

Cause Number:

24-7055

ORIGINAL

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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

Willie Lee HavMmeri, Petitioner

vs.

Methodist Health Systems (Dallas), Respondent

On Petition for Writ of Certiorari to the United States Supreme Court

Petition for a Writ of Certiorari

Willie Lee HavMmeri, Petitioner

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Willie Lee HavMmeri (Petitioner) vs Methodist Health Systems (Respondent)

IN THE SUPREME COURT OF THE UNITED STATES

Willie Lee HavMmeri

vs.

Methodist Health Systems (MHS)

Petition for a Writ of Certiorari

I, Willie Lee HavMmeri, Petitioner, have been systematically denied the ability to plead my case for WRONGFUL TERMINATION due to RETALIATION for filing an official complaint with the company (MHS) for GENDER DISCRIMINATION.

I asked that no one be disciplined during my complaint and that we all receive additional training. I was fired for stealing time *23 DAYS* after my initial complaint, despite my evidence to the contrary which was presented at the time of my unexpected termination. (April 10th 2020)

QUESTIONS PRESENTED:

1. Did the Pandemic (**Covid-19 Federally Mandated Shutdowns/Lockdowns**) present a considerable factor in the Equitable Tolling of Time, Reasonable Diligence and the Inaccessibility of the Clerk's Office (as defined in the Federal Rules of Civil Procedure 6(A)(3)) regarding TIMELY FILING judicial documents during the year 2020?
2. Does the Respondent's (Methodist Health Systems) Motion to Dismiss based on failure to state a claim in a timely manner (180th day limit, with documents acknowledged by EEOC on 181st day) SUPERCEDE the "Right to Sue" granted by the EEOC for the particular claim?
3. Does suspected Judicial Misconduct or Failure to Address Facts/Motions constitute a justification for a new trial in a different venue?
4. Was the Magistrate's decision to Dismiss with PREJUDICE the appropriate and justified ruling by the US District Court of Northern Texas?
5. Does a Right to Sue issued by a federal agency grant a petitioner of the court an actual actionable right to sue in this case?

This ruling BY THE SUPREME COURT shall have NO BEARING on whether the respondent Methodist Health Systems has broken any employment laws nor the respondent's guilt with regards to my initial claims before the lower courts for WRONGFUL TERMINATION, RETALIATION BASED ON GENDER DISCRIMINATION.

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I simply challenge the Dismissal **with Prejudice** based on the inability to state a claim. The Justice that I seek and ask the United States Supreme Court is for the ability to introduce my claim in another court, outside the influence of Methodist Health Systems.

Either on the State or Federal Level.

Listed Parties

Petitioner: Willie Lee HavMmeri

Respondent: Methodist Health Systems (MHS)

John M. Barcus, Ogletree Deakins Nash Smoak & Stewart PC, Employment Lawyer representing Methodist Health Systems (MHS)

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LIST OF PARTIES:

Parties listed appears in the caption of the cover page. The parties are:

“Petitioner” Willie Lee HavMmeri (myself) vs “Respondent” Methodist Health Systems (MHS).

John M. Barcus, Ogletree Deakins Nash Smoak & Stewart PC, Employment Lawyer representing Methodist Health Systems (MHS)

RELATED CASES

1. **Holland v. Florida**, 560 U.S. 631, 648-49 (2010) – Allowances for Equitable tolling
2. **Pace v. DiGuglielmo**, 544 U.S. 408, 418 (2005) – Reasonable Diligence
3. **Munchinski v. Wilson**, 694 F.3d 308, 331 (3d Cir. 2012) – Whether the petitioner has been diligently pursuing his rights is a fact specific determination
4. **Urcinoli v. Cathel**, 546 F.3d 269, 272 (3d Cir. 2008 - (2) the petitioner has in some extraordinary way been prevented from asserting his rights;
5. **Jones v. Morton**, 195 F.3d 153, 159 (3d Cir. 1999) - equitable tolling is proper “only when the principles of equity would make the rigid application of a limitation period unfair.”

Lower Courts that granted leave to Proceed in Forma Pauperis:

US District Court of Northern Texas (Decided on	Cause Number: 3:22-cv-00594-EBT)
US Court of Appeals 5 th Circuit (Decided on	Cause Number: 23-10880)

OPINIONS BELOW

The opinion of the United States court of Appeals appears at Appendix A (**Upheld Motion to Dismiss with Prejudice**)

My initial brief to the US Court of Appeals shall be provided upon the Court’s request.

The opinion of the United States court of Northern Texas appears at Appendix B (**Granting Defendant/Respondent Motion to Dismiss with Prejudice**)

My objection to this recommendation by the Magistrate shall be provided upon the Court’s request.

My Amended Complaint to the US District Court of Northern Texas shall be provided upon the Court’s request.

My initial filing with the EEOC (and all state and federal courts and agencies) appears at Appendix C

The Decision of the Equal Employment Opportunity Commission appears at Appendix D (**Granting “Right to Sue” by this Federal Agency**)

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Statement of the basis for JURISDICTION

This case was dismissed with prejudice in the US District Court of Northern Texas for failure to state a claim. This Decision by the US District Court of Northern Texas was upheld & affirmed by the US 5th Circuit Court of Appeals on April 25th 2024. Case Number: 23-10880.

I am asking the US Supreme Court to review this order and correct this oversight by the US 5th Circuit Court of Appeals.

The jurisdiction of this Court (United States Supreme Court) is invoked under 28 U. S. C. § 1254(1) as it relates to the decision of the US 5th Circuit Court of Appeals.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

INTIAL CLAIM before the US District Court of Northern Texas, Amended Complaint, Document 46:

1. **State of Texas Statues:** Section 161.134 – Retaliation against employees by employers in prohibited.
2. **Fair Labor Standards Act** - Section 15(a)(3) of the FLSA states that it is a violation for any person to “discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.
3. **Texas Labor Code Chapter 21** - An employer MAY NOT fire, demote, harass or otherwise retaliate against an individual for submitting a complaint of discrimination, participating in a discrimination proceeding or otherwise opposing discrimination.
4. **Title VII of the Civil Rights Act of 1964** - Discrimination and harassment based on Sex, Gender and Race.

Objections to District/Appellate Rulings:

6. **Federal Rule of Civil Procedure Rule 6(a)(3)** – Inaccessibility of the Clerk's Office. No federal institutions were open nor branches of agencies accepting calls, answering questions and providing legal information regarding processing claims during the 2020 Covid-19 Pandemic shutdowns and lockdowns. Equitable Tolling during these unprecedented circumstances should be considered obvious for those passionately seeking justice.

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STATEMENT(S) OF CASE

As of September of 2020, I repeatedly attempted to reach the Dallas Texas Branch of the EEOC in order to submit my claim in person. **Due to the Covid-19 Pandemic of 2020, no government legislative nor judicial branches were open in person to submit documents nor ask relevant questions pertaining to best course of action regarding my claim.**

On September 28th 2020, I submitted my claim by mail to the Dallas branch office of the EEOC then began calling the local branch and the national hotline daily in order to ensure that my claim was filed timely. On October 7th 2020, after waiting on hold with the national hotline for the EEOC, I was finally given a fax number to send my claim at the end of the business day. October 8th 2020, after weeks of attempting to submit my claim and repeated calls to the EEOC, I sent in my claim via fax. There has never been any acknowledgement of my mailed in claim by the EEOC during the pandemic.

Events that led to termination and prevented timely filing:

1. On March 10th 2020, I arrived at work and experienced work place violence (as defined by my employer, Methodist Health Systems) while attempting to clock in for my shift at my assigned workstation.
2. On March 17th 2020, I emailed my then supervisor in the chain of command (Director of Cardiology for Methodist Hospital of Dallas) a formal complaint titled "Formal Complaint Regarding Working Environment", detailing a long history of workplace violence, discrimination based on gender and overt gender bias as it related to consequences and disciplinary actions for female employees. I asked my then supervisor if her boss in the chain of command along with my human resources representative could investigate my claims, as stated in the Methodist Health Systems Employee Handbook regarding an Incident Report.
3. On April 7th 2020, I was summoned by my then supervisor to Human Resources where the Director of Human Resources along with my human resources representative informed me that they would hear my complaint and investigate my claims. Upon the completion of this meeting, I was informed that I would hear the conclusion three days later on April 10th 2020.
4. On April 7th 2020, after meeting with the Human Resources Director and the Human Resources Rep, I sent a follow-up email to the Director of Human Resources providing further details of my position with the title of the email "Workplace/Gender Discrimination". **I asked that none of the women mentioned be disciplined and that we all receive additional training.**
5. On April 10th 2020, I was called at home on my day off and summoned by my Human Resources to the workplace to hear the conclusion of my grievance investigation at 2pm central time.
6. On April 10th 2020 at 2pm, I arrived to Human Resources and informed I was being terminated for "Manipulation of Financial Documents" (Stealing time), despite my evidence to the contrary. My termination letter was pre-written. I was never suspended pending an investigation (Methodist Health Systems company policy). I was never informed I was the

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subject of an investigation. I acknowledged I was being terminated based on a narrative while maintaining I never stole time, as alleged in the document.

7. **April 10th 2020 to October of 2020, due to government shutdowns and federally mandated "Stay at Home" orders for all non-essential workers, I struggled to sit down with any lawyers, enter any federal or state institutions for judicial assistance or filings, equitably toll my time with reasonable diligence and timely file my initial documents due to the INACCESSIBILITY OF THE CLERK'S OFFICE.**
8. September 28th 2020, I filed initial documents with the Equal Employment Opportunity Commission (EEOC) by mail with a stamped address envelop.
9. October 7th 2020, the 180th day from my termination date, after a week of repeatedly and continuously calling the national number for the EEOC checking on the whereabouts of my initial filing by mail, I waited on the national phoneline for 6 hours and was finally given a fax number to fax my initial filings to the EEOC. Again, with the country dealing with a pandemic and government shutdowns/lockdowns for non-essential workers, I could not find a printing location with facsimile services in the same day.
10. October 8th 2020, I found a Walmart Store in a close enough proximity to my home with a Kinkos and faxed over to the EEOC the SAME CLAIMS I previously sent by mail.
11. December 17th 2021, after a lengthy investigation by the EEOC, my claim was dismissed with a "Right to Sue". **{Exhibit Attached}**
12. March 14th 2022, I filed my claims with the US District Court of Northern Texas alleging **WRONGFUL TERMINATION AS RETAILATION BASED ON GENDER DISCRIMINATION.**
13. June 14th 2022, the US District Court of Northern Texas *ORDERS* a default judgment on my behalf, based on the Defendant (Methodist Health Systems) failure to appear.
14. June 15th 2022, action in the case with Notice of Attorney Appearance by John Barcus, representing Methodist Health Systems
15. June 16th 2022, action in the case with Order of Clarification and the rescinding of Order for Default Judgment by the Magistrate (Rebecca Rutherford).
16. June 17th 2022, I filed a Motion for Settlement Conference to settle this matter quietly and peaceably.
17. July 15th 2022, Motion for More Definite Statement was filed by Defendant/Respondent.
18. October 7th 2022, Judge rules denying plaintiff/petitioner's Motion for Settlement Conference and approving defendant/respondent's Motion for More Definite Statement in the form of an "Amended Complaint".
19. October 27th 2022, I, the plaintiff/petitioner, filed an Amended Complaint titled "More Definitive Statement". This was filed electronically under the "Amended Complaint" tab of the federal pacer/ecf system.
20. November 10th 2022, defendant/respondent files Motion to Dismiss citing "failure to follow the Judge's Instructions" for an Amended Complaint and "failure to state a claim by which relief could be granted" with the defendant/respondent's only exhibit for evidence in the 2 years of court proceedings being my initial filing with the EEOC being on the 181st day as their evidence.

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21. June 29th 2023, Magistrate Judge Rebecca Rutherford of the US District Court of Northern Texas recommends Dismissal With Prejudice in favor of the Defendant/Respondent's Motion to Dismiss.
22. June 30th 2023, I the petitioner/plaintiff, filed my objection to the Magistrates recommendations citing her failure to consider the federal rules of civil procedure regarding the inaccessibility of the clerk's office and the federally mandated shutdowns of 2020's effects on "reasonable diligence" regarding equitable tolling as well as the failure to address motions for summary judgment, the release of complete email history with the defendant/respondent, investigation into the manner in which Methodist Health Systems was allowed to participate in the case and have an order of default judgment overturned as well as pending motions on a request to petition in person and method to deliver audio evidence. (Federal Rules of Civil Procedure Rule 6(a)(3))
23. July 24th 2023, Judge Ada Brown delivers a one sentence judgement agreeing with the Magistrate. No explanations were given as to why and how this ruling was made. No acknowledgment of my objections were made and no evidence provided that they were considered before the final ruling.
24. August 22nd 2023, I the plaintiff/petitioner, filed a Motion of Appeal with the 5th Circuit Court of Appeals, United States.
25. May 17th 2024, a mandate of FINAL JUDGMENT was delivered to the US District Court of Northern Texas regarding the US 5th Circuit Court of Appeals decision to AFFIRM the lower court's decision. I, the plaintiff/appellant/petitioner, never received these documents nor any instructions on rights to appeal the decision and only learned of these documents by an email regarding activity on my US District Court of Northern Texas Case's electronic filing system.
26. July 15th 2024, I Willie Lee HavMmeri plaintiff/appellant/petitioner, am filing a Writ of Certiorari with the US Supreme Court to determine whether the pandemic of 2020 played a significant role in my ability to access the clerk's office and filing a claim in a timely manner.

REASONS FOR GRANTING THE WRIT

- a. This ruling should have NO BEARING on a decision whether Methodist Health Systems violated any laws nor is guilty as alleged in my initial complaint for WRONGFUL TERMINATION, RETALIATION BASED ON GENDER DISCRIMINATION.
- b. I believe that this "HavMmeri vs Methodist Health System" cause will have national implications regarding legal statues/precedents/rulings regarding the subject of equitable time, extenuating factors, reasonable diligence and the availability of the courts during national emergencies.
- c. I believe it is in the Nation's best interest to have the Supreme Court provide a ruling on whether the Covid-19 Pandemic of 2020 and the Government mandated shutdowns and lockdowns on all non-essential workers played a significant part in coordinating legal representation and advice, as well as the timely filing of time sensitive claims and various judicial documents.

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- d. Despite having overwhelming evidence to prove that I was wrongfully terminated as a means of retaliation based on gender discrimination, I have yet to stand before any human being with judicial decision making authority in the past 4 years and counting.
- e. I have been denied the opportunity to stand in court and argue the merits of my case before a judge.
- f. I have been denied the opportunity to settle, as requested numerous times by motion, and clear my good name as well as compensation for my prolonged stress, grief and mental/financial anguish.
- g. I would like the Supreme Court to hear this Writ and grant me an order for a trial in a different venue (State Courts of Texas, in a county I choose outside of the influence of the Corporate Giant that is Methodist Health Systems, the respondent and a large employer in the State of Texas), should the Court find that the pandemic played any significant role in one day filing delay, as suggested for dismissal by the respondent and upheld by the magistrate along with the 5th Circuit Court of Appeals US. Should the Court find any other means to remedy this injustice, it would be welcomed and greatly appreciated.
- h. The Supreme Court of the United States has held that the federal habeas statute of limitations is subject to equitable tolling. **See Holland v. Florida, 560 U.S. 631, 648-49 (2010).** Equitable tolling is allowed only if the petitioner shows: "(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing." Id. at 649

Summary of this Writ

I, Willie Lee HavMmeri the petitioner, believe that the US District Court of Northern Texas and subsequently the US 5th Circuit Court of Appeals errored tremendously in granting and choosing to uphold the dismissal of my claim, with Prejudice. I feel this ruling is cruel, insensitive to my plight and disheartening on my path towards justice and clearing my good name.

Upon being fired on April 10th 2020 for the manipulation of financial documents, I have been armed with clear and convincing evidence to the contrary. This evidence of Wrongful Termination, due to Retaliation and Gender Discrimination is overwhelming and irrefutable. The only way I have been allowed to lose this fight for justice regarding this case is to ultimately have the case dismissed before it was tried.

I have never stood before a human being with decision making authority and presented my claims. My evidence to my wrongful termination has been sound and without challenge.

On December 29th 2021, the Equal Employment Opportunity Commission granted me the Right To Sue the Respondent. As the Court is aware, the EEOC is a Federal Agency to which, my initial claim was addressed.

By dismissing my claims (WITH PREJUDICE) despite my proof of innocence and wrongdoing on behalf the respondent, the Courts (both the USDC and USCA) have all denied me the opportunity for justice and denied hearing my cause on the merits.

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I would like the Supreme Court of the United States to hear my cause and please allow for my case to be heard and tried in a different venue. It has now been well over 4 years and I must still carry the stigma of being fired for stealing time, rendering me unemployable in a difficult job market.

Petition to the Respondent for SETTLEMENT CONFERENCE

I, Willie Lee HavMmeri, within view of this official Supreme Court document, wish to move towards a settlement conference so that I can finally move on with my life.

To Methodist Health Systems (Methodist Hospital of Dallas): I do not wish to drag this matter out any longer than it has to. I merely seek the clearing of my good name, acknowledgement of fault with steps to correct for future employees and reparations for my loss of wages, medical, pain & suffering. MHS, you and your legal team are thoroughly aware that I desire nothing more than to settle this matter quietly and peacefully with concessions that are mutually beneficial. This has been my intentions for the past 4 years.

This section of the Writ of Certiorari shall serve to demonstrate to the Supreme Court that I have nothing but earnest and sincere in my desires to work with Methodist Health Systems (the respondent) and resolve this matter without further burdening the Courts.

I wish to inform the Supreme Court that I shall reach out to Methodist Health Systems (Dallas) and it's legal team (Ogletree Law) in hopes of reconciling and settling this matter.

Should The Court find this Writ to be just, I merely seek to, again, be granted a Right to Sue, legal professional help, and a moving of the venue to a court outside of the influence of the large corporation that is Methodist Health Systems.

Conclusion

I thank the United States Supreme Court for hearing my cause and look forward to a favorable determination on my claims so that I may continue on my path towards justice.

I ask the Supreme Court to please allow me to remedy any deficiencies regarding this document.

Respectfully (RE)submitted,


Dated: September 30th, 2024

/s/Willie Lee HavMmeri