

No. _____

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA.

A. K. ANDERSON,

Petitioner,

v.

SYSTEMS TECHNOLOGY, INC.,

Respondent.

Case No.: 9th Cir. 16-56478
(U. S. D. C., C. D. Cal. No. 5:15-cv-
1806-VAP(SP) (C. D. Cal. 2016))

PETITION FOR WRIT OF CERTIORARI.

On Petition for Writ of Certiorari from the Judgment
Of the United States Court of Appeals
For the Ninth Circuit.

A. K. ANDERSON
P. O. Box 1334
San Bernardino, CA., 92402
Petitioner in Pro Se

QUESTIONS PRESENTED.

Did Petitioner state a Claim for Relief as to his discrimination Action, and in the alternative, should he be given leave to amend?

CORPORATE DISCLOSURE STATEMENT.

Respondent Systems Technology, Inc., is a corporation, and is not known to hold any stock in any corporation.

CITATIONS.

The Judgment was granted against Petitioner in the case of *Anderson v. Systems Technology, Inc.* (2017), dated June 14, 2017.

STATEMENT OF JURISDICTION.

The Judgment was granted against Petitioner in the case of *Anderson v. Systems Technology, Inc.* (2017), dated June 14, 2017. This Court has jurisdiction pursuant to 28 U. S. C., §1254(1).

STATUTORY PROVISIONS.

42 U. S. C., §§1981, 1985(3), and 2000e-5 (Apx. 20a).

STATEMENT OF THE CASE.

On September 3, 2015, Petitioner filed his Complaint against Respondent in the District Court (Dist. Ct. Dock No. 1).

On September 24, 2015, Respondent filed its Motion to Dismiss (Dist. Ct. Dock No. 8).

On October 21, 2015, Petitioner filed his Opposition to the Motion to Dismiss (Dist. Ct. Dock No. 10).

On November 3, 2015, Respondent filed its Reply to the Opposition to the Motion to Dismiss (Dist. Ct. Dock No. 11).

On August 2, 2016, the District Court issued its Report and Recommendation in favor of dismissal (Apx. 2a-14a).

On August 22, 2016, Petitioner filed his Objections to the Report and Recommendation (Dist. Ct. Dock No. 16).

On September 6, 2016, the District Court issued its Order Adopting the Report and Recommendation (Apx. 15a), and Judgment (Apx. 16a).

On October 5, 2016, Petitioner filed his Notice of Appeal (Dist. Ct. Dock No. 21).

On January 23, 2017, the Ninth Circuit issued an Order to Show Cause why the Appeal should not be dismissed (Apx. 17a-18a).

On March 3, 2017, Petitioner filed his Opposition to the Order to Show Cause (Ninth Circuit Dock No. 6).

On June 14, 2017, the Ninth Circuit dismissed the Appeal (Apx. 1a).

On July 3, 2017, Petitioner filed a Petition for Rehearing En Banc (Ninth Circuit Dock No. 9).

On October 19, 2017, the Ninth Circuit denied the Petition for Rehearing En Banc (Apx. 19a).

ARGUMENT.

Petitioner filed the suit at the time he filed because of at least one or more factors, including, but not limited to:

1. Unfair practice of worker's Complaint.
2. Injuries inflicted by others.
3. Periods of homelessness.
4. Attorneys unable to and/or refusing to take Plaintiff's case.
5. Withholding evidence (as also explained in this part).
6. Asserting false "facts" that did not exist.
7. Difficulty in regaining compensation.
8. Difficulty in obtaining discovery since events beginning on June 6, 2006.
9. Twice denial of the clerks' offices which prevented Appellant from filing his right to sue letter..

The case of *Estate of Blue v. County of Los Angeles*, 120 F.3d 982 (9th Cir. 1997), states that:

"... California has developed a three-pronged test for invocation of the doctrine of equitable tolling: there must be '(1) timely notice to the defendant in the first claim; (2) lack of prejudice to [the] defendant in gathering evidence to defend against the second claim; and, (3) good faith and reasonable conduct by the plaintiff in filing the second claim.' *Donoghue v. County of Orange*, 848 F.2d 926, 931 (9th Cir.1987) (citing *Collier v. City of Pasadena*, 142 Cal.App.3d 917,

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922-24, 191 Cal.Rptr. 681 (1983)); see *Cervantes v. City of San Diego*, 5 F.3d 1273, 1275 (9th Cir.1993).”

Here, Petitioner pleaded in Paragraph 11 of the Complaint below that the **VIDEO CAMERAS WERE NOT EVEN ON, OR WERE TURNED OFF**. Appellant alleges that he was a victim of workplace violence due to his race. Yet he found out that as late as of **2016**, he found out indirectly from an employee at the Equal Employment Opportunity Commission Office in Los Angeles that the video covering the assault on Appellant was destroyed. Crimes were discovered in 2011, and evidence was given to the State in 2016. Spoilation of evidence that occurred last year should toll the statute of limitations, and precludes the use of a Motion to Dismiss or Motion for Judgment on the Pleadings with prejudice.

II. CONCLUSION.

For the foregoing reasons, Petitioner respectfully requests that this Court remand the case below, and have the Ninth Circuit order that Appellant be granted leave to amend.

Dated this 10th day of January, 2018

Bv: /S/A. K. ANDERSON

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