

20-8107

ORIGINAL

No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

MAY 02 2021

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
**Gregory Turner** — PETITIONER  
(Your Name)

vs.

**Merit System Protection Board** — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**United States Courts of Appeals for the Federal Circuit**

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

**Gregory Turner**

\_\_\_\_\_  
(Your Name)

**5379 River Stone Drive**

\_\_\_\_\_  
(Address)

**Memphis, Tennessee 38125-4348**

\_\_\_\_\_  
(City, State, Zip Code)

**901-864-3815**

\_\_\_\_\_  
(Phone Number)

## QUESTION(S) PRESENTED

1. Did petitioner seek to get appeal heard by the Veteran's Employment and Training Service of U.S. Department of Labor.
2. Did the U.S. Secretary of labor properly investigate the Veterans Preferences Violations of the United States Postal Service and the adverse actions against the Veteran.
3. Where are the written due process investigation documents that was issued to the Veteran before placing him non/ duty status without due process rights.
4. Where are the written postal service official charges document, and when was the official charges document issued to veteran and what was his respond to the charges.
5. Does the United States Court of Appeals for the Federal Circuit decision means the Veteran Preference Right have been removed, or can no longer be enforced in any Courts or any Federal Courts, or what if the Violation occur again while still employed in the Federal Government.
6. What happen if the Merit System Protection Board actions where decided on false allegations.
7. What happen if the U.S. Court of Appeals for the Federal Circuit decisions was based on false allegations.
8. When Merit System Protection Board Administration Judges decisions ,are base on discriminating factors of pervious case filing ,how do a petitioner get fair non prejudice decision because past filing are reviewed to discriminated against the Appellant and to Vilify appellant even when filing factual evidence of the case.

## 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:

## RELATED CASES

Ala. Power Co. v. Davis,  
431 U.S. 581 (1977)

Att'y Gen. v. Soto-Lopez  
476 U.S. 898 (1986)

Bowles v. Russell,  
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693 Fed. App'x. 904 (Fed. Cir. 2017)

Brown v. Gardner,  
513 U.S. 115, 118 (1994)

Butler v. West,  
164 F.3d 634 (D.C. Cir. 1999)

Conoco, Inc. v. U.S. Foreign-Trade  
Zones Bd.,  
18 F.3d 1581 (Fed. Cir. 1994)

EEOC v. Commercial Office Prods. Co.,  
468 U.S. 107, 124 (1988)

Erickson v. U.S. Postal Serv.,  
636 F.3d 1353 (Fed. Cir. 2011)

Fed. Express Corp. v. Holowecki,  
552 U.S. 389 (2

McKnight v. Gober,  
131 F.3d 1483 (Fed. Cir. 1997)

Mitchell v. Cohen,  
333 U.S. 411 (1948)

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Pers. Adm'r of Mass. v. Feeney,  
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Valentine-Johnson v. Roche,  
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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 \_\_\_\_\_ to the petition and is

reported at United States Court of Appeals for the Federal Circuit; 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 \_\_\_\_\_ 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 February 8, 2021

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: \_\_\_\_\_, 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. § 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

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## STATEMENT OF THE CASE

Federal employees have the right to due process in the processing of personnel actions, such as removals based on misconduct. To submit my case to the Merit System Protection Board, one of the major issues that we see involves whether a federal employee has been provided due process in the processing of a disciplinary or adverse action. This can be critical because when due process has been provided to a federal employee, a federal agency's final decision can be potentially reversed by MSPB on Appeal.

### A Federal Employee's Right to Due Process

The Fifth Amendment of the U.S. Constitution prohibits the federal government from depriving a person of life, liberty, and property without providing adequate due process. As a result, federal employees can have a property right in their continued federal employment, which means that due process must be provided before an agency interferes with or terminates their employment.

Before a federal employee can be disciplined for alleged misconduct or performance deficiencies, he or she is entitled to due process of law. Due process consists of: (1) notice of the misconduct or performance allegations; and (2) the opportunity to respond to these allegations. *Ward v. U.S. Postal Service*, 634 F.3d 1274, 1280 (Fed.Cir.2011). In addition, a federal employee must be given a meaningful opportunity to invoke the discretion of the decision maker before a personnel action is finalized. *Cleveland Bd. of Education v. Loudermill*, 470 U.S. 532, 546 (1985).

## REASONS FOR GRANTING THE PETITION

In the Decision given by the United States Court of Appeals for the Federal Circuit case: 20-1650

(1) On page 2 it clearly states that: Mr. Turner is partially disabled veteran. He was employed by United States Postal Service as a city carrier beginning 1986. He suffered an on-the-job injury in 2006. He ceased working at the Postal Service in 2015 and is not now being compensated. He apparently rejected the Postal Service's offers that would permit him to return to work with modified duty assignments. ( see Appendix A )

This is a False statement that is recorded to be factual, I have not recieved any due process or been terminated from the job or given any Official Notification of any adverse action. I have not rejected any modified job offers, I officially requested to complete the Request for Reasonable Accomodations.

(2) On page 2 it clearly states that: On September 12, 2016, Mr. Turner filed a complaint with the Department of Labor, alleging that the United States Postal Service had violated his rights as a disabled veteran under the Veterans Employment Opportunities Act of 1998 by not reemploying him after 2015. In a letter dated September 20, 2016, the Department of Labor informed Mr. Turner that his case had been closed and that he could appeal to the Board. The letter stated: (see Appendix B,E)

This is to inform you that our investigation had determined that you do not meet the eligibility requirements of the applicable provision of veteran's preference statutes and regulations under Title 5, U.S. Code. Therefore, we are closing your case. Although we have made this determination you have the right to appeal your case to the Merit Systems Protection Board within 15 calendar days from the date of receipt of this letter. ( see Appendix E, B )

The 2 events that was listed as facts but are have affected the outcome and stated to be true Facts and not properly investigated In order, to be with fairness with my career employment. So every one else can FALSIFY THE TRUE FACTS and not held ACCOUNTABLE FOR THEIR ADVERSE ACTIONS. That is discrimination agaist me and they are federal government employee's to. No one likes to be lied on in the work place and falsely accused for one human mistake even with all the issues of being injured and under severe anxiety and major depression over defending lies from other workers.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: May 2, 2021