ORIGINAL

No. 18 - 5853

IN THE SUPREME COURT OF THE UNITED STATES
ON PETITION FOR U. S. Supreme Court WRIT OF CERTIORARI

DOROTHY BINNS,
Petitioner,
v.
THE CITY OF MARIETTA GEORGIA.
Respondent.

From The United States Court of Appeals for the 11th Circuit of Georgia No. 16 - 14924
Before The Honorable Appeals Court Judges – Marcus, Wilson and Martin
The United States District Court for the Northern District of Georgia, Atlanta Division
Before The Honorable, United States District Judge Leigh Martin May
District Court Docket Number: 1:13 – cv – 1637 LMM

This Petitioner Dorothy Binns, filing Pro Se individually and on behalf of a class of all similarly situated Petitioners and Economically Challenged Seniors living with Disabilities hereby on this day December 14, 2018 file my Reply to the Respondent's Opposition to this Petitioner's Petition for Writ of Certiorari in the United States Supreme Court

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Pro Se Petitioner, Dorothy Binns
9030 Southcrest Ct Jonesboro, GA 30238
Dorothybinns7@gmail.com
770.745.7707

Attorneys for Respondent, Daniel White
Haynie, Litchfield, Crane, & White P.C.
222 Washington Avenue Marietta, GA 30060
dwhite@hlclaw.com
770.422.8900

THE QUESTION PRESENTED

24 C. F. R 982.316(a)(7) provide that Public Housing Authorities (PHA's) MUST provide a larger bedroom unit size to accommodate an approved live in aide if needed as a reasonable accommodation. 42 U. S. C. sec. 3604 of the Fair Housing Act (FHA) and 3603 of the title and except as made exempt by sections 3603(b) and 3607 of the title makes clear that "It shall be unlawful to refuse to make Reasonable Accommodations in rules, policies, practices and services when such Accommodations may be necessary to afford such a person the opportunity to use and enjoy a dwelling" if that Accommodation Request is not responded to , then it is the same as a denial and on the other hand , if that request is denied then that Disabled Individual has the right to a due process hearing/appeal to assert their right and Entitlement to those benefits under the 14th Amendment and 42 U. S. C 1983. **The Question here is:**

Whether the Lower Courts violated any of these or other pertinent Laws, or rules, **Overlooked, misapplied, neglected or made any vital legal errors in their Holdings** and affirming of the District Court's Decision of this Petitioner Claims in any way including the issues that were to be addressed or improperly addressed by the lower Courts, the abandonment of the Americans With Disabilities Act (ADA) and 504 Rehabilitation Act of 1973 (RA) claims and the dismissal for all the other claims involved?

IN THE SUPREME COURT OF THE UNITED STATES

DOROTHY BINNS,	)	
Petitioner,	)	**CASE No. 18 - 5853**
	)	**Civil Action No. 113: CV 1637 LMM**
V.	)	**Appeal No. 16-14924**
	)	
THE CITY OT MARIETTA GA	)	
Respondent.	)	

THIS PETITIONER'S CERTIFICATE OF INTERESTED PARTIES

This Pro Se Petitioner - Dorothy Binns is a Senior living with Disabilities and was a participant in the Respondent's Housing Choice Voucher Program.

The Respondent - The City of Marietta Georgia was the Administer of the former Housing Choice Voucher Program and is the only other party to this proceeding.

1. Binns, Dorothy 9030 Southcrest Ct. Jonesboro, GA 30238
2. The City of Marietta GA c/o Attorney Daniel White, Haynie, Litchfield, & White P.C. 222 Washington Ave. Marietta, GA 30060

Respectfully Submitted

Dorothy Binns - Pro Se
9030 Southcrest Ct.
Jonesboro, GA 30238
770.745.7707

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THIS PETITIONER'S REPLY TO THE RESPONDENT'S OPPOSITION TO MY PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

On August 3, 2017 The U.S. 11th Circuit Court of Appeals delivered their Unpublished Opinion Affirming the U.S. Northern District Court of Georgia's Grant of Summary Judgment Order in favor of the Respondent – appears at Appendix A of my petition to This Honorable High Court. On June 6, 2016 the U.S. Northern District Court of Georgia delivered its Order Granting Summary Judgment to the Respondent and soon after rendered a Judgment to this Pro Se Petitioner to pay all Court cost – appears at Appendix B and Appendix I of my Petition.

STATEMENT OF JURISDICTION

This Court has subject matter jurisdiction to hear my Petition for a Writ of Certiorari as well as my Reply to the Opposition to my Petition because this Petitioner asserts claims under the Americans with Disabilities Act 42 U. S. C. 12131 et seq (A.D.A), Section 504 of the Rehabilitation Act of 1973 Rehabilitation Act, 29 U.S.C. 701 et seq., (504 RA), The Fair Housing Act § *100.400(c)(5)* (FHA), 42 U. S. C. 1983 and the Free Exercise and Due Process Clauses of the Constitution, which provide federal question jurisdiction and 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

VIII of the Civil Rights Act of 1968, 42 U. S. C. §§ 3601-3619, 3631 (1976) Sec. 804. [42 U. S. C. 3604] Discrimination in sale or rental of housing and other prohibited practices as made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title. For purposes of this subsection, discrimination includes (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. **Sec. 818 [42 U. S.**

C. 3617] Interference, coercion, or intimidation; enforcement by civil action. **24 C. F. R. § 982.316, 24 C. F. R. § 982.402(b) (6), (7) and (8),** concerning effect of live-in aide on family unit size.) Americans with Disabilities Act, 42 U. S. C. 12131 et seq., 504 of the Rehabilitation Act of 1973, 29 U. S. C. 701 et seq., and Fair Housing Act of 1990. Retaliation Violation of the Equal Protection clause of the of the 14th Amendment of the US constitution that is Actionable Under 42 U. S. C. 1983 and Disparate Impact as well as Disparate Treatment and Due Process Title 24 › Chapter IX › Part 982 › Subpart L › Section 982.555 Informal hearing for participant. F. R. C. P. # 15. Amended and Supplemental Pleadings: (a) AMENDMENTS BEFORE TRIAL. (1) Amending as a Matter of Course. Also, **28 U. S. C. §2403(b)** may apply to this proceeding.

INTRODUCTION

This Petition involves questions of Constructional and other issues of exceptional significance. It involves the Federal Violations and Negligence of a City Housing Authority's Agents including the Major Decision Maker of the Respondent's Housing Program's actions towards this Petitioner that was motivated by Retaliation. These Violations include Disability Discrimination, Conspiracy, Harassment as well as violations of Due Process and more. These Violations were supported in the record by exhibit evidence of over 100 exhibits that was placed on the Docket at District Court (D. C.) docket # 61 = Motion for Summary Judgment).The Trail Court granted Summary Judgment to the Respondent without a hearing or properly considering most or possibly all of the Vital evidence of this clam. This case is uniquely important and complex. The Appeals Court has Overlooked, Neglected or made Vital Legal Errors in their Holdings and Affirming of the District Court's Decision of this Petitioner Claims; Some of which are in conflict with other U. S. Courts. Furthermore, the Appeals Court has far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by the Trial Court, as to call for an exercise of this Court's Supervisory Power. In the interest of this Honorable High Court's Page requirement this Petitioner will be referencing much of the material facts of this claim from information that has

been placed in the record such as this Petitioner's Petition for Certiorari, This Petitioner's Open Brief to this Honorable Court ect. This Question regarding an additional bedroom for an approved live in aide is an important question of federal law that has yet to be decided by this Honorable High Court. A Review of this Honorable High Court will bring increased clarity that in turn will speed review in other cases. This Petitioner so Humbly Move this Great and Honorable High Court to consider the merits and all of the material facts in the record of these claims to allow True Justice to prevail for the thousands of Seniors and Persons Living with Disabilities that deserve a proper review of this claim. Therefore, this Petitioner Respectfully Request of this Honorable Great High Court to Grant the Hearing of this Petitioner's Writ of Certiorari.

BACKGROUND AND STATEMENT OF THIS CASE

1. Background:

This Petitioner is a Sixty Seven (67) years wise Senior Living with Disabilities who In 1999 on behalf of my developed mentally challenged son, filed a claim against a Chicago Cook County Housing Authority for terminating the voucher which I had placed in his name after I moved to Marietta Georgia to pursue a degree at Southern Polly Technical University. My sister was to supervise him. However, she soon came down with Cancer and passed away. I requested that his voucher be given back to him as a Reasonable Accommodation but put back into my name so that I could assure continued compliance. The Circuit Court agreed and ordered that County Housing Authority to give him back the voucher in my name. Being that I lived in Georgia, the voucher would be ported and this Petitioner would have to apply to the Respondent to receive it. I had already applied to the Respondent's Housing Program about five years prior to that and was on the waiting list. I received notice that my son's voucher was at the Respondent's Housing Authority and was given a date to come and **apply** on or about August 2003. A few days later, I received noticed that my voucher had all of a sudden come up from the waiting list and was given the same date to come to the Respondent's Housing Authority to apply for it as well. **At that time I Held**

No Voucher See *Binns v. City of Marietta Housing Authority, No. 1:07-CV-0700-RWS, 2010 WL 1138453 (N.D. GA. Mar. 22, 2010.* When I got to the Housing Authority I told the Agent that I did not want to apply for my son's voucher because it was under appeal and as a result of that I was going to apply for the one of mine that had come up from the waiting list. The Agent after going back and forth with me about my refusal to apply for the ported voucher of my son's allowed this Petitioner to apply for what I thought was the Respondent's voucher. When I came to the Housing Authority on Friday in October 2003 to be finger printed, I was then told that I would not be getting the voucher that had come up from the waiting list. I was told that I had to take the ported voucher that had been ordered by the court. I was then told that the briefing was to be held that following Monday and that if I did not take that voucher that I would not get a voucher at all. (My application to the Respondent's Housing Authority had been used to apply for the ported voucher without my consent.) At that time this Petitioner was living in a homeless shelter, therefore under duress, I went to the briefing that Monday and accepted the Ported voucher. This action caused this Petitioner to file a claim against the Respondent which ended in settlement in which the Respondent agreed to allow this Petitioner up to a five (5) bed room unit voucher as long as all participants qualified according to the Federal Rules of the program. In 2011 I applied to the Respondent's Housing Program and began to receive harassment violations from the Respondent's Program Manager which was also the Major Decision Maker. These violations carried over the course of my participants' in the program and the basis of this claim which involves Denial of a Reasonable Accommodation of an additional room for an approved aide which affects more than just me. It affects thousands of Seniors and Persons living their lives with Disabilities all over this Country. To touch on just a few of the violation that have been stated in my clam: On February 16, 2011 This Petitioner Requested a Reasonable Accommodation of a live in aide that was denied on March 7, 2011 without opportunity of a due process hearing. *see Ex 36 = Request for Reasonable Accommodation dated February 16, 2011, Ex 37 = Physician's recommendation, by Dr. Jean Joseph Philippe, supporting requirement and need for live-in aid/care giver, dated August 19,*

2010, 39 = Physician Disability Certification, dated February 22, 2011 and then Ex 38 = D. Bradwell's notice of New Admissions Briefing on March 17, 2011 and Denial of request for live in aide Dated March 7, 2011 – All District Court exhibits are Docketed at Docket # 61 = Plaintiff's Motion for Summary Judgment 02/26/16 (Ex 36- 02.16.2011,Ex 37- 08.19.2010, Ex 39 – 02.22.2011 and Ex 38 – 03.07.2011 - @ D. C. docket # 61). On March 16, 2011 this Plaintiff submitted another Accommodation Request for a live in aide. On March 17, 2011 I presented a request for appeal of the Accommodation Request that was Denied on March 7th, 2011. On April 12, 2011 this Petitioner was approved to have the assistance of a live in aide but I was advised that my subsidy would remain a two bedroom unit, accommodating only my Adult Son and Myself. Therefore on April 21, 2011, I appealed the decision to not allow the additional bedroom and was never responded to. That same day I left an application in the office for Respondent's Agent a request for self-sufficiency that again was never responded to. See *Ex 40 – 03.07.2011, Ex 41- 03.16.2011 and Ex 42 - 03.16.2011 @ D. C. docket # 61.* On April 23, 2012 I made an email request for another Reasonable Accommodation and an appeal of the decision to reduce the number of bedrooms assigned to my voucher. On May 15, 2012 after attending an appeal regarding my request for accommodation I was again denied. On May 23, 2012, I submitted a request for an Exception to the Established Subsidy Standard, a Financial Hardship Exemption **and Exemption to Minimum Rent Requirement that again was never responded to.** These denials and nonresponses were applied to this Petitioner directly after entering into the Respondent's Settlement agreement which allowed this Petitioner up to a five (5) bedroom unit in their housing program. See Ex 48 – 04.21.2012, Ex 49 – 04.23.2012, Ex 50 – 04.24.2012, Ex 51 – 04.18.2012, Ex 54 – 05.15.2012, Ex 55 – 05.23.2012, Ex 56 – 05.23.2012 and Ex 57 – 05.25.2012 @ D. C. docket # 61. On November 21, 2012, this Petitioner submitted another request for Financial Hardship Exemption to the Exception to the Minimum Rent Requirement. On November 30, 2012, I received a letter denying my request once again. Because of excessive wordage see *details of pages 39 to 41 of this Appellant's Open Brief to this Court dated 10/25/16. See Ex 64 - 11.21.2012, Ex 65 – 11.26.*

2012 and Ex 72 – 11.30.2012 @ D.C. docket # 61. Therefore, on May 14, 2013 I filed this claim against the Respondent. These instances and others show how the Trial Court as well as the Appeals Court made Grave Legal Errors and possibly violated the rule of law as applied to the established material facts of that were presented to the record while reviewing the assessment of my claim. I must also point out the fact that one of the Appeals Court Justices has the same Last Name as the Trial Court Judge. This Petitioner applied for Rehearing Em Banc and was denied.

2. ***Response To Respondent's Question To This Honorable Court:***

First, this Petitioner as a former participant in their Housing Program and a Disabled Senior that is Otherwise Qualified to participate in that program and request Reasonable Accommodation of an additional bed room to accommodate an approved live in aide is also **Entitled** under the Federal Rule of Law as required by the Americans with Disabilities Act, 42 U. S. C. 12131 et seq., the Rehabilitation Act of 1973, 29 U. S. C. 701 et seq., 24 C. F. R. § 982.402 Subsidy standards, § 982.316 Live-in aide and The Fair Housing Act of 1990 Sec. 804. [42 U. S. C. 3604] (just to name a few of the former mentions violations). However, it is not a determination that can be determined by the Housing Agency as in this Petitioner's situation. The Respondent is a City that administered a Housing Choice Voucher Program and whose job was to administer fair housing to the Citizens that it was suppose to serve. However, the Negligence, Retaliation and lack of Knowledge of the Rules and Laws that Govern their Housing Program demonstrated a Gross Lack of self control, training which in their actions perpetrated violations of Desperate Impact as well as Desperate Treatment which carried over to the Disabled Seniors in the program .

Second, this Petitioner's claim of Due Process stretches much further than the one incident that the Respondent chose to recognize which was the last request for a Financial Hardship Exemption

to the Minimum Rent Requirement. They as well as the lower Courts refused to recognize or respond to the many other reasonable accommodation requests that were either denied or ignored by the Respondent. HUD requires PHAs to notify tenants of the specific grounds for any proposed adverse actions and to inform the tenant of the right to request a hearing. This Petitioner ask this Honorable Court to refer to my Petition for Writ of Certiorari to this Court at pages 22 to 24 beginning with Title 24 › Chapter IX › Part 982 › Subpart L › Section 982.555 24 C. F. R. 982.555 - Informal hearing for participant. (a) When hearing is required. Here you will find engagement rules and laws regarding Due Process that were Over Looked, Neglected or Ignored by the Lower Courts which caused a Vital Legal Error and Prejudice to this Petitioner's Clam.

3. ***The Respondent Throughout This Claim Has Asserted That Their Actions Of Not Allowing The Additional Bedroom That Had Been Requested Since 2011 Was Consistent With The Relevant Federal Regulations Yet In 2013 This Petitioner Was Granted The Requested Additional Bedroom Under The Same Relevant Federal Regulations.***

The Respondent began their Introduction stating that this Petitioner "sought to receive a larger housing subsidy payment from her housing agency than other similarly suited, NON-DISABLED individuals receive under the applicable housing standards." However, even recognizing that this request was made as a "Reasonable Accommodation "under the Fair Housing Act as well as the Americans with Disabilities Act and the 504 Rehabilitation Act of 1973, they still refused to apply this Petitioner's entitlement to that benefit stating that I was not eligible for the assistance. Yet after over two years of this Petitioner's repetitive Reasonable Accommodation requests and the Respondent early knowledge that this Petitioner had filed another Federal Law Suit against them, I was granted the same request for the additional bedroom that I had for over two years been denied under the same applicable housing standards yet never given formal notice that I had been approved until a year later when a counter-clam was filed against me. The

Respondent to this day asserts that their inconsistent actions were consistent with relevant Federal Regulations. What is brought up for review is the fact that both of the Lower Courts agreed with the Respondent in disregard to the material facts of the record

REASONS NOT TO DENY THIS PETITION

1. *This Petitioner Has On More Than One Occasion Established The Criteria Of Standard To Prevail On A Failure To Accommodate As Well As My Other Claims Against The Respondent*

This Petitioner is not requesting of this Honorable High Court to apply the standard of failure to accommodate in the facts of my claim any different than the Federal Rule of Law allows. An indeterminate delay of a Reasonable Accommodation Request has the same effect as an outright denial." *Groome Resources Ltd. v. Parish of Jefferson, 234 F.3d 192, 199 (5th Cir. 2000)...* "Under the Fair Housing Act a violation occurs when the disabled resident is first denied a reasonable accommodation, irrespective of the remedies granted in subsequent proceedings." (such as the granting of latter request) *Bryant Woods Inn, Inc. v. Howard Cnty., Md., 124 F.3d 597, 602 (4th Cir. 1997)*. Furthermore, the Respondent in denying this Petitioner's request for Accommodation also violated § 3604(b), which outlaws discrimination in terms, conditions, and services. The Appeals Court decision allowed for a violation of HUD's regulation **24 C. F. R. §982.316(a)** which made the program inaccessible and unusable to this Petitioner for two years by failing to provide the multiple request of reasonable accommodation of an additional bedroom for an approved live in aide despite my status as a disabled person and my need for the peace and enjoyment of my unit as well as the supportive services that an additional bedroom for a live-in aide could have provided. As a result, this Petitioner spent seventy five

percent of my time without a live in aide because they refused to live and sleep in my living room.

2. ***The Decision to deny my Reasonable Accommodation Request for an extra Bedroom for an approved Aide is in conflict with other court decisions***

United States v. Alaska Housing Finance Corp. Case 3:10-cv-00049-JWS March 12, 2010, "The HUD issued complaint, filed on March 12, 2010, alleged that the Alaska Housing Finance Corporation (A H F C), the state's housing authority, discriminated on the basis of disability when, in providing a Section 8 housing voucher to the complainant, it rejected her request for a reasonable accommodation for an extra bedroom for her exercise equipment that she needed for rehabilitation." *ANGELENE HARDAWAY AND LENA Hardaway v. D.C. Housing Authority, 843 F.3d 973, 978 (D.C. Cir. 2016).* The Court ruled in Hardaway's favor stating that "Because HUD regulations mandate that "[a]ny live-in aide (approved by the [public housing agency] to reside in the unit to care for a family member who is disabled . . .) must be counted in determining the family unit size," the Commission issued Angelene a two-bedroom voucher, rather than a one-bedroom voucher. Id. "**§ 982.402(b)(6).). For a single person who is not elderly, disabled**, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom **[24 CFR 982.402(b)(8)]**." SECRETARY OF HOUSING AND URBAN DEVELOPMENT, "on behalf of SECRETARY OF HOUSING AND URBAN DEVELOPMENT stated that in questions of law," "The '[f]ailure to apply the correct legal standard or to provide this court with a sufficient basis to determine that appropriate legal principles have been followed is grounds for reversal." *Nielson v. Sullivan, 992 F.2d 1118, 1119-20 (10th Cir.1993) (quoting Byron v. Heckler, 742 F.2d 1232, 1235 (10th Cir.1984)* (citations omitted))." The lower Courts made a Grave Error by not recognizing and addressing these Genuine Material Facts.

3. This Petitioner's Equal Protection, Retaliation, and Harassment as well as this Petitioner's Conspiracy clam were all supported by material facts to the record.

This Petitioner will refer to the formally stated proof of the lacking credibility of the District Court's Only Witness of Reliance which also was the Major Decision Maker and Violator. This Witness's Affidavit and other violations has been invalidated by this Petitioner's evidence to the Record listed in my Opening Brief to the Appeals Court at pages 17 to 28 and 66 to 88 which the exhibits mentioned are located at District Court (D. C.) docket # 61 = Motion for Summary Judgment) The Appeals Court Overlooked, **made legal errors and** just neglected to properly assess one of the most vital entries of alleged interference and harassment which began at the beginning of my entry into the Respondent's Housing Program. As was claimed on this Petitioner's original claim as well as my Summary Judgment, Opening Brief of Appeal and referenced on all briefs thereafter. The Respondent's Agent and major Decision Maker addressed this Petitioner with Hostility from the very beginning of our first encounter. On April 22, 2011 the Respondent's major decision-making Agent sent this Petitioner a letter stating that their Housing Authority would no longer administer my voucher and that my voucher had been transferred to another Housing Authority in the County which she had referred to in the briefing as "the Generic Housing Authority". This was done without my consent and against my will. I immediately called the Respondent's Attorney which had prior to the Respondent's and my Settlement agreement assured me that I would not be harassed or retaliated against after the agreement. On March 28, 2011 after an email correspondence from the Respondent's Attorney to the Respondent's Agent which was the **Major Decision Maker** stating that he was **sorry to "put the brakes on this Process but the Respondent cannot port my voucher without my permission.** He then suggested to the Agent to send me a letter rescinding the attempt to port my voucher.

. That same day she sent me a latter rescinding the porting attempt. It was two weeks after that on April 12, 2011 that my request for live in aide was approved. Reading the email correspondences between the Respondent's Agents sheds some light on the mindset and reasoning of the Housing Agents. The letter shows that they thought that this Petitioner would port out of the housing program in a few months and when I did not, they decided to harass me until I did. The e mail correspondences that I am referring to, I received hidden in my file during an Open Records Request that I made a couple of years later. (The Lord works in mysterious ways). See Ex 44 – 03.22.2011, Ex 43 – 03.22.2011, Ex 45 – 03.28.2011, Ex 46 – 03.28.2011, Ex 47 – 04.12.2011 @ D. C. docket # 61. Also see - *Graham*, 473 U.S. at 165-66 (quoting *Monell* , 436 U.S. 658, 690 n.55). in Monell, "plaintiff must show that action taken pursuant to official municipal policy caused the injury". It has been shown throughout this claim that the Respondent's negligent and what this Petitioner believes to be Retaliatory use of its Policy caused the various violations of this claim.

4. *This Holding Of Abandonment Of Claim Is In Conflict With Several Other Circuits And Should Not Be Allowed*

Several recent cases have held that" a defect in compliance with this latter requirement may be cured by amendment, and that a dismissal is not proper unless actual prejudice is shown." *Ingram v. DOT, 07 FCDR 2198 (Ga. Ct. App. 6/29/07); Backenstro v. DOT, 284 Ga. App. 41 (2007); Camp v. Coweta Co., 280 Ga. 199, 202 (2006); Shiver v. DOT, 277 Ga. App. 616 (2006).* Johnson v. Zerbst, 304 U.S. 458, 464 (1938). '[C]ourts indulge every reasonable presumption against waiver' of fundamental constitutional rights. Aetna Ins. Co. v. Kennedy ex rel. Bogash, 301 U.S. 389, 393 (1937)." College Savings Bank v. Florida Prepaid Postsecondary Ed. Expense Bd., 527 U.S. 666, 682 (1999)." **Courts have applied two principles limiting its application. First, the Court held in Johnson v. Zerbst 26 that for a waiver, to be effective, must be an "intentional relinquishment or abandonment of a known right."** § 14A.02 (citing

Johnson v. Zerbst, 304 U.S. 458, 464 (1938)" Therefore The Lower Court's decision to Abandon this Plaintiff's Americans with Disability Act, my 504 Rehabilitation Act as well as my Hardship Exemption From the Minimum Rent Standard should not be allowed to pass. This Petitioner should be afforded my "constitutional right of access to this Honorable High Court to assert my procedural right to due process of these issues

5. This Petitioner's Due Process Right Were Violated Under 42 U. S. C. 1983 and Others

The Respondent has asserted that my Due Process Right was not violated and that my 42 U. S. C. 1983 clam should be Abandon. This Petitioner emphasis that my Due Process Right were violated not only for the denial of Hardship Exemption, but by the denial of a variety of numerous accommodation request which started at the beginning of my participation in the housing program. This Petitioner in addition emphasized claims of Disability Discrimination, Retaliation, Conspiracy, and violations of 42 U. S. C. 1983 Disparate Impact as well as Disparate Treatment and others. Evidence of these violations were all compiled by the District Court Docket exhibits placed at Motion for Summary Judgment (61 on the District Court's docket). As stated in this Petitioner's Petition to this Honorable Court on pages 28 and 29, to establish personal liability, "it is enough to show that the official, acting under color of state law, caused the deprivation of a federal right." *Owen v. City of Independence, 445 U.S. 622 (1980)* (municipality liable for damages flowing from constitutional violations that it caused through the execution of its policy or custom). The Respondent's policy of not allowing a Reasonable Accommodation Request of an additional bedroom for an approved live in aide has caused a Disparate Impact to the protected group of Disabled Seniors for which the Respondent was suppose to serve. It has been clearly stated and understood that "a single act by an individual with final decision-making authority can be used to establish the

existence of a municipal policy". *Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit, 507 U.S. 163, 122 L.Ed.2d 517, 113 S. Ct. 1160 (1993),* "in which the Court held that a successful §1983 claim requires the plaintiff to plead and prove that the alleged constitutional violation occurred as a result of a custom or policy of the governmental entity" ("This Petitioner has made a showing of an illegal policy and custom by demonstrating one of the following: (1) the existence of an illegal official policy or legislative enactment; (2) that an official with final decision making authority ratified illegal actions; (3) the existence of a policy of inadequate training or supervision; and (4) the existence of a custom or tolerance or acquiescence of federal rights violations."). *De Leon v. Hialeah Housing Authority*, No. 09-22087 (S.D. Fla. Dec. 16, 2010) "(consent decree requiring local housing authority to institute new policies regarding processing of applications for subsidized housing)"

6. *STATISTICS ARE NOT ALWAYS NECESSARY IN 1983 DISPARATE IMPACT CLAIMS*

There are several circuits that agree and take the stand that statistics are not necessary to build a 1983 claim if other motivating factors are present. **Jennifer L. Peresie** covered some vital facts regarding the use of statistics as she pointed out in her writings that "Well-meaning judges must play amateur statisticians in order to determine the proper outcome. Moreover, the use of statistics in disparate impact cases creates a false, and highly problematic, sense of objectivity. *Groves v. Alabama State Board of Education, 776 F. 1518 (M.D. Ala. 1991),* is illustrative of the difficulty judges face in evaluating statistics." see *Http://ilj.law.indiana.edu/articles/84/84_3_Peresie.pdf*

7. *ISSUES THAT WERE OVERLOOKED NOT ADDRESSED OR IMPROPERLY ADDRESSED BY THE APPEALS COURT THAT CAUSED A GRAVE LEGAL ERROR AND PREJUDICE TO THIS PETITIONER'S CLAM*

The Respondent stated in their Opposition to my Petition that my Petition request "directly contracts the admonition in rule 10" and that both of the Lower Courts "properly upheld" the factual findings. There were several Material Facts and Legal Matters that were Overlooked in the Decisions and were not addresses by Both of the Lower Courts such as: The Trial Judge Dismissed this Petitioner's Motion for Summary Judgment which held over 100 exhibits of evidence (61 on the District Court's docket), Motion to Amend the Motion for Summary Judgment (62 on the District Court's docket), Motion For Leave to File Sir Reply To The City's Response to My Motion To Amend Motion For Summary Judgment (68 on the District Court's docket) and Motion for Leave to Sir Reply to the City's Response to My Motion for Summary Judgment (70 on the District Court's docket) These Motions were all submitted timely yet were Dismissed as untimely. Detailed information is found at pages 33 to 39 of the Petition for Writ of Certiorari. In addition, The District Court made the false and unsupported statement that provided prejudice to this Petitioner's whole claim and was never addresses by the Appeals Court. The District Court Judge stated that "Defendant discovered that McKinney (the intended caregiver) had been receiving housing assistance for a unit in Charlotte beginning on or about March 12, 2013." This is an **untrue** statement and is unsupported by the material facts of the record. Mr. McKinney did not receive housing assistance from the Charlotte Housing Program until after January 2014. This information is supported by the material facts of the record. See Ex 61 – 07.13.2012, Ex 15 - 02.03.2014, Exh. 16 – 05.09.2014 and Exh. 19 = General Affidavit of Morris McKinney @ D.C. docket 61. The Respondent knew that the District Court's information was erroneous but did or said nothing to correct it. This Petitioner Move this Great High Court to disregard the many errors that exist in this Petitioner's Response to the Respondent's Opposition to my Petition for Writ of Certiorari as well as my Petition to this Court and weigh the material Facts involved with extreme consideration of the Justice that the Grant of Certiorari will bring. Furthermore, "Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to

the same high standards of perfection as lawyers." *Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)* "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities." *Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA).* "It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson"

CONCLUSION

In Conclusion this Petitioner asserts to this Honorable Court that this petition raises important constitutional questions of great public interest. However, In addition to involving extraordinarily important issues, this petition involves critical issues that will impact the Federal Rights and Entitlements of financially Challenged Seniors and Persons living in Public Subsidized Housing with Disabilities that this Court should resolve. Therefore, after over thirteen (13) years of fighting for my Civil Justice Six (6) of which was this Respondent, and another five (5) years Challenging the Respondent for some of the same violations, I now lay my claim before this Great and Honorable High Court to be Heard and to receive the Justice that we the People of a Select Group of Citizens Deserve.

Respectfully Submitted

Dorothy Binns, Pro Se
9030 Southcrest Ct. Jonesboro, GA 30238
770.745.7707