Warren v. S & S Property Management et al

US COURT OF APPEALS

NORTHERN DISTRICT OF GEORGIA

Brief

Eleventh Circuit U.S. Court of Appeals

1. Violated Chapter 7 Bankruptcy Code
2. Fair Debt Collections Act
3. Fair Housing Act Rights, Housing Authority former employee and others, rights to privacy and privilege information in record keeping
4. Women's Domestic Violence Act
5. Marsy's Law
6. Human Trafficking
7. Stalking
8. HIPPA COMPLIANCE

MOTION TO O R D E R default judgment Brief

This matter is before the Court on Plaintiff's motion for default judgment the defendant failed to comply with the rules of this court to answer by November 2, 2019.

II. LEGAL STANDARD “The entry of a default judgment is appropriate ‘[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise.’” Mitchell v. Brown & Williamson Tobacco Corp., 294 F.3d 1309, 1316 (11th Cir. 2002) (alteration in original) (quoting Fed. R. Civ. P. 55(a)). The Court is cognizant, however, that default judgment is considered a “drastic remedy,” which should be used only in exceptional circumstances. Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir. 1985). Although generally disfavored, a default judgment is appropriate when the adversary process has been halted because of an unresponsive party.” Flynn v. Angelucci Bros. & Sons, Inc., 448 F. Supp. 2d 193, 195 (D.D.C. 2006) (internal quotation marks omitted).
I am asking for accommodations under the Federal Law that since I was forced out of my apartment 260 Northern Ave, Apt.10 B, Avondale Estates, Georgia 30002, without Sec.36.302 Modifications in policies, practices, or procedures and accommodations for parking and adding my daughter to the lease at signing and refused to accept her SSI payment as a source of income.

A party’s failure to plead or defend “do[es] not automatically entitle the [opposing party] to a default judgment in the requested (or any) amount.” Therefore, I am requesting that I am paid the full sum of the $50 million dollars as a settlement to close defendant’s liability in this case and enter the summary judgement order to settle for me bringing the total to $90 million dollars and zero cents.

SE Property Holdings, LLC, v. Welsh, No. 12-0717-WS-B, 2013 WL 608176, at *2 (S.D. Ala. Feb. 19, 2013). That is because “[a] default is not an absolute confession by the Case 1:12-cv-03034-SCJ Document 16 Filed 11/22/13 Page 2 of 11 -3- defendant of his liability and of the plaintiff’s rights to recover, but is instead merely an admission of the facts cited in the Complaint, which by themselves may or may not be sufficient to establish a defendant’s liability.” Id. (internal quotation marks omitted). See also Fed. R. Civ. P. 8(b)(6) (“An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied.”). Where a defendant fails to deny the facts as alleged in the complaint, the allegations are deemed admitted and there is “no further burden upon [the] [p]plaintiff to prove its case factually.” Stewart v. Regent Asset Mgmt. Solutions, Inc., No. 1:10-CV-2552-CC-JFk, 2011 WL 1766018, at *1 (N.D. Ga. May 4, 2011) (quoting Burlington Northern R.R. Co. v. Huddleston, 94 F.3d 1413, 1415 (10th Cir. 1996)). III. DEFENDANT’S LIABILITY Having considered the above-detailed standard, the Court concludes that default judgment is warranted in this instance. Service was perfected upon Defendant through publication. Defendant failed to appear and file an answer or otherwise defend this

action. Accordingly, the entry of default was appropriate. The complaint alleges sufficient facts—accepted as true for Defendant's failure to Case 1:12-cv-03034-SCJ Document 16 Filed 11/22/13 Page 3 of 11 -4- deny them—to establish that Defendant is liable for the violations alleged and to warrant the entry of a default judgment against him.

- **Has a record of such an impairment; or this court has the records for Tinika S. Warren disabilities in transcripts located in file**

Case #: Warren v. Commissioner, Social Security Administration **1:18-cv-04088**

Therefore, this element has been meet to grant immediate judgment.

(a) **General.** A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services,facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

Tinika Warren requested oral request and email request for immediate accommodations this element has been provided within the evidence provided to this court. I am asking for a Default Judgement and order to be written on the next calendar date to accommodate me and my daughter. Her 504 plans and records of her disability is on the record and was provided to the defendants to accommodate both of us and it very clear they do not want to follow rules and a lesson needs to be learned from this case.

(b) **Specialties --**

(1) General. A public accommodation may refer an individual with a disability to another public accommodation, if that individual is seeking, or requires, treatment or services outside of the referring public accommodation's area of specialization, and if, in the normal course of

its operations, the referring public accommodation would make a similar referral for an individual without a disability who seeks or requires the same treatment or services.

(2) Illustration -- medical specialties. A health care provider may refer an individual with a disability to another provider, if that individual is seeking, or requires, treatment or services outside of the referring provider's area of specialization, and if the referring provider would make a similar referral for an individual without a disability who seeks or requires the same treatment or services. A physician who specializes in treating only a particular condition cannot refuse to treat an individual with a disability for that condition, but is not required to treat the individual for a different condition.

(c) **Service animals --**

(1) General. Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

(2) Care or supervision of service animals. Nothing in this part requires a public accommodation to supervise or care for a service animal.

(d) **Check-out aisles.** A store with check-out aisles shall ensure that an adequate number of accessible check-out aisles are kept open during store hours, or shall otherwise modify its policies and practices, in order to ensure that an equivalent level of convenient service is provided to individuals with disabilities as is provided to others. If only one check-out aisle is accessible, and it is generally used for express service, one way of providing equivalent service is to allow persons with mobility impairments to make all their purchases at that aisle.

Sec.36.301 Eligibility criteria.

(a) **General.** A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of goods, services, facilities, privileges, advantages, or accommodations being offered.

(b) **Safety.** A public accommodation may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

Argument 1

Time:

Tinika SeCal Warren , completed a motion for summary judgement in this case and a motion for hearing and trial date in this case in a timely manner. Whereas, the Defendants failed to respond by the courts rules for deadline.

On Saturday, December 14, 2019 I Tinika Se'Cal Warren received a letter from the clerk stating that

To be permitted to file a motion for summary judgment after the deadline set forth in Federal Rule of Civil Procedure 56(a) or a court-ordered deadline, a party must make a formal motion.8 Such motion must be brought pursuant to Fed. R. Civ. P. 6(b)(1) (B) and requires a showing of excusable neglect under the Pioneer factors.9 The excusable neglect inquiry must consider all relevant circumstances surrounding the party's omission. These include:

- **The danger of prejudice**
- **The length of the delay and its potential impact on judicial proceedings**

- **The reason for the delay, including whether it was within the reasonable control of the movant**
- **Whether the movant acted in good faith**

Tinika S. Warren has been experiencing a danger of prejudice by means of corruption and conspiracy against rights under the color of law

The Color of law refers to an appearance of legal power to act that may operate in violation of law. For example, if a police officer acts with the "color of law" authority to arrest someone, the arrest, if it is made without probable cause, may actually be in violation of law. In other words, just because something is done with the "color of law" does not mean that the action was lawful. When police act outside their lawful authority and violate the civil rights of a citizen, the FBI is tasked with investigating and Tinika SeCal Warren was falsely detained , arrested and a bogus medical report has been done on me by saying that I talk to myself and because of my religion being Christainity.

Another danger is I am continuously being discriminated against in the courts system. This is referencing page 2 of the court order dated December 5, 2019. I am aware that this court does not have jurisdiction in family court matters and neither did the juvenile court that conspired with the bogus " serious mental impairment" saying that I was suffering. Therefore , that complaint has been completed with the Office of Civil Rights online complaint forms against the parties involved. I also am submitting my compliant to the State of Georgia Investigations Team for licensing of medical doctors, nurses, hospitals, and social workers. The state licensing offices, Department of Justice and the FBI holds the authority to investigate those complaints and that was completed as well.

Argument 2

Deprivation of rights under color of law and terroristic threats

The deprivation of rights under color of law is a federal criminal offense which occurs when any person, under color of any law, statute, ordinance, regulation,

or custom, willfully subjects any person on any U.S. territory or possession to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens (18 U.S.C. § 242). When two or more persons conspire to prevent the exercise of constitutional rights, or to punish an individual for having exercised them, it is deemed a conspiracy against rights (18 U.S.C. § 241). The death penalty is applicable in extreme cases when the crimes cause the death of the individual being deprived of constitutional rights.

Title 18, U.S.C., Section 245 - Federally Protected Activities

1) This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

a. **A voter, or person qualifying to vote...; I am a GEORGIA REGISTERED VOTER**
b. **a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States; Retaliation by kicking me out of my apartment without accommodating me an my disabled daughter and causing my boyfriend to abandon me and my daughter. Leading to conspiracy to kidnap my daughter and brainwash her.**
c. **an applicant for federal employment or an employee by the federal government; I am an applicant.**
d. **a juror or prospective juror in federal court; and I am a prospective Georgia juror**
e. **a participant in any program or activity receiving Federal financial assistance. Student loans, food stamps and Genesis social security payments that the defendants refused to calculate as income and said she would be going to LIVE with her dad that I was never married but lived with in North Carolina prior to her birth (women's domestic violence act) , and they conspired to kidnap my daughter**

with local government officials , social worker's hospitals and others. I do not deserve none of this I have taken care of my kids since day one of their lives providing a nice home and these people has been waiting for the day to sabotage my life , falsified drug test and damaging my career because they were jealous of me and has been waiting for the time to get this opportunity to get through the system and my creditors to bring me down and furthermore participating in this conspiracy and

Corruption is definitely a fact by a preponderance of evidence as being dishonest and kidnapping of a minor by coercion and enticing a minor child as investigators are working on this matter.

/kəˈrəpSH(ə)n/

noun

1. 1.
   dishonest or fraudulent conduct by those in power, typically involving bribery.
   "the journalist who wants to expose corruption in high places"

Therefore, this is a matter in controversy that needs to have this case heard before a special appointed jury to award me compensatory damages for the " emotional stress" that I have and am going through enough is enough they need to be penalized and paid to get recovery from these injuries and pain and suffering that has triggered my Anxiety , PTSD and had one Panic Attack while residing at 260 Northern Ave, Apartment 10 B, Avondale Estates , Georgia 30002.

Types of Damages

- **COMPENSATORY. Compensatory damages are generally the most identifiable and concrete type of damages. ...Has a record of such an impairment; or this court has the records for Tinika S. Warren disabilities in transcripts located in file**

Therefore, this element has been meet to grant immediate judgment.

- **GENERAL. General damages are sought in conjunction with compensatory damages. ...**
- **PUNITIVE. Punitive damages are meant to punish a Defendant for particularly egregious conduct. Avondale Reserve Apartments, S & S Management, Hiscox Insurance and those that planned out and conspired against my Fair Housing Act Rights, needs to be expedited for a speedy garnishment by default judgment to reunite my family and so we can focus on our health and well being of Tinika S. Warren and Genesis A. Williams minor child 504 disabilities act, under the Fair Housing Act , box (36) and (37),**

2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:

a. **A student or applicant for admission to any public school or public college;**
b. **a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government;**
c. **an applicant for private or state employment, private or state employee; a member or applicant for membership in any labor organization or hiring hall; or an applicant for employment through any employment agency, labor organization or hiring hall;**
d. **a juror or prospective juror in state court; I am a registered Georgia Voter**
e. **a traveler or user of any facility of interstate commerce or common carrier; or (Licensed Driver) , they just retaliate to conspire to have my driver's license taken to make me not qualify for this right**

f. **a patron of any public accommodation, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters...or any other establishment which serves the public and which is principally engaged in selling food or beverages for consumption on the premises.**

g. **I was last visiting a bar with my former live-in boyfriend in 2017 until they got him to participate in the conspiracy**

h. **I use gas stations weekly and work at McDonald's restaurant**

i. **I am currently have to live in a hotel/ motel awaiting to get an emergency speedy trial, Technically, the Sixth Amendment right to a speedy trial does not require a defendant to be sentenced within a certain time after a conviction. Federal and state laws often provide certain time limits for sentencing, though, and the Federal Rules of Civil Procedure provides that a defendant is entitled to be sentenced without unnecessary delay. Therefore, those that violated my rights while participating in a " Federally Protected Civil Rights Activity", by means of intimidation and retaliation, needs to appear before the jury by means of a subpoena, Larry S. Dooley, Gary E. Moore Sr, Children's Healthcare of Atlanta Legal Department, Henry County and Dekalb County Social Workers**

j. **Others that need to appear s HUD that came onto the property of 260 Northern Avenue , Apartment 10 B, Avondale Estates , Georgia 30002 , These person's that violated the peace in my home alternatively, Defendant is liable for aiding and abetting and that was supposed to pay me under the Relocation Act for 52 Months rent and failed to do so by conspiring with my rent office to " evict " me from the home so they wouldn't be held liable and created chaos at home to make it look like it was not safe so that I wouldn't not qualify under the "Relocation Act"**

3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death.

The Bureau's Public Corruption program focuses on:

- **Investigating violations of federal law by public officials at the federal, state, and local levels of government;**
- **Overseeing the nationwide investigation of allegations of fraud related to federal government procurement, contracts, and federally funded programs;**
- **Combating the threat of public corruption along the nation's borders and points of entry in order to decrease the country's vulnerability to drug and weapons trafficking, alien smuggling, espionage, and terrorism.**
- **Addressing environmental crime, election fraud, and matters concerning the federal government procurement, contracts, and federally funded programs that was violated by Maurice Handy, HUD Mediator, Regina**

Montgomery, Relocation Act Assistance Contact, and Pat Green, Hud Supervisor .Veronica Batise , Civil Rights Analyst that gave me her professional analysis of my case and she conversed back with the HUD lawyers that I in fact should've been paid under the relocation act for 52 months and a check should have been written to me Tinika S. Warren to pay Avondale Reserve Apartments and the other monies were supposed to cover all moving and related expenses, utilities (they had Gary E. Moore Sr, to disconnect my power and block me out of the account and torment me while we had no separation from our relationship or issues until this incident after recoiling in 2009- 2017 ; when they had him to participate in the corruption, intimidation and retaliation therefore this needs to be addressed before the jury because it violates the Women's Domestic Violence Act

The Protection of Women from Domestic Violence Act 2006 different from the provision of the Penal Code - section 498A of the Indian Penal Code - in that it provides a broader definition of domestic violence.[1]

Domestic violence is defined by Section 3 of the Act as[2] "any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it:

1. **harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or by Gary E. Moore Sr. , Gary RaShawn Scales , Larry S. Dooley , Nichell Chaton Warren my big sister is participating in all the above to torment me for exercising my Fair Housing Act Rights and mentally emotionally , sexually abusing me by force of intimadation and retailiation for being a whistleblower and reporting therefore I have succesfully met the grounds to have this case heard for a jury trial as a recipe for restoring my happiness, strenght and to reduce my pain the gounds to have a fair and just trial expedited under the The Whistleblower Protection Act as an applicant for FBI jobs, as a FEMA (Homeland Security) Home inspector applicant that attended job training throght Vanguard to serve this country in 2016=2017 until the failure to accommodate and illegal eviction by means of corruption in Greensboro, NC carrying over to Georgia, Please add this case on the next calendar date within 24 hours to accommodate me under the**

The Whistleblower Protection Act (WPA) protects Federal employees and applicants for employment who lawfully disclose information they reasonably believe evidences:

2. **a violation of law, rule, or regulation;**
3. **gross mismanagement;**
4. **a gross waste of funds;**
5. **an abuse of authority;**
6. **or a substantial and specific danger to public health or safety.**

7. harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or I am expericing extreme harassment, injuries and coercien and intimadation and falsely being set up by my ex's and my family member's and others to defame my character, make me lose federally funded benefits in governemental programs, Nichell took Genesis social security payments therefore extortion has been proven for that portion of "stealing my tax dedcutions, benefits in federal programs an alienating me from my daughter medical appointments and school and basically helping Children's Hospital carryout a deathwish upon my child to kill her by neglecting to have other doctors to take a look at her healthcare needs; leaving me in a position to worry and then having to just "give up and feel like death is everywhere", and if she let's them brainwash here she is letting them assist her at suicide. And as a mother I was starting to feel like there was NO HOPE and to project that she will die if she continues to get treatment at Children's Healthcare Hospital, and having to give up control of MY minor child is driving me out my mind and I am constanting hurting and stressing, I love my child and I am really hurting and alienating me from my "normal daily activities" , carried out daily is leaving me lonely.

8. has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or causing me to panic and worry daily as an aggrieved person, my sister threatened to take my daughter, Larry S. Dooley, Gary E. Moore Sr, Jeremiah RaShawn Williams

9. **otherwise injures or causes harm, whether physical or mental, to the aggrieved person."**

The Act goes on, through the section *Explanation 1*, to define "physical abuse","sexual abuse", "verbal and emotional abuse" and "economic abuse, Therefore , this elemet has been met to get immediate default judgment for failure to respond by November 2, 2019, defendant's liability, to make me suffer longer than necessary to get recovery.

The VAWA specifies full faith and credit to all orders of protection issued in any civil or criminal proceeding, or by any Indian tribe, meaning that those orders can be fully enforced in another jurisdiction. Forty-seven states have now passed legislation that recognizes orders of protection issued in other jurisdictions. Three states, Alaska, Montana, and Pennsylvania, require that an out of state order be filed with an in state jurisdiction before the order can be enforced.

- Landmark Cases on Interstate Provisions
- There are several landmark cases that have been decided under these new interstate provisions. For example, in *United States v. Rita Gluzman* (NY), the defendant traveled from New Jersey to New York with the intention of killing her estranged husband. The weapons she took with her were used in the murder. Gluzman was convicted for this crime. In *United States v. Mark A. Sterkel* (1997), the defendant was convicted of interstate stalking after traveling from Utah to Arizona to threaten his former boss.

- VAWA originally allowed victims of domestic abuse to sue for damages in civil court. However, this part of the VAWA was overturned by the U.S. Supreme Court in *Brzonkala v. Morrison* (2000), wherein the court held that Congress did not have the authority to implement such a law.
- VAWA Impact on Domestic Violence Arrest Policies
- Another goal of Violence Against Women Act was to influence state legislators, particularly in regard to arrest policy for domestic situations. In order to receive Federal funding, states must adopt certain responses. The Act reads: VAWA 1994: (1) To implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations. This act has had a profound effect on state laws governing domestic abuse.

In 2008, the FBI created the International Corruption Unit (ICU) to oversee the increasing number of investigations involving global fraud against the U.S. government and the corruption of federal public officials outside of the continental U.S. involving U.S. funds, persons, businesses, etc. The ICU's tasks include:

- **Overseeing the Bureau's Foreign Corrupt Practices Act (FCPA) and antitrust cases;**
- **Maintaining operational oversight of several International Contract Corruption Task Forces, which investigate and prosecute individuals and firms engaged in bribery, illegal gratuities, contract extortion, bid rigging, collusion, conflicts of interest,**

product substitution, items and/or services invoiced without delivery, theft, diversion of goods, and individual and corporate conspiracies on every level of U.S. government operations.

Therefore, this case and the need for an entire trial and commitment to public trust and needs to be adhered to give me the opportunity to get the maximum justice and compensation that i deserve to recover and regain my confidence and joy back from public officials.

Guide to Judiciary Policy Vol. 2: Ethics and Judicial Conduct Pt. A: Codes of Conduct Ch. 2: Code of Conduct for United States Judges Introduction Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently Canon 4: A Judge May Engage in Extrajudicial Activities That Are Consistent With the Obligations of Judicial Office Canon 5: A Judge Should Refrain From Political Activity Compliance with the Code of Conduct Applicable Date of Compliance

This Code applies to United States circuit judges, district judges, Court of International Trade judges, Court of Federal Claims judges, bankruptcy judges, and magistrate judges. Certain provisions of this Code apply to special masters and commissioners as indicated in the "Compliance" section. The Tax Court, Court of Appeals for Veterans Claims, and Court of Appeals for the Armed Forces have adopted this Code. The Judicial Conference has authorized its Committee on Codes of Conduct to render advisory opinions about this Code only when requested by a judge to whom this Code applies. Requests for opinions and other questions concerning this Code and its applicability should be addressed to the

Chair of the Committee on Codes of Conduct by email or as follows: Chair, Committee on Codes of Conduct c/o General Counsel Administrative Office of the United States Courts Thurgood Marshall Federal Judiciary Building One Columbus Circle, N.E. Washington, D.C. 20544 202-502-1100 Procedural questions may be addressed to: Office of the General Counsel Administrative Office of the United States Courts Thurgood Marshall Federal Judiciary Building One Columbus Circle, N.E. Washington, D.C. 20544 202-502-1100 Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. Guide to Judiciary Policy, Vol. 2A, Ch. 2 Page 3 COMMENTARY Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn on their acting without fear or favor. Although judges should be independent, they must comply with the law and should comply with this Code. Adherence to this responsibility helps to maintain public confidence in the impartiality of the judiciary. Conversely, violation of this Code diminishes public confidence in the judiciary and injures our system of government under law. The Canons are rules of reason. They should be applied consistently with constitutional requirements, statutes, other court rules and decisional law, and in the context of all relevant circumstances. The Code is to be construed so it does not impinge on the essential independence of judges in making judicial decisions. The Code is designed to provide guidance to judges and nominees for judicial office. It may also provide standards of conduct for application in proceedings under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 351-364). Not every violation of the Code should lead to disciplinary action. Whether disciplinary

action is appropriate, and the degree of discipline, should be determined through a reasonable application of the text and should depend on such factors as the seriousness of the improper activity, the intent of the judge, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system. Many of the restrictions in the Code are necessarily cast in general terms, and judges may reasonably differ in their interpretation. Furthermore, the Code is not designed or intended as a basis for civil liability or criminal prosecution. Finally, the Code is not intended to be used for tactical advantage. Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities A. Respect for Law. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. B. Outside Influence. A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness. C. Nondiscriminatory Membership. A judge should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin. Guide to Judiciary Policy, Vol. 2A, Ch. 2 Page 4 COMMENTARY Canon 2A. An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges, including harassment and other inappropriate workplace behavior. A judge must avoid all impropriety and appearance of impropriety. This prohibition applies to both professional and personal conduct. A judge must expect to be the subject of constant public scrutiny

and accept freely and willingly restrictions that might be viewed as burdensome by the ordinary citizen. Because it is not practicable to list all prohibited acts, the prohibition is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code. Canon 2B. Testimony as a character witness injects the prestige of the judicial office into the proceeding in which the judge testifies and may be perceived as an official testimonial. A judge should discourage a party from requiring the judge to testify as a character witness except in unusual circumstances when the demands of justice require. This Canon does not create a privilege against testifying in response to an official summons. A judge should avoid lending the

Canon 2C. Membership of a judge in an organization that practices invidious discrimination gives rise to perceptions that the judge's impartiality is impaired. Canon 2C refers to the current practices of the organization. Whether an organization practices invidious discrimination is often a complex question to which judges should be sensitive. The answer cannot be determined from a mere examination of an organization's current membership rolls but rather depends on how the organization selects members and other relevant factors, such as that the organization is dedicated to the preservation of religious, ethnic or cultural values of legitimate common interest to its members, or that it is in fact and effect an intimate, purely private organization whose membership limitations could not be constitutionally prohibited. See New York State Guide to Judiciary Policy, Vol. 2A, Ch. 2 Page 5 Club Ass'n. Inc. v. City of New York, 487 U.S. 1, 108 S. Ct. 2225, 101 L. Ed. 2d 1 (1988); Board of Directors of Rotary International v. Rotary Club of Duarte, 481 U.S. 537, 107 S. Ct. 1940, 95 L. Ed. 2d 474 (1987); Roberts v. United States Jaycees, 468 U.S. 609, 104 S. Ct. 3244, 82 L. Ed. 2d 462 (1984). Other relevant factors include the size and nature of the

organization and the diversity of persons in the locale who might reasonably be considered potential members. Thus the mere absence of diverse membership does not by itself demonstrate a violation unless reasonable persons with knowledge of all the relevant circumstances would expect that the membership would be diverse in the absence of invidious discrimination. Absent such factors, an organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, religion, sex, or national origin persons who would otherwise be admitted to membership. Although Canon 2C relates only to membership in organizations that invidiously discriminate on the basis of race, sex, religion or national origin, a judge's membership in an organization that engages in any invidiously discriminatory membership practices prohibited by applicable law violates Canons 2 and 2A and gives the appearance of impropriety. In addition, it would be a violation of Canons 2 and 2A for a judge to arrange a meeting at a club that the judge knows practices invidious discrimination on the basis of race, sex, religion, or national origin in its membership or other policies, or for the judge to use such a club regularly. Moreover, public manifestation by a judge of the judge's knowing approval of invidious discrimination on any basis gives the appearance of impropriety under Canon 2 and diminishes public confidence in the integrity and impartiality of the judiciary, in violation of Canon 2A. When a judge determines that an organization to which the judge belongs engages in invidious discrimination that would preclude membership under Canon 2C or under Canons 2 and 2A, the judge is permitted, in lieu of resigning, to make immediate and continuous efforts to have the organization discontinue its invidiously discriminatory practices. If the organization fails to discontinue its invidiously discriminatory practices as promptly as possible (and in all events within two years of the judge's first learning of the practices), the judge should resign immediately from the organization. Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently The duties of judicial office take precedence over all

other activities. The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. The judge should adhere to the following standards: A. Adjudicative Responsibilities. Guide to Judiciary Policy, Vol. 2A, Ch. 2 Page 6 (1) A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism. (2) A judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings. (3) A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct by those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process. (4) A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law. Except as set out below, a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a judge receives an unauthorized ex parte communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if requested. A judge may: (a) initiate, permit, or consider ex parte communications as authorized by law; (b) when circumstances require it, permit ex parte communication for scheduling, administrative, or emergency purposes, but only if the ex parte communication does not address substantive matters and the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; (c) obtain the written advice of a disinterested expert on the law, but only after giving advance notice to the parties of the person to be consulted and the subject matter of the advice and affording the parties reasonable opportunity to object and respond to the notice and to the advice

received; or (d) with the consent of the parties, confer separately with the parties and their counsel in an effort to mediate or settle pending matters.

Works cited and inserted from:

https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf

Works cited from FBI.gov

Argument 2

Parking Lot

EEOC Sues Wal-Mart for Disability Discrimination and Retaliation

Placerville Store Denied Close Parking for Employee with Heart Condition, Federal Agency Charged

SACRAMENTO, Calif. — Mega-retailer Wal-Mart violated federal law when it failed to accommodate an employee with a disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today. The EEOC also charged that Wal-Mart later fired the worker because of his disability and in retaliation for asserting his civil rights.

According to the EEOC's investigation, David Gallo worked at the Walmart in Placerville, Calif., starting in June 2003. During his six years at the store, Gallo's successful performance was reflected in promotions from overnight stocker to the manager of the store's tire lube express bay. Gallo has atrial fibrillation, a heart condition that causes shortness of breath and difficulty walking. In March 2008, the new store manager barred Gallo from parking in the handicap parking spaces and any spaces close to the front of the store,

despite the company's knowledge that Gallo had a disability. Gallo filed a charge with the EEOC for Wal-Mart's failure to accommodate his disability in September 2008. Eight months later, he was fired allegedly for an error made by a subordinate, even though the subordinate and the inspector who had reviewed his work were not discharged.

"Letting me park closer to my job was a little thing for Wal-Mart, but would have made a big difference to me," stated Gallo. "The store manager made me move to the back of the parking lot, even after I showed him my handicap placard. I asked for a simple accommodation, and I lost my job over it."

The Americans with Disabilities Act (ADA) prohibits treating workers unfavorably because they have a disability and requires employers to make reasonable accommodations to applicants and employees with disabilities. The ADA also prohibits retaliatory actions against employees for requesting an accommodation or filing a charge with the EEOC. After first attempting to reach a pre-litigation settlement through conciliation, the EEOC filed the lawsuit (*EEOC v. Wal-Mart Stores, Inc.*, No. 2:11-AT-01806) in U.S. District Court for the Eastern District of California, and seeks monetary damages on behalf of Gallo, training on the ADA and other steps to prevent future discrimination.

EEOC San Francisco Regional Attorney William R. Tamayo said, "In December 2001, the EEOC reached a $6.5 million settlement with Wal-Mart. That consent decree was in effect for four years, resolved 13 different cases of disability discrimination against the company throughout the U.S., and required Wal-Mart to hire an ADA coordinator. Nevertheless, it appears that some store managers still do not understand their obligation to accommodate people with disabilities."

EEOC San Francisco District Director Michael Baldonado commented, "Wal-Mart could have easily accommodated Mr. Gallo, but despite his repeated requests, nothing happened until he filed his EEOC charge. Wal-Mart compounded its mistake by firing him in retaliation. The EEOC will defend employees' rights to ask for an accommodation for their disabilities and to report discrimination when employers fail to respond properly to their requests. "

Inverted from web site at www.eeoc.gov.

the Americans with Disabilities Act

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules. Learn about the history of the Act at *ADA at 25*.

An individual with a disability is a person who:

- **Has a physical or mental impairment that substantially limits one or more major life activities;**
- **Has a record of such an impairment; or this court has the records for Tinika S. Warren disabilities in transcripts located in file**

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Therefore, this element has been meet to grant immediate judgment.

- **Is regarded as having such an impairment.**

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- **Making existing facilities used by employees readily accessible to and usable by persons with disabilities.**
- **Job restructuring, modifying work schedules, reassignment to a vacant position;**
- **Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and**

providing qualified readers or interpreters. The defendants failed defendant's liability element has been met.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation. For example:

- **A deaf applicant may need a sign language interpreter during a job interview.**
- **An employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels.**
- **A blind employee may need someone to read the information posted on a bulletin board.**
- **An employee with cancer may need leave to have radiation or chemotherapy treatments. Minor child (GAW)**

An employer does not have to provide a reasonable accommodation if it imposes an "undue hardship." Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. if an employer believes that a medical condition is causing a performance or conduct problem, it may ask the employee how to solve the problem and if the employee needs a reasonable accommodation. Once a reasonable accommodation is requested, the employer and the individual should discuss the individual's needs and identify the appropriate reasonable accommodation. Where more than one accommodation would work, the employer may choose the one that is less costly or that is easier to provide.

Title I of the ADA also covers:

- **Medical Examinations and Inquiries**
  Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

  Medical records are confidential. The basic rule is that with limited exceptions, employers must keep confidential any medical information they learn about an applicant or employee. Information can be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a healthcare professional. For example, an employee's request for a reasonable accommodation would be considered medical information subject to the ADA's confidentiality requirements.
- **Drug and Alcohol Abuse**
  Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

I have never had drug habits nor abused drugs but the danger to me not getting a fair judgement and order is at risk due to ongoing patterns of " obstruction of justice " abuse of civil rights and retaliation that I keep experiencing making my life unbearable , unhappy and violates my human rights.

In 1920, the Constitution was amended again, with the Nineteenth Amendment to definitively prohibit discrimination against women's suffrage.

I am here suffering at no fault of my own and continue to get put in compromising positions of unjust civil cases with false and misleading statements by people who hold a position of oath.

In the 1970s, the Burger Court made a series of rulings clarifying that discrimination against women in the status of being Persons violated the Constitution and acknowledged that previous court rulings to the contrary had been Sui generis and an abuse of power. The most often cited of these is Reed v. Reed, which held that any discrimination against either sex in the rights associated with Person status must meet a strict scrutiny standard.

That standard has been violated because all parties participated in the premeditated kidnapping of my daughter abusing power, authority and their company resources to violate my Constitutional Rights leaving me unhappy, homeless and alienated from my sick child. Violating the right to be a parent ;

SECTION 4

The parental rights guaranteed by this article shall not be denied or abridged on account of disability.

The court that holds the highest order can

SECTION 3

Neither the United States nor any State shall infringe these rights without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

The 1970s in human rights the adopted of the Twenty-sixth Amendment, which prohibited discrimination on the basis of age, for Persons 18 years old and over, in voting. Other attempts to address the developmental distinction between children and adults in Person status and rights have been addressed mostly by the Supreme Court, with the Court recognizing in 2012, in Miller v. Alabama a political and biological principle that children are different from adults.

Therefore, GAW, being different hence she was under the age of 18 and I still had a right to be her parent under Federal Law and State Law,

Argument 3

Insert from : https://caselaw.findlaw.com/dc-court-of-appeals/1445261.html

Under the Fair Housing Act, a landlord "is only obligated to provide a reasonable accommodation" to a tenant "if a request for the accommodation has been made." 17 A tenant who requests a "reasonable accommodation," moreover, should "make clear[ ]" to the landlord that "she is requesting an exception, change, or adjustment to a rule, policy, practice, or service because of her disability." 18 And "she should explain what type of accommodation she is requesting." 19 On the other hand, the Fair Housing Act "does not require that a request be made in a particular manner." 20 Even more importantly, the tenant's failure to make clear in her initial request "what type of accommodation she is requesting" is not fatal. According to applicable case law, including an administrative adjudication by HUD itself, once the tenant requests a "reasonable accommodation" (or, without using those exact words, requests an accommodation for a disability) the landlord is obliged under the Fair Housing Act to respond promptly.21 If the request is not sufficiently detailed to reveal the nature of that request, the Act-as properly interpreted-requires the landlord to "open a dialogue" with the tenant, eliciting more information as needed, to determine what specifics the tenant has in mind and whether such accommodation would, in fact, be reasonable under the circumstances.22 Any delay from the landlord's failure to respond promptly to the tenant's request may become the landlord's responsibility.23

The threshold question, then, is whether the letter of February 20, 2002 from tenant's counsel to landlord's counsel was specific enough to be a "request" that imposed a duty on the landlord to respond. We believe it was. In the interest of expediting the matter, counsel for the tenant should have stated the request for accommodation with greater specificity in his letter of February 20, which did not expressly mention a stay of the proceedings or spell out a plan for cleaning the

apartment. That letter, however, did not lack detail. The landlord was informed that the tenant suffered from a "mood disorder," was "on SSI disability," had a D.C. government "case worker," and was an "outpatient at a city-operated mental health/substance abuse clinic." Of particular significance, counsel also told the landlord that the D.C. government was "prepared to assist" in achieving a "reasonable accommodation." Counsel's letter did not make clear exactly what kind of accommodation the tenant was seeking or precisely how the D.C. government would help in making the accommodation reasonable. But in the context of this pending action for possession, a jury reasonably could find from the evidence of record that, as early as February 20, 2002, a request for a stay was implicit; and in the circumstances of a filthy apartment, a jury reasonably could find that, as of that same February date, the reference to the D.C. government suggested that the government would help with the cleaning.

THE UNREASONABLENESS OF THE PROPOSED ACCOMMODATION

Although it has prudently eschewed the division's notion that the trial judge's exercise of discretion regarding the qualifications of Sutton and Byrd was "manifestly erroneous," the en banc majority, viewing the record in the light most favorable to Ms. Douglas, holds that there was sufficient evidence to permit an impartial jury to find that Ms. Douglas was suffering from a mental handicap within the meaning of the Act. I acknowledge that, given the applicable "light most favorable" standard, this may fairly be termed a somewhat close call, and as I have previously noted, I am prepared to assume, in this opinion, that counsel for Ms. Douglas presented enough evidence to raise a jury question. Nevertheless, some additional comment is in order, for the nature of Ms. Douglas' condition affects both the harm done to the landlord and to the other tenants and the reasonableness vel non of the proposed accommodation.

Although the point has not been addressed by the parties or in either opinion in the division, there is considerable question whether, on this record, Ms. Douglas is a "qualified handicapped person" who is entitled to protection under the Act. To paraphrase a passage from the decision of the Supreme Judicial Court of Massachusetts in Andover Hours. Auth.,

[t]he term "qualified" handicapped person is not used in . the Fair Housing Act, 42 U.S.C. § 3604(f)(2). However, it is used in § 504 of the Rehabilitation Act, 29 U.S.C. § 794, to which [the Fair Housing Act] [is] analogous. We see little reason not to consider whether a plaintiff is a "qualified" handicapped person in the context of a housing discrimination claim "because many of the issues that arise in the 'qualified' analysis also arise in the context of the 'reasonable modifications' or 'undue burden' analysis. That is, if more than reasonable modifications are required of an institution in order to accommodate an individual, then that individual is not qualified for the program." Bercovitch v. Baldwin Sch., Inc., 133 F.3d 141, 154 (1st Cir.1998). In the public housing context, a "qualified" handicapped individual is one who could meet the authority's eligibility requirements for occupancy and who could meet the conditions of a tenancy, with a reasonable accommodation or modification in the authority's rules, policies, practices, or services. Cf. Whittier Terrace Assoc. v. Hampshire, 26 Mass.App.Ct. 1020, 1020-1021, 532 N.E.2d 712 (1989). Here, the tenant [ ] made no showing that, even if eviction proceedings were withdrawn or delayed, [she] could comply with the terms of [her] lease by not [harming her] neighbors. The evidence plainly suggested otherwise.

820 N.E.2d at 823-24 (emphasis added; citations to state law omitted).

52. 42 U.S.C. § 3602(h) (2000); Joint Statement 13-14; cf. Advocacy Ctr. for Persons with Disabilities, Inc. v. Woodlands Estates Ass'n Inc., 192 F.Supp.2d 1344, 1347 (M.D.Fla.2002) (plaintiffs need not show "exact disabilities" to demonstrate they

are “developmentally disabled” and thus entitled to “reasonable accommodation” as handicapped persons under Fair Housing Act).

I , Tinika S. Warren made the defendants aware of my records of such disabilities and a record of my minor child GAW, ovarian cancer disabilities from the signing of my application by providing GAW , SSI income verification and about 30-60 days I included a copy of my records of such disabilities for anxiety and PTSD and a current visit to Dekalb Medical Health on Winn Way, Decatur , Georgia one time visit for a panic attack that is characteristics to the symptoms of PTSD and anxiety.

Works cited:

Insert from : https://caselaw.findlaw.com/dc-court-of-appeals/1445261.html

CONCLUSION

For the above-stated reasons, Plaintiff’s motion for default judgment should be immediately GRANTED. I am asking that the Clerk is DIRECTED to enter judgment against Case number 1:17-cv-04187 Document named Amend105 MOTION for Summary Judgment &104 Response to Motion by Tinika S. Warren. Thursday, December 05, 2019. Defendant in the sum of $90 million dollars by means of immediate garnishment to this court within 48 business calendar days. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

Signature: Tinika SeCal Warren