

JAN 23 2018

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Washington DC 20543

HELEN FERGUSON — PETITIONER
(Your Name)

vs.

GETTEL ACUEA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals For The ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

HELEN FERGUSON
(Your Name)

PO BOX 48567
(Address)

SARASOTA, FL 34230
(City, State, Zip Code)

(941) 284-6574
(Phone Number)

QUESTIONS PRESENTED

- 1. Why was my Appeal dismissed for Lack of Jurisdiction in the US Court of Appeals for the Eleventh Circuit on November 1, 2017 and December 19, 2017, after I was granted Motion for Leave To Proceed In Forma Pauperis on 8/28/2017 & then after receiving Opening Brief on 10/10/2017 and Index (Appendix) on 10/16/17, Dismissed Appeal if they lacked jurisdiction?**
- 2. Why didn't both the US District Court, Middle District of Florida (Tampa) and US Court of Appeals for the Eleventh Circuit enter Judgement Default against Respondents, pay out my settlement and close my case, knowing a summons/amended complaint was issued as to Respondents January 20, 2017 and they had 21 days to respond. They failed to respond to the January 20, 2017 Summons in 21 days AND they didn't waive the service of the 2nd summons and didn't respond until May 27, 2017 (46 Business Days Later).**
- 3. Why is the US District Court, Middle District of FL (Tampa) still sending me Orders with false information and insisting on setting dates for hearings for Discovery, knowing Discovery is not part of my case because Respondents missed their 21 day deadline and Courts should have entered Judgement Default against Respondents (Doc 82-USDC).**

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4&5
REASONS FOR GRANTING THE WRIT.....	6
CONCLUSION	7
PROOF OF SERVICE	8

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 11/19/2017.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 12/19/2017, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional provisions involved are the First, Fourteenth and Fifteenth Amendments to the United States Constitution which are set forth in Appendix B, infra, pp. 65-66. The Statutes involved are Title 7.

STATEMENT OF CASE

1. Petitioner was granted a Motion to Proceed In Forma Pauperis by the US District Court, Middle District of Florida (Tampa) on 1/09/2017 (Doc 9-USDC) and United States Appeals Court of the Eleventh Circuit on 8/28/2017.
2. The US District Court, Middle District of Florida (Tampa) decision to deny Motions for Judgement Default against Respondents were FINAL AND appealable (Doc 15, 24,41-USDC).
3. The Respondents were already charged by the Equal Employment Opportunity Commission (EEOC) on 12/28/2015 for VIOLATIONS OF THE Title VII of the CIVIL RIGHTS ACT OF 1964 FOR DISCRIMINATION AND RETAILIATION AGAINST RESPONDENT (APPELLANT) (Doc 8, 55-USDC).
4. The US District Court, Middle District of Florida (Tampa) took Petitioner through the process of submitting a Complaint against Respondents on 12/21/2016 (Doc 1-USDC)) and Petitioner submitted an Amended Complaint 1/5/2017 (Doc 8-USDC).
5. A Summons/Amended Complaint was issued as to Respondents 1/20/2017 and they had 21 days to respond (Doc 12-USDC).
6. The Respondents failed to respond to the Summons/Amended Complaint that was issued as to Respondents on 1/20/2017 in 21 days AND they didn't waive the service for the 2nd summons.
7. The Respondents didn't submit a response to the Summons/Amended Complaint (Answer & Affirmative Defenses to Complaint) until 4/27/2017 (46 Business Days Later, Doc 35-USDC).

8. The PETITIONER IS MOTIONING THE US SUPREME COURTS to enter a Judgement Default against Respondents, pay out settlement and close her case because the Respondents missed their 21-day deadline for the Summons/Amended Complaint that was issued 1/20/2017.
9. Respondents submitted false information to the US District Court, Middle District of Florida (Tampa), in their Response to Summons/Amended Complaint issued 1/20/2017 (Answer & Affirmative Defenses to Complaint (Doc 35-USDC).
- 10 Respondents asked for more time they KNEW they were NOT entitled to when they returned and executed the Waiver of Service form to US District Court (Tampa), dated 3/17/2017 (Doc 21-USDC) and it was submitted after the 2nd Summons/Amended Complaint was served 3/6/2017 by the Petitioner. (Petitioner's Proof of Service for 2nd Summons/Amended Complaint served 3/6/2017, Doc 18 & 19). On those grounds alone, Respondents should have lost their case.

THE PROCESS OF THE PETITIONER'S CASE SHOULD HAVE ENDED WITH A JUDGEMENT DEFAULT AGAINST RESPONDENTS.

REASONS FOR GRANTING THE PETITION

The reasons why WRIT OF CERTIORARI SHOULD BE GRANTED:

- 1. United States District Court, Middle District of Florida (Tampa) should have entered a Judgement Default against Respondents because they missed their 21 day deadline to respond to the Summons/Amended Complaint that was issued as to Respondents January 20, 2017 and didn't waive the service of the 2nd summons/amended complaint.**
- 2. Respondents didn't respond until 46 Business Days Later (May 27, 2017). Submitted false information to the US District Courts, Middle District of Florida (Tampa), asked for more time they knew they were NOT entitled to when they submitted the Waiver of Service of Summons and on the grounds alone, should have lost their case.**
- 3. US Courts of Appeals for the Eleventh Circuit should have granted the Judgement Default be entered against Respondents, granted Petitioner her settlement and closed case.**
- 4. Petitioner followed all the Court rules for Guide For Proceeding without Legal Counsel, followed steps for the Case Flow Chart, which she received from the Pro Bono Attorney at the Legal Information Program at the US District Court, Middle District of Florida (Tampa) Courthouse on the 2nd floor, February 14, 2017.**

CONCLUSION

The Petition For A Writ should be Granted.

Respectfully submitted,

Heidi Ferguson

Date: January 23, 2018