

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

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SHELLEY SONIAT,

Pro Se Petitioner

v.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; DON D. BUSH; RICHARD SCHELL; PATRICK BANIS, Intake Branch Chief, Department of Housing and Urban Development Region 6, Fort Worth Regional Office; GARRY SWEENY, Regional Director, Department of Housing and Urban Development Region 6, Fort Worth Regional Office; GORDON F. PATTERSON, Acting Director, Office of Enforcement, Fair Housing and Equal Opportunity and Department of Housing and Urban Development,

Respondents

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**ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-40031

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PETITION FOR WRIT OF CERTIORARI

Shelley Soniat
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940-594-4053

QUESTION PRESENTED

Whether the protection clause of the Fair housing act, 42 U.S.C. 3601 et seq., applies to Judicial Action of Fair Housing Claims.

Judicial Immunity is a judge-made doctrine. Immunity itself must be limited by due process, which is of constitutional dimension. However Judicial Immunity often conflicts with the laws passed by the legislative branch, as well as the United States Constitution.

If the judicial branch wants to cite the appeal process as a reason for absolute immunity, than the appeals process needs to address violations of the law, and acts of sexual discrimination again members of protected classes by judges, in the appeals process.

Appeal Judges can't retain their credibility as being an impartial judge and, at the same time, ignore acts of sexual discrimination, and violations of the law committed by judges in the lower courts against a female litigant during the case on appeal.

If the appeals process does not ensure that a litigant had a fair trial in the lower courts, than the appeal process fails to ensure due process. If the appeal process fails to ensure due process, than judicial immunity is inconsistent with due process.

This case is addressing Acts of discrimination and Constitutional Violations committed by the presiding judges against a female litigant. Issues that were brought up by the female litigant when the case was on appeal, but never addressed, nor remedied by the appeal court judges.

The judicial branch can't spout Absolute Immunity for the orders affecting important constitutional rights due to the appeals process, while ignoring constitutional violations in the appeals process at the same time.

You can't have your cake and eat it (too) is a popular idiomatic proverb or figure of speech. The proverb literally means "you cannot simultaneously retain your cake and eat it". Once the cake is eaten, it is gone.

In other words; Appeal Judges can't retain their credibility as being an impartial judge (i.e. – retain the cake) and, at the same time, ignore acts of discrimination committed by judges in the lower courts against a litigant. (i.e. – eating the cake).”

Judges do not need to break the law in order to enforce it. Holding judges accountable for violating the Federal Rules of Civil Procedures, or other due process laws, does not prevent judges from exercising independent decision making; it prevents them from discriminating.

Americans have a right to a constitutional right to a fair trial. Appeals court judges have a responsibility to protect a litigant's rights to be heard as allowed by law. However the appeal court judges did not address, nor remedy the fact that the presiding judges in the lower court did not give a female litigant the right to be heard as allowed by law.

The problem is not with the system, but with the officials acting 'under the color of the law.' The problem is the judges who violate the Federal Rules of Civil Procedures, and the Appeal Court Judge who turned a blind eye to the transgressions of the lower court judges.

This country is based on a system of check and balances. If the officials of the judicial branch will not address constitutional due process violations, *brought up in the appeals process by the litigant*, then the litigant should have access to the legislative branch's laws against constitutional violations for people acting 'under the color of the law.'

Laws such as 42 U.S.C. SECTION 1983: EQUAL PROTECTION give Americans right to file suit against anyone acting under the color of law. Defendant under 42 U.S.C. § 1983 is a person who acted "under the color of law." defendant acted under authority given them by state or local government. of how the defendant(s) violated that right.

Constitutional violations can also be brought directly under the constitution. These are usually referred to as Bivens Actions. Bivens Actions, are like § 1983, but based on the Constitution. Since Bivens Actions are based on the Constitution, no statute is needed.

The Fair Housing Act, 42 U.S.C. 3601 et seq. is a federal law to prohibit discrimination in housing. The Fair Housing Act has it's own protection clause, Section 818 of the FHA. Protection clauses are often refused to as constitutional accountable clauses.

In case 17-40031 the Petitioner asked the Federal Question if she can bring her sexual discrimination and constitutional violation claims against the Defendant Judges who presided over her fair housing claim, as well as the federal employees of HUD (the Department of Housing and Urban Development) under this law. She is asking **whether Judicial Action of fair housing claims is cognizable under the Fair Housing Act, 42 U.S.C. 3601 et seq.**

LIST OF PARTIES

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:

1. Shelley Soniat (Plaintiff – Pro Se Petitioner)
2. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Defendant – Respondent)
3. United States Magistrate Judge DON D. BUSH, Eastern District of Texas (Defendant – Respondent)
4. Hon. RICHARD A. SCHELL, United States District Judge, Eastern District of Texas (Defendant – Respondent)
5. PATRICK BANIS, Intake Branch Chief, Department of Housing and Urban Development Region 6, Fort Worth Regional Office (Defendant – Respondent)
6. GARRY SWEENEY, Regional Director, Department of Housing and Urban Development Region 6, Fort Worth Regional Office (Defendant – Respondent)
7. GORDON F. PATTERSON, Acting Director, Office of Enforcement, Fair Housing and Equal Opportunity and Department of Housing and Urban Development (Defendant – Respondent)
8. All Defendants – Respondents have Counsel paid for by tax payers. Bradley E Visosky, U S Attorney's Office Plano, and Brian Walters Stoltz, US Attorney's Office, Northern District of Texas. The Petitioner who filed her lawsuit for sexual discrimination was refused the appointment of an attorney and had to represent herself.
9. Hon. Judge Amos L. Mazzant III. Eastern District of Texas

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PETITION FOR WRIT OF CERTIORARI

Petitioner Shelley Soniat, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth circuit in this case.

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OPINIONS BELOW

Letter informing Respondents that they did not need to respond. (Appendix ["App.,"] 1.)

The court of Appeals' opinion, filed February 12, 2018 was not published in the official reports. (Appendix ["App.,"] 2-7.) The Fifth Circuit's March 9, 2018 order denying the petition for Rehearing on banc not published in the official reports. (App. 8-9.)

The district court's Order of Dismissal January 9, 2017 was not published in the official reports. (App. 10.)

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JURISDICTION
~ INTEREST OF THE UNITED STATES~

This case presents the important question whether the Fair Housing Act (FHA or Act), 42 U.S.C. 3601 et seq., includes protection from discrimination in the Judicial Action of Fair housing claims. The Legislative Branch of the United States of America as well as Federal courts have already affirmed that filing a fair housing complaint is a protected activity. The standard must be the same. The Petitioner has been sanctioned for exercising her fair housing rights in violation of federal law. The act of sanctioning an aggrieved person for exercising a civil right creates injustice and undermines the rule of law.

This case is from federal court. The date on which the United States Court of Appeals filed it's opinion was February 12, 2018. (Pet. App. 2-7)

A timely petition for rehearing en banc was denied by the United States Court of Appeals

on March 9, 2018, Order denying rehearing en banc appears at Appendix 8-9.

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

CONSTITUTIONAL PROVISION INVOLVED

"Equal protection of the laws" US. Const. amend. 14.

STATUTORY PROVISION INVOLVED

Fair Housing Act, 42 U.S.C. 3601 et seq. Section 818 protection clause.



STATEMENT OF THE CASE

The issues in this case concern an important and recurring question of Federal law that impacts nearly all litigation; discrimination and 'Equal Justice under the Law'.

The Fair Housing Act 42 U.S.C. 3601 et seq., was created to help end discrimination in housing.

In 1968 Congress decided that it is so important for everyone in America to be able to freely choose a place to live without discrimination, that the Federal government created laws to legally define and prohibit discrimination in housing situations; the Fair housing act, 42 U.S.C. 3601 et seq.

The premiss behind the Fair Housing Act is that, everyone who lives in American is protected from discrimination in housing, sale, rental, and financing of dwellings, lending, home appraisal, insurance and accessibility. Fair housing means you may freely choose a place to live without regard to your race, color, religion, sex, national origin, disability or familial status.

According to the Discriminatory Effects Rule, a facially neutral practice can also have a "discriminatory effect" where "it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin." (24 CFR Part 100 [Docket No. FR-5508-F-02] RIN 2529-AA96

Implementation of the Fair Housing Act's Discriminatory Effects Standard).

The Fair Housing Act has a protection clause to ensure exercising ones Fair Housing Rights is a protected activity.

Sec. 818. [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action *It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title.*

Landlords are expected to defend themselves in court, however the Fair Housing Act bars landlords from taking action that is in retaliation for a prospective tenant or tenant attempting to exercise his or her rights under the Fair Housing Act (even if the tenant's Fair Housing Act arguments wind up having no legal merit).

These are the related regulations:

24 CFR 100.400 - Prohibited interference, coercion or intimidation.

§ 100.400 Prohibited interference, coercion or intimidation.

(a) *This subpart provides the Department's interpretation of the conduct that is unlawful under section 818 of the Fair Housing Act.*

(b) *It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this part.*

(c) *Conduct made unlawful under this section includes, but is not limited to, the following:*

(1) *Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction*

because of race, color, religion, sex, handicap, familial status, or national origin.

(2) Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race, color, religion, sex, handicap, familial status, or national origin of such persons, or of visitors or associates of such persons.

(3) Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the race, color, religion, sex, handicap, familial status, or national origin of that person or of any person associated with that person.

(4) Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, rights granted or protected by this part.

(5) Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Housing Act.

(6) Retaliating against any person because that person reported a discriminatory housing practice to a housing provider or other authority.

[54 FR 3283, Jan. 23, 1989, as amended at 81 FR 63075, Sept. 14, 2016]

Soniat filed a fair housing complaint against the property management company for their illegal actions and retaliation against her for exercising her legal rights. In State Court the Property management company requested sanctions against Soniat; stating she did not have any legal rights, even though they were aware she had a prior arrangement with the Landlord to be added to the lease.

In real estate purchase or rental agreements, an addendum is a legal document containing any changes or modifications negotiated in the original lease. An addendum to a lease is used to add or remove occupants from a lease. An addendum to a lease supersedes the original lease.

Adding someone to a lease via an addendum to a lease or by signing a new lease is an accepted housing practice in the United States. The Fair Housing Act is a pre-lease law, that does not require a lease in order for an 'aggrieved person' to have standing under the Fair Housing Act.

This is the Fair Housing Act's definition of an 'aggrieved person':

(i) "Aggrieved person" includes any person who--

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

As far as having standing under the Fair Housing Act, what someone's status is as far as a lease is concerned is not a factor. In protecting against discriminatory acts based on protected classes, the Fair Housing Act does not require that a person be listed on a lease to have any rights. Tenants who live on a month-to-month rental agreement with no written lease, roommates who aren't listed on a lease, applicants for an apartment {whether to a new or existing lease}, and even prospective tenants who haven't {yet} applied for an apartment {but perhaps saw an allegedly discriminatory advertisement} all have standing.

In State Court the Judge granted sanctions against Soniat for filing her fair housing complain.

Soniat went to HUD (The Department of Housing and Urban Development) and filed a complaint of Retaliation under the Fair Housing Act against the Property Management Company but HUD also refused her complaint stating that she did not have any rights.

Soniat knew HUD's dismissal for lack of standing was incorrect, so she sued the property management company, as well as her boyfriend for violating her fair housing rights on the basis of sex using the Discriminatory Effects Rule, and HUD for their refusal of services.

Her Federal Questions were:

**“What are the rights of a person in an addendum to a lease housing situation?”
Would it be just the legal rights of the Fair Housing Act or would the Texas
Property Code apply since there is an existing lease involved?**

The case was assigned to Judge Don D Bush and Judge Richard Schell.

Even though it is our Constitution right to take our grievances to court, it is our right to ask a federal question, (Federal Question Jurisdiction, 28 U.S.C. § 1331), and the law allows for a person to be heard, in case 15-40466, Judge Bush refused to issue summons equally to all the defendants Soniat was suing.

The Federal Rules of Civil Procedures stresses to treat everyone the same, and does not allow for a Judge to discriminate by refusing to issue summons equally to all defendants being sued.

Soniat filed motions asking the judges to issue summons. However the judges denied the motions to issue summons, thus taking advantage of a pro se litigant who did not know how to issue a Waiver of the Service of Summons as allowed by the Federal Rules of Civil Procedures.

Defendant HUD as well as the landlord, and property management company, were never served summons, nor did they answer to Soniat's complaint.

Since the parties were not issued summons, Soniat was denied the right to a default judgment that litigants are entitled to when parties being sued do not respond.

Judge Bush also refused to write a report that accurately reflected Soniat's case. He never amended his report no matter how many times she tried to clarify her case by directly addressing the inaccuracies in his Report and Recommendations. However Judge Schell signed off on Judge Bush's inaccurate report.

Soniat's case was dismissed, and the property management company that broke the law, was still allowed to keep the monetary sanctions from the victim of their housing discrimination crime.

Even if in the judges opinion, Soniat's case did not have merit, the retaliation under the FHA should have been addressed. HUD has represented aggrieved person's who were victims of Retaliation even when the original complaint was dismissed. (See for

example HUD ex rel. Beverly Dittmar v. Elite Properties, LLC. and Robert K. Miell, as well as Ponce v. 480 East 21st Street, LLC et al..

From Tenant States Claims Under the Fair Housing Act and New York City Human Rights Law Following Sexual Harassment By Superintendent, by mjpospis on Oct. 16, 2013, News report about a fair housing case, Ponce v. 480 East 21st Street, LLC et al.:

The FHA prohibits retaliation. Specifically:

Under the FHA, it is “unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of ... any right granted or protected by [the FHA]. The elements of a prima facie retaliation claim under the FHA are (1) the plaintiff engaged in protected activity, (2) the defendant was aware of this activity, (3) the defendant took adverse action against the plaintiff, and (4) a causal connection exists between the protected activity and the adverse action.

Soniat filled for appeal. In the Appeals process Soniat was screaming discrimination by the judges presiding over her case in federal district court. She gave clear examples of the discrimination she was subject to, but neither the presiding judges transgressions nor their denial of due process, nor the fact that Soniat has sanctions against her in violation of a federal law, was addressed, nor remedied by the appeal court judges.

Again, her case was dismissed without ensuring that she had a fair trial. Even if the appeals court judges did not believe her case had merit, the retaliation aspect of Soniat's claim should have been addressed.

Soniat filed her case with the Supreme Court. From the Supreme Court Guidelines:

Nature of Supreme Court Review

It is important to note that review in this Court by means of a writ of certiorari is not a matter of right, but of judicial discretion. The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to decide cases presenting issues of importance beyond the particular facts and parties involved. The Court grants and hears argument in only about 1% of the cases that are filed each Term. The vast majority of petitions are simply denied by the Court without comment or explanation. The denial of a petition for a writ of certiorari signifies only that the Court has chosen not to accept the case for review and does not express the

Court's view of the merits of the case.

After going through the judicial appeals process that refused to address the sexual discrimination she was subjected to; Soniat sued Judge Bush, Judge Schell, as well as HUD, for the civil rights violations unresolved and unaddressed by the appeals courts.

Equal Justice under Law" is the motto; but the truth is there is discrimination against minorities through out the legal system. 50% of our population are women, but the legal system is overwhelmingly dominated by men. Throughout the history of the world there has been discrimination against women. Why would any countries legal system be any different? (Please see submitted Exhibit; GUIDELINES FOR PRACTICING GENDER NEUTRAL COURTROOM PROCEDURES, Approved by the The Texas Supreme Court By: The Gender Bias Reform Implementation Committee; Based on findings and recommendations of The Supreme Court of Texas Gender Bias Task Force, App. 12-30.)

The question is what are we doing to ensure equality of the sexes in our legal system? Laws are meaningless unless they are enforced. Again: This county is based on a system of check and balances. If the officials of the judicial branch will not address sexual discrimination and constitutional due process violations, *brought up in the appeals process by the litigant*, then the litigant should have access to the legislative branch's laws against constitutional violations for people acting 'under the color the law.'

After being dismissed in the appeal process, Soniat filed her case against Judge Bush, Judge Schell, as well as HUD in Federal District Court, and asked the Federal Question:

Whether the Fair Housing Act, 42 U.S.C. 3601 et seq., includes protection from discrimination in the Judicial Action of Fair housing claims.

In Federal Distict Court the case was assigned to Judge Amos L. Mazzant III. However Judge Mazzant neglected to recuse himself nor did mention his conflict with Defendant Judge Bush who he had clerked for years earlier.

Please refer to the case of Napoleon Beazley.

NAPOLEON BEAZLEY, Petitioner

Napoleon Beazley was a convicted murderer executed by lethal injection by the State of Texas for the murder of 63-year-old businessman John Luttig in 1994. During Beazley's appeals to the U.S. Supreme Court, three of the nine justices

recused themselves because of their personal ties to Judge Luttig, leaving six justices to review the case. Justice Antonin Scalia recused himself because Judge Michael Luttig had clerked for him.

Judge Scalia recused himself because of a third party conflict of interest. Judge Michael Luttig was the victim's son, and was not directly involved in the case.

Judge Mazzant, who was the presiding judge, clerked for Judge Bush who was the defendant Judge in the same case. However Judge Mazzant did not reveal this conflict of interest nor did he recuse himself.

Judge Mazzant continued to preside over the case . He denied Soniat's Motion for a change of Venue, that she requested due to a concern of bias from the court where Judge Bush and Judge Schell worked as federal judges. He also denied her Motion for the Appointment of an Attorney as allowed by the Fair Housing Act, and dismissed her case,

Soniat had a right to a fair trial. She brought up Judge Mazzant's refusal to recuse himself in her appeal, case 17-40031. However, when the appeal panel issued a Order to dismiss Soniat's case, they refused to mention Judge Mazzant's behavior, nor to grant Soniat's Motion for a new trial. Once again the officials in appeals process fail to ensure the litigant had a fair trial.

ARGUMENT

The 1st Amendment grants Americans the right to free speech and the right to petition the Government for a redress of grievances.

This 1st Amendment right is a law that judges have to follow.

From The American Bar Association's MODEL CODE OF JUDICIAL CONDUCT:

RULE 2.6 Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

COMMENT [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

Soniat's prior case 15-40466 was addressing her standing to complain under the Fair Housing Act, as well as Retaliation under the Fair Housing Act.

The Defendant's in this current case 17-40031, were the presiding judges in the prior case 15-40466.

The Appeals court used it's rulings from a previous case, case 15-40466, to dismiss this current case 17-40031.

Soniat is questioning whether the Appeals Court has the jurisdiction to use her prior case to dismiss her current case for two reasons:

A. The appeals court judges did not address nor remedy the violations of law and acts of discrimination against a female litigant in case 15-40466; which is the Cause of Action in this current case.

B. The Opinion in case 15-40466, conflicts with the legislative branches laws on Retaliation under the Fair Housing Act, 42 U.S.C. 3601 et seq.

How can the judicial branch use one of their rulings to dismiss another case when their rulings are in conflict with the laws passed by the legislative branch? Doesn't that cross the line from interpreting the law, to creating the law?

If this court uses it's rulings in case 15-40466 to resolve a current case, over the actual laws that the legislative branch passed, then this court is creating new law. The judicial branch of the government does not have the jurisdiction to create laws, nor to amend laws. The judicial branch of the government has the authority to interpret the laws the legislative branch makes, not change the law with their rulings.

For every wrong, the law provides a remedy. This country is based on a system of checks and balances. If the officials of the judicial branch will not address acts of sexual discrimination against a litigant by a judge; than the legislative branch offers victims of discrimination a legal option. The legislative branch has given Americans the right to file suit against government officials acting "under the color of law".

The Fair Housing Act, 42 U.S.C. 3601 et seq. is a federal law with its own protection clause, Section 818 which prohibits interference, coercion, or intimidation of enforcement by civil action.

Exercising one's fair housing rights is an activity protected by law, even if the presiding judge does not believe the issues presented have merit.

The Federal Rules of Civil Procedure bar judges from taking action that is discriminatory against the litigant (even if the judge feels the litigant's arguments have no legal merit.)

This means that if a black man were to file a fair housing complaint, and the white judge assigned to the case does not believe the issues presented have merit, the white judge can not humiliate the black litigant by refusing him the right to be heard as allowed by law.

A white judge can not refuse to issue summons the black litigant's case. In this example the white judge is violating the law, and preventing the black litigant from having a fair trial.

The same is true of a male judge refusing to issue summons in a female litigant's case. It is illegal to humiliate and deny due process to a litigant regardless of whether the judge feels the litigant's case has merit.

Furthermore, the retaliation aspect of Soniat's case under Section 818 of the Fair Housing Act should have been addressed; regardless of the judge's opinion of her sexual discrimination fair housing case using the Discriminatory effects rule.

The Appeals Opinion in case 17-40031 conflict with the Constitutional laws of the land and could easily be construed as abuse of power. Disciplinary action can be taken for violations of the Federal Rules of Civil Procedures, but the Appeals court judges would rather punish a woman for exercising civil her rights, than discipline a judge for violating the law.

That is the definition of judicial bias.

The Appeals Court Judges not only refused to remedy the sanctions against an aggrieved woman who filed a fair housing complaint but was discriminated against by male judges, they also issued her a sanction warning.

This is the SANCTION WARNING imposed by officers of the appeals court:

02/12/2018 COURT SANCTION WARNING against Shelley Soniat. Reason: This is Soniat's second appeal relating to her alleged housing discrimination. Soniat is hereby WARNED that filing repetitious, frivolous, or otherwise abusive pleadings will invite the imposition of sanctions, including dismissal, monetary sanctions, and restrictions on her ability to file pleadings in this court and any court subject to this court's jurisdiction. She is ORDERED to review all pending matters and move to dismiss any that are frivolous, repetitive, or otherwise abusive. [17-40031] (CAG)

If a woman has a case of discrimination that she brings to a court of law for resolution, only to be discriminated against and dismissed by Judges, she ends up feeling victimized by the legal system.

Feeling victimized by the legal system is not a new complaint of minorities. People have died for their first amendment rights. To allow the thread of sanctions to prevent one from exercising these rights would be a dishonor to those who have fought for our countries Constitutional Rights.

Rights are meaningless unless they are enforced, and even more meaningless if people are afraid to exercise them.

Please refer to a FHA complaint brought by a woman living in Norristown, PA:

The woman had been subjected to domestic violence by her ex-boyfriend. Police warned her that if she made one more 911 call, she and her young daughter would be evicted from their home. The Norristown ordinance operated under a "three strike" policy, allowing no more than two calls to 911 for help. As a result, the woman was too afraid to call the police when her ex boyfriend returned to her home and stabbed her. A neighbor called the police. A few days after the woman's release from the hospital, she was served with eviction papers pursuant to the local nuisance ordinance. As a part of the settlement, the city repealed the ordinance. These types of ordinances violate the Fair Housing Act when they have an unjustified discriminatory effect or are enacted or enforced to intentionally discriminate because of a protected characteristic. (HUD Secretary Initiated Complaint Case Number 03-13-0277-8 and 03-13-0277-9) The Fair Housing Act makes it unlawful to evict an individual because of a

protected class.

"It's discriminatory to deny housing to a woman for violence committed against her. To face discrimination, on top of domestic violence, only compounds the injustice," said Gustavo Velasquez, of HUD.

REASONS FOR GRANTING THE WRIT

The judicial branch is discriminating against a female litigant(s) and refusing to remedy their actions due to judicial bias.

Why do people discriminate?

From Brewer, M.B. (1999). The Psychology of Prejudice: Ingroup Love or Outgroup Hate? *Journal of Social Issues*, 55 (3), 429-444:

In 1906 American sociologist William Graham Sumner introduced the world to the concept of "ethnocentrism" and the idea of social "ingroups" and "outgroups". He suggested that our ingroups are groups of which we're a member or with which we identify strongly. Ethnocentrism – today often termed as racism – is the view that our own ethnic group (or "ingroup") is "the center of everything, and all other (groups) are scaled and rated with reference to it".¹ In Sumner's view a strong "positive" attitude to our ingroup automatically causes us to form strong negative attitudes (e.g. contempt, hostility and hatred) toward any outgroup.

Please see Exhibit 36 - Sometimes Discrimination Is More About Favoritism Than Hostility, Research Says, by Eliana Dockterman:

Tony Greenwald of the University of Washington and Thomas Pettigrew of the University of California, Santa Cruz reviewed studies on discrimination from the last decade and found that prejudice is often rooted in a preference for similar people, rather than in an intent to cause harm to others. They assert that the majority of cases of discrimination in the U.S. don't stem from hostile actions like homophobic speech or acts of violence spurred by racist feelings. Instead, unintentional discrimination through favoritism is often the culprit. "This is not to say that prejudice and hostility are not related to outgroup discrimination," Pettigrew said. "But they are not as central to most discrimination as ingroup favoritism."

And those similar people may not necessarily look like you. "Your 'ingroup' involves people that you feel comfortable with, people you identify with," Greenwald said in a statement. "We usually think first of demographic characteristics like age, race, sex, religion and ethnicity as establishing an ingroup, but there are also ingroups based on occupation, neighborhood and schools attended, among other things. Outgroups are those with whom you don't identify."

Violation of Civil Rights

From JUDICIAL IMMUNITY VS. DUE PROCESS: WHEN SHOULD A JUDGE BE SUBJECT TO SUIT? By Robert Craig Waters:

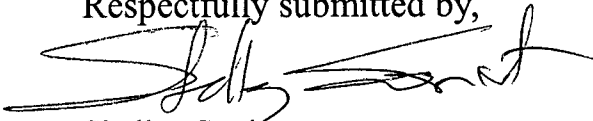
The best solution is to give judicial immunity a firm root in due process guarantees. To achieve this result, the simplest approach is to create an irrebuttable presumption of immunity where the state court judge's acts did not deliberately terminate a citizen's rights without notice, hearing, and opportunity to appeal. Of these three requirements, the chance to appeal is the most important because it provides a means of curing defects in any other due process violation. A judge thus remains unquestionably immune as long as he does not take actions that intentionally and plainly prevent further review. The duty imposed on a state-court judge, then, is only to recognize that his own decisions may sometimes be in error and to ensure that orders affecting important constitutional rights can be reviewed in another court.

But neither this argument, nor 'Absolute judicial immunity', works when officials in the Appeals process do not address acts of discrimination against litigants by other judges while performing in their judicial capacity. The result is the violation of citizen's important constitutional rights, as well as a very real unbalanced and unequal distribution of justice under the law.

CONCLUSION

For the foregoing reasons, and because the Petitioner is seeking 'Equal Justice under the Law', free from sexual discrimination and bigotry, she respectfully requests that the Supreme Court grant her *PETITION FOR WRIT OF CERTIORARI*.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Shelley Soniat', with a long horizontal flourish extending to the right.

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May 10th, 2018