

No.
IN THE
Supreme Court of United States

Woodrow J. Jones, Sr.

Petitioner

v.

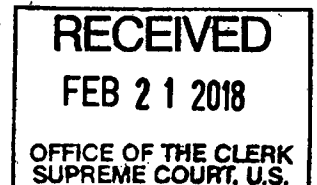
Texas Juvenile Justice Department

Respondent

On Petition for Writ of Certiorari
To the United States Court of Appeals
for the Fifth Circuit

PETITION FOR WRIT OF
CERTIORARI

Woodrow J. Jones, Sr.
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QUESTIONS PRESENTED

1. Whether the Fifth Circuit violated Petitioner's Fourteenth Amendment and other Constitutional law passed by congressional actions subsequent to the passage of the 1866 Act -- the submission of the Fourteenth Amendment to the States for ratification, which Amendment was based upon, and widely viewed as "constitutionalizing," that Act's protections, and the reenactment of that Act's substance in the Enforcement Act of 1870, a Fourteenth Amendment statute -- further evidence the relationship between §§ 1981 and 1983 and demonstrate that § 1981 is both a Thirteenth and a Fourteenth Amendment statute.

2. Whether the Fifth Circuit Court decision failed to take into account the evidences Petitioner's presented as estoppel from allowing Respondent from relying on the Texas two years statute of limitation based on Respondents fraudulently concealment of Petitioner's discovery motions Granted by the Fifth Circuit in its mandate. ⁱ

3. Whether the EEOC-Dallas Office violated Petitioner's Fourteenth Amendment and this Court's decision by holding on to Petitioner's EEOC-Dallas Office complaint beyond the two year statute of limitation to file this case in Federal Court. Even

thought, Petitioner's filed his complaint within the 300 days. ⁱⁱ

4. Whether the EEOC-Dallas Office held on to Petitioner's complaint passed the two years statute of limitation preventing Petitioner's from filing his complaint with the Federal Court within two year limitations. EEOC-Dallas Office failed to complete its due diligence by holding on to Petitioner's complaint until February 4, 2014 and violated their procedures together with Respondent who concealed evidences from Petitioner, but blame the Petitioner's for such lateness.

5. Whether the EEOC-Dallas Office comprised along with Respondent to violate Petitioner's Fourteenth Amendment and to deprive Petitioner of equal protection of the law. When EEOC investigate a complaint it has a reasonable time frame to resolve the EEOC average time is ten (10) months according to EEOC website. ⁱⁱⁱ

6. Whether the Texas courts have long adhered to the view that fraud vitiates whatever it touches, and have consistently held that a party will not be permitted to avail himself of the protection of a limitations statute when, by his own fraud, he has prevented the other party from seeking redress within the period of limitations. To reward a wrongdoer for his own fraudulent contrivance would

make the statute a means of encouraging rather than preventing fraud. ^{iv}

7. Whether the Constitution protect Petitioner's and give equal protection and due process during timely filing and discovery.

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2. It is a violation of Petitioner's constitutional right under the Fourteenth Amendment clause when Petitioner's filed an estoppel protection with the Fifth Circuit and the court failed to consider all Petitioner's evidences presented to the Honorable Fifth Circuit.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Woodrow J. Jones, Sr., pro se, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for Fifth Circuit No. 17-40488 Woodrow J. Jones, Sr. Plaintiff-Appellant v. Texas Juvenile Justice Department, interim Executive Director (David Reilly) Defendant-Appellee.

Appeal from the United States District Court for the Eastern District of Texas USDC No. 9:14-CV-60.

United States Court of Appeals for Fifth Circuit on October 3, 2017. No. 17-40488: Judgment entered.

United States Court of Appeals for Fifth Circuit on October 20, 2017. No. 17-40488: No action on your petition for rehearing.

United States Court of Appeals for Fifth Circuit on October 25, 2017. No. 17-40488: Judgment issued as the mandate.

United States Court of Appeal for Fifth Circuit on October 31, 2017. No. 17-40488: Motion to Extend Time and/or Reconsideration Panel Rehearing...out of time.

STATEMENT OF JURISDICTION

The United States Court of Appeals for Fifth Circuit-- issued its judgment on October 3, 2017. This Court has jurisdiction under 28 U.S.C. § 1254 and due to Respondent using a Texas State statute. This Court has jurisdiction under 28 U.S.C. § 1257 (a).

CONSTITUTIONAL PROVISIONS

The Fourteenth Amendment provides in relevant part: “[N]or shall any State deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, 42 U.S.C. 2000e-5(f)(1) and 42 U.S.C. 2000e-2(m).

Constitutional law passed by congressional actions subsequent to the passage of the 1866 Act – the submission of the Fourteenth Amendment to the States for ratification, which Amendment was based upon, and widely viewed as “constitutionalizing,” that Act’s protections, and the reenactment of that Act’s substance in the Enforcement Act of 1870, a Fourteenth Amendment statute – further evidence the relationship between §§ 1981 and 1983 and demonstrate that § 1981 is both a Thirteenth and a Fourteenth Amendment statute.

STATEMENT OF THE CASE

The United States Court of Appeals for the Fifth Circuit turned a BLIND eye on Petitioner by leaving him unprotected, when the Fifth Circuit had knowledge pursuant to Petitioner's pleading [Brief and Reply Brief No. 17-40488] that Respondent fraudulently concealed Petitioner's discovery motion preventing Respondent from asserting the Texas two year statute of limitation. *Borderlon v. Peck*, 661 S.W. 2d 907, 908 (Tex. 1983), *Moreno v. Sterling Drug, Inc.*, 787 S.W.2d 348, 351 (Tex.1990); *Leeds v. Cooley*, 702 S.W.2d 213, 215 (Tex.App. Houston [1st Dist.] 1985, writ ref'd n.r.e.).

Petitioner filed his complaint on August 7, 2012 with Texas Workforce Commission-Civil Right Division [TWC-CRD], via fax communication. [TWC-CRD] received the fax and stamped it received on August 7, 2012. The [TWC-CRD] forwarded the complaint to Equal Employment Opportunity Commission [EEOC] on August 10, 2012, well within the 300 days to meet the [EEOC] guidelines. *Taylor*, 296 F.3d at 379, *Prince v. Digital Equip. Corp.*, 846 F.2d 1026, 1027 (5th Cir. 1988).

Even if the Fifth Circuit would have reviewed the time frame from when the incident actually occurred, Petitioner would remain within the 300 days pursuant to [EEOC] guidelines. Incident occurred on

December 8, 2011 and [EEOC] received the complaint on August 10, 2012. The total days is 276. Still within the time frame.

Petitioner was caught-up in a "damn if you do and damn if you don't" situation if you will, with the [EEOC] in which the [EEOC] failed to provide Petitioner with equal protection and due process under the 14th Amendment of United States Constitution and by doing so, also violated Petitioner's Constitutional Rights. An agency that is supposed to protect the United States citizen rights. *Dao v. Auchan Hypermarket* 96 F.3d. 787, 788-89 (5th Cir. 1996).

Section 2000e-5(e)(1) provides that, before a plaintiff can commence a civil action under Title VII in federal court, he must file a timely charge with the [EEOC], or with a state or local agency with authority to grant or seek relief from the alleged unlawful employment practice. 42 U.S.C. § 2000e-5(e) (1); see, e.g., *Cruce v. Brazosport Independent School Dist.*, 703 F.2d 862, 863 (5th Cir.1983) (although filing of EEOC charge is not a jurisdictional prerequisite, it "is a precondition to filing suit in district court"). And, § 2000e-5(f) (1) provides that a civil action must be commenced "within ninety days" after the charging party has

received a "right-to-sue" letter from the EEOC or state or local agency. 42 U.S.C. § 2000e-5(f) (1); see *Nilsen v. City of Moss Point, Miss.*, 621 F.2d 117, 120 (5th Cir.1980).

Petitioner complied with the precondition to filing suit in district court. However, the [EEOC], did not give Petitioner his "right-to-sue" letter until February 4, 2014, several months after the two year statute of limitation period had ran its course. [EEOC] was derelict of its duties and used elasticity to extend the time frame.

Petitioner did file his suit in the district court "within the ninety days". Keep in mind, the [EEOC] Dallas- Office withheld the investigation and Petitioner's "right-to-sue" until February 4, 2014. Respondent, along with its other Texas agencies, including [EEOC] Dallas-Office and Texas Workforce Commission-Civil Right Division, Austin, Texas fraudulently concealed discovery evidences from Petitioner, which is the catalyst of Petitioner's case being dismissed. It was not that Petitioner did not prove his case beyond a reasonable doubt, it was because the Fifth Circuit allowed the Respondent to hijack its court without presenting evidences to the contrary.

Texas courts have long adhered to the view that fraud vitiates whatever it touches, and have

consistently held that a party will not be permitted to avail himself of the protection of limitation statute when, by his own fraud, he has prevented the other party from seeking redress within the period limitations.

To reward a wrongdoer for his own fraudulent contrivance would make the statute a means of encouraging rather than preventing fraud. Estate of Stonecipher v. Estate of Butts, 591 S.W.2d at 809; Ruebeck v. Hunt, 142 Tex. 167, 176 S.W.2d 738, 739 (1943); Glenn v. Steele, 141 Tex. 565, 61 S.W.2d 810,810 (1933) and Port Arthur Rice Milling Co. v. Beaumont Rice Mills, 105 Tex. 514, 143 S.W. 926,929 (Tex.1912).

REASONS FOR GRANTING THE WRIT

The Texas Court has set precedent when Respondent uses fraudulent contrivance toward the court by his own fraud. Respondent and its agencies had concealed Petitioner's evidences past the two years limitation, leaving Petitioner unprotected and violated Petitioner's 14th Amendment, equal protection and due process of the law.

The Fifth Circuit failed to protect Petitioner by allowing Respondent to use the Texas two year limitation, knowing that Petitioner had invoked the rule of estoppel. Respondent was prevented from using such law for fraudulent concealment of Petitioner's evidences, even though Fifth Circuit issued a mandate to Respondent to provide Petitioner with two different discovery motions in which Respondent failed to do. Petitioner met all legal rules/arguments and time frames throughout this case at bar.

The Fifth Circuit did not provide Petitioner with equal protection under the Constitution of the United States of America. Title VII retaliation claims but-for-causation, would have been granted, but for Respondent's fraudulent concealment of Petitioner's evidence. See e.g., *CBOCS West, Inc. v. Humphries*, 533 U.S. 442, 452-453; *Gomez-Perez v. Potter*, 533

U.S. 474 as well as University of Tex. Southwestern Medical Center v. Nassar. 570 U.S. ____ (2013).

Petitioner is requesting that the Supreme Court of the United States to grant a lawyer to help present this case at bar. Gideon v. Wainwright, 372 U.S. 335. Since, Mr.

Samuel H. Sloan was apparently the last non-lawyer to represent himself in the Supreme Court in 1978.

CONCLUSION

For the foregoing reasons, the Court should grant the Petitioner for a writ of certiorari and that Petitioner be made whole, back pay, as well as reinstated back to his original position before Petitioner was wrongfully terminated.

Respectfully submitted,

Woodrow J. Jones, Sr. /s/

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