application and contact for its chemistry/physics position. Having failed to find an applicant from a class Nelson preferred, Nelson dropped the chemistry /physics position to integrated science to attract a less qualified teacher in June 2021.

The three judges avoided Qiu's excellent qualifications for the position in their statement of fact in the order which affirmed the dismissal of Qiu's complaint. Page 1 in Order D 15, **upper in Page 40 in Appendix B. Because the three judges did not have Qiu's qualifications for the position in their order, their order was nonsense.** The

three judges' order D 15 failed and collapsed that the Justices should clear the judicial wrecks of the orders which dismissed and affirmed the dismissal of Qiu's complaint.

The standard for a complaint was "state a claim to relief that is plausible on its face". *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007))

Question to the Justices:

Does the complaint meet the standard "state a claim to relief that is plausible on its face" when alleging the employer ignored the protected applicant of excellent qualifications for the position?

## QUESTION 2

**Must the facts in the complaint go into detail to meet the standard "state a claim to relief that is plausible on its face"?**

The three judges in the 6th Circuit affirmed the dismissal of the complain on the ground that the facts in the complaint did not go into details. "But she alleges no facts supporting this conclusive inference, such as ..., a description of her initial phone conversation, or the details about the allegedly

changed job description.” Page 2-3 in Order D15;  
**Middle in Page 42 in Appendix B.** The three judges in the 6th Circuit Court were against FRCP Rule 8(a)(2). The three judges were against “does not need detailed factual allegations,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Therefore, the three judges generated the chaos of the law.

The question here is for the Justices to clean up the mess of the law the three judges produced.

Question to the Justices:

Must the facts in the complaint go into detail to meet the standard “state a claim to relief that is plausible on its face”?

### **QUESTION 3**

**Did the judges violate Qiu’s Constitutional right to due process and equal protection of the laws in Section 1 of Amendment XIV?  
Were the judges against the Rule of Law?**

Based on the above facts of the district court’s Order DN 17 and the 6th Circuit Court’s Order D 15, Qiu presents her question to the Justices.

Question to the Justices:

Did the judges violate Qiu's Constitutional right to due process and equal protection of the laws in Section 1 of Amendment XIV? Were the judges against the Rule of Law?

### CONCLUSION

For the foregoing reasons, this Court should grant this Petition for Writ of Certiorari.

Respectfully submitted.

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