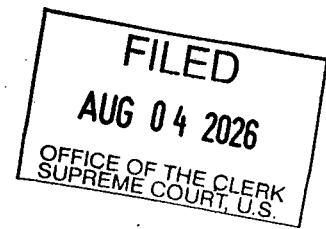


25-5840
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY QUINN WHEELER, JR.,

Petitioner,

v.

GIANT OF MARYLAND LLC,

Respondent.

On Petition for a Writ of Certiorari to the
Supreme Court of Maryland

PETITION FOR A WRIT OF CERTIORARI

Dated: August 4, 2026

Anthony Quinn Wheeler, Jr.
Petitioner Pro Se
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QUESTIONS PRESENTED

1. Whether a state court deprives a litigant of a protected property interest without due process of law under the Fourteenth Amendment by invoking the doctrine of res judicata to permanently dismiss distinct state-law claims with prejudice, despite explicitly conceding on the record that no prior adjudication on the merits ever occurred for those specific claims.
2. Whether a trial court violates a litigant's procedural rights under the Fourteenth Amendment's Due Process Clause by dismissing a pro se action with prejudice for failure to state a cause of action, without providing explicit notice of the specific pleading deficiencies or granting leave to amend, where the underlying facts support a cognizable legal claim and where opposing counsel was afforded disparate procedural latitude.

LIST OF PARTIES

The parties to the proceeding in the courts below were:

- Anthony Quinn Wheeler Jr., Petitioner, Plaintiff below.
- Giant of Maryland LLC, Respondent, Defendant below.

CORPORATE DISCLOSURE STATEMENT

I the Petitioner Anthony Quinn Wheeler Jr. is an individual, not a corporation. No corporate disclosure statement is required under Rule 29.6 of the Rules of the Supreme Court of the United States.

RELATED CASES LIST

- *Anthony Quinn Wheeler Jr. v. Giant of Maryland LLC*, Circuit Court for Baltimore County, Case No. [C-03-CV-23-1953]. THE CASE REMAND TO DISTRICT COURT BY DEFENDANT ON DATE [06/21/2023].

- *Anthony Quinn Wheeler Jr. v. Giant of Maryland LLC*, United States District Court for the District of Maryland, **Case No. [23-1643-BAH]**. The case was remand Order back to the Circuit Court for Baltimore County entered on [September 11,2024].
- *Anthony Quinn Wheeler Jr. v. Giant of Maryland LLC*, Circuit Court for Baltimore County, **Case No. [C-03-CV-23-1953]**. Dismissal Order entered on [12/05/2024], and Motion to Alter or Amend Judgment was denial on [01/09/2025].
- *Anthony Quinn Wheeler Jr. v. Giant of Maryland LLC*, Appellate Court of Maryland, **Case No. [ACM-REG-2131-2024]**. Judgment entered on [January 2, 2026] and denial. Reconsideration Denied on [April 27, 2026].
- *Anthony Quinn Wheeler Jr. v. Giant of Maryland LLC*, Supreme Court of Maryland, **Case No. SCM-PET-0498-2025**. Certiorari Denied on [April 27, 2026]; Reconsideration Denied on [May 26, 2026].

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OPINIONS BELOW

The order of the highest state court, the Supreme Court of Maryland, denying Petitioner's Motion for Reconsideration, is unreported and is docketed under **Case No. SCM-PET-0498-2025**. A copy of this order is attached hereto as **Appendix A**.

The initial order of the Supreme Court of Maryland, denying the Petition for a Writ of Certiorari to review the judgment, is unreported and is docketed under **Case No. SCM-PET-0498-2025**. A copy of this order is attached hereto as **Appendix B**.

The order of the Appellate Court of Maryland, denying Petitioner's Motion for Reconsideration, is unreported and is docketed under **Case No.**

ACM-REG-2131-2024. A copy of this order is attached hereto as **Appendix C**.

The opinion and judgment of the intermediate appellate court, the Appellate Court of Maryland, affirming the dismissal of the action, is unreported and is docketed under **Case No. ACM-REG-2131-2024**. A copy of this opinion is attached hereto as **Appendix D**.

The order of the state trial court, the Circuit Court for Baltimore County, denying Petitioner's Motion for Reconsideration, is unreported and is docketed under **Case No. C-03-CV-23-1953**. A copy of this order is attached hereto as **Appendix E**.

The order of the state trial court, the Circuit Court for Baltimore County, dismissing the federal and the remaining state-law claims of wrongful termination and defamation following remand from federal court, is unreported and is docketed under **Case No. C-03-CV-23-1953**. A copy of this order is attached hereto as **Appendix F**.

The memorandum opinion and order of the United States District Court for the District of Maryland is unreported and is docketed under **Case No. 23-1643-BAH**. In said order, the District Court dismissed Petitioner's federal claims—specifically Title VII, Section 1981, harassment, and discrimination—and remanded only the remaining state-law claims of wrongful termination and defamation back to the state court. A copy of this federal memorandum opinion and order is attached hereto as **Appendix H**.

JURISDICTION

The Supreme Court of Maryland entered an initial order denying Petitioner's Petition for a Writ of Certiorari on date [04/27/2026]. I the Petitioner thereafter filed a timely Motion for Reconsideration under Maryland Rule 8-605, which the Supreme Court of Maryland denied on date [05/26/2026].

This Petition for a Writ of Certiorari is filed within 90 days of the state high court's denial of reconsideration, rendering it perfectly timely under Supreme Court Rule 13.3. This Court possesses jurisdiction over this matter pursuant to 28 U.S.C. §

1257(a), as Petitioner asserts a direct deprivation of rights secured by the Fourteenth Amendment to the United States Constitution.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution, § 1, provides, in relevant part:

"...nor shall any State deprive any person of life, liberty, or property, without due process of law..."

The Federal Remand Statute, 28 U.S.C. § 1447(c), provides, in relevant part:

"If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal."

The Supreme Court Statutory Remand Power, 28 U.S.C. § 2106, provides:

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the

cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

Supreme Court Rule 16.1 of the Rules of the Supreme Court of the United States (Adopted April 18, 2019, Effective July 1, 2019), provides, in relevant part:

"After consideration of the papers distributed pursuant to Rule 15, the Court will enter an appropriate order. The order may be a summary disposition on the merits."

STATEMENT OF THE CASE

This case presents a profound breakdown of fundamental procedural due process arising from a complex jurisdictional history, technical pleading traps, and an unequal litigation framework that permanently barred a *pro-se* litigant from the courts. Rather than addressing the underlying controversy on its merits, the Maryland state court and appellate courts permitted a hyper-technical, correctable procedural default to permanently extinguish viable, unadjudicated common-law claims, after which the Supreme Court of Maryland denied review, and within only filing one copy sather than filing informal briefs eight copies, under Md Rule 8-502.

1. Federal Administrative Context and Removal History

The litigation originated with administrative claims filed by Petitioner before the Equal Employment Opportunity Commission (EEOC) following an employment dispute. Upon receiving a Notice of Right to Sue, Petitioner filed a First Amended Complaint in district court to incorporate the federal authorization into the active record. Respondent promptly removed the action to the United States District Court for the District of Maryland pursuant to 28 U.S.C. §§ 1441 and 1446.

In the federal forum, Respondent moved to dismiss. The District Court dismissed

Petitioner's federal counts (Title VII, 42 U.S.C. § 1981, discrimination, and harassment) with prejudice, *see* (App. 31a). The case was dismissed within incorrect conclusion that the administrative Filing in the (EEOC) was untimely, of thinking it was file after career termination *see* (App. 27a n.9). As by law it's "If the individual submitted their paperwork or portal signature before being fired, the filing date is valid and protects them from retaliation from that exact moment", as Petitioner filed in the EEOC on data 02/16/2022 *see* (App. 58a) and gotten career terminated on data 04/05/2023 *see* (App. 57a). Still, the counts in the "cause of action" section wasn't stated, and the judge-gotten distracted and didn't notice that petitioner did stated a co-worker gotten terminated due to the altercation in the workplace, which was stated in (each cause of action section). Crucially, the District Court recognized that it lacked supplemental jurisdiction over the remaining independent state-law claims. Pursuant to 28 U.S.C. § 1447, the District Court explicitly entered an order remanding the distinct common-law claims of **wrongful termination** and **defamation** back to the Maryland state court system for adjudication, and as those claims don't need to be file in the EEOC.

2. Post-Remand Pleading Amendments and State Trial Court Error

Upon remand to the Circuit Court for Baltimore City, Petitioner, operating pro-se, sought to correct what Petitioner believed to be a profound factual error regarding

the underlying administrative timeline. Petitioner filed a Motion for Leave to Amend to preserve the federal framework alongside the remanded state claims. The court granted the motion for leave. Consequently, a Second Amended Complaint was docketed. Respondent moved to dismiss the Second Amended Complaint.

Respondent argued that the claims was barred by res judicata because Petitioner re-alleged the federal claims instead of appealing the Federal District Court's partial dismissal, **and also** Respondent further argued that procedural filing deficiencies warranted a dismissal with prejudice towards **wrongful termination** and **defamation** claims. The Maryland Circuit Court granted Respondent's motion, failing to insulate or preserve the viable, remanded claims for wrongful termination and defamation, see **(App. 10a)** and **(App. 11a-12a)**. In doing so, the Court determined that the *pro se* petition failed to state a claim because it did not properly articulate the essential elements of each count. The Petitioner now fully understands these pleading requirements and respectfully request to amend.

3. Arbitrary Dismissal of Unadjudicated State-Law Claims as a Violation of Fourteenth Amendment Due Process

Petitioner timely appealed the dismissal. The Appellate Court of Maryland issued an opinion affirming the dismissal but made a critical, explicit legal concession on

the face of the record. **The appellate panel formally conceded that the state-law claims for wrongful termination and defamation were never barred by *res judicata*, openly recognizing that no court of competent jurisdiction had ever passed judgment on their substantive merits, see (App. 7a-8a).**

Yet, the appellate court refused to revive the viable counts, characterizing the pleading structure as procedurally improper because Petitioner attempted to rejoin the federal claims rather than isolating the state-law claims. The record highlights the arbitrary nature of this dismissal.

During the underlying proceedings, Respondent's counsel made critical factual concessions, and new evidence. The transcript of these proceedings is officially entered in the Baltimore County MDEC system (Docket Entry, Dec. 4, 2024; (App. 36a-50a)). First, Respondent's counsel conceded on the record that the store manager's police report against Petitioner was driven by personal animus rather than objective facts. This admission aligns with the "April Lee meeting audio" from Petitioner's employment that was granted to use, see (App. 13a). Later the Respondent's counsel claimed authenticity to a network system file in the store data base at the District Court, see (App. 18a n.3). Second, during the Baltimore County Circuit Court hearing on December 4, 2024, Respondent's counsel explicitly stated that the allegations in the manager's police report did not occur as described to law enforcement, as stating it's "substantially true", with directly admitting that the

police report was based merely on subjective feelings of fear, *see (App. 41a between line 7 and 10)*. In which the entire report was a material" lie, A material falsehood deliberate deception that alters the core narrative, which is illegal.

Furthermore, the record establishes that the incident lacked the "sting" or "gist" of criminal conduct. The opposing party departed the premises peacefully, even proven by the respondent own counsel, as also stating Petitioner merely stated, "Hey, don't keep hanging up the phone on me while I'm talking to you, man," followed by, "Watch it, man," before walking away to end his shift. Respondent's counsel admitted this actual conduct in open court. This admission confirms that the store manager's police report was fabricated, *see (App. 32a-35a)*. *Le Marc's Management Corp. v. Valentin*, 349 Md. 645, 709 A.2d 1222 (1998). Even the store union, hr. and managers overtop the store manager admit their guilt, which was on the April Lee audio the respondent counsel claimed authenticity to.

The underlying conflict arose directly from Petitioner reporting a workplace assault and battery committed by a co-worker to the Baltimore County Police Department, that led to the co-worker termination, *see (App. 51a-55a)*. Management intentionally subsequently permitted that same co-worker—who had already been terminated and abandoned by the store union—to repeatedly come in the workplace as a "bread vendor" from a different company, and work directly side by side by the petitioner, facilitating continued harassment, as the petitioner reports was ignore

by the managers 'lisa' and store union only transferred out "lisa", that resulted in the termination of Petitioner's career, from the manager favoritism and retaliation which made the motive to make the false police report to support lisa and offender. This discharge violates the public policy mandates articulated in *Wholey v. Sears, Roebuck & Co.*, 370 Md. 38, 50-51, 803 A.2d 482, 489 (2002) and *Adler v. American Standard Corp.*, 291 Md. 31, 47, 432 A.2d 464, 473 (1981), **which strictly prohibit employer retaliation for reporting a crime to the police department**.

Despite an undisputed record establishing a live, unadjudicated dispute regarding defamatory statements and an unlawful discharge, the state courts barred the action in its entirety. Petitioner filed a timely Motion for Reconsideration methods under Maryland Rule 8-605, emphasizing that under Maryland Rule 2-341, a further amendment was the proper vehicle to cure any procedural or structural defects. The motion was denied. The Supreme Court of Maryland subsequently denied Petitioner's Petition for a Writ of Certiorari, *see (App. 4a)*, due to Petitioner previously sought the reinstatement of all claims based on a procedural misunderstanding, mistakenly assuming that prior EEOC or judicial irregularities could be corrected by the court at any time if a judge erroneously dismissed a case based upon those defects sua sponte at the U.S. District Court for the District of Maryland. Subsequent Motion for Reconsideration, was denial, *see (App. 1a-3a)*.

To safeguard Petitioner's constitutional right to due process, Petitioner seeks the

summary reinstatement of the independent wrongful termination and defamation claims, as well as an opportunity to properly plead and litigate each respective cause of action properly, furthermore the Respondent explicitly conceded on the record that their underlying police report was false, the court's dismissal of Petitioner's viable claims violates the 14th Amendment Due Process Clause."

REASONS FOR GRANTING THE PETITION

I. The Maryland Courts Denied Petitioner Due Process by Permitting a Procedural Trap to Extinguish Claims the Courts Conceded Lack a Preclusive Basis.

The Fourteenth Amendment's Due Process Clause guarantees procedural fairness. This right is violated when a court allows a technical pleading defect to permanently extinguish a pro-se litigant's viable, unadjudicated claims. While a self-represented litigant's right to maintain a valid cause of action is a protected property interest under *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982), the Maryland courts used a correctable formatting error to deny Petitioner.

A. The Lower Courts Violated Petitioner's Due Process Rights by Dismissing Meritorious Claims Solely on Technical Formatting Grounds.

Petitioner, as a *pro-se* litigant, acknowledges that structural pleading and formatting defects occurred during the early stages of this litigation following a complex jurisdictional transfer. Dismissing an employment and common-law action strictly due to a self-represented litigant's unfamiliarity with intricate formatting layout rules—while concurrently acknowledging that the core claims of wrongful termination and defamation are not barred by *res judicata*—violates fundamental principles of federal due process.

This Court has long established that the pleadings of *pro-se* litigants must be held to less stringent standards than formal pleadings drafted by trained attorneys. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Where a *pro-se* litigant demonstrates a readiness and capacity to comply with exact amendment, timing, and procedural rules upon a limited remand, it is a denial of due process for a state court to arbitrarily bar them from pursuing their claims based entirely on a correctable layout defect. This Court should grant review to ensure that access to justice is not permanently foreclosed by hyper-technical state procedural traps.

**B. State Courts Cannot Apply Res Judicata Rules to Dismiss
Unadjudicated Claims Lacking a Final Judgment on the Merits.**

The core prerequisite for the application of *res judicata* is a prior, final judgment on the merits rendered by a court of competent jurisdiction. *Federated Department*

Stores, Inc. v. Moitie, 452 U.S. 394, 398 (1981). In this case, the Appellate Court of Maryland openly conceded on the face of the record that *res judicata* does not apply to Petitioner's wrongful termination and defamation claims.

Petitioner acknowledges that, lacking professional legal training, Petitioner did not appeal the Federal District Court's initial administrative timeline ruling to the United States Court of Appeals for the Fourth Circuit. However, a *pro-se* litigant's procedural misstep should not bar separate, unadjudicated state-law claims.

The litigation below only progressed to a Second Amended Complaint, a direct result of Petitioner attempting to navigate shifting administrative timelines. Under Maryland Rule 2-341, requesting leave to file a subsequent amendment to cleanly isolate and litigate live claims is standard practice. To permanently extinguish these common-law claims simply because a *pro-se* litigant attempted to amend rather than appeal a completely separate federal statutory ruling constitutes an arbitrary and unconstitutional deprivation of a protected property interest.

II. The Lower Court's Ruling Unconstitutionally Subverts the Federal Remand Statutory Framework Under 28 U.S.C. § 1447.

When the Federal District Court summarily dismissed the federal statutory

claims—rather than requesting clarification on the underlying EEOC timeline—it preserved the independent state-law counts by remanding them pursuant to 28 U.S.C. § 1447. The state court's subsequent dismissal of the entire remanded action effectively allowed Respondent to transform a federal court's partial dismissal into an absolute shield to evade state-court litigation entirely. This outcome unconstitutionally subverts the federal remand statute. By treating the federal partial dismissal as a total bar over claims the federal judge explicitly refused to adjudicate, the state court transformed a protective remand order into a procedural vacuum. Furthermore, as to the remaining state-law claims—which were completely unaffected by *res judicata*—the court dismissed them based on formatting deficiencies without ever providing the *pro-se* (plaintiff / petitioner) with the required Right to Notice of Specific Deficiencies, nor a meaningful opportunity to file a third amended complaint.

CONCLUSION

This wrongful termination and defamation action stems from Petitioner's reporting of a workplace assault and battery to law enforcement. Following that report, the offending party's employment was terminated, and management subsequently engaged in a pattern of retaliation. Specifically, management failed to bar the Terminated abandoned individual from trespassing at the job site, thereby cultivating a hostile work environment, and ultimately fabricated a false police

report against Petitioner, culminating in Petitioner's wrongful termination.

The store manager fabricated a narrative of a non-existent crime nearly 30 minutes after the encounter. The manager's report lacks substantial truth and contains no 'sting or gist' of criminal conduct. Crucially, Respondent's counsel conceded on the record that Petitioner merely walked away after stating, 'Don't be hanging up the phone on me.' Claims that Human Resources personnel were threatened rely entirely on inadmissible hearsay. Furthermore, Respondent's automated phone records, which systematically log all communications, contain no evidence of a threat or any corroborating audio messages, which rejected HR termination input.

The glaring falsity of the manager's report directly exposes the subsequent internal corporate reports as shared fabrications, demonstrating a coordinated collusion by management to target and wrongfully terminate Petitioner. Ultimately, this fabricated report directly caused a wrongful termination in violation of public policy and constituted actionable defamation *per se* by falsely imputing criminal conduct to Petitioner. While minor vocabulary errors in an initial report are understandable, fabricating an entire page of events that never occurred exceeds the scope of an innocent mistake; it constitutes a deliberate, bad-faith falsehood.

The state appellate courts violated the Fourteenth Amendment Due Process Clause, and this Petition for a Writ of Certiorari is timely filed within 90 calendar days from the date the Supreme Court of Maryland entered its final judgment denying the

timely Motion for Reconsideration on May 26, 2026. By acknowledging that these specific claims were not barred by *res judicata*, yet arbitrarily denying Petitioner a standard opportunity to amend, the lower courts committed clear constitutional error. To the extent that Petitioner, as a **pro-se litigant, made minor procedural filing errors**, those errors should not work a total forfeiture of claims that the lower courts admitted were never adjudicated on the merits, and an innocent is here a victim living a harsh life now due to a lie that snatched away a life and career.

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Petition for a Writ of Certiorari, vacate the judgments of the Maryland courts, and remand this case with instructions to reopen Petitioner's wrongful termination and defamation claims only, which will persuade to **COUNT I: Abusive Discharge / Wrongful Termination; COUNT II: Defamation Per Se (Store Manager Todd MacPherson's Fabrications); COUNT III: Defamation Per Se (Human Resources Representative Cassandra Nitkowski's Fabrications); COUNT IV: False Light (Invasion of Privacy); COUNT V: Negligent Appointment, Selection, and Retention.**

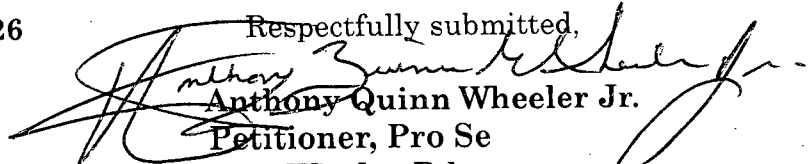
Alternatively, Petitioner requests that the Court enter a summary disposition granting certiorari, vacating the judgment, and remanding (GVR) under 28 U.S.C. § 2106. A summary remand is uniquely suited here because the lower courts explicitly conceded that no prior adjudication on the merits occurred. This relief will correct a plain constitutional error, honor the U.S. District Court's original remand

order under 28 U.S.C. § 1447(c), and ensure this **pro-se** litigant's substantive rights are not **permanently foreclosed by a rigid procedural technicality**.

Furthermore, the Fourteenth Amendment's Due Process Clause protects *pro se* litigants from hyper-technical rules that threaten to extinguish claims before evidence can be presented. Under *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965), a litigant must be given the opportunity to present their case 'at a meaningful time and in a meaningful manner.' Consequently, the third amended complaint should be allowed. By blocking this critical pleading after the Respondent admitted on the record to concealing false statements, the Baltimore County Circuit Court denied Petitioner a meaningful hearing based entirely on a technicality. Where opposing counsel previously suppressed audio evidence and subsequently admitted the truth on the record, due process prevents the court from punishing the Petitioner for the Respondent's deception. Because judicial transparency is paramount, the procedural timeline must reflect the late discovery of this concealment. Finally, under *Haines v. Kerner*, 404 U.S. 519, 520 (1972), *pro se* pleadings are held to 'less stringent standards than formal pleadings drafted by lawyers,' obligating the court to prioritize substantive justice over procedural defaults.

Executed on: August 4, 2026

Respectfully submitted,



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