

No.
IN THE

SUPREME COURT OF THE UNITED STATES

PETITIONER
Xavier Crittendon

vs.

RESPONDENT(S)
Texas Department of Family and Protective Services, et al.

ON PETITION FOR A WRIT OF CERTIORARI TO
United States Court of Appeals Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

Xavier L. Crittendon
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QUESTION(S) PRESENTED

This Case Involves the Resolution of Critically Important Federal Questions:

Is it permissible for TXDFPS to commit an ABUSE OF OFFICIAL CAPACITY according to Penal Code 39.02 with an intent to harm and defraud the Plaintiff by using its official capacity to obtain a private citizen/parent to an enrolled child's pertinent information without their consent and conduct a background check to prevent that parent from participating in childcare and fraudulently cite the Plaintiff's childcare facility for deficiencies where as DFPS Licensing Background Checks Rules September 2016 and DFPS Background Checks Overview January 2017 indicate a parent may not be prohibited from visiting the childcare facility and background checks may only be conducted when the private citizens pertinent information is submitted via affidavit by that private citizen and or by the childcare facility director as a means to gain possible employment when the applicant's identification (social security card and valid picture identification) is verified at the time of submission and or according to 1524 When to Conduct a Global Person Search in CLASS LPPH October 1, 2013 when there is a report of abuse or neglect. (Who unlawfully provided a private citizens pertinent information to TXDFPS; why did TXDFPS illegally obtain that information and authorize a background check under the guiles of employment and who authorized the childcare facility to be found deficient and fined as a result of those criminal acts)?

Is it permissible for TXDFPS to OFFICIALLY OPPRESS the private citizens of the United States of America when according to Penal Code 39.03 by acting under the color of office while intentionally denying and impeding the ability of the Plaintiff in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct was unlawful when repeatedly, fraudulently documenting deficiencies, then placing the childcare facility on PROBATION as a result of that fraudulent documentation, thus stunting grant subsidies for low income families to include but not limited to childcare services, child and adult and food nutrition services and actual denial of new enrollment of families in need of childcare and defamation of character to general public to successfully follow through with TDFPS's verbal threat to shut the Plaintiff's childcare facility down all resulting from RETALIATION as noted in Penal Code 36.06 regarding an informal complaint of an investigators' unethical behavior when citing the Plaintiff's childcare facility for no FBI

prints when FBI prints were in each employees file at the time of the onsite visit and noted in TXDFPS CLASS and IMPACT systems?

Did the TXDFPS according to Penal Code 39.06 and Human Resource Code, Sec. 42.0447, OFFICIALLY MISUSE INFORMATION by making a false report against the Plaintiff which is a criminal offense, knowingly or intentionally by filing a complaint alleging that a child-care facility failed to comply with the department's minimum standards and the person knows the allegation is false or lacks factual foundation when repeatedly citing a parent as an employee, repeatedly citing other staff for not having completed background checks when in each instance according to Administrative Code 745.626 and IMPACT and CLASS show background checks were performed prior to hiring and FBI prints were performed prior to the thirty day period when short as indicated in the Minimum Standards for Childcare Centers and though administrative judge deemed the hiring of staff was justified on behalf of the Plaintiff TXDFPS allowed misinformation to remain as part of the Plaintiff's public record for two years?

Did the TXDFPS fail to adhere to HUMAN RESOURCES CODE Sec. 40.0041. COMPLAINT PROCESS by failing to avoid the appearance as well as the fact of improper, unfair, or self-serving conduct, including unwarranted discrimination or differential treatment by behaving in a manner that fails to earn respect, causes distrust, resulting in a lack of public confidence and negatively reflects the agenda of DFPS as a whole; as the executive commissioner by rule has developed and implemented a uniform process for receiving and resolving complaints against the department throughout the state where as the Plaintiff's complaints were made to every level within the TXDFPS to include the investigator, supervisor, program manager, program director and finally the commissioner to no avail regarding TXDFPS' perjury under oath, extrinsic fraud, intrinsic fraud, fraudulent documentation of citing for deficiencies, failing to respond within ten days for request for administrative hearing/review, illegally obtaining and use of a private citizens pertinent information and verbal threat to "shut you down" made by the investigator and with no formal departmental investigation of the matter?

LIST OF PARTIES

STATE OF TEXAS DEPARTMENT OF FAMILY AND
PROTECTIVE SERVICES, et al

Rosa K. Phifer, Staff Attorney TXDFPS

Jonathan Miles, Open Records Attorney TXDFPS

Connie Presley, Program Administrator TXDFPS

Kerri D. Fowler, Director TXDFPS

Erica Van, Austin Background Check Unit TXDFPS

Sonia Martinez, Administrative Assistant TXDFPS

Kristianna Aranda, Administrative Assistant TXDFPS

Kim Davis, Staff Supervisor TXDFPS

LeCrecia Wells, Inspector DPFS

Andrea Rickard, Program Improvement Specialist TXDFPS

Alexander Garcia, Supervisor TXDFPS

Ramona Evans, Inspector TXDFPS

Amanda Herrington, Background Check Unit TXDFPS

Neva Ward, Background Check Unit TXDFPS

Erin Ragsdale, Program Improvement Specialist TXDFPS

Walter Rideaux, Inspector TXDFPS

Rosezella Lewis, Supervisor TXDFPS

Asia, Austin Corporate, TXDFPS

Jennifer Johnson, Inspector TXDFPS

Rosezella R. Lewis, Program Improvement Specialist TXDFPS

Henry 'Hank' Whitman, Jr. Commissioner TXDFPS

LaShonda Rena Green, Individual

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Plaintiff respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix C to the petition and is reported at United States Court of Appeals 5th Circuit, 600 South Maestri Place, Suite.200, New Orleans, LA 70130. The opinion of the United States district court appears at Appendix B to the petition and is reported at Earl Cabel Federal Building, 1100 Commerce Street, Suite 1452, Dallas, Texas 75242. The opinion of the highest state court to review the merits appears at Appendix A to the petition and is reported at State Office of Administrative Appeal SOAH at 300 W 15th Street, Suite 502, Austin, Texas 78701-1649.

JURISDICTION

November 15th United States Supreme Court allowed for sixty days to resubmit Petition for Writ of Certiorari. August 16, 2017, an electronic response was submitted to the Plaintiff. The U. S. Court of Appeals for the Fifth Circuit dismissed the motion for lack of jurisdiction in the matter. APPENDIX C. November 11, 2017, The Honorable Judge Renee Harris Toliver accepted the findings and conclusions of the magistrate judge and submitted a JUDGMENT to dismiss and close the case with direction to the Appellate to proceed in forma pauperis on appeal with the Clerk of the Court, U. S. Court of Appeals for the Fifth Circuit. APPENDIX B. December 11, 2015, The Honorable Judge Henry D. Card SOAH ruled in favor the Plaintiff. Motion for sanctions and penalties were not courts' jurisdiction. APPENDIX A

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

TABLE OF AUTHORITIES CITED

CASES/PAGE NUMBERS

United States v. Brown (9th Cir. 1991) 936 F.2d 1042

United States v. Topco Assocs., Inc. (1972) 405 U.S. 596

Zukowski v. Howard, Needles, Tammen, & Bergendoff (D. Colo. 1987) 115 F.R.D. 53

U.S. Const. Amend. XIV, sec. 1: All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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.

STATUTES AND RULES

28 U.S.C. § 1657

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PENAL CODE TITLE 8. OFFENSES AGAINST PUBLIC ADMINISTRATION CHAPTER 39. ABUSE OF OFFICE

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY

Sec. 39.03. OFFICIAL OPPRESSION

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Sec. 39.06. MISUSE OF OFFICIAL INFORMATION

PENAL CODE TITLE 8. OFFENSES AGAINST PUBLIC ADMINISTRATION CHAPTER 36. BRIBERY AND CORRUPT INFLUENCE

Sec. 36.03. COERCION OF PUBLIC SERVANT OR VOTER

Sec. 36.04. IMPROPER INFLUENCE

Sec. 36.05. TAMPERING WITH WITNESS.

=Sec. 36.06. OBSTRUCTION OR RETALIATION

HUMAN RESOURCES CODE, TITLE 2. HUMAN SERVICES AND PROTECTIVE
SERVICES IN GENERAL, SUBTITLE D. DEPARTMENT OF FAMILY AND
PROTECTIVE SERVICES; CHILD WELFARE AND PROTECTIVE SERVICES,
CHAPTER 42. REGULATION OF CERTAIN FACILITIES, HOMES, AND AGENCIES
THAT PROVIDE CHILD-CARE SERVICES, SUBCHAPTER A. GENERAL PROVISIONS,
Sec. 42.0447. FALSE REPORT; CRIMINAL PENALTY

GOVERNMENT CODE, TITLE 5. OPEN GOVERNMENT; ETHICS, SUBTITLE B.
ETHICS, CHAPTER 572. PERSONAL FINANCIAL DISCLOSURE, STANDARDS OF
CONDUCT, AND CONFLICT OF INTEREST, SUBCHAPTER A. GENERAL PROVISIONS,
Sec. 572.003. DEFINITION: APPOINTED OFFICER OF MAJOR STATE AGENCY;
Sec. 572.007. PENALTIES IMPOSED BY COMMISSION

HUMAN RESOURCES CODE, TITLE 2. HUMAN SERVICES AND PROTECTIVE SERVICES IN GENERAL, SUBTITLE D. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; CHILD WELFARE AND PROTECTIVE SERVICES
CHAPTER 40. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
SUBCHAPTER A. GENERAL PROVISIONS Sec. 40.0041. COMPLAINT PROCESS

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

THE FOURTEENTH AMENDMENT (1868)

18 U.S. Code § 371 – CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD

RICO ACT

18 U.S. Code § 246 – DEPRIVATION OF RELIEF BENEFITS

18 U.S. Code § 245 – FEDERALLY PROTECTED ACTIVITIES

18 U.S. Code § 242 – DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

OTHER

DFPS Licensing Background Checks Rules September 2016. APPENDIX D1

DFPS Background Checks Overview January 2017. APPENDIX D2

TXDFPS Handbook Childcare Licensing 1130 Ethics of Regulation, LPPH December 2011

TXDFPS Handbook Childcare Licensing 1524 When to Conduct a Global Person Search in CLASS, LPPH October 1, 2013,

TXDFPS Handbook Childcare Licensing 7714 Initiating Contact with the Requestor of an Administrative Review, LPPH April 2011

Childcare Group/Childcare Assistance, Provider Handbook, Revised February 2017, page 22; Section 17(B) Providers Placed on Corrective Action – Probation Status

STATEMENT OF THE CASE

The TXDFPS has been afforded a great amount of support from the federal government, state and local resources generated by citizens of the United States of America in an effort to improve processes, assure accountability and promote the public's confidence in the department. Those persons who were party to this matter have caused the department unnecessary time, loss of revenue and excessive use of other resources by resorting to surveillance, monitoring, administrative reviews, court hearings and so forth.

This matter started only as an informal complaint of an investigator, a public servant, who placed a high risk deficiency on the Plaintiff's public record despite the documentation showing the investigator made an error. TXDFPS retaliated instead of invoking the lawful process as ordered by the federal government to remove the citing from the Plaintiff's record as the citing was not substantiated because documentation from the FBI identified each employee and date the prints were taken and background check was performed as required by the minimum standards for childcare centers. When the unresolved matter was escalated due to a lack of response from TXDFPS, the retaliation, intensified as the effort of the TXDFPS became intentional to include a verbal threat to shut the Plaintiff's childcare center down and tactics to delay background results for applicants and frivolous citing to show an onslaught of citing and deficiencies that would eventually result in closure of the Plaintiff's childcare center.

Just as TXDFPS have infringed upon my rights, the court will see they have infringed upon the rights of many others, and have taken matters such as this into their own hands against the laws, rules and regulations for which they stand and shade their actions using the exorbitant number of those very same rules and regulations, rather than expose and correct wrong doings and or mistakes internally, as well-functioning and transparent organizations should. Their systems CLASS and IMPACT are such as any system – they are only as useful as the information entered. If the persons conducting the investigations are corrupt and the persons entering the data are corrupt then the output of that data is corrupted and not valid, not useful and is fraudulent.

We the people continue to invest to assure the success of the promise of TXDFPS, while the TXDFPS continues to pull the wool over the eyes of the federal government to shade truths of injustice towards the very people it serves. Plaintiff prays the court will allow this matter to proceed to unveil those injustices that are problematic and systemic in nature. These injustices include but are not limited to fraud against the United States of America, perjury under oath, misuse and abuse of powers and so forth and have been captured by the Plaintiff with pictures, recordings and documentation to date. This matter has been escalated to the highest level possible to no avail to include the TXDFPS Commissioner according to Human Resource Code 40.0041 with no result. There has been no moral authority to settle facts based on the common good which is the department's democracy.

Plaintiff reveals to the court that investigators' actions in this matter were not well governed at the time the occurrence was reported but instead was well organized to bring about harm using powers given by the federal government which were grossly misused and abused, according to Penal Codes Title 8 for Abuse of Office and Bribery and Corrupt Influence, Human Resource Code Title False Report; Criminal Penalty and Complaint Process, Government Code Title 5 Appointed Officer To Major State Agency and Penalties Imposed By Commissioner which are first degree felonies.

The Plaintiff in this matter prays the U. S. Supreme Court will not take lightly the TXDFPS' actions to fraudulently document, commit perjury and follow through with threats to bring irreparable harm to the citizens of the United States of America and that TXDFPS must be exposed and those parties involved held accountable so that Our efforts to support the purpose of the TXDFPS and the Commissioner are not counter-productive.

INTRODUCTION

Pursuant to 28 U.S.C. § 1657 and Circuit Rules 27-12 and 34-3, Plaintiffs/Appellants hereby respectfully request that this Court expedite the briefing and hearing date on this appeal. Good cause exists for expediting the briefing and the hearing for this appeal because the Texas Department of Family and Protective Services (TXDFPS), Childcare Licensing (CCL) continues their effort to follow through with their very real threat to shut the Plaintiff's childcare facility down. TXDFPS have again fraudulently documented and cited the facility for findings of deficiency with regard to the Minimum Standards for Childcare Centers to date. The citing for deficiency now seems to be for NO BACKGROUND CHECK, repeatedly, when ironically the Plaintiff's childcare facility has had NO OTHER DEFICIENCY OF ANY SORT for the past few years! Hence, the citing for not completing background checks is a high deficiency and repeated violations will result in closure of any childcare facility.

On February 2, 2017, a letter dated January 25, 2017 was received by the Plaintiff from the TXDFPS. The letter indicated the citing for deficiency and that a penalty was going to be imposed against the facility and an administrative hearing could be requested within 30 days of receipt of the letter. TXDFPS was contacted via to inquire as to why the penalty was being imposed. The response was that a parent was seen by the TXDFPS as an employee (Walter Redeaux). This parent had his own child enrolled and actively participated as such. Also, he is friend and relative to other families he referred as documented on each child's enrollment form. In past documentation the court will see the TXDFPS obtained the parents information and illegally ran the parents pertinent information under the facility's license as an employee – knowing the guardian was a parent/guardian to an enrolled students. The enrollment forms for each student was

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submitted to the TXDFPS to no avail. PLEASE NOTE: On page one of the letter date January 25, 2017 the diagram at the bottom of the page labeled Section A – Basis for Recommendation Administrative Penalty houses dates. **The dates are all falsely documented as there was no violation, thus there was no true violation date, no true correction date to comply to, etc.** The TXDFPS should be held accountable for falsely documenting this information.

The Plaintiffs request for an Administrative Hearing in response to the **TXDFPS DEFICIENCY AND REQUEST TO IMPOSE A PENALTY FEE** was submitted timely and was date stamped by the U. S. Postal service for March 1, 2017 and was received by the TXDFPS on March 6, 2017 at the address indicated on the letter from TXDFPS. *The TXDFPS NEVER responded to the request for an administrative hearing which is clearly a violation of the Plaintiff's right according to TXDFPS Handbook, 7714 Initiating Contact with the Requestor of an Administrative Review LPPH April 2011. The Policy states - Within 10 days of receiving a request for an administrative review, the reviewer contacts the individual or permit holder to acknowledge receipt of the request; and schedule a conference to be held within 30 days of the initial contact.* TXDFPS never responded to the request for an administrative hearing so the fee was submitted out of fear.

From February 2017 to date TXDFPS places the Plaintiff's facility on PROBATION because they see a parent as an employee. Ironically the inspectors have repeatedly stated Calvin Richardson may participate in childcare, and at the same time stated if he is on property they will "shut the facility down". APPENDIX Background Results Calvin Richardson. Since being placed on probation the inspectors still have not requested the student's

admission records – they refuse to acknowledge that the parent can legally and rightfully participate in the childcare center's program.

On May 1, 2017, the Plaintiff's response to the **PENALTY FEE IMPOSED by TXDFPS**, requesting an administrative hearing was mailed and received by the Clerk on May 6, 2017. TXDFPS should have acknowledged the Plaintiff's request within 10 business days upon receipt; however, **THE TXDFPS NEVER RESPONDED**. **OUT OF FEAR** of the threat made to 'shut down' the Plaintiff's facility, the Plaintiff submitted the penalty imposed by the TXDFPS. The penalty was submitted to the TXDFPS prior to a response from the TXDFPS because the condition set forth by the TXDFPS was a delay or lack of payment within thirty days would have resulted in the Plaintiff's facility being shut down –thirty days was nearing and still there was no response to the request for an administrative hearing. Finally a letter from the TXDFPS dated April 3, 2017, approximately a month after the administrative hearing was requested, was received by the Plaintiff. **The letter indicated the penalty was paid therefore a request for an administrative hearing would not be honored**. Again, TXDFPS Handbook, 7714 Initiating Contact with the Requestor of an Administrative Review LPPH April 2011. The Policy states - Within 10 days of receiving a request for an administrative review, the reviewer contacts the individual or permit holder to acknowledge receipt of the request; and schedule a conference to be held within 30 days of the initial contact.

On September 22, 2017 Jennifer Johnson TXDFPS Invstigator made an unannounced visit to the Plaintiff's childcare facility. Jennifer fraudulently documented she reviewed seven children's records and three staff record during that visit. Had student's records actually been reviewed All citing related to Calvin Richardson including the Probation would have

been removed from the facility's records because of the rules that state a parent may be present at the operation. Staff statements are provided to indicate Jennifer did not request children's records and she only requested the record of one employee, which she cited for NOT COMPLETING BACKGROUND CHECKS for that employee. FEARFUL THAT ONCE AGAIN THE TXDFPS FOUND A WAY TO FRUADULENTLY CITE THE FACILITY FOR DEFICIENCIES – WE WERE GOING TO BE SHUT DOWN!!!

APPENDIX D3 1-4 shows Jennifer cited the facility for five deficiencies Background Checks 745.626(a), Director Responsibilities 746.1003(1), Responsibilities of Care Giver 746.120396), Training Clock Hours 746.1317(c)(3) and Care Requirements for Toddlers 746.2501(5).

SIMILTANEOUSLY, while waiting for this case to be considered in the U. S. Supreme Court, continued collaboration between TXDFPS and other departments such as Texas Workforce Solutions Childcare Group/Childcare Assistance Program (CCG/CCA) in an effort to eliminate supplemental income from their agency. CCG/CCA is a program funded by both the state and federal government to assist low income families with financial assistance to pay for childcare. The TXDFPS emailed CCG/CCA so they would contact parents and coheres them into moving or transferring their children to other facilities to a point of harassment. Parents were emailed, then called and later sent letters. Also, I noticed an effort to discontinue benefits to a point where one parent called an attorney for help. The Plaintiff was not made aware of the effort of the TXDFPS to disrupt funding with CCG/CCA until a parent who was approved for childcare to begin on a Monday was contacted the next day at work in the middle of her work day to tell her she had to find another childcare facility immediately because they would not pay for Wednesday nor any day thereafter. They informed the parent she would have to pay out of pocket if she

continued care at the Plaintiff's facility. Of course the parent was irate because she took a week to tour and make a decision to start her three little children with the approval of CCG/CCA, only to be told to find childcare midday for the next day as her care was being terminated immediately. She had no time to tour or consider another facility. This is the type of harassment parents are now experiencing with CCG/CCA as a result of their collaborative effort with TXDFPS.

According to the CCG/CCA Provider Handbook, Revised February 2017, page 22, Section 17(B) Providers Placed on Corrective Action – Probation Status

1) Children currently enrolled a. parents of children are notified, in writing that the provider has been placed on evaluation status within 5 business days of CCS notification. b. parents must decide if they wish to continue to use the provider or choose a different one if the transfer is requested it must occur within 14 calendar days. To date the Plaintiff has not received a copy of the communication CCG/CCA obtained causing them to stop or end enrollment for children at the facility. We are not eligible for referrals (children in need of childcare who select our facility), or other grants and programs that would normally be made available to our facility. The conversation with CCG/CCA was recorded as evidence of this effort and is part of the supporting documents for this case and proof parents with children currently enrolled were not given 14 days to decide if they wanted to remain enrolled and finally parents were not written a letter alone, they received a letter, they were emailed, they were called and asked repeatedly to remove their enrolled children.

Child Nutrition Services of Lufkin Texas who serves as a sponsor for Coastal Adult and Child Food Program (CACFP) is wrongfully citing deficiencies every visit now, to a point of parents having to provide sworn statements on the Plaintiff's behalf. CNS cited the facility

just recently for having a low attendance during their visit. At the time there were typically ten to twelve students present during lunch time. However, on this particular day there were four families out. One family had two students enrolled whose sibling was ill, another family had one student enrolled who was out because of an ear infection and another had one student enrolled who was with his mother and father spending quality time because they were off work and finally the last family had two students enrolled who took advantage of the school closure and was spending time with their grandparents. Well, the 10% difference in attendance was easily explainable but CNS did not indicate there were any concerns at the time of her visit. Let me explain, the documentation of low attendance in this matter is to indicate there is some type false documentation of the number of children being served by the facility on a routine basis. Whether attendance is up and or down on any given day depends of the school year, season and geographical location of the childcare facility. CNS also cited the facility for not having a form that they routinely provide to childcare centers they contract with, to include the Plaintiff's facility. The updated form was never received. CNS prepared a certificate of clock hours and a form only indicating the visit. Unaware the efforts of CNS to obtain a signature on an incomplete form, a certificate for clock hours was laid over a separate form to only expose the signature line, both the certificate and the form were signed and dated by the facility's staff. Weeks later an email was received indicating deficiencies.

The most recent visit resulted in a deficiency for documenting food served. CNS documented corn was served instead of green beans. The hurtful thing is that the Plaintiff prepared the meal for the day and string beans were both prepared and served during meal service. The facility was closed on Monday for a holiday and the mistakenly prepared Monday's meal. The facility had to document what they served because it was different

from Tuesday's menu. So the very citing for not documenting what was served is actually what we had to do because we served a completely different meal. The Plaintiff was also part of the clean up after meal service and noted the string beans prepared is what was served. Again, unaware the efforts of CNS to obtain a signature on an incomplete form, a certificate for clock hours was laid over a separate form to only expose the signature line, both the certificate and the form were signed and dated by the Plaintiff herself. Weeks later an email was received indicating a deficiency. As of today, PLAINTIFF HAS NOT RECEIVED FUNDING FOR MEAL SERVICE IN MONTHS!!

To date the TXDFPS has cited the Plaintiff FIVE TIMES for not completing background checks. Here is a statement made by the plaintiff that was forwarded via email to TXDFPS:

First citing – Walter Redaux – **no FBI prints** – I provided the copy of the FBI Prints and the citing remained on both internal and public records. This information is also available in CLASS and IMPACT.

Second citing – After filing a complaint and LaCreasha Wells said they were going to “shut me down”, she and Kim Davis obtained a parents pertinent information and illegally ran it under Ovilla Kidz Academy license and said Calvin Richardson was an employee – he has a felony background that would prohibit him from being an employee. This citing was both part of internal and public record and an ADMINISTRATIVE PENALTY WAS ACESSED for hiring staff and **not completing background checks**.

Third citing – LaCreasha Wells, Kim Davis, Neva Ward, Amanda Herrington and Attorney Phifer-Defendants, lost their case in an ADMINISTRATIVE HEARING and the judge sided with me as the Plaintiff that their deficiency cited was not substantiated – the citing remained on both internal and public records for two years indicating that I **hired staff without completing background checks**.

Fourth citing – Jennifer Johnson fraudulently documented hypothetical dates of deficiencies and cited the facility that Calvin Richardson, a parent previously cited, was a bus driver and **no background check was performed** because he was an employee. All staff and records indicated who the bus driver and back up bus drivers were – Xavier Crittendon, Jarvis Smith and Frances Crittendon. Jennifer Johnson questioned three students who were all related or had rapport with the parent and that parent is part of their admission records. My request for an ADMINISTRATIVE HEARING WAS IGNORED AND A FINANCIAL PENALTY WAS ACESSED. THIS CITING RESULTED IN PROBATION FOR THE FACILITY AND REMAINS AS BOTH INTERNAL AND PUBLUC RECORDS. THIS CITING ALONE HAS RESULTED IN IRRPREHENSIBLE DAMANGE AND LOSS as of February 2017 to date.

Fifth citing – Jennifer Johnson has cited the facility once again **for not completing back ground checks**. Citing has not become malicious and with intent and agenda. Amongst other citing on this particular

date Jennifer Johnson took pictures of an unused infant room and told a staff (not the person on charge) that she was just waiting for me to enroll and infant (if that statement alone is not with malicious intent, what is?) She also fraudulently documented personal use of a cell phone when at no time did the one employee present use the phone to make a personal phone call – Molly Brewer. She was actually fearful of Jennifer Johnson's bizarre actions and called Ms. Jackson to inform her of Jennifer Johnson's presence at the facility. **SINCE THE MERGER OF TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES (TXDHHS), Jennifer's previous comrades have been disbanded and a fair Administrative Review resulted in the REMOVAL OF ALL FIVE CITING.**

REASONS FOR GRANTING THE PETITION

United States Fifth Circuit Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

PROCEDURAL BACKGROUND

Xavier Crittendon, Plaintiff in the State Office of Administrative Hearings was able to prove to the court that TXDFPS citing were frivolous and the court found the case to be in favor of the Plaintiff. However, all other matters were out of the court's jurisdiction to include sanctions and penalties. Appellate submitted and ORIGINAL COMPLAINT to the U. S. District Court Northern District of Texas requesting the appointment of a Federal Attorney. The Court mailed a NOTICE OF DEFICIENCY AND ORDER and an AMENDED ORIGINAL COMPLAINT and Form AO239 was then submitted to the court by the Appellate. The Honorable Senior United States District Judge finally accepted the findings and conclusions of the magistrate judge and submitted a JUDGMENT to dismiss and close the case with direction to the Appellate to proceed in forma pauperis on appeal with the Clerk of the Court, U. S. Court of Appeals for the Fifth Circuit. The U. S. Court of Appeals for the Fifth Circuit found the matter to be out of its jurisdiction and was a matter of decision for the U. S. Supreme Court.

LEGAL ARGUMENT

There must be a separation of power and oversight of authority beyond the current organizational structure of the TXDFPS as the department currently has oversight of its own matters and determines whether or not its own actions are substantiated. When unethical behavior results in an infringement of the rights of citizens of the United States of America and due process is warranted the TXDFPS decides whether that due process is granted as in the matter at hand.

A. Good Cause Exists to Expedite this matter

The TXDFPS behavior is abusive and oppressive and inhuman and the United States Supreme Court is now burdened as in this matter to assure these actions or exposed, persons responsible are held accountable and the matter is rectified before these actions result even more harm which are irreparable to the Plaintiff in this matter and to the citizens of the United States of America as a whole.

"It is abundantly clear that Congress intended to give preference on crowded court dockets to federal questions." *Zukowski v. Howard, Needles, Tammen, & Bergendoff*, 115 F.R.D. 53, 55 (D. Colo. 1987). Such is the case here. This appeal relates to a purely federal question of significant importance.

B. This Cases Involves the Resolution of a Critically Important Federal Question

Is the TXDFPS above the law, its own laws of democracy and is able to perform criminal acts of various sorts and are able to hide the truths of those criminal acts against the very persons it is by design supposed to protect by compounding those crimes and committing more crimes such as fraud and perjury to hide the truths of their actions?

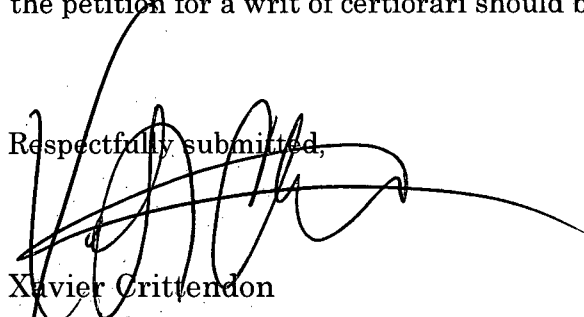
C. This Appeal Involves a Case of Public Importance

This matter unveils "what is broken" within the TXDFPS current framework and could serve as tool to repair what 'we as a people need fixed'. This is a federal matter as it involves the infringement of federally protected rights of the citizens of the United States of America by the very department whose democracy is to serve and protect.

CONCLUSION

I pray, the petition for a writ of certiorari should be granted.

Respectfully submitted,



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