

In the Supreme Court of the United States

Pro Se Toya M. Gibson

Petitioner,

V.

Ridgewells Catering

Respondent

Notarized Statement

John 8:32

32 And ye shall know the truth, and the truth shall make you free.

To the United States Supreme Court, according to the correspondence received, a notarized statement is needed for filing. On today, December 31, 2024 I in fact had this statement notarized at the Robert W. Hainsworth Law Library in Houston Texas.

I have called and left two (2) voicemails requesting a return call however, instead of a return call I am acknowledging the received correspondence from the court dated on November 26, 2024. Unaware, this correspondence was sent to my old

mailing address at P.O. Box 681211 Houston, Texas 77268, however I had previously requested that any correspondence be sent to my present mailing address as to why I am attaching a copy of my Texas Drivers License.

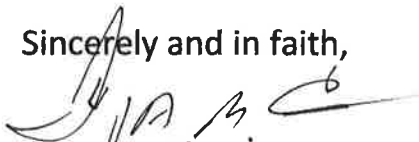
Now that I have received this correspondence, I am also requesting consideration noting that I have also attached a copy of an email notification that I sent directly from the United States Postal Service's Self-service Kiosks which notes that the petition for an extension to file the writ of certiorari was mailed on November 15, 2024 at 11:43pm. Also noted is the UFN: 480033-9550 and receipt #: 840-17700738-1-6010890-1. Additionally, the estimated delivery date notes wed. 11/20/2024. As to why it took 11 days, 6 days later than was estimated, is and was out of my control. Here in Houston Texas especially, the USPS has taken full responsibility for late mail and has acknowledged that they have taken measures to ensure mail meets expectations. Petitioner prays that the Supreme Court gives consideration now that it is in possession of the receipt.

In closing, I am grateful for the hardcopy of the rules that were requested and sent and I will continue to be in faith that the United States Supreme Court will grant me the time requested to present evidence as to why I believe this case deserves review, as discrimination in Golf has been an issue for years where they

have however acknowledged it and have made some strides. Still, there is work to do and I wholeheartedly believe that I was discriminated against and prevented from working at the 75th Women's Open in 2020, as to why I am still humbly requesting review.

As noted on the last page of the correspondence sent, this statement is now notarized. Thank you.

Sincerely and in faith,



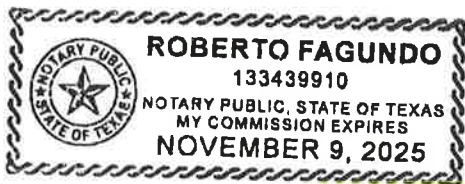
Toya M. Gibson

12515 Fox Trace Ln

Houston, Texas 77066

713-304-3092

Gibson toya@hotmail.com



2

Case #24-20013

Certificate of Compliance

I, Toya M. Gibson Appellate, certify that this motion for rehearing in the above-captioned case contains 430 words. On December 31, 2024 this notarized statement was respectfully emailed and snail mailed.

Certificate of Service:

Date Mailed: December 31, 2024

Name of Parties:

David L. Miller

Attorney-in-Charge

SBN: 14067300

Federal I.D. #8833

Miller, Scamardi, Carrabba, Burgess P.C.

6525 Washington Avenue

Houston, Texas 77007

Tel: 713-861-3595

Certificate of Conference

On December 31, 2024 I Pro Se Toya M. Gibson sent a copy of this notarized statement to the Appellee, Ridgewells Catering represented by Miller, Scamardi, Carrabba & Burgess, P.C.

Pro Se Toya M. Gibson

Toya M. Gibson

USPS eReceipt

From DoNotReply@ereceipt.usps.gov <DoNotReply@ereceipt.usps.gov>
Date Fri 11/15/2024 11:43 PM
To gibson_toya@hotmail.com <gibson_toya@hotmail.com>



CORNERSTONE
14403 WALTERS RD
HOUSTON, TX 77014-9998
(800)275-8777

11/15/2024

11:43 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope Washington, DC 20543 Weight: 2.50 oz Estimated Delivery Date Wed 11/20/2024	1		\$2.04

Grand Total: \$2.04

Credit Card Remit \$2.04
Card Name: VISA
Account #: XXXXXXXXXXXX1644
Approval #: 073450
Transaction #: 264
Receipt #: 000264
AID: A000000980840 Contactless
AL: US Common Debit

Preview your Mail
Track your Packages
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<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/ssk?mt=13>

UFN: 480033-9550
Receipt #: 840-17700738-1-6010890-1
Clerk: 00

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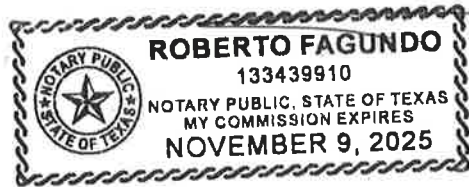
VERIFICATION

BEFORE ME, the undersigned authority, on this date personally appeared TOYA M. GIBSON
who upon being duly sworn, deposed and stated as follows:

My name is TOYA M. GIBSON I have read the foregoing motion, and the facts
stated therein are within my personal knowledge and are true and correct.

Toya M Gibson
December 31, 24

SWORN TO AND SUBSCRIBED before me on this 31st day of December, 2024



[Signature]
NOTARY PUBLIC
in and for Harris County, Texas

RECEIVED
JAN 10 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

From the Court of Appeals No. 24-20013

Toya M. Gibson

12515 Fox Trace Ln

Houston, Texas 77066

Phone: 713-304-3092

December 31, 2024

United States Court of Appeals
for the Fifth Circuit

No. 24-20013
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
August 27, 2024

Lyle W. Cayce
Clerk

TOYA GIBSON,

Plaintiff—Appellant,

versus

RIDGEWELLS CATERING,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-3828

Before GRAVES, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Toya Gibson asserted employment discrimination claims against Ridgewells Catering. Ridgewells moved for summary judgment, asserting that Gibson's claims failed on the merits and were time-barred for failure to file within the statutorily prescribed period after receiving her right-to-sue letter. The court granted Ridgewells' motion, holding that the suit lacked

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

No. 24-20013

merit and was time-barred. Gibson now appeals, though her pro se briefing is not a model of clarity: We cannot discern whether Gibson challenges the district court's summary judgment for Ridgewells or its denial of her untimely motion for reconsideration. We briefly address each basis for appeal. *See Jennings v. Towers Watson*, 11 F.4th 335, 341 (5th Cir. 2021) (noting that briefs of pro se parties are entitled to liberal construction).

After determining that summary judgment for Ridgewells was merited, the district court entered final judgment on August 8, 2023. Gibson moved for reconsideration on September 12, 2023, outside the 28-day timeframe prescribed for such motions by Federal Rule of Civil Procedure 59(e). Because untimely post-judgment motions do not affect the time for filing an appeal, *Knapp v. Dow Corning Co.*, 941 F.2d 1336, 1338 (5th Cir. 1991), Gibson had 30 days from August 8, 2023, to appeal the court's summary judgment, *see* FED. R. APP. P. 4(a)(1)(A). Because she failed to do so, we lack jurisdiction to consider an appeal of the underlying judgment for Ridgewells. *See Moody Nat'l Bank of Galveston v. GE Life & Annuity Assurance Co.*, 383 F.3d 249, 250 (5th Cir. 2004).

Treating Gibson's appeal as contesting the district court's denial of her untimely motion for reconsideration, after reviewing the parties' briefs and the record, we discern no reversible error in the district court's ruling and therefore affirm. *See* 5TH CIR. R. 47.6.

Finally, Gibson moves for appointment of counsel. Though federal courts have discretion to appoint counsel to advance the proper administration of justice, Gibson fails to make a showing that appointment of counsel is warranted in this case. *See Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982). We therefore DENY her motion to appoint counsel.

AFFIRMED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 27, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 24-20013 Gibson v. Ridgewells Catering
USDC No. 4:21-CV-3828

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 35, 39, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 and Fed. R. App. P. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

The judgment entered provides that Appellant pay to Appellee the costs on appeal. A bill of cost form is available on the court's website www.ca5.uscourts.gov.

Sincerely,

LYLE W. CAYCE, Clerk

Christina Rachal

By:

Christina C. Rachal, Deputy Clerk

Enclosure(s)

Mrs. Diane Freeman Burgess
Ms. Toya Gibson
Mr. David L. Miller