

AUG 14 2023

OFFICE OF THE CLERK

23-6059

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Michelle A. Ferrell — PETITIONER
(Your Name)

vs.

Marsha L. Fudge, Secretary — RESPONDENT(S)
Dept. of HUD and Cathy A. Harris, Acting Chair, MSPB
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Federal Circuit 2022-1487
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michelle A. Ferrell
(Your Name)

P.O. Box 820032
(Address)

North Richland Hills, TX 76182
(City, State, Zip Code)

210-445-6593
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Why did the Federal Circuit Court ignore Petitioner's MSPB case regarding her IRA. Instead

MSBP case No. DA-1221-21-0228-W-1 was decided by AJ Mehan on January 24, 2022.

1. Why did FC not allow Petitioners rehearing/rehearing en banc; due to the fact that the Defendar have been discriminating against employees for years and this case affects all employees.
2. Why didn't the FC Court allow Petitioner, Ferrell, to have MSPB as a Defendant.
3. Why was MSPB AJ allowed to suspend, cancel, and change documents which was illegal; yet FC Court ignored the facts.
4. Why did FC disregard most of Petitioner's proof the same as the MSPB AJ ignored evidence?
5. I proved Retaliation in my Briefs; June 27, 2022, October & November 2022, yet it was ignored IAW 5 USC. 1221 (e) Chavez v Dept of Veterans Affairs, 120 M.S.P.R. 285 27 (2013)
6. Why didn't FC follow their own rules and give Ferrell a fair review of her case instead of siding with the Federal Agency?
7. Every Agency who reviewed Ferrell's case sided with HUD regardless if HUD was lying; Why didn't FC review Ferrell's briefs etc., IAW Rules of the US Court of Appeals for the Federal Circuit?
8. Why do MSPB, EEOC, District Court of Columbia and the US. Court of Appeals for the Federal Circuit all favor the Federal Agencies? Although a person is pro-se, they should be given a chance to prove themself.
9. Why won't the above Agencies appoint pro-se Petitioner with a Lawyer?
10. Can the Supreme Court review Petitioner's 2022-1487 documents? Especially see the Affidavit of Ferrell's Supervisor, Kimone Paley, Document 71-2 April 11, 2023.

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

These cases have not been Adjudicated but are related due to the continued discrimination from Agency; HUD.

1. Ferrell v HUD, No. DA-0752-20-0212-I-1 MSPB Constructive Discharge appeal awaiting a decision from "The MSPB BOARD" No Judgment entered since September 8, 2021.

2. Ferrell v HUD, No. 23-5059, United States Court of Appeals for the District of Columbia - No Judgment entered since March 17, 2023.
regarding Ferrell v HUD U.S. District Court for the District of Columbia Case No. 1:21-cv-01412-CKK since May 24, 2021

TABLE OF CONTENTS

OPINIONS BELOW..... 1

JURISDICTION..... 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED..... 3

STATEMENT OF THE CASE..... 4

REASONS FOR GRANTING THE WRIT..... 5

CONCLUSION..... 6

INDEX TO APPENDICES

APPENDIX A Decision of the United States Court of Appeals for the Federal Circuit Case #2022-1487 February 9, 2023; and United States Court of Appeals for the Federal Circuit Petition for Panel Rehearing and Rehearing En Banc denied May 16, 2023.

APPENDIX B Decision of the U.S. Merit Systems Protection Board - Dallas, TX (MSPB DA-1221-21-0228-W-1) January 24, 2022.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Marano v Dep't of Justice, 2 F3d 1137,1140-41 (Fed Cir. 1993)	
Murray v. UBS Sec., LLC. U.S. No 22-660 (filed July 5, 2023)	
Chavez v. Dept. of Veterans Affairs, 120 M.S.P.R. 285 27 (2013)	

STATUTES AND RULES

Rules of the Supreme Court
Federal Rules of Appellate Procedure
Federal Circuit Rules
MSPB Rules 5 C.F.R. Parts 1200-1216

OTHER

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 _____; 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 9, 2023.

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: May 16, 2023, and a copy of the order denying rehearing appears at Appendix A.

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 January 24, 2022. A copy of that decision appears at Appendix B (MSPB).

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

Rules of the Supreme Court of the United States of America
Federal Rules of Appellate Procedure
Federal Circuit Rules
MSPB Rules under 5 C.F.R. Parts 1200-1216

STATEMENT OF THE CASE

See Attached Pages.

Statement of the Case Page 4.

Petitioner, Ferrell believes the US. Court of Appeals for the Federal Circuit did not review her Appeal properly. The FC's decision was erroneous and favored HUD without a proper review from this pro-se petitioner.

MSPB AJ was excused from being a Respondent.
MSPB AJ was erroneous in his MSPB January 24, 2022 decision.
FC Court refused to review all of the facts knowing Ferrell was pro-se and has stated disabilities of not being able to FOCUS.

HUD's Ft. Worth Office: Attorney, Maureen Villarreal and her supervisor, Attorney Marc Patton, have falsified documents, coached witnesses to commit perjury, on top of encouraging my last Supervisor from June 2019 - January 2020, Kimone Paley, to make false statements, harass me, falsely discipline me and ignore my Disabilities and Numerous Reasonable Accommodation requests.

Background: In March 2012 I won a Union grievance against FHEO Director Sweeney. In June 2012, Sweeney, the Selecting Official refused to promote me as retaliation. In 2017 due to Management refusing to promote me year after year, I filed two complaints with EEOC Dallas, TX against HUD Management and Garry Sweeney.

I applied for, once again, a Supervisory job GS13/14 at HUD in Ft. Worth in December 2018. Director and Selecting Official, Garry Sweeney, hired outside of HUD an inexperienced black female from the USDA. In under 30-days of Paley becoming my Supervisor, she gave me a written LOR - with no prior warning, (later HUD claims Paley gave me a verbal admonishment - which is a lie), and 4-months later, I received a Notice for a 14-day Suspension w/o pay. It was confusing because one moment Paley claims disciplinary action was because of my "conduct"; later she documents it was my performance. Management never acknowledged my disabilities were deteriorating. The disciplinary actions of Paley and Sweeney were premeditated, while Paley and Sweeney ignored my 15+ Reasonable Accommodation Requests and my Doctor's two Reasonable Accommodation letters. Instead Paley changed my working conditions without prior approval from the UNION, placing me in a Hostile Working Environment. This caused my disabilities to be exasperated and I was unable to focus and work effectively under Paley's egregious scrutiny of my work. On January 31, 2020, I ultimately retired (constructive discharge) to save my Health.

I reached out to HUD Management for an Investigation, HUD sent had FHEO HQ Manager, Doris Carey do a informal biased in-house internal fake investigation by sending out an email from "herself" to FHEO Intake staff (my co-workers) to state anyone wishing to speak to her about a HWE claim could do so in Sept 2019. Ms. Carey was aware of the Retaliation I received and my disability, yet she did nothing.

I reached out for Help from HUD HQ, to include Secretary of HUD, Ben Carson, IG, other HUD officials, and the HUD Reasonable Accommodation Branch in August 2019. I was ignored each and every time and I have emails to prove my cries to HUD for help.

It was so BAD, that I constructively was discharged because I did not have any where else to turn. On January 31, 2020, I retired. I loved my job but was treated badly, retaliated against for whistleblowing. This case originally went to OSC, then to MSPB as a IRA Appeal.

These Dallas, TX Agencies (EEOC and MSPB) all rule the Federal cases for HUD and other Federal Agencies; regardless if the Petitioner is RIGHT!

Supreme Court please step in and stop HUD, MSPB and EEOC (Dallas offices) from further discriminating against Federal employees.

REASONS FOR GRANTING THE PETITION

See Attached Pages.

Michelle Ferrell Petitioner

Please know that I am telling the truth about what HUD has done to me and I am fighting them because I want Justice. On October 4, 2022, HUD offered me a \$30,000 Global Settlement. I had a MSPB IRA Court Hearing on October 5th. HUD knew their witnesses were coached by Attorney Maureen Villarreal to commit perjury and tried to buy me off the day before my hearing. I initially signed the settlement, thought about it, then I immediately revoked my signature within hours because I felt the discrimination I endured was worth more than \$30k! If HUD was innocent, why offer me anything? Prior to HUD's \$30,000 offer, HUD jokingly offered me an insulting \$5,000 as long as I promised to never to apply for a HUD job again!

The MSPB AJ sided with HUD and allowed HUD's Attorney Villarreal to lie, allow witnesses to commit perjury. The AJ removed my documents and substituted HUD's documents and I caught him doing it. I asked for a "Change of Venue" and I asked to speak to AJ's Supervisor. I was denied both by the AJ himself. MSPB AJ kept stalling with my case, made Settlement conference Mandatory, did not follow the MSPB Rules and Regulations.

The US. Court of Appeals for the federal Circuit appears to already side with HUD. It is unfair that I did not get a FAIR Review. The US Court of Appeals for the Federal Circuit did not take in account that the MSPB AJ mishandled Petitioner's entire case. Did the FC Court even review the MSPB case and the information/documentation presented by the Petitioner?

I applied many times for a 13/14 Supervisory position. (since 2008) However, Director and Selecting Official, Garry Sweeney (white male) refused to promote me. The last 15-years in HUD I was identified on my Performance Reports as an Outstanding Performer. I was the only FHEO employee selected to attend the prestigious 15-month HUD Leadership School in 2008/2009. And I went back to college, while working, to get my MBA from Texas Woman's University. (TWU) Sweeney ignored my accomplishments and refused to "Promote" me; even when my Leadership Certificate stated I could be "NON-Competitively Promoted to a GS-13 Supervisory position" due to all of the Leadership training HUD taught me. **Leadership School Certificate; which Sweeney ignored and refused to give to the Panel members' along with my Master's Degree from TWU.) Note:** Prior to HUD, I also attended 60-days of Leadership training while in the Military; USAF for 20-years.

The lower Courts decision is erroneous because the US. Court of Appeals for the Federal Circuit appears to not review all of the documentation of a pro-se litigant. It is not fair. The lower Court refused to allow petitioner to be assigned an Attorney due to the seriousness of HUD's discriminatory practices.

Supreme Court please step in and stop HUD, and MSPB (Dallas offices) from further discriminating against Federal employees.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michelle A. Jewell, USAF Ret. pro-se

Date: AUGUST 14, 2023