No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

Diana I. Reismann Sexton,
_____ — PETITIONER
(Your Name)

VS.

Margaret Rollins, in her official capacity Et Al.
_____ — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis.*

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

The Honorable United States Supreme Court, The Honorable Fifth Circuit Court of Appeals

The Honorable Southern District Court, Houston Division.

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

_____, or

☐ a copy of the order of appointment is appended.

Diana Sexton

_____
(Signature)

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, _____, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$ 0.-	$	$	$
Self-employment	$ 0.-	$	$	$
Income from real property (such as rental income)	$ 0.-	$	$	$
Interest and dividends	$ 0.-	$	$	$
Gifts (Birthday present)	$ 100.-	$	$	$
Alimony	$ 0.-	$	$	$
Child Support	$ 0.-	$	$	$
Retirement (such as social security, pensions, annuities, insurance)	$ 0.-	$	$	$
Disability (such as social security, insurance payments)	$ 0.-	$	$	$
Unemployment payments	$ 0.-	$	$	$
Public-assistance (such as welfare)	$ 0.-	$	$	$
Other (specify): ex- spouse food to eat and pay services deposited	$ 600.-	$	$	$
Total monthly income:	$ 600.-	$	$	$

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
unemployed since 08/10/2023			$
Advantage Surgical Partners	4400 MLK Blvd.	01/12/2026	$ I do not know yet I just
			$ started.

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
I am divorced			$
			$
			$

4. How much cash do you and your spouse have? $_____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Wells Fargo Checking account xxx8519	$ -8.99,-	$
Wells Fargo Savings account xxx3120	$ 6.52.-	$
	$	$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value _____

☐ Other real estate
Value _____

☒ Motor Vehicle #1
Year, make & model 2013 Honda DRV
Value $9,000.-

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description _____
Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
Ex-spouse	$ +/-96,000.- QDRO	(I am appelaing the property divsion in state court) $
	$	$
	$	$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
A.R.S.	my son	

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home) Are real estate taxes included? ☐ Yes ☐ No Is property insurance included? ☒ Yes ☐ No	$ 18,523.26.- (year rent)	$
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ 121.-	$
Home maintenance (repairs and upkeep)	$ 20.-	$
Food	$ 300.-	$
Clothing	$ 0.-	$
Laundry and dry-cleaning	$ 17.-	$
Medical and dental expenses	$ 15,200.- (complete treatment)	$

	You	Your spouse
Transportation (not including motor vehicle payments)	$ 100.-	$
Recreation, entertainment, newspapers, magazines, etc.	$ 0.-	$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$ 0.-	$
Life	$ 4.12.-	$
Health	$ 0.-	$
Motor Vehicle	$ (I do not know is at my ex name)	$
Other: _____	$ 0.-	$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): (I do not meet tax payment I am undemployed)	$ 0.-	$
Installment payments		
Motor Vehicle	$ 0.-	$
Credit card(s)	$ 212.- Visa debt	$
Department store(s)	$ 0.-	$
Other: dental treatment loan	$ 118.- dentist loan	$
Alimony, maintenance, and support paid to others	$ 400.- clothes for my son a year	$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 160.- license a year	$
Other (specify): _____	$ 0.-	$
Total monthly expenses:	$ 3,715.725.- (including the payment of the rent paid upfront divided by 12 and the same with the dental and medical treatment paid upfront divided by 12 months)	$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

   ☒ Yes ☐ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

    If yes, how much? _____

    If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

    ☐ Yes ☒ No

    If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

    I am unemployed, and I am 61 years old I divorced six month ago and I did not have a layer, my ex- husband lawyer deprived me of my property and I am appealing in state court. Some money was given to me and I rented an apartment, because I was sleeping in my car for four years alternating with hotels, some paid by my ex and some I paid it when I worked. I am a victim of domestic violence and I am appealing also the property division. I do not have any money now I hope the court of appelas in my divorce grant my appeal. I applied several jobs but they do not hire me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: **November 17th**, 20**25**

Xiang Yang

(Signature)

No.

In the Supreme Court of the United States

DIANA REISMANN SEXTON, *Petitioner*,

v.

MARGARETT ROLLINGS, ET AL., *Respondents.*

On Writs of Certiorari to the United States Court of Appeals for the Fifth Circuit
4:24-CV-00852

WRIT OF CERTIORARI

THE HONORABLE
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QUESTIONS PRESENTED

I- *Before the designation of English as official Language of United States signed by President Trump executive order of 03/01/2025,* petitioner employment discrimination for language and origin citing language as nondiscrimination trait observed in the International Covenant on Civil and Political Rights, the Appellate court panel to dismiss stated is a *non-self-executed treaty*, citing *Sosa vs. Alvarez-Machain*. The mentioned Covenant on its Article 2 mention *"...without distinction of...language and origin"* and on its Article 3 *"...to ensure the equal right of men and women to the enjoyment of all civil and political rights."* Those words were meant for equal protection of rights which are in certain way included in Title VII of the Civil Rights Act of 1964 Section 2000e-2.*[Section 703]* for unlawful practice.

> Is the non-self-executing treaty dichotomy under customary law a legal standard to dismiss an employment discrimination complaint for language and origin if the employer used a communication *pretext* to dismiss a qualified employee, and the kept unqualified employees under DEI ?

II- The Appellate Court Panel for self-execution treaty, cited Sosa v. Alvarez-Machain 542 U.S. 692, 731–38 (2004) for a violation of a extradition treaty for Alvarez acquittal; however, in the same case, Mexico did not mention self-executing Rio treaty, neither was applied to prof the validity of Sosa cooperation with DEA actions to bring and tried Alvarez-Machain in US courts for tortures under executive branch orders for subsequent conviction. Mexico use *pretext* self-execution treaty dichotomy

for Alvarez-Machain acquittal, while at the same time Mexico was a Rio Treaty member but selectively mentioned the extradition violation for Alvarez-Machain acquittal, leaving the Rio treaty few years later under the *pretext* of fear an invasion as Argentina had on its Malvinas Islands in 1982 by United Kingdom. Petitioner rebuttal to appellate court en banc, cited the case *Charles Williams v. the Suffolk Inc. 38 U.S. 415 13 Pet. 415 (1839)*, similarly in which this Honorable Court ruled a first hold granting *Mr. Williams* for his schooner loss of goods as *pretext* for his fishing activity he was exposed to, and obtaining a second hold against the Argentine Sovereignty of its Malvinas Islands established in 1820, by *American Citizen David Jewett, raising the Argentine flag on Malvinas Islands.* This court second ruling for Mr. Williams, contradicted at the same time the Murray v. Schooner Charming Betsey *6 U.S. 2 64 (1804)*established the Betsey Charming Cannon in which *Chief Justice Marshall in 1804*, held *"an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains"*

Is a treaty execution equally applied for international comity?

If so, considering the second ruling of this Honorable Court *in January Term, of 1839 for 38 U.S. 415, 13 Pet. 415, 10 L. Ed. 226 Charles l. Williams v. The Suffolk Insurance Company* over Argentine Sovereignty of Malvinas Island should be overturned?

LIST OF PARTIES

Petitioner: Diana I. Reismann Sexton

v

Respondents: Margaret Rollins, Robert Cizik Eye Clinic, University of Texas, McGovern Medical School

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The opinion of the court of appeals (Pet. App. 26-29) is reported at 7 Affirmed dismissal, on May 15th 2025 citing self-execution of a treaty. The opinion of the district court (Pet. App. 30-37) is published. at 28:1331. dismissed in part on June 4th 2024.

STATEMENT OF JURISDICTION

This Court has jurisdiction to hear this case which mentions rights granted by the U.S. Constitution and by a treaty United States is signatory. Justices Clement, Engelhardt, and Douglas, Affirmed dismissal, on May 15th 2025.

CORPORATE DISCLOSURES

Petitioner has no corporate disclosures.

SUMMARY OF ARGUMENT

A Justices panel of Fifth Circuit Appellate court decided an employment discrimination complaint filed by a dual citizen citing the compliance of a treaty signed by United States for non-discrimination of age, origin and language is not self-executable. Petitioner filed a complaint against Margaret Rollins Manager at Robert Cizik Eye Clinic, University of Texas, who pulled the institution to a lawsuit for her wrongdoing, prioritizing employment friendship, instead of qualifications into a public university. Rollins allowed some of her employees to mistreat, and discriminate for age, origin and language towards petitioner as *pretext* to dismiss.

The panel wrote ICCPR treaty is not self-executable citing *Sosa v. Alvarez-Machain, 542 U.S. 692, 728 (2004)* for violation of extradition treaty; Sosa claim dismissed, and Alvarez acquitted. Petitioner argues the panel erred in the cited case, because Mexico use a pretext of self- execution extradition violation to SCOTUS in *Sosa v Alvarez Machain, for Sosa* dismissal, and Alvarez acquittal but omitted in trial the Rio Treaty for reciprocal cooperation. A non-self-executing treaty dichotomy is opposed to President powers given by Art II sec 2 Clause 2 for signing treaties. ICCPR a covenant against language and origin discrimination on its Article 2 mention *"...without distinction of...language and origin"* and on its Article 3 "... *to ensure the equal right of men and women to the enjoyment of all civil and political rights."* Those words were meant for equal protection of rights which are in certain way included in Title VII of the Civil Rights Act of 1964 Section 2000e-2.*[Section 703]* for unlawful practice

STATEMENT OF THE CASE

A panel of the Honorable Court of Appeals for the fifth circuit decided an employment discrimination complaint filed by a dual citizen of Argentina and United States citing a treaty comity signed by United States for age, origin and language discrimination is not self-executable to grant petitioner appeal while at the same time United States did not have official language declared, just a *de facto* national language.

Petitioner filed a complaint against Margaret Rollins acting as manager at Robert Cizik Eye Clinic, University of Texas, who pulled the institution to a lawsuit for her wrongdoing, prioritizing employment friendship, instead of qualifications into a public university. Rollins under DEI policy clinic preferences allowed some employees to mistreat, discriminate for age, origin and language towards petitioner as *pretext* to dismiss.

Petitioner argued in the District Court and Appellate Court, that under international comity or customary law a treaty mentioning no discrimination for age, origin and language grants petitioner a right to reparation respondents injury on discriminatory actions as taking communication evaluations not related to work duties, criticism of use of first proper Castilian Spanish language and Second English language minimal accent as a *pretext* for dismissal, rather than considering credentials, qualifications and experience.

The panel dismissed petitioner complaint citing the ICCPR treaty protecting *inter alia* language discrimination sustaining that not self-execution addresses itself to the political but not the judicial department, on the principle of comity to fundamental principles. In this case petitioner is requesting relief

for Manager Rollings and some employees discriminatory actions, and written statements which damaged almost thirty years of petitioner's professional career.

STATEMENTS OF THE FACTS

Petitioner was employed at Robert Cizik Eye Clinic, hired and dismissed by respondent Margaret Rollins, who wrote at dismissal a false, discriminatory, defamatory statement over petitioner's ability to communicate, and professional actions, which injured more than twenty years of professional career. Petitioner believes is entitled to recover damages for manager's and some coworkers wrong actions. Rollins used a two-step pretext to dismiss appellant, 1) by allowing coworkers criticized petitioner first language Castilian, and second language accent in English. Rollins took a communication test to assess employee's words used to transmit a concept to a coworker. Petitioner was assigned the word *"hexagon"* to describe it to a coworker without mentioning its name. Petitioner told a coworker the hexagon definition, Rolins considered erroneous, and told petitioner to describe "hexagon" using the word "honeycomb." All this, into an university setting, where a geometrical definition is erroneous. The evaluation was not related to patients care, either described in job application. Ultimately the evaluation resulted in a *pretext* to harass and dismiss petitioner from her needed work. 2) Rollins hired younger employees before and dismissed petitioner after returning from three days medical leave.

On petitioner last workday, Rollins assigned a patient accompanied by her adult daughter. Petitioner

completed anamnesis, and tests instructed by MD resident. Then, petitioner informed patient readiness to MD resident, who directed petitioner removing patient's contact lenses. Petitioner sanitized the microscope in front of the patient, petitioner wore clean gloves all the time, petitioner completed the right procedures. The patient's daughter requested petitioner change gloves six times, not comprehending the slit lamp was sanitized, petitioner satisfied her request.

The patient consented examination, and per HIPPA legal requirement is enough if patient 1) is lucid and 2) answers. The clinic's policy is allowing family members during consultation. The patient's daughter micromanaged petitioner actions to observe her mother's contact lens, the patient's daughter criticized adjustments of sanitized slit lamp with clean gloves. Petitioner explained to patient's daughter slit lamps are used to assess patient's eyes, in that case, lens movement and subsequent tear flow, to rule out any adherence of contact lens to the cornea. Petitioner observed the patient's eye and removed the contact lens. The patient's daughter insulted petitioner, and petitioner excused herself from the room, and reported to Ramona Singleton assistant manager. Later, following Singleton's directions, petitioner reported to Rollins, who was by herself in her office. Rollins used the incident as dismissal pretext and denied petitioner call human resources. Respondent counsel on his brief, states "*petitioner had an altercation with a patient,*" and *"Ramona Singleton and other employee were present with Rollins"* is false. Respondents and patient's daughter argument about touching knobs sanitized with quaternary cloths, alcohol swab and wearing clean gloves in front of patient, resulting groundless

according to CDC Disinfection Guide: *"...ethyl and isopropyl alcohol range 40% to 100% mark kills in 10-15 seconds bacteria and viruses...Quaternary ammonium compounds (as well as 70% isopropyl alcohol, phenolic, and a chlorine-containing wipe [80 ppm]) effectively (>95%) remove and/or inactivate contaminants (i.e., multidrug-resistant S. aureus, vancomycin-resistant Enterococcus, P. aeruginosa)"* Petitioner filed complaint with Vice President, clinic's hierarchically responsible, then a EEOC complaint who gave petitioner the right to sue and filed this lawsuit.

Petitioner is a dual citizen of Argentina and United States, an Optometrist in Argentina who worked twenty years at Buenos Aires Ministry of Health, was sent in commission to Antarctica for research testing military personnel, and at early age, petitioner worked for Baylor Professor Dr. Domingo Liotta (†), at Buenos Aires Italian Hospital. Petitioner lives in U.S. for 17 years and applied a UT job as a certified ophthalmic technician, and was discriminated by some co-workers with lower certifications, some unqualified for certain ophthalmic testing, but friends with manager. Rollins failed to address the problem and dismissed petitioner by a two-step pretext: Rollins allowed her friends employees to discriminate against petitioner on her origin language, and age. Rollins retaliated by writing a defamatory statement, *"Diana does not communicate effectively..."* a sort of medical diagnosis without license Tex. Code § 165.152. Rollins writing was a malicious pretext for dismissal.

Petitioner was hired on 11/14/2022 and explained to manager her starting day petitioner had

a court's hearing for her divorce. Petitioner starting date of the petitioner was passed to 11/28/2022 as a re-hire. Petitioner never worked before at UT. During the hiring process petitioner was told to sign self-HIPPA release of medical records *"if appellant wanted the job."/sic/* Rollins told petitioner she had several positions open; petitioner requested diagnostics and was placed in pediatrics first and glaucoma later. At pediatrics, petitioner was demoted (659.257 Tex Gov. Code., Title VII Civil Rights Act, ADEA) by an assistant who struggled to instill a drop into a baby's eye, she disconnected the baby from his oxygen pump 25 CFR § 11.401 - *Recklessly endangering another person*, she rejected petitioner's help offer. The assistant instructed petitioner's *"job"* to *"push the stroller."* Petitioner tested for the Buenos Aires Ministry of Health 168 schools and 31,676 indigent children sponsored by UNICEF.

Rollins sent petitioner to glaucoma area, and she prepared a two-step pretext for dismissal corresponding deceptive practice. Additionally, clinic staff doctor Keirkhah pretended be patient for petitioner, as undercover tester, he requested middle eastern translation from English, the translator observed petitioner skills, which results an online free training.

Rollins allowed her employees friends, mobbing like actions: questioning petitioner's skills, pulling patient's medical records off petitioner's hand, stated manager's tasks Rollins did not share with petitioner. Co-workers criticized petitioner's English accent and laughed about petitioner's proper words in Castilian Spanish. Rollins dismissed petitioner using pretexts, and a clinic's tester. Petitioner complained with Vice president, to EEOC obtained the right to sue, and filed in federal court. The court dismissed 12(b)(c)

"failure to state the claim" to *pro se* part, writing the lawsuit of attorney Johnathan Mitchell's model.

Petitioner filed a lawsuit against respondents in Federal Court, Houston Division. The complaint was written on court's *pro se litigants forms.* Complaint. Magister Judge ordered pretrial conference cancelled by court. Petitioner received a threatening letter from UT attorney Solis about HIPPA violation charges, Petitioner objected §164.512 and Sent Notice and Motion Ex Rel Touhy vs Ragen request Respondent counsel sealed the case. Mr. Arroyo first argued dates over EEOC 90 days limit, Petitioner complied filling on 83rd day, counting from date petitioner received EEOC right to sue. Respondent filed Motion to stay discovery granted by Magister Judge. Petitioner opposed stay discovery. Respondent filed motion to dismiss under 12(b)(c) *"failure to state the claim"*, Petitioner opposed dismissal, Respondent filed motion to strike, denied. Judge Hanen granted in part respondent motion to dismiss against Rollins, with a leave to refile under first amendment. Petitioner sent notice to appeal and explained Petitioner's case was already filed under First Amendment and the case written from attorney Jonathan Mitchell's model, who sued six universities jointly with America First legal for similar DEI topic in admissions; petitioner for DEI preference on employment retentions. The appellate court affirmed district court ruling, for not self-executing treaties, and petitioner filed motion for rehearing *en banc*, dismissed.

ARGUMENTS

I-Prima facie. Justices erred Rule 12(b)(6) for dismissal citing *Sosa v. Alvarez- Machain, 542 U.S. 692(2004)*, self-executing extradition treaty *pretext*

mentioned in Sosa v Alvarez case. Petitioner believes that this Court ruled in Alvarez-Machain acquittal as result of Mexico omitting the Rio Treaty at trial which grants reciprocal cooperation Mexico declined. *"In 1990, a federal grand jury indicted Alvarez for the torture and murder of Camarena-Salazar, and the United States District Court for the Central District of California issued a warrant for his arrest 331 F.3d 604, 609 (CA9 2003) (en banc). The DEA asked the Mexican Government help in getting Alvarez into the United States, but when the requests and negotiations proved fruitless..." Sosa,* a Mexican local, guiding DEA agents in operation against *Alvarez-Machain,* a criminal physician who aided prolong the torture of DEA agent killed in Mexico. Alvarez alleged pretext he was kidnaped by DEA agents and brought to US for trial. Alvarez acquittal results inconsistent with executive branch secret for military operations 1) According to the U.S. Marine Corps Law of War, there is a military rule on PID (*standing rules for engagement for political reasons)* DEA agents were allowed to bring Alvarez for trial under joint with justifiable mean of urgency for protection national of international security of other signatory nation: United States. The executive branch may or may not disclose operations to judiciary *post facto. 2)* Mexico declined assistance to U.S. DEA agents authorized by Rio Treaty, to bring Alvarez to trial captured for tortures he applied to US DEA agent killed, a *Lessa Humanita* crimes prohibited by U.S. Constitution 8th Amendment, 18 U.S.C.2340A, and Convention Against Torture treaty. Considering drug cartels, a urgency threat to national security, hosted by Mexico, DEA agents were allowed to proceed, if during trial the Rio Treaty was mentioned had weighted denial of Alvarez acquittal.

A self-executing treaty produced acquittal to a criminal torturer. The procedural law prevailed over the substantive law. In 2002, Mexico left the Rio treaty alleging fear of invasion as Malvinas Islands in Argentina, by United Kingdom attacked in 1982.

A-Rebuttal: In 1804, SCOTUS ruled towards *Jared Shattuck, in Murray v. Charming Betsey, 6 U.S. 2 64 (1804).* SCOTUS *on Charming Betsey Doctrine "an act of congress ought never be construed to violate the law of the nations if any other possible construction remains."* In 1820 David Jewett American citizen, born in New London, Connecticut in June 17 of 1772, was an American Naval officer who planted the Argentine flag in the Malvinas Islands in 11/06/1820. Jewett owed allegiance to U.S. and Argentina.

In 1839, SCOTUS ruled towards *Charles Williams vs Suffolk Insurance company 38 U.S. 415, 13 Pet. 415, 10 L. Ed 226, (1839)*, claiming the Government of Buenos Aires, Argentina, under its Governor Luis Vernet captured Williams's schooner for illegal fishery of seals during United Kingdom's expansionist period. Williams in 1839 wanted to obtain a jurisdictional ruling from SCOTUS as *pretext* to continue his fishery business and deceitfully filed both 1) a recovery insurance claim alleging loss of goods 2) a question over other nation jurisdiction under insurance clam *pretext*, SCOTUS was limited to rule upon according the Charming Betsey Canon (1804) not mentioned in Williams's case. Petitioner believes SCOTUS should overturn the second hold in Williams *v Suffolk Insurance company 38 U.S. 415 13 Pet. 415 (1839)* ruling over Argentina's no sovereign of Malvinas Islands interfering *a posteriori* with Argentine Sovereignty over its Malvinas Islands, in contradiction to own Charming Betsey Canon (1804) ,

United Kingdom must return the Malvinas Islands. Here the procedural law prevailed over the substantive law of other nation, and against the Charming Betsey Cannon written by *Chief Justice Marshall in 1804*, held: *"an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains."*

The panel omitted petitioner's *prima facie* filed in complaint protected by APA *Section 7 (d) RECORD.-"... transcript of testimony and exhibits, together..." Prima facie* was on exhibit 1 on court's *forms 7for Pro Se (Rev.12/16) 5-6*, filed with complaint for employment discrimination, leave IPF, granted by, 12/07/2023 EEOC notification right to sue, 83 days timely filed 02/28/2024.

This Court ruled *"prima facie proof required is not necessarily applicable in every respect to differing factual situations." Furnco Constr. Corp. v. Waters, 438 U.S. 567, 577 (1978).*

This Court recognized, the *prima facie* case, presents a minimal burden for a plaintiff to meet. "*A plaintiff's prima facie burden is not onerous." Turner v. Kansas City S. Ry. Co.*, 675 F.3d 887, 892 (5th Cir. 2012) (quoting *Tex. Department Community Affairs v. Burdine*, 450 U.S. 248, 253 (1981), also *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 506 (1993) for *minimal burden.*

II-Self-executing treaties. The panel wrote treaties that are mentioned which U.S. is signatory are not self-executing. Petitioner argues it remain binding as matter of international comity under customary law. Non-self-executing treaties destroy equal guarantees of people's rights granted in the Ninth Amendment for no written statuses, and Fourteenth Amendment for equal protection. It results a judiciary questioning of Article II Section 2

Clause 2 of powers of the President of the United States, for signing a treaty. Ultimately, non-self-execution results in legislative accountability, Chief Justice John Marshall explained: *"[O]ur [C]onstitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the legislature."* An argument the *Founding Fathers* foreseen this issue two hundred thirty six years ago.

Self-executing treaty fits in complexity litigation over Constitutional rights Justice Alito explained in *Pearsons vs Callahan,* 555U.S. 223 (2009), *"when a Supremacy Clause it is a compromise United States assumed internationally".* The *Supremacy Clause* in the U.S. Constitution, Article VI, Clause 2, states: *treaties concluded in accordance with constitutional requirements have the status of the supreme Law of the Land.*

The ICCPR a covenant against language and origin discrimination on its Article 2 mention *"...without distinction of...language and origin"* and on its Article 3 "*...to ensure the equal right of men and women to the enjoyment of all civil and political rights."* Those words were meant for equal protection of rights which are in certain way included in Title VII of the Civil Rights Act of 1964 Section 2000e-2.*[Section 703]* for unlawful practice, which should never be allowed in public government institutions. The court panel wrote the ICCPR treaty is not self-executable citing *Sosa v. Alvarez-Machain, 542 U.S. 692, 728 (2004)* for violation of extradition treaty; Sosa, an aider of U.S. DEA agents trying to find a torturer hidden in Mexico for his tortures and killing of a DEA agent, resulted in Alvarez-Machain was acquitted for the only mention of the extradition self-executable treaty but Mexico omitted mention the Rio

self-executable treaty which allows an extraction under executive branch military procedures that can be informed or not *post facto* to the judiciary.

In a historic fact in the case *Charles Williams vs The Suffolk Insurance Company (1839)* in which similarly as in *Sosa vs Alvarez-Machain (2004),* both in which the use of a case to divert a cause of action to obtain a secondary or opposite ruling, in disregard of an international norm, applied in Sosa v Alvarez for his acquittal, but not applied for Mexico cooperation comity as signatory of the Rio treaty other self-executed treaty granting executive actions under foreign threats, enough to justified *Alvarez-Machain* conviction for his *lessa humanita* crimes. Few years later after Alvarez- Machain acquittal, Mexico exit of Rio treaty using as *pretext* the fear of invasion as happened in Argentina on its Malvinas Islands sovereignty. In the *Williams vs the Suffolk Insurance Co. 38 U.S. 415 13 Pet. 415 (1839)* this honorable court ruled a secondary hold against Argentine Sovereignty of its Malvinas Islands favoring in first hold Williams *pretext* of commercial lost claim, for his illegal fishery of seals in Argentine Sovereignty waters and land established by American Naval Captain David Jewett in 1820, who planted the Argentine flag on Malvinas Islands.

In *Shattuck vs Charming Betsey 6 U.S. 2 64 (1804)*, established The Charming Betsey Canon (1804) holding *"an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains."* Therefore, petitioner argues the use of a *pretext* of a commercial lost or policy to obtain a secondary ruling of this court affecting the sovereignty of a nation changes a treaty intention under international comity, and the United States Constitution on its Article II Section 2, Clause

2 gives the President of the United States the power to sign a treaty, and Article VI section 2 sees the mandate applicability of a supremacy clause as the law of the land, considering the purpose and the self-execution dichotomy shall not erase an international comity.

Petitioner is a *pro se litigant*, but at the same time is a constituent concerned her employment dismissal was motivated by injected hate into a public university.

III-Title VII. For *prima facie* Title VII and ADEA, do not require comparators of evidence to establish a *prima facie* case of race, national origin, and gender discrimination. Language is cited in ICCPR Art. 1, 2 and 26. *"All persons are equal before the law ...language, or social origin,..."*

In *Desert Palace, v Costa 539 U.S.at 99-100, (2003) "the conventional rule of civil litigation that generally applies in Title VII cases requires proof by preponderance of the evidence but not in any particular form, quoting Postal Serv. Bd. Of Governors v. Aikens, 460 U.S. 711, 714 (1983)"*

The incidents with petitioner happened after Argentina won soccer championship. The case combines evidence and narrative to grant age and national origin discrimination by language, communication evaluations taken by the employer to a dual citizen, with undercover staff doctor tester, while Rollins hired younger employees, retained unqualified friends, and clinic Director claimed publicly more DEI hires in ophthalmology.

Approximately 23% of people in U.S. speaks English and a second language, petitioner believes Rollins wrongdoing violated petitioner's 1st, 14th Amendment and ICCPR Art 26th .

IV-*Monopolistic practices*: Rollins warned petitioner not to apply for employment in affiliated hospitals as Lyndon Johnson, Memorial Hermann, MD Anderson, Harris Health System, Baylor, St. Luke and UT providers; resulting a monopolistic practice to deprive employment in other affiliated facilities, against Sherman Act, of a close network referral employment sustained in constituents taxes.

Rollins produced false statements for dismissal, and questionable eligibility for employment under 501 (3) (c) representing the State, who at the same time settles wrongdoing:

a) University of North Texas paid Professor Timothy Jackson $725,000 to settle a First Amendment and defamation lawsuit.
b) Baylor Medical School sovereign immunity waved on Torts Claim Act by the State settlement of 15 million dollars in Houston paid to avoid fraud charges for Dr. Cosselli, and others who worked in surgical room with uncertified personnel during cardiothoracic surgeries.
c) On 03/08/2023 Texas A&M University settled $1 Million with journalism professor Dr. Kathleen Mc. Elroy who wanted build *diverse* inclusive newsrooms with her experience at The New York Times. Respondent argument over *sovereign immunity* fails to prove Federal funds from taxes sent to public universities follow DEI non-discriminatory policies for employees and students, instead of being assigned by merit.
d) Recently, President Trump administration, DOJ fined Harvard with $200 million for failing to protect Jew students and employees on non-discriminatory policies.

The Appellate court panel disregarded exhibit with MD resident who directed petitioner, belongs to a

group publicly posted on Facebook about attack to Israel of 10/07/23 *"...Muslims in Medicine at McGovern...calls for ceasefire and Palestine liberation"* /sic/ filed in the case exhibits, a 501 (c) (3) tax exempt organization, such posting rides against IRS listed exemptions requirements ROA.491. exhibit 3-5 and against HR 3016 IGO. Petitioner strongly believes that public educational institutions should have a strong ethical presence and demotions, undercover testers and deceitful training should be sanctioned to new employees.
Title VII's proscribed conduct discrimination with respect to terms, conditions, or privileges of one's employment because of origin, using language for discrimination, first language Castilian and minimal English accent. Rollins pretext for dismissal, alike medical diagnosis, against code §165.152. *"...engaging in medical practice without the appropriate state authorization is committing an illegal act."*

The fifth circuit appellate court: Title VII *"not so limited"* overturned ultimate employment decision. Rollins took petitioner a communication evaluation masked *"as technician group activity,"* petitioner used the right definition of a geometric figure replaced by Rollins' with the word "*honeycomb"* which does not exactly describes de hexagon figure; honeycomb results a *"mass of hexagons..."*

Petitioner supplied Rollins with English as Second Language certificate by UHD, legally living for 17 years in United States.

UT has online translator services, petitioner did not produce extra expenses or special accommodation as bilingual *Lindsley v. TRT Holdings, Inc., 984 F.3d 460, 464 (5th Cir. 2021)*

This Court ruled in employment law *"on defining employer liability for discriminatory actions of supervisors," Staub v. Proctor Hospital, 562 U.S. 411 (2011).*

Labor law sets employment actions by someone's actions without authority to affect employment, in petitioner's exhibits: two co-workers wrote *"allow place two weeks' notice"* as reference to petitioner joke in company chat.

To make it clear that employment should be obtained by qualifications, training and experience:

President Trump Executive Order 13985: "Ending Radical and Wasteful Government DEI Programs and Preferencing"

Executive Order No. 14224: President Trump made English Official language. Petitioner spoke English at work, respondents discriminated minimal English accent and first proper Castilian words.

On 04/19/2024 petitioner filed Notice of Motion Touhy request ROA.99., a Motion Touhy request ROA.101. with Questionary directed to U.S. General Attorney to warrant Houston FBI Ex Rel Motion Touhy vs. Ragen Request, for production of evidence, which overrides State's Jurisdiction in investigation complaints, case was dismissed without discovery.

Respondents provided free refraction training to unqualified employees, resulting in a selective provision of benefits against university standards, which receives federal funds, spent on retained unqualified personnel to level their knowledge up, while other certified personnel ready to work has to pay the training out of pocket.

The Sherman Antitrust Act *Section 2: "prohibits monopolization, ...or allocate customers, workers, are criminal violations. Other agreements*

such as exclusive contracts that reduce competition may also violate the Sherman Antitrust Act and are subject to civil enforcement." Allocating unqualified employees through a state's network limits employment to better qualified others.

NCAA vs Alston (2021) Justice Gorsuch stated *"The NCAA is not immune from the Sherman Act because its restrictions happen to fall at the intersection of higher education, sports, and money"* Likewise in medical field, huge hospitals under nonprofit move around their employees, provide free training to unqualified employees and not retaining the better qualified, still a mystery how many unqualified DEI employees are still working or received free training to improve their skills on tax dollars constituents cannot afford to pay training for themselves or their children.

The Clayton Act, in *Section 7, forbids mergers... create a monopoly. The law also provides a private right of action based on violations of the Sherman Act or the Clayton Act. Individuals and businesses affected by a violation can sue for triple damages and seek an order against the unlawful practice."*

Under the light of an international treaty, self-executable judiciary argument, results antagonistic to the powers of the President of the United States conferred by Article II, Section 2 Clause 2, and Article VI Section 2 of the U.S. Constitution for international comity a dual citizen can cuestión if United States in own or foreign nation with such discriminatory practices in public institutions.

CONCLUSION

United States had complied to protect all people rights, the essence of a communication as the language shall not be subject of mockery or discrimination.

A *pretext* used by the courts to deter a cause of action, should be sanctioned, because it interfered with rightful due process clause, and provides secondary rulings focusing on interpretations over mandates a philosophy against the own core of the Constitution,

Petitioner respectfully request this honorable court to grant this petition of Certiorari vacate Appellate Justices order and remand the case.

Petitioner request the *January Term, of 1839 for 38 U.S. 415, 13 Pet. 415, 10 L. Ed. 226 Charles l. Williams v. The Suffolk Insurance Company* over Argentine Sovereignty of Malvinas Island second hold of this Honorable court be overturned for deceitful use of a *pretext* to obtain from this court an incompatible ruling with a doctrine of an act of Congress established in *Murray v. Schooner* Charming Betsey Cannon in which *Chief Justice Marshall in 1804*, held *"an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains"*

Respectfully submitted,

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CERTIFICATE OF SERVICE

I declare the information in this Certificate of Service is true and correct, and this document was sent on 11/17/2025 by mail to the Honorable Supreme Court of United States and to Mr. Arroyo.

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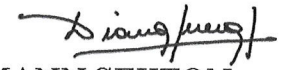
CERTIFICATE OF COMPLIANCE

I declare this document is written in Microsoft Word, font Century size 12, holding 5,528 words.
Respectfully submitted,



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