

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VALERIE PREVOST,
Petitioner,

v.

CITY OF HOUSTON,
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

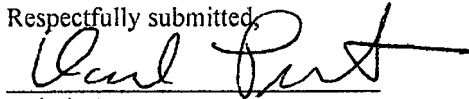
APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

Valerie Prevost
Petitioner Pro Se
13538 Forest Gully
Houston, Texas 77067
(832) 297-9379
vprevost1@yahoo.com

APPENDIX TABLE OF CONTENTS

Appendix	Description	Page
Appendix A	Opinion and Judgment of the United States Court of Appeals for the Fifth Circuit, No. 25-20264 (May 2, 2026)	App. 1
Appendix B	Memorandum and Order of the United States District Court for the Southern District of Texas (dated ')	App. 24
Appendix C	Order of the United States Court of Appeals for the Fifth Circuit Denying Petition for Rehearing and Rehearing En Banc	App. 51
Appendix D	Index of Overlooked Evidentiary Record	App. 52
Appendix E	Written Medical Restriction Notes from Petitioner's Treating Physicians Requiring No Long-Distance Walking	App. 110
Appendix F	City of Houston Workplace Incident Reports and Medical Records Concerning Petitioner's Two Workplace Falls	App. 122
Appendix G	City of Houston Documents Concerning Hazardous Workplace Conditions Affecting Petitioner	App. 135
Appendix H	Respondent's EEOC Position Statement and Supporting Record Documents	App. 147
Appendix I	Documents Reflecting Petitioner's Approved Reasonable Accommodation and Respondent's Termination of the Interactive Process	App. 162
Appendix J	City of Houston Internal Equal Employment Opportunity and Discrimination Reports	App. 185

Respectfully submitted,



Valerie Prevost
Petitioner Pro Se
13538 Forest Gully
Houston, Texas 77067
(832) 297-9379
vprevost1@yahoo.com

Dated: 8-07, 2026

APPENDIX A

Opinion and Judgment of the United States Court of Appeals for the Fifth Circuit

Case No. 25-20264

Date Issued: May 26, 2026

*The opinion and judgment of the United States Court of Appeals for the Fifth Circuit are
reproduced beginning on the following page.*

United States Court of Appeals
for the Fifth Circuit

No. 25-20264

United States Court of Appeals
Fifth Circuit

FILED

April 2, 2026

Lyle W. Cayce
Clerk

VALERIE PREVOST,

Plaintiff—Appellant,

versus

CITY OF HOUSTON, *Legal Department* LABOR and EMPLOYMENT,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-4115

JUDGMENT

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that Appellant pay to Appellee the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.



Certified as a true copy and issued
as the mandate on May 26, 2026

Attest:

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 2, 2026

Lyle W. Cayce
Clerk

No. 25-20264

VALERIE PREVOST,

Plaintiff—Appellant,

versus

CITY OF HOUSTON, *Legal Department* LABOR and EMPLOYMENT,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-4115

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

From 1993 to her retirement in 2022, Valerie Prevost was an administrative specialist in Houston's Office of Emergency Management (OEM). After her retirement, she filed an employment lawsuit against Houston, alleging theories of discrimination based on her religion, age, and disability. Because her claims are all either unexhausted or insufficiently supported, the judgment of the district court is AFFIRMED.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 25-20264

I.

Prevost works in a “high security” gated facility. In 2017, Prevost began suffering from disabilities, and her supervisor allowed her husband to drive through the gate and drop her off close to the door. This arrangement continued until 2021, when a security breach prompted OEM to change its protocols for entry onto the secure grounds. The new policy required all employees being dropped off at the entrance to submit a copy of the vehicle operator’s driver’s license and the vehicle make, model, color, and license plate number. Each time the vehicle arrived at the gate, the driver would then simply show the security guard his driver’s license. OEM affirmed that it would continue to allow Prevost’s husband access to the facility to drop her off near the building entrance as long as he followed the same security procedures as everyone else. No exceptions to this simple security regulation were granted to anyone. Prevost objected to the new security arrangement, declined to provide her husband’s driver’s license, and informed OEM that she had “no further interest” in having her husband drop her off at the door. On October 8, 2021, Prevost fell as she was walking to the door of the building.

On May 22, 2022, Prevost informed the City that she would retire on August 31. On December 22, 2022, Prevost filed a charge of discrimination with the Equal Employment Opportunity Commission, claiming she was forced to retire because Houston denied her accommodation request to be dropped off at the door of the facility.¹ In her charge, she complained about being unable to be dropped off in front of the building. She did not allege

¹ On January 10, 2023, Prevost inexplicably filed an identical amended EEOC charge.

No. 25-20264

other facts.² Her charge contains conclusory allegations of discrimination based on her age and religion, but Prevost did not include any facts to establish these claims. On July 24, 2023, the EEOC dismissed Prevost's charge and granted her the right to sue. Prevost then filed suit in federal district court.

After both parties filed motions for summary judgment, the magistrate judge recommended that summary judgment be awarded in favor of Houston. The magistrate judge's memorandum noted that most of Prevost's claims are barred because she failed to exhaust administrative remedies for all claims except for the sole issue of gate access. Furthermore, the magistrate judge ruled that Prevost did not establish a *prima facie* case of discrimination or retaliation under the ADA, the ADEA, or Title VII.

The district court adopted the magistrate judge's recommendation and dismissed the case with prejudice.

Prevost timely appealed.³

II.

"This court reviews a district court's grant of summary judgment, including on cross-motion, *de novo*." *Willis v. Barry Graham Oil Serv., L.L.C.*, 122 F.4th 149, 153 (5th Cir. 2024). "Summary judgment is appropriate when 'the movant shows that there is no genuine dispute as to

² Prevost's brief does not contain a fact section. In district court, she raised a litany of employment-related issues spanning many years. However, these issues are irrelevant to this appeal because they have not been administratively exhausted.

³ An appellant's brief must contain "citations to the authorities and parts of the record on which the appellant relies." FED. R. APP. P. 28(a)(6) and (8)(A). Prevost's brief does not meet this requirement, and "[f]ailure to comply with the rules of this court regarding the contents of briefs can be grounds for dismissing a party's claims." *United States v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994) (*per curiam*).

No. 25-20264

any material fact and the movant is entitled to judgment as a matter of law.’” *Id.* at 154 (quoting FED. R. CIV. P. 56(a)).

III.

Most of Prevost’s claims are barred because she failed to exhaust her administrative remedies. For her sole unexhausted claim, she fails to successfully make out a prima facie case of discrimination.⁴

a.

“To bring a suit under Title VII, the ADA (disability), or the ADEA (age), a complainant must file a charge of discrimination with the EEOC to exhaust [her] administrative remedies.” *Melgar v. T.B. Butler Publ’g Co., Inc.*, 931 F.3d 375, 378 (5th Cir. 2019). “[T]he crucial element of a charge of discrimination is the factual statement contained therein.” *Id.* at 379 (quoting *Price v. Sw. Bell Tel. Co.*, 687 F.2d 74, 78 (5th Cir. 1982)). The only facts contained in Prevost’s charge relate to her gate access claim. Therefore, she failed to exhaust her other claims, and they are barred.

b.

Prevost has not shown that her employer’s gate access restrictions amounted to discrimination under Title VII, the ADEA, or the ADA. “Cases of discrimination based on circumstantial evidence are subject to the *McDonnell Douglas* burden-shifting analysis.” *Davis v. Dall. Area Rapid Transit*, 383 F.3d 309, 316 (5th Cir. 2004). “To survive summary judgment under *McDonnell Douglas*, the plaintiff must first present evidence of a prima facie case of discrimination.” *Id.* “If the plaintiff presents a prima facie case,

⁴ Prevost also alleges that the Magistrate Judge was biased against her. Prevost’s argument is frivolous and does not merit extended review, except to affirm the district court’s finding that Prevost’s argument is “entirely unavailing.”

No. 25-20264

discrimination is presumed, and the burden shifts to the employer to articulate a legitimate, nondiscriminatory reason for the underlying employment action.” *Id.* “If the employer is able to state a legitimate rationale for its employment action, the inference of discrimination disappears and the plaintiff must present evidence that the employer’s proffered reason was mere pretext.” *Id.*

To establish a prima facie case of discrimination under Title VII, the plaintiff must prove that she “(1) is a member of a protected class; (2) was qualified for the position; (3) was subject to an adverse employment action; and (4) was replaced by someone outside the protected class, or, in the case of disparate treatment, shows that other similarly situated employees were treated more favorably.” *Bryan v. McKinsey & Co., Inc.*, 375 F.3d 358, 360 (5th Cir. 2004). Prevost cannot establish the fourth prong because all employees were subject to the same, simple gate access policy. All her husband—and any other person dropping off an employee at work—had to do to gain access to the secure complex was present a driver’s license to the gate guard. The fact that she and her husband voluntarily chose not to comply with this sensible security regulation does not establish discrimination.

To establish a prima facie case of discrimination under the ADEA, a plaintiff must prove that “(1) [she] was discharged; (2) [she] was qualified for the position; (3) [she] was within the protected class at the time of discharge; and (4) [she] was either i) replaced by someone outside the protected class, ii) replaced by someone younger, or iii) otherwise discharged because of [her] age.” *Dabbasi v. Motiva Enters., L.L.C.*, 107 F.4th 500, 505 (5th Cir. 2024) (quoting *Jackson v. Cal-W. Packaging Corp.*, 602 F.3d 374, 378 (5th Cir. 2010)). Prevost cannot establish that the OEM’s gate access policy discriminated against her on the basis of her age. All employees, regardless of age, were subject to the same gate access policy, and all employees could

No. 25-20264

be dropped off near the door if the driver of the car merely presented a driver's license to the gate guard.

To establish a prima facie case of discrimination under the ADA, a plaintiff must show that “(1) [she] has a disability or was regarded as disabled; (2) [she] was qualified for the job; and (3) [she] was subject to an adverse employment decision because of [her] disability.” *Nall v. BNSF Ry. Co.*, 917 F.3d 335, 341 (5th Cir. 2019). As with the above theories of discrimination, Prevost's claim under the ADA fails as well. As with any other employee, she was able to be dropped off in front of the building, provided that the driver of her car present a driver's license to the gate guard. Notably, this is not a failure-to-accommodate case, as Prevost never submitted any requests for an ADA accommodation. Even if she had, an accommodation would not have been necessary because the OEM allowed all employees to be dropped off near the entrance if they followed the standard security procedure.

To establish a retaliation claim under all three statutory schemes, a plaintiff must demonstrate “(1) she participated in a . . . protected activity, (2) she suffered an adverse employment action by her employer, and (3) there is a causal connection between the protected activity and the adverse action.” *Stewart v. Miss. Transp. Comm'n*, 586 F.3d 321, 331 (5th Cir. 2009); *Sherrod v. Am. Airlines, Inc.*, 132 F.3d 1112, 1122 (5th Cir. 1998). Prevost fails to establish any causal link between her complaints of discrimination and any adverse action. The record demonstrates that OEM took Prevost's complaints seriously and promptly forwarded them to the Office of Inspector General. Furthermore, the record is devoid of any evidence that there was a connection between Prevost's complaints and any hypothetical adverse action, such as her retirement.

No. 25-20264

For the foregoing reasons, the district court's judgment is
AFFIRMED.

APPENDIX B

Case No. 4:23-CV-04115

**Memorandum and Order of the United States District Court for the Southern District of Texas
(dated May 20, 2025)**

ENTERED

May 20, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONVALERIE PREVOST,
Plaintiff,

v.

CITY OF HOUSTON,
Defendant.§
§
§
§
§
§
§

CIVIL ACTION NO. 4:23-CV-4115

MEMORANDUM AND RECOMMENDATION

This employment discrimination and retaliation case in which Plaintiff is proceeding pro se is before the Court on Defendants' Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment.¹ ECF 80; ECF 82. Having considered the parties' submissions and the law, the Court recommends that Defendant's Motion be GRANTED and Plaintiff's Motion be DENIED.²

I. Background

Plaintiff Valerie Prevost was employed as an administrative specialist in the City of Houston's Office of Emergency Management (OEM) from 1993 until her retirement effective August 31, 2022. ECF 80-5 at 9; ECF 88 at 2. Her office was located at the Houston Emergency Center (HEC) building at 5320 N. Shepherd Dr.

¹ The District Judge referred this case to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), the Cost and Delay Reduction Plan under the Civil Justice Reform Act, and Federal Rule of Civil Procedure 72. ECF 4.

² The Court has reviewed and considered all arguments and issues raised by the parties, whether explicitly addressed herein or not.

ECF 80-5 at 17. Plaintiff began suffering from physical disabilities in 2017. ECF 80-5 at 38. Plaintiff has multiple complaints about her employment with the City from 2017 and up to the time of her retirement. The Court sets out below, in roughly chronological order, the issues raised by Plaintiff in this case:

Job Reclassification. Starting in 2019, Plaintiff began requesting a job reclassification. She contends that her job classification was incorrect because it did not align with the job duties she actually was performing. Her 2019, 2020, and 2021 reclassification requests were denied by Deputy Directors Rick Flanagan, Nickea Bradley, and Thomaz Munoz, respectively.

Computer Sabotage. Plaintiff contends that she began noticing suspicious computer activity in 2020 “when discriminatory African American female Nickea Bradley, Former Deputy Director started.” ECF 88 at 2. Plaintiff contends that Bradley fostered a discriminatory and hostile environment in the OEM and often made derogatory remarks about Plaintiff’s age. *See* ECF 82 at 3. Plaintiff believes that an unknown person or persons tampered with her City-issued laptop, deleting and altering her emails, and stealing documents. *See e.g.* ECF 90 at 14-23; ECF 80-5 at 21, 23, 35. The implication is that Bradley is somehow responsible for someone tampering with Plaintiff’s computer. *See* ECF 100 at 2 (stating that Bradley discriminated against Plaintiff and “Hamilton Howard, OEM IT administrator, gave

Bradley access to Plaintiff's network profile." Bradley resigned from the City effective July 19, 2021. ECF 80-10.

The record indicates these issues began after Plaintiff received a new laptop in 2019 and her old emails were no longer saved on the laptop. ECF 90 at 15. Plaintiff submitted a ticket to the IT service desk on August 5, 2020 seeking help retrieving her emails. *Id.* An IT representative informed Plaintiff that all emails from the prior two years should be accessible if she logs in with her "0365 credentials," but Plaintiff wanted to retrieve emails from 2014-2018. *Id.* at 17-18. The City contends that an IT investigation into Plaintiff's computer issues concluded the problems were the result of "user error," not hacking or intentional acts by other persons, but Plaintiff insists it was "an inside employee cyber-attack against Plaintiff." ECF 81-10; ECF 88.

Grant Administrator Position. Plaintiff applied for a position as a grant administrator in February 2021 and was not selected. ECF 81-2; ECF 80-5 at 27. Plaintiff filed a grievance alleging age and disability discrimination on March 26, 2021. ECF 81-3. Because the grievance alleged discrimination it was referred to City's Office of Inspector General (OIG) for an investigation. ECF 81-4; 81-5. The OIG informed Plaintiff on August 21, 2021 that "[b]ased on the differences between the educational credentials and the professional experience between you and the successful candidate for the [grant administrator] position" the OIG did not sustain

her allegations of discrimination. ECF 81-9. Plaintiff's grievance continued through the multi-step review process and after a hearing on January 12, 2022 the Grievance Review Committee upheld the OIG's conclusion. ECF 80-9.

April 2021 Performance Improvement Discussions (PIDs). While her OIG Complaint was pending, on April 12, 2021, Plaintiff had a PID meeting with her direct supervisor, Vlad Ibarra. Ibarra drafted a PID Worksheet after the meeting dated April 16, 2021 but neither Ibarra nor Plaintiff signed it. ECF 80-15. The draft PID Worksheet was marked as addressing a performance issue due to "cancellation of our quarterly goals meeting and the confrontational email tones displayed." *Id.* The April 16, 2021 PID also noted that Plaintiff repeatedly brought "the Lord Jesus Christ" into conversations. *Id.* Plaintiff disagreed with Ibarra's statements and submitted a response stating that Ibarra insulted her religion and violated her First Amendment Rights by telling her to stop talking about Jesus Christ and that she had to pray during their meeting due to the "hostile environment" he created. *Id.* Ibarra then drafted and signed an April 26, 2021 PID marked as addressing a behavior issue regarding Plaintiff's "cancellation of our quarterly goals meeting and the unacceptable communications you provided on April 12." ECF 81-17. The April 26, 2021 PID does not mention religion. Plaintiff refused to sign the April 26, 2021 PID. *Id.*

June 10, 2021 Fall. At some point in 2020, a construction project started at the HEC building to create more office space. As a result, Plaintiff was required to move offices. ECF 80-5 at 15-16. Outside of her office was a large space that was only occupied during an “activation.” *Id.* at 16. A leaky roof in the area made the carpet outside Plaintiff’s office wet. *Id.* On June 10, 2021, Plaintiff slipped and fell on the wet carpet outside her office door. *Id.*; ECF 90 at 1-5. Plaintiff did not receive medical treatment at the scene but testified that she received medical treatment at an urgent care center that day or the day after. ECF 80-5 at 12-13; ECF 90-1 at 2.

Gate Access and October 8, 2021 Fall. After Plaintiff began suffering from physical disabilities in 2017, her then-supervisor, Joe Laud, gave permission for Plaintiff’s husband to drive through the HEC gate to pick up and drop off Plaintiff close to the building entrance. This procedure remained in place without issue until September 23, 2021, when a security breach prompted stricter protocols. *See* ECF 80-12. Laud informed Plaintiff that her husband would have to provide his driver’s license and other identifying information in order to continue driving through the gate. *Id.*; ECF 80-5 at 20-22. Plaintiff was hesitant to provide personal information to the guards and insists that it was not necessary because she had been granted access permission years before. *Id.* Plaintiff told Laud that she would not provide the requested information again. ECF 80-5 at 22. Plaintiff contends that after September 23, 2021, the City forced her walk to and from the building despite her

documented disability. *Id.* On October 8, 2021, Plaintiff's legs gave out as she was leaving the building and she fell. ECF 80-5 at 7; ECF 90 at 5-7. Paramedics arrived at the scene and Plaintiff declined transportation to the hospital. ECF 90 at 7. Plaintiff's husband followed the protocol to provide identification and was granted access to drive through the front gate to pick up Plaintiff. ECF 80-14 at 2.

On November 7, 2021, Plaintiff sent an email to Chief George Buenik complaining about harassment, discrimination, and retaliation by Joe Laud relating the gate issue, and by Thomas Munoz, Vlad Ibarra, Robert Mock, and Mark Rayne related to Covid-19 compliance. ECF 80-5 at 33-34. The matter was referred to the OIG, which found no discrimination. *Id.*; ECF 80-19. The OIG noted that Plaintiff had not submitted the Medical Questionnaire required to request an ADA accommodation. *Id.*

Plaintiff's Retirement. Plaintiff submitted her resignation to the City on May 22, 2022 informing the City of her intent to retire as of August 31, 2022. ECF 80-5 at 8-9; ECF 80-8. Plaintiff testified that she resigned "mainly for retirement and two other issues: job reclassification and because my health was declining by specifically going back and forth," referring to the walk to and from the building. *Id.* However, she was able to work between May 22 and August 31, 2022. *Id.* at 7.

On August 25, 2022, Plaintiff received a medical opinion from a neurologist, Dr. Fayaz A. Faiz, that she was completely disabled and unable to work. ECF 80-5

at 7; ECF 82-9. Plaintiff applied for Social Security Disability benefits and in February 2023 the Social Security Administration found her 100% disabled and entitled to benefits. *Id.*

This Lawsuit. Plaintiff filed an EEOC charge of age, disability, and religious discrimination and retaliation on December 22, 2022, which she amended on January 1, 2023. ECF 80-6; ECF 80-7. Both the original and amended charges allege that Plaintiff was forced to retire due to being denied gate access for drop off and pick up at the front of the building. *Id.* Plaintiff's EEOC charge does not raise any of the other issues discussed above. *See id.* The EEOC issued a Notice of Right to Sue on July 24, 2023, and Plaintiff filed this lawsuit on October 19, 2023. ECF 1. Plaintiff's Complaint raises the gate issue, as well as the other issues discussed above. Both parties now seek Summary Judgment on all of Plaintiff's claims for age, disability, and religious discrimination and retaliation.

II. Summary Judgment Standards

Summary judgment is appropriate if no genuine issues of material fact exist, and the moving party is entitled to judgment as a matter of law. FED. R. CIV. P. 56(a). The party moving for summary judgment has the initial burden to prove there are no genuine issues of material fact for trial. *Provident Life & Accident Ins. Co. v. Goel*, 274 F.3d 984, 991 (5th Cir. 2001). Dispute about a material fact is "genuine" if the evidence could lead a reasonable jury to find for the nonmoving

party. *Hyatt v. Thomas*, 843 F.3d 172, 177 (5th Cir. 2016). “An issue is material if its resolution could affect the outcome of the action.” *Terrebonne Parish Sch. Bd. v. Columbia Gulf Transmission Co.*, 290 F.3d 303, 310 (5th Cir. 2002). If the moving party meets its initial burden, the nonmoving party must go beyond the pleadings and must present evidence such as affidavits, depositions, answers to interrogatories, and admissions on file to show “specific facts showing that there is a genuine issue for trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

The court construes the evidence in the light most favorable to the nonmoving party and draws all reasonable inferences in that party’s favor. *R.L. Inv. Prop., LLC v. Hamm*, 715 F.3d 145, 149 (5th Cir. 2013). In ruling on a motion for summary judgment the Court does not “weigh evidence, assess credibility, or determine the most reasonable inference to be drawn from the evidence.” *Honore v. Douglas*, 833 F.2d 565, 567 (5th Cir. 1987). However, “[c]onclus[ory] allegations and denials, speculation, improbable inferences, unsubstantiated assertions, and legalistic argumentation do not adequately substitute for specific facts showing a genuine issue for trial.” *U.S. ex rel. Farmer v. City of Houston*, 523 F.3d 333, 337 (5th Cir. 2008) (citation omitted).

When parties file cross motions for summary judgment, each motion “must be considered separately, as each movant bears the burden of establishing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of

law.” *Shaw Constrs. v. ICF Kaiser Eng'rs, Inc.*, 395 F.3d 533, 538–39 (5th Cir. 2004). Only “[i]f there is no genuine issue and one of the parties is entitled to prevail as a matter of law” can summary judgment be entered on cross motion. *Id.*

The Court applies the familiar *McDonnell Douglas* burden-shifting framework when deciding motions for summary judgment in discrimination cases based on circumstantial evidence. *Davis v. Dall. Area Rapid Transit*, 383 F.3d 309, 316–17 (5th Cir. 2004) (Title VII); *Nall v. BNSF Ry. Co.*, 917 F.3d 335, 340–41 (5th Cir. 2019) (ADA); *Goudeau v. Nat'l Oilwell Varco, L.P.*, 793 F.3d 470, 474 (5th Cir. 2015) (ADEA). “To survive summary judgment under *McDonnell Douglas*, the plaintiff must first present evidence of a prima facie case of discrimination.” *Davis*, 383 F.3d at 317 (citing *Patel v. Midland Mem'l Hosp. & Med. Ctr.*, 298 F.3d 333, 342 (5th Cir. 2002)). If the plaintiff presents a prima facie case, discrimination is presumed, and the burden shifts to the employer. *Id.* The employer must then articulate a legitimate, nondiscriminatory reason for the underlying employment action. *Id.* If the employer can state a legitimate reason for its action, the inference of discrimination disappears, and the burden shifts back to the plaintiff to present evidence that the employer’s proffered reason was merely pretextual. *Id.*

III. Analysis

The Court first addresses Defendant’s Motion for Summary Judgment before turning to Plaintiff’s cross-motion. Defendant raises several grounds for summary

dismissal of this case. First, Defendant argues that many of Plaintiff claims are barred by her failure to exhaust her administrative remedies. Second, Defendant argues that many of Plaintiff's claims are barred by the statute of limitations. Third, to the extent any claims remain, Defendant argues they should be dismissed because Plaintiff (i) cannot show constructive discharge; (ii) cannot show a prima facie case; and (iii) cannot show that the City's legitimate reasons for its actions are pretext for discrimination or retaliation. Plaintiff's Response rehashes the allegations of her Complaint. *See* ECF 88. Plaintiff's Response does not directly address Defendant's arguments or cite any legal authority in her favor. *See id.*

A. Plaintiff's claims that were not raised in her December 22, 2025 EEOC charge must be dismissed for lack of exhaustion.

Many of Plaintiff's claims are barred by her failure to exhaust administrative remedies. A plaintiff is required to exhaust her administrative remedies before pursuing Title VII, ADA, and ADEA claims in federal court. *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378-79 (5th Cir. 2002) (Title VII); *Dao v. Auchan Hypermarket*, 96 F.3d 787, 788-89 (5th Cir. 1996) (ADA); *D.A. ex rel. Latasha A. v. Houston Indep. Sch. Dist.*, 629 F.3d 450, 455 (5th Cir. 2010) (ADEA).

A plaintiff exhausts administrative remedies by filing a charge with the EEOC and receiving a right to sue letter. *Taylor*, 296 F.3d at 379. A Plaintiff's claims are limited to those claims like or related to allegations contained in the charge and growing out of such allegations. *Stingley v. Watson Quality Ford, Jackson, MS*, 836

EEOC charge is the issue with access to the gate.³ The charge does not even allude to other acts of discrimination or retaliation. The other allegations Plaintiff raises in this lawsuit—such as her computer issues, her job classification, her failure to be promoted, and being written up on PID worksheet—are not “like or related to” her allegations that her husband was denied gate access and nothing in the charge would have triggered an EEOC investigation into such allegations. Therefore, Plaintiff’s claims based on any act other than construction discharge due to denial of gate access must be dismissed for lack of exhaustion.

B. Plaintiff’s claims based on actions that occurred prior to February 25, 2022 are barred by the statute of limitations.

A plaintiff must file a charge of discrimination with the EEOC within 300 days of the alleged discriminatory act. *Fort Bend County, Texas v. Davis*, 587 U.S. 541, 544 (2019) (Title VII); *Ramirez v. City of San Antonio*, 312 F.3d 178, 181 (5th Cir. 2002) (ADA). *Tyler v. Union Oil Co. of California*, 304 F.3d 379, 384 (5th Cir. 2002). It is undisputed that Plaintiff filed her EEOC charge on December 22, 2022. ECF 80-5 at 8; ECF 80-6. Plaintiff may proceed only on claims based on discriminatory acts that occurred after February 25, 2022. Thus, all of Plaintiff’s

³ Plaintiff’s EEOC charge mentions religious discrimination, but her factual allegations relate only to gate access and are in no way connected to religion. ECF 80-6. To the extent the mention of freedom of religion in the EEOC charge can be interpreted as raising Plaintiff’s complaints about her First Amendment rights being violated in connection with the April 2021 PID, such claims are time-barred as discussed in Section III.B.

claims except for her alleged constructive discharge due to the City's continuing refusal to allow her husband to enter the HEC gate to pick up and drop off Plaintiff at the front door of the building are time-barred and must be dismissed with prejudice.

C. Plaintiff cannot meet her burden to show a prima facie case of disability, age, or religious discrimination, or retaliation, based on the denial of gate access.

In order to make a prima facie case of discrimination under Title VII and the ADEA, Plaintiff must show she (1) is a member of a protected class; (2) was qualified for the position; (3) was subject to an adverse employment action; and (4) was replaced by someone outside the protected class or other similarly situated employees were treated more favorably. *Ray v. Columbia Brazoira Indep. Sch. Dist.*, No. 24-20227, 2025 WL 1219191, at *5 (5th Cir. Apr. 28, 2025). The elements of a prima facie case of discrimination under the ADA are that Plaintiff: (1) has a disability or was regarded as disabled; (2) was qualified for the job; and (3) was subject to an adverse employment decision because of her disability. *Nall v. BNSF Ry. Co.*, 917 F.3d 335, 340-41 (5th Cir. 2019).

The elements of a retaliation claim are the same under Title VII, the ADA, and the ADEA. Plaintiff must show: (1) she engaged in protected activity; (2) she suffered an adverse employment action; and (3) a causal link between the adverse employment action and the protected activity. *Sherrod v. Am. Airlines, Inc.*, 132

F.3d 1112, 1122 (5th Cir. 1998) (ADA and ADEA); *Hernandez v. Yellow Transp., Inc.*, 670 F.3d 644, 657 (5th Cir. 2012) (Title VII). In the retaliation context, an adverse employment action is one that “well might have dissuaded a reasonable worker from making or supporting a charge of discrimination.” *Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53, 68 (2006). A Plaintiff must show that the adverse action would not have been taken “but-for” the retaliation. *Univ. of Texas Sw. Med. Ctr. v. Nassar*, 570 U.S. 338, 352 (2013).

Defendant’s first argues that Plaintiff cannot show she was subjected to an adverse employment decision because she cannot meet the standards for constructive discharge. A constructive discharge occurs when a plaintiff shows that her working conditions were so intolerable that a reasonable employee would have felt compelled to resign. *Green v. Brennan*, 578 U.S. 547, 555 (2016).

Given Plaintiff’s obvious physical disability and difficulty walking, the Court will assume for current purposes that Plaintiff has created a genuine issue of material fact as to her constructive discharge. In addition, Plaintiff does not need to prove constructive discharge for purposes of her retaliation claims, which require her to show only an adverse action that would have dissuaded a reasonable employee from engaging in protected activity. In this case, it is not necessary for the Court to make a definitive ruling on constructive discharge to rule on the pending summary judgment motions because Plaintiff cannot meet the causation element of a prima

facie case of discrimination or retaliation under Title VII, the ADA, or the ADEA based on the denial of gate access.

Taking all of the evidence in the light most favorable to Plaintiff, the record contains no evidence of a causal connection between the denial of gate access and Plaintiff's disability, age, religion, or protected activity. It is undisputed that Joe Laud gave Plaintiff the accommodation of having her husband enter the gate to pick her up and drop her off at the front of the building sometime in 2017. The record conclusively shows that the rules for gate access changed in September 2021. ECF 80-5 at 20-21; ECF 80-12. Joe Laud sent Plaintiff an email on September 23, 2021 informing her that she needed to give the guards her husband's name, license number, pictures of her and her husband's ids, vehicle make/model/color, and license plate. ECF 80-12 at 5-6. Plaintiff responded that she was already approved to go through the gate and has provided the requested information before. *Id.* at 5. She stated "[d]ue to hav[ing] so many different guard changes, we can't provide the license. We have been victims of identity theft, we don't give our information out unless we are doing business." *Id.* Plaintiff interpreted the request for the information again as an indication it had been lost and further stated "I am not willing to take that chance with the information being exposed. Since you are putting this mandate in place, I will figure out how to get to the gate to be picked up." *Id.* Laud explained that he was directed to ask for the information at that time because new

protocols were being implemented for all “staff who will be requesting approval for similar procedures for pickup/drop off to/from HEC.” *Id.* at 4. Again, Plaintiff responded that she had previously provided the information and would not do it again because they lost it. *Id.* Again, she stated “since this is the new mandate, I will try to walk to the gate.” *Id.* Plaintiff complained about the new protocols in a September 26, 2021 email asking why the guards did not still have her husband’s the license plate information and asking why they are compromising her safety when she was not responsible for the recent security breaches. *Id.* at 3. After her October 8, 2021 fall, she sent another email to Joe Laud complaining about not being allowed to have her husband enter the gate despite having had approval for years, and expressing concern about giving personal information to guards that she doesn’t know when the City has had the information for years. *Id.* at 2. Laud again explained that the new protocols were for the safety of everyone. *Id.* at 1.

In November, in an apparent attempt to be helpful, Chris Newsome, who had worked for the former HEC security provider, sent the information she had on file for Plaintiff’s husband to Joe Laud. ECF 80-13 at 3. Because Newsome apparently did not have Plaintiff’s permission to share the information, Laud told her to keep it confidential. *Id.* at 2. Plaintiff, having been copied on the email exchange, reiterated to Laud that she had already been approved for 6 ½ years due to her disabilities and stated “[i]t is apparent you are not trying to approve this request.” *Id.* at 1. Plaintiff

clearly stated: There is no further interest in clearance, please discard.” *Id.*

The evidence summarized above shows that gate access was denied because Plaintiff refused to provide the necessary information for her husband to be approved for entry under new protocols that took effect in September 2021. The fact that Plaintiff had previously submitted the required information and did not think it was fair to have to do it again does not make the City’s requirement, which Plaintiff concedes was applied equally to all employees (ECF 80-5 at 15, 23), discriminatory or retaliatory. Plaintiff’s fervent belief that she was treated unfairly is not enough to create a genuine issue of material fact on her claims for violation of federal anti-discrimination statutes. *See E.E.O.C. v. Louisiana Off. of Cmty. Servs.*, 47 F.3d 1438, 1448 (5th Cir. 1995) (recognizing that the Fifth Circuit has “consistently held that an employee’s subjective belief of discrimination, however genuine, cannot be the basis of judicial relief.”). Plaintiff has no evidence that any younger person, non-disabled person, or non-Christian person was treated more favorably than she was treated. In fact, Plaintiff’s claim is that the City unfairly denied her husband gate access *despite* her documented disability, not *because of* her disability.

Finally, this is not a case about Defendant’s failure to grant Plaintiff a reasonable accommodation under the ADA. To succeed on a failure to accommodate claim, Plaintiff must show that: (1) she is a qualified individual with a disability; (2) her disability and its consequential limitations were known to the

City; and (3) the employer failed to make reasonable accommodations for her known limitations. *Patton v. Jacobs Eng'g Grp., Inc.*, 874 F.3d 437, 442 (5th Cir. 2017). “If the employee fails to request an accommodation, the employer cannot be held liable for failing to provide one.” *Way v. City of Missouri City*, 133 F.4th 509, 517 (5th Cir. 2025) (citation omitted). Here, it is undisputed that Plaintiff is disabled and the City knew it. Plaintiff submitted medical evidence to support her request for intermittent FMLA leave, which the City granted. ECF 82-5; ECF 82-6; ECF 82-7. However, the record contains no evidence showing that Plaintiff submitted the required paperwork, including a Medical Questionnaire, to request an ADA accommodation. *See* ECF 80-19. As a corollary, the record contains no evidence showing that Defendant denied Plaintiff an ADA accommodation. Indeed, the City expressly informed Plaintiff that she did not need an ADA accommodation for her husband to be granted gate access, she simply had to provide the requested identifying information. ECF 80-5 at 25; ECF 80-14. Plaintiff choose not to comply.

D. Plaintiff is not entitled to summary judgment.

Plaintiff’s Motion for Summary Judgment is conclusory and does not explain how the attached evidence supports the elements of her Title VII, ADA, and ADEA claims. *See generally* ECF 82; ECF 100; ECF 102. For example, Plaintiff submits her employee evaluations showing she performed her job well, but the City has not disputed that Plaintiff was qualified for her position and there is no issue in this case

related to Plaintiff's job performance. ECF 82-1. Plaintiff submits evidence from the OIG's investigation of complaints against Nikea Bradley, but Bradley resigned on July 19, 2021 and this evidence is not relevant to Plaintiff's claims in this case. ECF 82-2. Further, the Court notes that the "Analysis" section of Plaintiff's Motion appears to have been pasted from an unrelated case and does not relate in any way to the specific claims and facts in this case. ECF 82 at 6.

In connection with Defendant's Motion for Summary Judgment, the Court considered the entire record in the light most favorable to Plaintiff and found that Plaintiff failed to meet her burden to create a genuine issue of material fact on required elements of her Title VII, ADA, and ADEA claims. It follows that Plaintiff cannot show that she is entitled to summary judgment in her favor on these claims.

IV. Conclusion and Recommendation

For the reasons discussed above, the Court RECOMMENDS that Defendant's Motion for Summary Judgment (ECF 80) be GRANTED and Plaintiff's Motion for Summary Judgment (ECF 82) be DENIED.

The Clerk of the Court shall send copies of the memorandum and recommendation to the respective parties, who will then have fourteen days to file written objections, pursuant to 28 U.S.C. § 636(b)(1)(C). Failure to file written objections within the time period provided will bar an aggrieved party from attacking the factual findings and legal conclusions on appeal. *Douglass v. United Servs. Auto.*

Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), superseded by statute on other grounds.

Signed on May 20, 2025, at Houston, Texas.


Christina A. Bryan
United States Magistrate Judge

APPENDIX C

Order Denying Petition for Rehearing and Rehearing En Banc

United States Court of Appeals for the Fifth Circuit

The order denying rehearing and rehearing en banc is reproduced beginning on the following page.

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 18, 2026

Lyle W. Cayce
Clerk

No. 25-20264

VALERIE PREVOST,

Plaintiff—Appellant,

versus

CITY OF HOUSTON, *Legal Department* LABOR and EMPLOYMENT,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-4115

ON PETITION FOR REHEARING
AND REHEARING EN BANC

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

The petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 40 and 5TH CIR. R. 40), the petition for rehearing en banc is DENIED.

No. 25-20264

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

VALERIE PREVOST,
Plaintiff - Appellant

v.

CITY OF HOUSTON, LEGAL DEPARTMENT, LABOR AND EMPLOYMENT,
Defendants - Appellees

Case No. 25-20264

On appeal from Civil Action No. 4:23-CV-04115 in the United States District Court for the Southern District of Texas, Houston Division

PETITION FOR PANEL REHEARING

I. INTRODUCTION

VALERIE PREVOST, *Appellant* respectfully petitions for panel rehearing en banc because the Court erred in concluding that no genuine dispute of material facts exist and controlling legal issues, including Plaintiff's under the Americans with Disabilities Act and evidence of an unsafe and discriminatory work environment.

(A) VALERIE PREVOST, *Appellant* state with particularity each point of law or fact that the petitioner she believes the court has overlooked or misapprehended; and
(B) argue in support of the petition.;

The Court's decision to affirm the judgment did not adequately address the civil rights and disability discrimination case against the City of Houston, a municipal employer. This case involved violations of the Americans with Disabilities Act (ADA) 1990 makes it unlawful to discriminate in employment against a qualified individual with a disability, Title I include failure to provide reasonable accommodations, discrimination, unsafe workspace, physical barrier-(gate access). Additionally, Title VII of the Civil Rights Act of 1964, which is also part of the Rehabilitation Act of 1973, since Appellee City of Houston receive federal funding. The evidence and arguments presented demonstrate that Valerie Prevost, Appellant a municipal disabled employee, was subjected to hazardous working conditions in

her office, with a leaky roof and wet carpet, where Prevost fell. Despite Appellee City of Houston having knowledge of these conditions, the employer failed to take appropriate action. *Employer's Knowledge of workplace hazards and picture of the hazard, Roof report (ROA volume 667602- page 345-365) Doctor certification for disability, (ROA volume 667607- page 2.-21, volume 667606 page 383-399, 66707 page 22-47)*

The panel opinion conflicts with controlling Fifth Circuit precedent governing failure-to-accommodate under the Americans with Disabilities Act. In *Feist v. Louisiana Department of Justice*, 730 F.3d 450 (5th Cir. 2013), this Court reversed summary judgment and held that denial of reasonable accommodation constitutes actionable discrimination under the ADA. In *Cutrer v. Board of Supervisors of Louisiana State University*, 429 F.3d 108 (5th Cir. 2005), the Court likewise reversed in part and held that once an employer has knowledge of an employee's disability, it must engage in a good-faith interactive process to determine reasonable accommodation. In *EEOC v. LHC Group, Inc.*, 773 F.3d 688 (5th Cir. 2014), the Court reversed dismissal and reaffirmed that employer knowledge of a disability combined with failure to accommodate establish liability. Similarly, in *Neely v. PSEG Texas, Ltd. Partnership*, 735 F.3d 242 (5th Cir. 2013), the Court reversed and held that employers may not ignore or summarily reject accommodation requests without proper consideration.

The panel opinion conflicts with controlling precedent and overlooks material facts relevant to liability under the Americans with Disabilities Act. The record reflects Appellant Prevost, a qualified individual with a known disability. *Appellant* Prevost experienced two workplace falls caused by hazardous conditions, including leaking ceilings and wet carpeting, and the accommodation change which forced Prevost to walk to and from the gate with her disability. The City of Houston never provided access or an alternative after Prevost fulfilled all gate requirements. Prevost followed up and was told by Joe Laud, "Until further notice." never let Prevost and Husband caregiver back through the gate, which caused Prevost to fall. *City of Houston Incident reports (ROA volume 667603 page 174-176, volume 667602 page 366-370)*

The City of Houston was fully aware of both the appellant disability and the unsafe conditions but nonetheless revoked previously granted accommodations. Despite knowing about Prevost Appellant disability, the City revoked accommodation that had been in place for six years and did not address the hazardous conditions that led to injuries. The panel did not adequately consider these critical factors, which conflict with established legal precedent and justify rehearing. **Harassment/Hostile Work Environment:** Forcing an employee to perform painful tasks (like walking

long distances/ unsafe working environment) specifically because of their disability constitute "severe or pervasive" harassment.

II. III. ARGUMENT

A. The Panel Opinion Conflicts with Fifth Circuit Precedent

This Court has consistently held that the ADA and Title 1 imposes a continuing duty on employers to provide reasonable accommodations and to engage in a good-faith interactive process.

In *Loulseged v. Akzo Nobel Inc.*, 178 F.3d 731, 735–36 (5th Cir. 1999), this Court recognized that both employer and employee must participate in the interactive process. In *EEOC v. Chevron Phillips Chemical Co.*, 570 F.3d 606, 621–22 (5th Cir. 2009), the Court held that an employer's failure to engage in that process constitute actionable discrimination. Likewise, in *Feist v. Louisiana Department of Justice*, 730 F.3d 450, 452–54 (5th Cir. 2013), the Court confirmed that the denial of a reasonable accommodation is itself a form of discrimination under the ADA.

The panel's decision erred to meaningfully apply these principles. It does not address the City's unilateral revocation of six-year accommodation, nor its failure to provide any alternative or engage in the required interactive process.

B. The Decision Conflicts with Persuasive Authority from Other Circuits

Other circuits uniformly hold that an employer may not withdraw an effective accommodation without justification or replacement.

For example, in *Isbell v. John Crane, Inc.*, 30 F.4th 1264, 1277–78 (11th Cir. 2022), the Eleventh Circuit recognized that removing an accommodation without providing an alternative violates the ADA. Similarly, the Sixth Circuit in *EEOC v. Ford Motor Co.*, 782 F.3d 753, 761–63 (6th Cir. 2015) (en banc), emphasized the employer's obligation to provide reasonable accommodations tailored to the employee's limitations.

Courts have also recognized that an employer's failure to address known workplace hazards affecting a disabled employee give rise to liability. See *Colwell v. Rite Aid Corp.*, 602 F.3d 495, 504–05 (3d Cir. 2010). **Searls v. Johns Hopkins Hospital:** Addressed an employer's failure to provide necessary environment adjustments for an employee's physical limitations, emphasizing that the employer

an "interactive process" once notified of the disability. **Roby v. McKesson Corp.:** A landmark case where an employer's harassing behavior toward a disabled employee—including forcing them to perform unnecessary physical tasks and social ostracization—resulted in a massive verdict for disability harassment.

The panel's erred to reconcile its decision with these authorities creates inconsistency in the application of federal disability laws.

C. The Panel Overlooked Material Facts

The panel did not meaningfully address critical, undisputed facts, including:

- The City's actual knowledge of *Appellant* disability.
- The existence of six-year accommodation that was effective and safe;
- The City's revocation of that accommodation without justification.
- The presence of known hazardous conditions; and
- The causal connection between those conditions and *Appellant* injuries. Doctor confirming injuries (ROA volume 667602 page 189-194)
- The issues and falls caused Prevost to become 100% disabled, requiring constructive discharge. SSDI Disability confirmed (*ROA volume 667603 page 147-148*)

These facts are central to ADA liability and Title I. Their omission constitutes clear errors and materially affected the outcome.

III. REHEARING IS WARRANTED

Rehearing is appropriate because the panel's decision conflicts with prior decisions of this Court and raises questions of exceptional importance regarding the scope of an employer's duty under the ADA.

Absent a rehearing, the decision risks undermining established protections for disabled employees and creating uncertainty about employers' obligations to maintain reasonable accommodations and safe working conditions.

IV GROUNDS FOR REHEARING

1. Failure to Address ADA and Title I serious issues

The Court did not adequately analyze Plaintiff's rights under the Americans with Disabilities Act and Title I. Plaintiff presented evidence showing:

VALERIE PREVOST, *Appellant*, is a qualified individual with a medical disability as certified by doctors.

Defendant City of Houston had knowledge of Plaintiff's disability and medical accommodation for 6 years, confirmed by her supervisor and HEC Director prior to accommodation being illegally revoked. (*ROA volume 667602-page 306-308 picture-page 328*)

City of Houston Defendant Reasonable accommodation and safety obligations were not met, by not providing an alternative to gate access for Prevost a disabled Employee who is medically disabled for painful mobility yet made disable employee walk to and from the building where she worked and fell. Joe Laud never let Prevost and her husband, who is her caregiver back through gate after all information was provided, he stated until further notice email from Joe Laud, COH, Director confirmed didn't need accommodation policy to be approved through gate. (*ROA volume 667602 page 324-325, 312-315*)

The City of Houston reason to revoke gate access is because they stated she did not provide medical documentation under City of Houston Position Statement when her disability medical was on file at the City of Houston from her medical doctors for 6 years. VALERIE PREVOST – *Appellant*, after providing all information, Prevost and husband were never let back through the gates. (*ROA Doctor certification for disability, (ROA volume 667607- page 2.-21, volume 667606 page 383-399, 66707 page 22-47)* Position Statement (*ROA volume 667602 page 288*)

The Court's opinion provided limited consideration of the relevant ADA and Title I issues and supporting evidence.

2. The Court erred in considering all Unsafe Working Conditions relevant to the ADA and Title I

The record includes evidence that the workplace was unsafe for disabled employee and never should have been in this horrible condition according to COH Policy and OHHA violation VALERIE PREVOST, *Appellant*, including:

- Roof leakage and wet carpet identified in VALERIE PREVOST, *Appellant*, office workspace.
- Wet and hazardous carpeted areas where the employee's office was.
- Known maintenance issues reported by the City of Houston as evidence.

Despite this evidence, the Court did not properly evaluate the employer's knowledge or erred to correct these hazardous conditions. *Employer's Knowledge of workplace hazards and picture of the hazard, Roof report (ROA volume 667602- page 345-365) Doctor certification for disability, (ROA volume 667607- page 2.-21, volume 667606 page 383-399, 66707 page 22-47)*

3. The Court erred in addressing material evidence and Material Fact

VALERIE PREVOST, *Appellant*, submitted OIG complaint forms, employees' affidavits, and supporting documentation showing: Title VII of the Civil Rights Act of 1964. OIG Workplace Environment discrimination for other employees who experience discrimination in the OEM office, including disability, U.S. law often calls **"reverse discrimination " or " racism** against white employees, sexual orientation, religion, disability, and age from an African American female deputy director in the OEM Department. OIG, *Affidavits, complaint forms (ROA volume 667602 page 251-287) Graham v. Ford (Michigan Dept. of Corrections) Outcome: Court allowed the claim to proceed*

- VALERIE PREVOST, *Appellant* Repeated reporting of unsafe conditions and request to be moved. Prevost was denied, and she should never have been in this unsafe working environment as a disabled employee.
- Employer awareness of the hazards of making VALERIE PREVOST, *Plaintiff – Appellant, fall and cause injuries is confirmed by doctor reports*
- Ongoing failure to correct dangerous conditions forced disabled Valerie Prevost Appellant, to walk to and from the gate, despite her mobility issues, and kept her in the office, which had leaky roof and wet carpet conditions that caused her to fall in both incidents.

The Court erred did not fully addressing or analyzing this evidence.

4. Causation and Injuries

The Court erred consider Appellant's injuries.

5. Discriminatory Environment and Unsafe Work Environment under the Law

workplace safety, discriminatory, and disability-related discrimination that were not addressed in the Court's opinion.

6. The Court's decision erred in addressing the OEM's discriminatory environment against other employees. *OIG, Affidavits, complaint forms (ROA volume 667602 page 251-287)*

7. The Court's decision did not address at all age discrimination and religion, as well as the retaliation of deleted government emails and documents in this case.

8. VALERIE PREVOST, *Appellant*, was forced to retire due to injuries from falls and her issue of Physical pain and suffering under constructive discharge. Prevost's plan was to get her full benefit at retirement. **Appellant Letter of Resignation (ROA. volume 667605 page 157)**

Table of Authorities/

- The Court did not evaluate under key laws: ADA (Title I) - ADEA- Title VII- Texas Labor Code, §§ 21.051, 21.055 The Court erred to apply the correct standards, analyzed evidence adequately, and viewed facts. (see *Tolan v. Cotton*, 572 U.S. 650 (2014)). *Appellants'* experience under federal and state anti-discrimination laws resulted in a denial of a fair adjudication. Appellant respectfully requests that this Court reverse the Defendant City of Houston's summary judgment and grant Plaintiff summary Judgement with proper legal standards. Case *Reeves v. Sanderson Plumbing Product*, **Outcome: Supreme court ruled unanimously (9-0 in favor of the plaintiff (Reeves on June 12,2000, reversing the court of appeal decision)**
- **Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000)** The Supreme Court ruled that if a plaintiff proves a prima facie case of discrimination and shows the employer's explanation is false, a fact finder may infer intentional discrimination. The Court stated that disbelieving the employer's explanation, combined with the prima facie case, can establish intentional discrimination.

- **Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993)**
Outcome: The Supreme Court held that a Title VII hostile work environment claim does not require proof of psychological injury. It is enough for the harassment to be objectively hostile or abusive, as perceived by a reasonable person and subjectively by the victim. The District Court's requirement for evidence of psychological harm was incorrect, leading to its judgment in a "close case." The Supreme Court reversed.
- **United States v. Nixon, 418 U.S. 683 (1974)** Topic This case underscores that **no official, including judges**, may ignore the law or binding precedent. Judicial decisions must be based on established legal principles and explained with proper reasoning.
- **EEOC v. The Princess Martha (2026)**: A federal court upheld a jury verdict where management failed to engage in the "interactive process" for an employee's medical needs. The court noted that ignoring proactive disclosures of a condition constitutes reckless indifference.
- **EEOC v. Kroger (2026)**: The EEOC recently sued over the removal of existing accommodations, arguing that stripping a disabled worker of necessary environmental support violates the ADA.
- **Strife v. Austin ISD (2024)**: This case involved claims of a hostile work environment and failure to accommodate physical limitations. While the court initially dismissed some claims, it highlighted that employers must provide functional adjustments to overcome physical workplace barriers

Premises Liability Argument (Texas Law) Premises Liability – Negligence of the City of Houston-The City of Houston owed Plaintiff Valerie Prevost a duty to exercise ordinary care to keep its premises in a reasonably safe condition and to protect invitees from unreasonable risks of harm. This duty is heightened where the property owner has **actual knowledge of dangerous conditions** and of a plaintiff's **known physical limitations**. Plaintiff suffers from a documented disability affecting her lower extremities, including weak legs, muscle weakness, nerve pain, muscle atrophy, and a high risk of falling. These limitations substantially impair her ability to walk long distances or stand for extended periods. The City of Houston had **actual notice** of Plaintiff's condition through medical documentation, Health Care provider certification on file with the City of Houston from **2017 through 2022**

On **October 8, 2021**, Prevost fell on Defendant's property **outside** on concrete walkways due to being forced to walk to and from the gate, knowing of Prevost's disability, and on **June 10, 2021**, Plaintiff fell on unsafe areas of Defendant's property, her exterior office areas affected by a **leaking roof, wet carpet, and**

ongoing construction activity. These conditions constituted unreasonably dangerous hazards that the City of Houston created or allowed them to persist.

Defendant failed to: Repair or remediate the hazardous conditions, Warn Plaintiff of the known dangers, and take reasonable precautions considering Plaintiff's known disability.

As a direct and proximate result of Defendant's negligence, Plaintiff suffered additional serious injuries, including **Carpal Tunnel Syndrome, Cervical Radiculopathy, and Lumbar Radiculopathy**, transforming a lower-extremity disability into permanent **upper and lower extremity impairment**. Plaintiff is now **100% disabled** and unable to work.

V. CERTIFICATE REQUIRED BY 5TH CIR. R. 40.2.2

I certify that:

- This petition is made in good faith and not for delay; and
- The issues presented meet the standards for rehearing consideration under Fed. R. App. P. 35(a), 42 U.S.C. § 12112(b)(5)(A)
- Fed. R. App. P. 40(d)(2) and 5th Cir. R. 40.2.2.

IV. REQUEST FOR RELIEF

1. For the reasons stated above, VALERIE PREVOST, – *Appellant* respectfully requests that the Court grant:
2. Rehearing to correct the legal and factual oversights in the Court's prior decision.
3. Reverse Summary Judgement grant for VALERIE PREVOST, – *Appellant who filed* Summary Judgement as well.
4. Dismiss case in favor VALERIE PREVOST, – *Appellant under ADA, Title I and Title VII violation of the laws.*

V. CONCLUSION

For these reasons, the Petitioner Valerie Prevost Appellant respectfully requests that the panel grant Petitioner requests a rehearing. Therefore, respectfully asks vacate the panel's decision, and issue an opinion consistent with controlling precedent.

Respectfully submitted on April 28, 2026, to prose filing,

((s)) Valerie Prevost

Valerie Prevost
Appellant, Pro Se

Valerie Prevost
13538 Forest Gully
Houston Texas
832 297-9379
Vprevost1@yahoo.com
Pro Se Valerie Prevost

Word of the LORD AUTHORITIES

Deuteronomy 1:17 states: "Do not show partiality in judging; hear both small and great alike. Do not be afraid of anyone, for judgment belongs to God."

Word of the Lord God:

Deuteronomy 16:18 (NKJV) states: "You shall appoint judges and officers in all your gates, which the Lord your God gives you, according to your tribes, and they shall judge the people with just judgment." This verse emphasizes the importance of appointing judges and officials to ensure justice and fairness in governance.

b. Leviticus 19:15 (NKJV): You shall do no injustice in judgment. You should not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor.

Word of the Lord: Revelation 21:8 (NKJV);

"But the cowardly, unbelieving, abominable, murderers, immoral, sorcerers, idolaters, and all liars shall have their part in the lake which burns with fire and brimstone, which is the second death."

The Word of the Lord God: Proverbs 29:7 "The righteous care about justice for the poor, but the wicked have no such concern."

Word of the lord: James 2:4 *“Have you not made distinctions among yourselves and become judges with evil thoughts?”*

Word of Lord God: Isaiah 10:1-4 *Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless..³ What will you do on the day of reckoning, when disaster comes from afar? To whom will you run for help? Where will you leave your riches?⁴ Nothing will remain but to cringe among the captives or fall among the slain. Yet for all this, his anger is not turned away, his hand is still upraised.*

WORD OF THE Lord: Luke 11:46 New International Version

⁴⁶ Jesus replied, “And you experts in the law, woe to you, because you load people down with burdens they can hardly carry, and you yourselves will not lift one finger to help them.

Respectfully submitted

((s)) Valerie Prevost

Valerie Prevost
Appellant, Pro Se

Valerie Prevost
13538 Forest Gully
Houston Texas
832 297-9379

CERTIFICATE OF COMPLIANCE

This petition complies with the type-volume limitations of Fed. R. App. P. 40 because it contains 3,350 words. This document is 13 pages.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by ProSe e-service system and via email e-service on 04/28/2026, the following counsel of record:

ARTURO G. MICHEL

City Attorney

Donald B. Hightower

Senior Assistant City Attorney

donald.hightower@houston.tx.gov

Samantha Cobb, Assistant City Attorney

Samantha.cobb@houston.tx.gov

Majorie Cohen, Senior City Attorney

majorie.cohen@houston.tx.com

CITY OF HOUSTON LEGAL DEPARTMENT

900 Bagby, 4th Floor

Houston, Texas 77002

Telephone: 832.393.6429

Facsimile: 832.393.6259

Defendants-Appellees City of Houston, Legal Department.

a municipal disabled employee, was subjected to hazardous working conditions in her office, with a leaky roof and wet carpet, where Prevost fell. Despite Appellee City of Houston having knowledge of these conditions, the employer failed to take appropriate action. *Employer's Knowledge of workplace hazards and picture of the hazard, Roof report (ROA volume 667602- page 345-365) Doctor certification for disability, (ROA volume 667607- page 2.-21, volume 667606 page 383-399, 66707 page 22-47)*

The panel opinion conflicts with controlling Fifth Circuit precedent governing failure-to-accommodate under the Americans with Disabilities Act. In *Feist v. Louisiana Department of Justice*, 730 F.3d 450 (5th Cir. 2013), this Court reversed summary judgment and held that denial of reasonable accommodation constitutes actionable discrimination under the ADA. In *Cutrer v. Board of Supervisors of Louisiana State University*, 429 F.3d 108 (5th Cir. 2005), the Court likewise reversed in part and held that once an employer has knowledge of an employee's disability, it must engage in a good-faith interactive process to determine reasonable accommodation. In *EEOC v. LHC Group, Inc.*, 773 F.3d 688 (5th Cir. 2014), the Court reversed dismissal and reaffirmed that employer knowledge of a disability combined with failure to accommodate establish liability. Similarly, in *Neely v. PSEG Texas, Ltd. Partnership*, 735 F.3d 242 (5th Cir. 2013), the Court reversed and held that employers may not ignore or summarily reject accommodation requests without proper consideration.

The panel opinion conflicts with controlling precedent and overlooks material facts relevant to liability under the Americans with Disabilities Act. The record reflects Appellant Prevost, a qualified individual with a known disability. Appellant Prevost experienced two workplace falls caused by hazardous conditions, including leaking ceilings and wet carpeting, and the accommodation change which forced Prevost to walk to and from the gate with her disability. The City of Houston never provided access or an alternative after Prevost fulfilled all gate requirements. Prevost followed up and was told by Joe Laud, "Until further notice." never let Prevost and Husband caregiver back through the gate, which caused Prevost to fall. *City of Houston Incident reports (ROA volume 667603 page 174-176, volume 667602 page 366-370)*

The City of Houston was fully aware of both the plaintiff's disability and the unsafe conditions but nonetheless revoked previously granted accommodations. Despite knowing about Prevost Appellant disability, the City revoked accommodation that had been in place for six years and did not address the hazardous conditions that led to injuries. The panel did not adequately consider these critical factors, which conflict with established legal precedent and justify rehearing. **Harassment/Hostile Work Environment:** Forcing an employee to perform painful tasks (like walking

long distances/ unsafe working environment) specifically because of their disability constitute "severe or pervasive" harassment.

II. III. ARGUMENT

A. The Panel Opinion Conflicts with Fifth Circuit Precedent

This Court has consistently held that the ADA and Title 1 imposes a continuing duty on employers to provide reasonable accommodations and to engage in a good-faith interactive process.

In *Loulseged v. Akzo Nobel Inc.*, 178 F.3d 731, 735–36 (5th Cir. 1999), this Court recognized that both employer and employee must participate in the interactive process. In *EEOC v. Chevron Phillips Chemical Co.*, 570 F.3d 606, 621–22 (5th Cir. 2009), the Court held that an employer's failure to engage in that process constitute actionable discrimination. Likewise, in *Feist v. Louisiana Department of Justice*, 730 F.3d 450, 452–54 (5th Cir. 2013), the Court confirmed that the denial of a reasonable accommodation is itself a form of discrimination under the ADA.

The panel's decision erred to meaningfully apply these principles. It does not address the City's unilateral revocation of six-year accommodation, nor its failure to provide any alternative or engage in the required interactive process.

B. The Decision Conflicts with Persuasive Authority from Other Circuits

Other circuits uniformly hold that an employer may not withdraw an effective accommodation without justification or replacement.

For example, in *Isbell v. John Crane, Inc.*, 30 F.4th 1264, 1277–78 (11th Cir. 2022), the Eleventh Circuit recognized that removing an accommodation without providing an alternative violates the ADA. Similarly, the Sixth Circuit in *EEOC v. Ford Motor Co.*, 782 F.3d 753, 761–63 (6th Cir. 2015) (en banc), emphasized the employer's obligation to provide reasonable accommodations tailored to the employee's limitations.

Courts have also recognized that an employer's failure to address known workplace hazards affecting a disabled employee give rise to liability. See *Colwell v. Rite Aid Corp.*, 602 F.3d 495, 504–05 (3d Cir. 2010). **Searls v. Johns Hopkins Hospital:** Addressed an employer's failure to provide necessary environment adjustments for an employee's physical limitations, emphasizing that the employer

must engage in an "interactive process" once notified of the disability. **Roby v. McKesson Corp.**: A landmark case where an employer's harassing behavior toward a disabled employee—including forcing them to perform unnecessary physical tasks and social ostracization—resulted in a massive verdict for disability harassment.

The panel's erred to reconcile its decision with these authorities creates inconsistency in the application of federal disability laws.

C. The Panel Overlooked Material Facts

The panel did not meaningfully address critical, undisputed facts, including:

- The City's actual knowledge of *Appellant* disability.
- The existence of six-year accommodation that was effective and safe;
- The City's revocation of that accommodation without justification.
- The presence of known hazardous conditions; and
- The causal connection between those conditions and *Appellant* injuries. Doctor confirming injuries (ROA volume 667602 page 189-194)
- The issues and falls caused Prevost to become 100% disabled, requiring constructive discharge. SSDI Disability confirmed (*ROA volume 667603 page 147-148*)

These facts are central to ADA liability and Title I. Their omission constitutes clear errors and materially affected the outcome.

III. REHEARING EN BANC IS WARRANTED

Rehearing en banc is appropriate because the panel's decision conflicts with prior decisions of this Court and raises questions of exceptional importance regarding the scope of an employer's duty under the ADA.

Absent a rehearing, the decision risks undermining established protections for disabled employees and creating uncertainty about employers' obligations to maintain reasonable accommodations and safe working conditions.

IV GROUNDS FOR REHEARING EN BANC

1. Failure to Address ADA and Title I serious issues

The Court did not adequately analyze Plaintiff's rights under the Americans with Disabilities Act and Title I. Plaintiff presented evidence showing:

VALERIE PREVOST, *Plaintiff – Appellant*, is a qualified individual with a medical disability as certified by doctors.

Defendant City of Houston had knowledge of Plaintiff's disability and medical accommodation for 6 years, confirmed by her supervisor and HEC Director prior to accommodation being illegally revoked. (*ROA volume 667602-page 306-308 picture-page 328*)

City of Houston Defendant Reasonable accommodation and safety obligations were not met, by not providing an alternative to gate access for Prevost a disabled Employee who is medically disabled for painful mobility yet made disable employee walk to and from the building where she worked and fell. Joe Laud never let Prevost and her husband, who is her caregiver back through gate after all information was provided, he stated until further notice email from Joe Laud, COH, Director confirmed didn't need accommodation policy to be approved through gate. (*ROA volume 667602 page 324-325, 312-315*)

The City of Houston reason to revoke gate access is because they stated she did not provide medical documentation under City of Houston Position Statement when her disability medical was on file at the City of Houston from her medical doctors for 6 years. VALERIE PREVOST – *Appellant*, after providing all information, Prevost and husband were never let back through the gates. (*ROA Doctor certification for disability, (ROA volume 667607- page 2.-21, volume 667606 page 383-399, 66707 page 22-47) Position Statement (ROA volume 667602 page 288)*)

The Court's opinion provided limited consideration of the relevant ADA and Title I issues and supporting evidence.

2. The Court erred in considering all Unsafe Working Conditions relevant to the ADA and Title I

The record includes evidence that the workplace was unsafe for disabled employee and never should have been in this horrible condition according to COH Policy and OHHA violation VALERIE PREVOST, *Appellant*, including:

- Roof leakage and wet carpet identified in VALERIE PREVOST, *Appellant*, office workspace.
- Wet and hazardous carpeted areas where the employee's office was.
- Known maintenance issues reported by the City of Houston as evidence.

Despite this evidence, the Court did not properly evaluate the employer's knowledge or erred to correct these hazardous conditions. *Employer's Knowledge of workplace hazards and picture of the hazard, Roof report (ROA volume 667602- page 345-365) Doctor certification for disability, (ROA volume 667607- page 2.-21, volume 667606 page 383-399, 66707 page 22-47)*

3. The Court erred in addressing material evidence and Material Fact

VALERIE PREVOST, *Appellant*, submitted OIG complaint forms, employees' affidavits, and supporting documentation showing: Title VII of the Civil Rights Act of 1964. OIG Workplace Environment discrimination for other employees who experience discrimination in the OEM office, including disability, U.S. law often calls **"reverse discrimination " or " racism** against white employees, sexual orientation, religion, disability, and age from an African American female deputy director in the OEM Department. **OIG, Affidavits, complaint forms (ROA volume 667602 page 251-287) Graham v. Ford (Michigan Dept. of Corrections) Outcome: Court allowed the claim to proceed**

- VALERIE PREVOST, *Appellant* Repeated reporting of unsafe conditions and request to be moved. Prevost was denied, and she should never have been in this unsafe working environment as a disabled employee.
- Employer awareness of the hazards of making VALERIE PREVOST, *Plaintiff – Appellant, fall and cause injuries is confirmed by doctor reports*
- Ongoing failure to correct dangerous conditions forced disabled Valerie Prevost Appellant, to walk to and from the gate, despite her mobility issues, and kept her in the office, which had leaky roof and wet carpet conditions that caused her to fall in both incidents.

The Court erred did not fully addressing or analyzing this evidence.

4. Causation and Injuries

The Court erred consider Appellant's injuries.

5. Discriminatory Environment and Unsafe Work Environment under the Law

workplace safety, discriminatory, and disability-related discrimination that were not addressed in the Court's opinion.

6. The Court's decision erred in addressing the OEM's discriminatory environment against other employees. *OIG, Affidavits, complaint forms (ROA volume 667602 page 251-287)*

7. The Court's decision did not address at all age discrimination and religion, as well as the retaliation of deleted government emails and documents in this case.

8. VALERIE PREVOST, *Appellant*, was forced to retire due to injuries from falls and her issue of Physical pain and suffering under constructive discharge. Prevost's plan was to get her full benefit at retirement. *Appellant Letter of Resignation (ROA. volume 667605 page 157)*

Table of Authorities/

- The Court did not evaluate under key laws: ADA (Title I) - ADEA- Title VII- Texas Labor Code, §§ 21.051, 21.055 The Court erred to apply the correct standards, analyzed evidence adequately, and viewed facts. (see *Tolan v. Cotton*, 572 U.S. 650 (2014)). *Appellants'* experience under federal and state anti-discrimination laws resulted in a denial of a fair adjudication. Appellant respectfully requests that this Court reverse the Defendant City of Houston's summary judgment and grant Plaintiff summary Judgment with proper legal standards. Case *Reeves v. Sanderson Plumbing Product*, *Outcome: Supreme court ruled unanimously (9-0 in favor of the plaintiff (Reeves on June 12,2000, reversing the court of appeal decision)*
- **Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000)** The Supreme Court ruled that if a plaintiff proves a prima facie case of discrimination and shows the employer's explanation is false, a fact finder may infer intentional discrimination. The Court stated that disbelieving the employer's explanation, combined with the prima facie case, can establish intentional discrimination.

- **Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993)**
Outcome: The Supreme Court held that a Title VII hostile work environment claim does not require proof of psychological injury. It is enough for the harassment to be objectively hostile or abusive, as perceived by a reasonable person and subjectively by the victim. The District Court's requirement for evidence of psychological harm was incorrect, leading to its judgment in a "close case." The Supreme Court reversed.
- **United States v. Nixon, 418 U.S. 683 (1974) Topic** This case underscores that **no official, including judges**, may ignore the law or binding precedent. Judicial decisions must be based on established legal principles and explained with proper reasoning.
- **EEOC v. The Princess Martha (2026):** A federal court upheld a jury verdict where management failed to engage in the "interactive process" for an employee's medical needs. The court noted that ignoring proactive disclosures of a condition constitutes reckless indifference.
- **EEOC v. Kroger (2026):** The EEOC recently sued over the removal of existing accommodations, arguing that stripping a disabled worker of necessary environmental support violates the ADA.
- **Strife v. Austin ISD (2024):** This case involved claims of a hostile work environment and failure to accommodate physical limitations. While the court initially dismissed some claims, it highlighted that employers must provide functional adjustments to overcome physical workplace barriers

Premises Liability Argument (Texas Law) Premises Liability – Negligence of the City of Houston-The City of Houston owed Plaintiff Valerie Prevost a duty to exercise ordinary care to keep its premises in a reasonably safe condition and to protect invitees from unreasonable risks of harm. This duty is heightened where the property owner has **actual knowledge of dangerous conditions** and of a plaintiff's **known physical limitations**. Plaintiff suffers from a documented disability affecting her lower extremities, including weak legs, muscle weakness, nerve pain, muscle atrophy, and a high risk of falling. These limitations substantially impair her ability to walk long distances or stand for extended periods. The City of Houston had **actual notice** of Plaintiff's condition through medical documentation, Health Care provider certification on file with the City of Houston from **2017 through 2022**

On **October 8, 2021**, Prevost fell on Defendant's property **outside** on concrete walkways due to being forced to walk to and from the gate, knowing of Prevost's disability, and on **June 10, 2021**, Plaintiff fell on unsafe areas of Defendant's property, her exterior office areas affected by a **leaking roof, wet carpet, and**

ongoing construction activity. These conditions constituted unreasonably dangerous hazards that the City of Houston created or allowed them to persist.

Defendant failed to: Repair or remediate the hazardous conditions, Warn Plaintiff of the known dangers, and take reasonable precautions considering Plaintiff's known disability.

As a direct and proximate result of Defendant's negligence, Plaintiff suffered additional serious injuries, including **Carpal Tunnel Syndrome, Cervical Radiculopathy, and Lumbar Radiculopathy**, transforming a lower-extremity disability into permanent **upper and lower extremity impairment**. Plaintiff is now **100% disabled** and unable to work.

V. CERTIFICATE REQUIRED BY 5TH CIR. R. 40.2.2

I certify that:

- This petition is made in good faith and not for delay; and
- The issues presented meet the standards for en banc consideration under Fed. R. App. P. 35(a), 42 U.S.C. § 12112(b)(5)(A)
- Fed. R. App. P. 40(d)(2) and 5th Cir. R. 40.2.2.

IV. REQUEST FOR RELIEF

1. For the reasons stated above, VALERIE PREVOST, – *Appellant* respectfully requests that the Court grant:
2. Rehearing en banc to correct the legal and factual oversights in the Court's prior decision.
3. Reverse Summary Judgement grant for VALERIE PREVOST, – *Appellant who filed* Summary Judgement as well.
4. Dismiss case in favor VALERIE PREVOST, – *Appellant under ADA, Title I and Title VII violation of the laws.*

V. CONCLUSION

For these reasons, the Petitioner Valerie Prevost Appellant respectfully requests that the panel grant Petitioner requests a rehearing en banc. Therefore, respectfully asks vacate the panel's decision, and issue an opinion consistent with controlling precedent.

Respectfully submitted on April 28, 2026, to prose filing,

((s)) Valerie Prevost

Valerie Prevost
Appellant, Pro Se

Valerie Prevost
13538 Forest Gully
Houston Texas
832 297-9379
Vprevost1@yahoo.com
Pro Se Valerie Prevost

Word of the LORD AUTHORITIES

Deuteronomy 1:17 states: "Do not show partiality in judging; hear both small and great alike. Do not be afraid of anyone, for judgment belongs to God."

Word of the Lord God:

Deuteronomy 16:18 (NKJV) states: "You shall appoint judges and officers in all your gates, which the Lord your God gives you, according to your tribes, and they shall judge the people with just judgment." This verse emphasizes the importance of appointing judges and officials to ensure justice and fairness in governance.

b. Leviticus 19:15 (NKJV): You shall do no injustice in judgment. You should not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor.

Word of the Lord: Revelation 21:8 (NKJV);;

"But the cowardly, unbelieving, abominable, murderers, immoral, sorcerers, idolaters, and all liars shall have their part in the lake which burns with fire and brimstone, which is the second death."

The Word of the Lord God: Proverbs 29:7 "The righteous care about justice for the poor, but the wicked have no such concern."

Donald B. Hightower

Senior Assistant City Attorney

donald.hightower@houstontx.gov

Samantha Cobb, Assistant City Attorney

Samantha.cobb@houstontx.gov

Majorie Cohen, Senior City Attorney

majorie.cohen@houstontx.com

CITY OF HOUSTON LEGAL DEPARTMENT

900 Bagby, 4th Floor

Houston, Texas 77002

Telephone: 832.393.6429

Facsimile: 832.393.6259

Defendants-Appellees City of Houston, Legal Department.

**Additional material
from this filing is
available in the
Clerk's Office.**