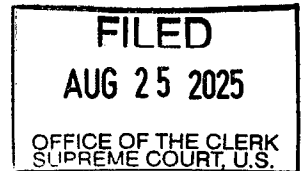


No. 25-5495

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Perteacher Drone — PETITIONER
(Your Name)

vs.

James Duff et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Perteacher Drone
(Your Name)

1713 Lancashire Dr
(Address)

North Chesterfield, VA 23235
(City, State, Zip Code)

(804) 675-0989
(Phone Number)

QUESTION(S) PRESENTED

Should the Court provide the plaintiff's attorney?

Is there not a guaranteed right to counsel in cases regarding indigent people? Without the benefit of counsel, an unlevel playing field results in an inarticulate plaintiff, ignorant of the law and courtroom procedures. This Plaintiff is therefore up against an attorney or a team of well-trained, skilled, and experienced attorneys representing the agency.

Does the lower court's decision appear to reflect the holdings or the spirit of jurisprudence?

The adverse consequences of a particular civil proceeding can be as devastating as those resulting from the conviction of a crime. The court is charged with handling its own employment misconduct, thereby policing itself. This has often led to unfair practices and opinions that do not meet the standard of impartiality. These decisions are made based on judgments and opinions of a particular party, using their personal interpretation and not necessarily factual information. Judges and their employees are loyal to each other. It does not appear that the doors of accountability and transparency have been open when it comes to the judiciary employees. Unfair access to neutral courts, following the rule of law, false information given to Congress and other decision makers, violations of the Constitution and code of ethics; the list goes on, as you can see by the findings of the Federal Judiciary Workplace Group. These issues occur in real time each day, and employees' lives are being affected.

Is it wrong to interpret Fausto to allow district courts to ignore federal law with impunity and deny probation officers the favored status granted by Congress?

How do we hold the Judiciary accountable, as it appears they violate the Rule of Law and tell complainants there is no recourse?

The Supreme Court of the United States and Congress have time and time again expressed concerns about the notion that the judiciary can effectively handle its own issues without oversight. This issue has been raised, and misconduct continues to happen despite the efforts that have been put into place. The lack of accountability gives the idea that the court is above the law in its employment practices. It appears the Court interprets the meaning of its procedures and guidelines as it benefits the judiciary or the district court.

Did the Agency and District Court err in charging gross negligence and insubordination? A review of the court file will reveal that, based on the legal definition of gross negligence and insubordination, Drone was neither.

Did the Agency and District Court err when they terminated Drone without the benefit of a pre-termination hearing? Drone's employment rights entitled her to a pre-termination hearing, and no hearing was held in the disciplinary adverse action. The District Court had the original jurisdiction in the matter and did not allow for mediation or a hearing. The adverse action was used to terminate her.

Did the agency follow the policy regarding disciplinary actions or the grievance complaint? Drone made several attempts to ascertain what her rights were after the adverse action. An informal meeting was held at Drone's request. There was no written notice of counseling and meditation before or during this event.

Did the Agency and District Court follow the rule of law in not providing factual information, and did it violate and deny Drone's due process? The Agency and Court relied on conclusory allegations of law and unwarranted inferences as facts to support their claim. The Agency did not provide information to support that Drone was insubordinate or grossly negligent. Drone provided evidence to support the information given by her supervisor to the agency, and the court was not factual.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

James Duff, Director Administrative Office of the United States Courts Chief Judge Rebecca Beach Smith, in her individual and official capacity as United States District Judge for the Eastern District of Virginia, then Chief United States Probation Officer Mary Anne Vogel, in her official capacity as Chief Probation Officer for the Eastern District of Virginia, then Acting Chief Probation Officer, Mary R. Farashahi, in her official capacity as Chief Probation Officer, Duty Chief Velma K. Benns, in her individual and official capacity as Deputy Chief United States Probation Officer, Daniel Guertler in his individual and official capacity as Supervisory Probation Officer, and Deborah Cramer, in her official capacity as Employment Dispute Resolution Coordinator.

RELATED CASES

No.FY 24-1935 United States Court of Appeals for the Fourth Circuit dismissed

No.FY 20-01P United States Court of Appeals for the Fourth Circuit dismissed with the defendant's motion stating a lack of claim upon which relief and a lack of subject matter jurisdiction.

3: 17-cv-00332-JAG THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Richmond Division dismissed with the defendant's motion stating a lack of claim upon which relief and a lack of subject matter jurisdiction.

Semper v. Gomez United States Court of Appeals for the Third Circuit December 10, 2013, Argued; March 24, 2014, Filed No. 13-2582 ALFREDO SEMPER,

Appellant v. CURTIS V. GOMEZ; UNITED STATES OF AMERICA Prior History: On Appeal from the District Court of the Virgin Islands. (D.C. Civil No. 1-12-cv-00079). District Judge: Hon. Harvey Bartle, III. Semper v. Gómez, 2013 U.S. Dist. Summary: Appeal by plaintiff from dismissal of due process and mandamus claims for lack of subject matter jurisdiction. The Third Circuit, Cowen, J., affirmed and remanded.

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

18 U.S.C §3602, the denial of Due Process under the U.S. Constitution, and the defendants violated this Court 3602(a), which states a Court may remove a compensated probation officer "for cause". Drone argues that her termination was unjustified.

28 U.S.C. § 1254(1) states that cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party of any civil or criminal case, before or after rendition of judgment or decree. This provision preserves existing law and retains the power of unrestricted review of cases certified or brought up on certiorari.

18 U.S.C. § 3602 states that a district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment.

18 U.S.C. § 3672 states that the Director of the Administrative Office of the United States Courts, or his authorized agent, shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges, and shall have access to the records of all probation officers. He shall, under the supervision and direction of the Judicial Conference of the United States, fix the salaries of probation officers and shall provide for their necessary expenses, including clerical service and travel expenses.

5 U.S.C. § 5596 When an appropriate authority has determined that an employee was affected by an unjustified or unwarranted personnel action, the employee shall be entitled to **back pay** under section 5596 of title 5, United States Code, and this subpart only if the appropriate authority finds that the unjustified or unwarranted personnel action resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee Back Pay Act [5 U.S.C. § 5596]."

OTHER

None

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 A 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 31, 2025.

☐ 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 August 28, 2025(date) on June 20, 2025(date) in Application No. 24a1246.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amendment to the Constitution of the United States

14th Amendment to the Constitution of the United States

5U.S.C. § 2101

The District Court's Consolidated Model Plan

308.00 Disciplinary Procedures

309.00 Grievance and Employment Dispute Resolution Plan

Cleveland Board of Education v. Loudermill, 470 U.S. 532 (1985), was a United States Supreme Court case

STATEMENT OF THE CASE

Drone was a United States Probation Officer in the Eastern District of Virginia-Richmond. She began her federal service in May 1995 in the Eastern District of Michigan-Detroit. At the time of her termination, she was a supervision officer. Drone had worked as a supervision officer for several years in Detroit before transferring to the Richmond office. Drone was a supervision officer for 13 years in the Richmond office. During her tenure as a supervision officer, she successfully supervised all types of cases except for sex offenders. Drone served on several committees while supervising an average caseload of approximately 70 offenders. Drone served on the hazardous incident committee, the safety committee, the speakers guild, the governor's re-entry committee, national first responder, the supervision committee and trainer, the division's hearing officer for the parole board, a member of the workforce development team, a national risk assessment officer, and the national risk assessment trainer.

Drone was assigned to supervise C.T. on March 15, 2012. The offender reported to the Probation Office on March 19, 2012, as instructed, and his conditions of supervision were explained to him. The offender's supervision had been marginal. On May 11, 2012, the offender was referred to Richmond Behavioral Health Authority for assessment. Random urine samples were taken, and on June 4, 2012, he was placed in the Probation Office urinalysis program. On July 13, 2012, Drone received the assessment from Richmond Health Authority, indicating no treatment was recommended. On July 16, 2012, C.T. reported during the office visit that he was having an attitude problem. He stated he could be fine for one minute, then he gets quiet, and later progresses to anger. He stated he didn't like being around people and doesn't like talking in groups. Drone advised him that we will send him to the Behavioral Awareness Center. Drone noted he seemed down. On July 30, 2012, C.T. asked if treatment had been approved, and Drone stated it had not been approved, but I will check with the supervisor to see if we can get approval. After discussing the issue further with the offender, it appeared he was frustrated. He discussed the issues he was having with the re-entry process. He stated that things were a lot different coming home after incarceration. Anger Management was a consideration; however, after Drone reviewed the file, he was referred to the Behavioral Health Authority, and no treatment was recommended. We implemented a plan to assist him with his issues. C.T. was to report to the office weekly to assist him with his concerns that were discussed during the visit and the previous office visit. Weekly office visits appeared to be beneficial. Drone worked with C.T. on life skills, computer instruction, and training, as well as continuing to make necessary referrals to assist him with employment. As a result, C.T. signed up for GED classes, and he found employment. As a trained risk assessment officer, Drone's actions were consistent with the department's procedure in the supervision of a case.

On September 13, 2012, Drone met with her supervisor and the deputy chief, and this information was discussed at great length. Drone explained to the two of them why the referral to anger management had not been submitted and that community contacts were made each month in June, July, August, and September. The personal home inspection was not completed, but it was attempted for June and July on several occasions. The personal home inspection was conducted in August and September. Drone outlined the steps she took to obtain the home inspection during the months of June and July. At the time of this meeting, Drone advised that the other contacts had been made but had not yet been typed in the file's chronological entry. After the meeting, Drone retrieved her travel logs from the supervisor's office and entered the visits. (See email information in the Appendix E, which discusses this information). The two of them agreed to Drone's plan of action in her supervision of the case. Based on the deputy chief's comments during the meeting and the supervisor's comments in the email, Drone believed the issue was

resolved.

Since these events, the offender was arrested for Assault and Batter and Use Threaten Illegal/Immoral Act Over the Telephone. He turned himself in to Richmond Police on October 25, 2012. Drone spoke with her supervisor regarding the arrest and advised him that she had started preparing a petition for a violation report. The supervisor instructed Drone to prepare a modification to the court to enroll the offender into treatment as soon as possible. He instructed Drone to call the treatment provider, acquire an appointment, and call the offender to give him the instructions to report to the treatment center. Drone initiated the request to the court, contacted the treatment provider, and the offender, as instructed. The morning of the interview, the treatment provider called to see if we could fax the referral paperwork. Drone was on leave; however, before her leave, she completed the referral information and placed it in the file, awaiting approval from the court. The supervisor reported he had to complete the form. The created referral form was in the computer, and if the supervisor created a new referral, he would have seen the already created form. He just needed to print it out. He needed the file as well as the judge's signed copy of the referral to complete the information for the referral. Drone did not have the judge's approval for the referral, and that's why the information was not sent. The violation report was submitted to the Court, and it was signed on November 15, 2012, by the judge. A warrant was issued for the offender's arrest. At this point, he was placed on inactive status and no longer under probation supervision.

The supervisor stated that Drone was grossly negligent for not getting the offender into treatment. This was addressed in the meeting with Drone, the supervisor, and the deputy chief on September 12, 2012, at which time Drone gave clarity as to why she did not refer the offender to treatment. This information was accepted by both the deputy chief and the supervisor. At that time, we discussed field contacts, and it was determined that Drone did not disregard policy and made attempts to complete the contacts. There was no indication that disciplinary action was going to be taken regarding these issues. On December 20, 2012, Drone received an email that cited these mentioned issues again, and they were addressed in the form of an investigation. At this point, Drone was not clear what was taking place. We dealt with these issues and had moved on with the supervision of the case. Drone requested to speak with the deputy chief. The deputy chief declined Drone's request to speak with her. The deputy chief referred her back to her supervisor. There was no indication that Drone was grossly negligent in the supervision of this case. Drone did due diligence and received the approval of both the supervisor and deputy as to how the situation was handled.

Drone's supervisor stated that she was insubordinate as it relates to the submission of the violation report and treatment referral. Drone submits she was not insubordinate in this matter as she followed the supervisor's directive. Drone completed each task as directed by her supervisor, and there is no indication that she refused the supervisor's directive.

The supervisor has a duty and responsibility to report accurate information to the court. In this case, cursory information and information that was not factual were brought to the Court's attention. Drone provided documentation to support this claim, but it was to no avail. On several attempts to be heard or to provide this information, the Courts turned a blind eye. Later, the agency used the adverse action to terminate Drone. Drone was terminated without the benefit of a pre-termination hearing. This misconduct resulted in a violation of due process and procedural rights.

REASONS FOR GRANTING THE PETITION

The Plaintiff respectfully requests that the Court grant my petition. The Plaintiff does not have the bandwidth to address the issues that I want to address before this court. Plaintiff relies on your professionalism, understanding of the law, and I pray that you will be fair and open-minded in your decision. Plaintiff represents herself, and although she has done a lot of research, she does not feel that her knowledge is enough alone to defend this paper. It is ridiculous to believe that the plaintiff can intelligently present this case before this court using the appropriate court decorum, knowledge of the law, and terminology. However, the Plaintiff finds herself here again asking that she be treated fairly. Despite the unfairness, mistreatment, retaliatory actions, and misconduct of the Eastern District of Virginia.

The Plaintiff has expressed her concerns about the adverse action taken against her by this agency to the district court, the circuit court, and the Office of Fair Practice. Despite my repeated efforts to seek remedies through these channels, the Plaintiff has yet to receive a satisfactory resolution to my case. The adverse action is precluded from judicial review as outlined in the district disciplinary policy (Appendix F, 308.00 disciplinary procedures and 309.02 Employment Dispute Resolution(EDR) Plan). However, the Model Consolidation Plan does offer a remedy to employment disputes.

September 30, 2013, Drone's position was abolished. On October 31, 2013, she requested reconsideration of the previous claim and a review of the actions taken against her. Drone made this request in an email. She was instructed to file a proper claim. Drone filed a discrimination claim, which alleged discrimination and harassment, age, and disability discrimination on November 29, 2013. In this proceeding, at no time did we discuss counseling and mediation. Drone asserts she later requested counseling and mediation on June 2, 2020, using the departmental form. This request was denied by Chief Judge Davis as untimely and unduly repetitive of a previous claim. The court further stated that Drone failed to state a due process claim on which relief can be granted; and that counseling and mediation were granted to her as outlined in a document that was written on November 22, 2021.

The record reflects that on January 16, 2014, there was an informal hearing held in the EDR process. Using the record provided, which outlines the steps taken at this meeting. There was no indication that counseling and mediation occurred during this meeting. (see Appendix G- decision regarding complaint of discrimination) The record reflects that this was a meeting to discuss the EDR claim. In detail, this document describes the event of the meeting and seeking a resolution was not discussed. Drone's request for counseling and mediation was dated June 2, 2020. A letter provided by the EDR coordinator, which allegedly outlined the meeting in detail, and this document describes the meeting and lists areas that were denoted as the process of counseling or mediation. These two documents contradict the process. If the court had reviewed the information, then this information could have been addressed. The process of counseling and mediation is a formal process that relies on documentation and protocol and does not rely on unspoken direction. At no time during this proceeding did the agency provide any additional information beyond the written information provided at the initial inquiry when the investigation was launched. Drone asserts she was denied mediation. (See Appendix E- correspondence regarding counseling and mediation.)

The Plaintiff believes the district court and the agency acted with intent, blatant disregard, as well as with reckless indifference, and with vengefulness towards me. My rights and privileges, as given in the Constitution and the law of this country, which would be the rule of law, secure my right to oppose unfair treatment and unlawful employment practices.

In most cases victims are hesitant to report harassment and other inappropriate behavior for a variety of

reasons, including lack of confidence that they will be believed, fear that no action will be taken, and concerns that a complaint will subject them to retaliatory action or affect future job prospects. These concerns are always at the back of the Plaintiff's mind. What weighs out over this is the respect she has for the Court, the duties of the position she was sworn to uphold, her integrity, morals, and values. On all of these accounts, she would be remiss not to fight for what is fair and just.

The judiciary has been charged with policing itself, and that is a large undertaking. This requires judges to put aside their personal beliefs and biases. Judges have a responsibility to promote appropriate behavior in the workplace, and that responsibility should extend beyond one's own chambers. Judges respect one another's independence, and each is reciprocally disinclined to intrude into another's relationships with employees. But the virtues of mutual respect, independence, and collegiality should not prevent a judge or any judicial employee from intervening when necessary to protect an employee from another's inappropriate conduct. The lack of these attributes are major means for the Court to blind side the process and get away with it. Thus, fostering the atmosphere that the judiciary is above the law, as well as the spirit of because I can. This behavior erodes the distinctive value of the Judicial Branch. This behavior must not just be a written textbook statement, a show for the public, but it should be an act of accountability for responsible judges and agency officials.

The Court, on several occasions, states its goal is the creation of an exemplary environment in which every employee is not only free from harassment or inappropriate behavior but also works in an atmosphere of civility and respect. Although the Judiciary cannot guarantee that inappropriate behavior will never occur, it should ensure that every employee has access to clear avenues to report, to seek, and receive remedial action free from retaliation and misconduct.

Although remedies have been put in place, it appears judicial employees continue to sweep misconduct under the rug and/or turn a blind eye to meet their own agenda when it comes to adjudicating a fair and equitable workplace. The Plaintiff has made several appeals to the court to assist me in this matter. She has gotten responses from my agency, which the Plaintiff believes indicates continued efforts not to address misconduct in this District. Despite the request to follow the Rule of Law and the directions that have been put into place to make the judiciary accountable for their misconduct, this District continues with the status quo. They continue to ignore the opportunity for improvement and progress.

The Plaintiff had a clear right to be employed as a probation officer until it was found, after notice and an opportunity to be heard, that there was cause to terminate me. The agency and or the chief judge had a clear legal duty to continue to employ her until she was given notice and a pre-termination hearing as to the basis for the claim that there was a cause to dismiss her. The district court has the original jurisdiction of any such action. 28 U.S.C. § 1361. The district court had a fair remedy for my cause, but it appears there are many impenetrable barriers to enforcing the law and due process. It does not appear that the doors of accountability and transparency have been open when it comes to the judiciary employees. Unfair access to neutral courts, following the rule of law, false information given to Congress and other decision makers, violations of the constitution and code of ethics; the list goes on, as you can see by the findings of the working group and the Congressional hearing. These issues are happening in real time each day and citizen lives are being affected.

Drone still believes in the system, and she has the utmost respect for the judiciary in which she has served, even though she was unfairly treated, and the Plaintiff knows that my rights were violated. My position was abolished without prior notice or due process, and Drone was not allowed to respond before her

termination. Drone feels compelled to stand up for her civil rights, constitutional rights, due process rights, as well as my procedural rights. These issues were revealed in a Judicial Workplace Working Group(task force/committee) investigation, which sought to address the unfair treatment of judicial employees. Under the direction of the Supreme Court of the United States, these protections should be afforded to assist current and former employees who the Court has unfairly treated. The Plaintiff's rights reflect that the system is to ensure that their decisions are guided exclusively by the facts and the law, to seek justice, and to uphold the rights of all citizens. Drone is a citizen, and this has not been the case in her ordeal.

The Judiciary's Workplace Conduct Working Group study seeks to highlight how even with the best of intentions and efforts to create sustainable change in an agency, most implementation efforts fail, and how change requires leaders in systems to take a different approach to implementing change if we want sustainable and significant change. Rather than being a rebuke of Drone's efforts, this case seeks to highlight how the best of intentions can fall short when it comes to implementation.

Drone's allegations are serious, and she desires to have the circumstances of due process reviewed to ensure accountability and transparency, as well as to ensure the importance of trust and confidence in the work that the Court does, and to ensure that the fair administration of justice and public confidence are maintained. The record will reflect that the agency and the judge in this case have demonstrated in several areas misconduct and violation of her rights. If this judge could behave this way in a personnel matter, what is she doing in criminal matters? Will her behavior cause a blemish to the fair administration of justice or public confidence? The actions of these individuals are not consistent with the rules. Their actions are serious and could call the integrity of the criminal justice system to be called into question, as well as having a devastating consequence for how the judges and the Probation Office are perceived. Drone wants to be made whole, as she has done no wrong, and Drone appreciates and respects the work our justice system has been tasked to do. She continue to have a resolve to be an efficient and effective person in the criminal justice system and to make a difference in the lives of those she once served, and those she now serves as a form of just giving back.

The Judicial Integrity Officer (JIO) is responsible for overseeing the national Office of Judicial Integrity, whose function is to provide confidential and informal assistance to judiciary employees, judges and high-level officials on workplace conduct matters. The JIO is neither an advocate for any individual nor the judiciary, but rather is an advocate for fairness, who acts as a source of information and referral, and aids in answering individuals' questions and assists in the resolution of concerns and critical. The JIO advises conflict resolution and mediation services and provides expert guidance on the formal complaint processes. Despite several attempts to get his input on this issue, they have been futile.

CONCLUSION

The petition for a writ of certiorari should be granted based on the above information. The case should be returned to a neutral District Court for mediation, so that it can have a fair review. The Model Employment Plan offers remedies for this matter. Drone is requesting she be reinstated as a probation officer, together with back pay, and associated benefits, interest, attorney's fees, and expungement of the adverse action. Whatever other such relief as this Court deems appropriate.

Respectfully submitted,

Anteater Dione

Date: August 25, 2025