

IN THE  
SUPREME COURT OF THE UNITED STATES  
JOHN Mc QUEEN  
PETITION

Supreme Court, U.S.  
FILED  
OCT 11 2013  
OFFICE OF THE CLERK

V.

LYNN FISHER

**RESPONDENT**

ON Petition for a writ of certiorari  
To the United States Court Of Appeals  
For the Sixth Circuit

**PETITION FOR A WRIT OF CERTIORARI**

QUESTION PRESENTED

The District Court has subject matter jurisdiction to decide whether  
Rooker-Feldman applies to cases filed in federal court before the state  
Court action has ended.

The judgment of the sixth circuit and district court conflicts with This Court's  
Decision in Exxon Mobil Corp. V. Saudi Basic Industries Corp. 544 U.S. 280(2005).

THIS CASE PRESENTS A QUESTION OF EXCEPTIONAL IMPORTANCE WARRANTING THIS COURT'S IMMEDIATE RESOLUTION

The district as well as the sixth circuit were aware their judgments were incorrect. They were hoping Mc Queen could not understand Rooker-Feldman or be able to prepare a petition for a writ of certiorari. It's time This Court Spoke up for its decisions.

The decisions of the district court and the sixth circuit speak for themselves. They were attempting to make sure the errors they created would never be corrected. Please read the judgments.

iii.

## APPENDIX

Opinion of The United States Court Of Appeals For The Sixth Circuit  
No. 18-3227 August 6, 2018.

Opinion of The United States District Court For The Southern District Of  
Ohio No.2:16 civ-344 Feb. 7,2018.

## STATUTORY PROVISIONS INVOLVED

42 U.S.C. Section 1983

## INTRODUCTION

The district court never took under consideration the fact

Petitioner's filings were parallel state and federal litigation.

Since the federal complaint was filed long before the Ohio

Supreme Court reached its decision denying review.

When there is parallel state and federal litigation, Rooker-Feldman

Is not triggered simply by the entry of judgment in state court.

McClellan V. Carland, 217 U.S.268,282. But neither Rooker nor Feldman

Supports the notion that properly invoked concurrent jurisdiction van-

ishes if a state court reaches judgment.

## OPINIONS BELOW

The opinion of the district court is not reported. The opinion

Of the court of appeals for the sixth circuit is not reported.

## JURISDICTION

The Court Of Appeals entered its judgment on 8-6-18. No

Petition for rehearing was filed. This Court's jurisdiction is

In voked under 28 U.S. C. Section 1257.

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## STATEMENT OF FACTS

Petitioner applied to rent an apartment at castleton gardens Apartments in Columbus, Ohio in November 2013. Respondent Fisher was a property manager at castleton gardens and requested as part of the rental application, information regarding petitioner's criminal record. Respondent never told Petitioner the information requested would be used to deny his application. Nor would she deny him his rights to due process by refusing to allow him notice or rights to be heard. McQueen states that his criminal record was merely a pretext for discrimination by Fisher on the basis of his race and spiritual belief.

McQueen first commenced an action in the Franklin County Court of Common Pleas on January 14, 2014. He alleged in his state court action, that Fisher denied his rental application on the basis of his race and spiritual beliefs. Fisher moved for summary judgment construing McQueen's pro/se complaint as asserting claims under both federal and Ohio fair housing laws. The state court determined that Petitioner could not establish a prima facie case of discrimination reasoning that he was not qualified to rent an apartment under her criteria. However, all this was done in the absence of due process of any kind.

While awaiting the decision of The Ohio Supreme Court, Petitioner filed His complaint in The U.S. District court For The Southern District Of Ohio April 18, 2016. That court dismissed claiming it lacked subject matter juris-

diction. And The Sixth Circuit agreed going against all of its previous decisions causing conflicts between the circuits.(Rooker-Feldman).

TABLE OF AUTHORITIES

CASES	PAGE
Evans V. Cordray (6 <sup>th</sup> .Cir.) No. 09-3998	1
Exxon Mobil Corp.544 U.S. 280 (2005)	1
McClellan V. Carland, 217 U.S. 268, 282	iv

1.

## REASONS FOR GRANTING THE PETITION

I.

THE DECISIONS BELOW CONFLICTS WITH DECISIONS  
OF THE SIXTH CIRCUIT ITSELF THE FIRST CIRCUIT AND  
THIS COURT AS WELL.

The Sixth Circuit in Evans V. Cordray(6<sup>th</sup>. Cir.). case No.09-3998(pdf), explained that the Rooker Feldman does not bar a District court from exercising subject matter jurisdiction similarly because a party attempts to litigate in federal court a matter previously litigated in state court. Rather it applies only to the narrow ground of cases brought by state court losers complaining of injuries caused by state court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.

This case is important and should be heard by This Court because the district as well as the court of appeals in rendering its decision have made the United States Supreme Courts' decision in Exxon Mobil Corp. 544 U.S. 280(2005), null void.

For example, This Court stated in Exxon Mobil when there is parallel state and federal litigation Rooker-Feldman is not triggered simply by the entry of judgment in state court. Yet, the district court as well as the sixth circuit ruled in McQueen's case that it did. And even more than that Mc Queen's case was still pending in the state court system when he brought his complaint to federal court

2.

April 18, 2016. The Ohio Supreme Court did not deny jurisdiction until June 15, 2016. So Rooker could not have possibly barred his Due process claims or any other claims he may have brought. The federal district court had subject matter jurisdiction to hear McQueen's claims no matter what they were. Nor does section 1257 stop a district court from exercising subject matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court.

The Rooker-Feldman doctrine does not preclude the federal court from proceeding in this case. Mc Queen is not attempting to undo a state court decision. No decision by anyone was made as to whether he was entitled to due process of law. And for the decisions of the courts below to stand would send a clear message to all just what this Country is made of.

The Sixth Circuit or no other court has the authority to decide one case and then decide another differently based upon the same exact issues (Rooker- Feldman).

For example, McQueen, filed his complaint in state as well as federal court. This is called parallel litigation. And Rooker-Feldman does not apply when complaints are filed in state and federal courts on the same matter. So beyond question this Sixth Circuit ruling conflicts with all decisions of This Court on this issue. And This Court must reverse when faced with such a situation. Rooker-Feldman has no application here. This is clear to see. And even if McQueen, did become a state court loser. He certainly was not one at the time of his federal filing which was April 18, 2016.

3.

I.

ROOKER-FELDMAN PROTECTS STATE COURT JUDGMENTS

RENDERED BEFORE THE COMMENCEMENT OF THE FEDERAL ACTION.

McQueen, filed his federal complaint on April 18, 2016. It was months

Before The Ohio Supreme Court denied jurisdiction. So it is self

Evident Rooker-Feldman does not apply to thus case in any possible

Way. Yet, the district court denied subject matter jurisdiction stating

They were barred under Rooker-Feldman. And The Sixth Circuit agreed.

This Court simply as a matter of fair play must reverse such conduct on

The part of the district and the sixth circuit. Because these decisions

Conflicts not only with This Court in Exxon Mobil, but the decisions of The

First Circuit.

ROOKER-FELDMAN DOES NOT BAR FEDERAL SUBJECT MATTER JURIS-

DICTION UNTIL THE LAST NAIL IS IN THE COFFIN OF THE STATE COURT

PROCEEDINGS.

Generally speaking the Rooker-Feldman doctrine bars federal district

Courts from reviewing state court decisions. This Court strated in Exxon

Mobil, 544 U.S. 280 (2005), that the Rooker-Feldman doctrine has some

Times been construed to extend far beyond the contours of the Rooker-

Feldman cases and it should be confined to cases of the kind from which

The doctrine acquired its name. Exxon Mobil 544 U.S. at 283,284.

As such, Rooker-Feldman will not bar subject matter jurisdiction

Where a plaintiff initiates the federal lawsuit before the state court

Proceedings have ended. And that's exactly what McQueen, did. He

Filed his federal lawsuit before the state court proceedings ended.

This means that the federal district court had subject matter jurisdiction

at the time of the federal filing. Thus creating conflicts between

This Court, the First Circuit, and the Sixth Circuit as well. Since it ruled

Against its own rulings on the subject in an attempt to deny Mc Queen

Relief. There is no short answer to this situation. This Court simply must

Reverse these judgments in support of Exxon Mobil, 544 U.S. 280.

## CONCLUSION

With all the conflicts created by The U.S. District Court  
And The Sixth Circuit Court Of Appeals, beyond question  
This Court Should reverse.

Respectfully Submitted,

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