

No. 18-8137

In the
Supreme Court of the United States

Tanya Steele,

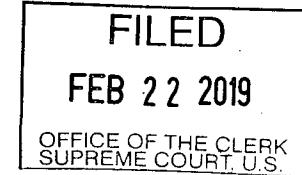
Petitioners,

v.

John Pedro Jr. , John Pedro Real Estate Associates,
United States Department of Housing and Urban
Development, Wayfinders, Inc.,

Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the
First Circuit



PETITION FOR WRIT OF CERTIORARI

Tanya Steele
928 Berkshire Ave.
Indian Orchard, MA 01151
(413) 543-5445
ziccy32@hotmail.com
Pro Se, Petitioner

February 15, 2019

Questions Presented

U.S. District Court Judge Mark Mastroianni removed John Pedro Junior's default judgment with a sua sponte order. A sua sponte order is a decision made by a judge with no motion or request having been made by any party to the legal action. The petitioner did not have any participation in a major decision in her case because the judge and John Pedro Junior's lawyer, Mathew King, decided in a private meeting to have the default judgment removed. Mastroianni did not schedule a court date for a hearing at the court house for negotiations between the petitioner and the respondents. The petitioner was completely shut out of the judicial process. Why the First Circuit Appeals Court dismissed my case for lack of Jurisdiction although the judge overrode the legal system with a sua sponte order?

The federal government has protections against lawsuits with the general public through Sovereign Immunity. HUD denied the petitioner's civil rights protections from discrimination with the violation of the Fair Housing Act, anti-harassment provision, 42 U.S.C. § 3617. The Fair Housing Act has waivers that allow lawsuits to be commenced against the federal government. Why the First Circuit Appeals Court dismissed my case with the Department of Housing and Urban Development for lack of Jurisdiction ?

PARTIES TO THE PROCEEDING

Petitioner is Tanya Steele.

Respondents are John Pedro, Jr. of John Pedro Real Estate Associates, Department of Housing and Urban Development, and Wayfinders Inc..

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PETITION FOR WRIT OF CERTIORARI

The United States Constitution grants U.S. citizens rights and protections to engage and solve legal issues in the American court system. The United States legal system is based on English Common Law to settle issues in a civilized manner rather than resort to barbaric violence.

The petitioner confronted with civil rights issues decided to file a lawsuit at the local United States Courthouse to exercise her Constitutional rights. Confident the Judicial System would address her issues with one hundred percent honesty and integrity. To the petitioner's surprise and astonishment she experienced Federal Judge Mark G. Mastroianni engaged in deceitful and corrupt practices. *State of New Jersey v. Judge Mary Pat Gallagher* (2014).

The petitioner originally had a Federal Judge Katherine A. Robertson presiding over her case that had integrity and honesty but she was swiftly and quickly removed from the case by Mark G. Mastroianni.

Mastroianni decided to settle a major issue with the case, a default judgement, with a private meeting with the respondent's attorney, Mathew J. King. He has admitted he had a friendly relationship with Attorney Mathew King, (Dkt. No. 34).

The petitioner did not participate in a hearing at the court house regarding negotiations for the default judgment. Mastroianni did not arrange a court date.

The petitioner is not a lawyer but a Pro Se litigant who questions whether or not this is a new rule to settle legal issues behind closed doors from the general public instead of the courthouse ? Ms. Steele has had the opportunity to talk to people in the general public and they stated they never experienced their legal issues being addressed privately by the judge and the defendant's lawyer.

Every year in the American judicial system, plaintiffs make complaints about corrupt judges, *Geyed v. Stahlin*, 83 Mass. App. CT 1126 (2013), *Delbridge v. Schaeffer*, 283 N.J. Super. 323 (1989), *Pandey v. Two Associate Justices of Superior Court*, 61 Mass. App. CT 1122 (2004). The American government rarely offer any assistance to the plaintiffs, regarding their judicial complaints and rarely discipline the judges. *See Troubling Trend: When Judges need disciplining*, USA Today (Dec. 7 2014)

Mastroianni issued a Sua Sponte Order for the respondent John Pedro Junior's default judgment. The First Circuit Appeals Court upheld this

order because they dismissed the case lack of Jurisdiction, App-1.

The petitioner's Writ of Certiorari has two major issues that need to be confronted and addressed. The latter issue with Federal Judge Mark G. Mastroianni engaging in deceitful and unlawful practices has been addressed but the other issue, Count Two, which is the Department of Housing and Urban Development (HUD), denial of petitioner's civil rights protections from discrimination with the violation of the Fair Housing Act, anti-harassment provision, 42 U.S.C. § 3617.

The petitioner and her family lived in a private house adjacent to a two family public housing dwelling, owned by John Pedro Jr.. His tenants severely harassed, intimidated and interfered with the Steele family.

Complaints were made to the Department of Housing and Urban Development but nothing was instituted to settle the issues. HUD denied the petitioner's civil rights protections from discrimination with the violation of Fair Housing Act, anti-harassment provision, 42 U.S.C § 3617.

The Fair Housing Act, 42 U.S.C § 3617, makes it unlawful " coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of , or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected. Unlawful conduct includes " threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of race, color, religion, handicap, familial status or national origin, 24 C.F.R § 100.400(c)(2).

The United States Government has protections from lawsuits from the General Public through Sovereign Immunity. The Fair Housing Act has waivers that allow lawsuits to be commenced against the government. *See United States of America v. Berk-Cohen associates at Tor View village apartments LLC, 09 Civ. 4368.*

U.S. code 42 § 3602(i) and U.S. Code 42 §3613(a)(2) are Fair Housing Act waivers that my case falls within. Ms. Steele is an "aggrieved person" that has been injured by discriminatory housing practices and has established waivers of Sovereign Immunity.

The United States Supreme Court, should not allow the First Circuit Appeals Court's Opinion to be upheld, because the Fair Housing Act has waivers and therefore, the Supreme Court has jurisdiction.

OPINIONS BELOW

The opinion of the First Circuit of the United States Court of Appeals appears in Appendix A and it is unpublished. The opinion is located in the Pacer Database. The United States District Court's opinion is unpublished and located in the Docket Summary, which is located in Appendix A.

JURISDICTION

The First Circuit of the United States Court of Appeals issued it's opinion on November 27, 2018. No petition for rehearing was timely filed in my case.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Civil Rights Laws, United States Constitution (Fifth and Seventh Amendments), Bill of Rights, and the Big Tucker Act.

STATEMENT OF THE CASE

A. Factual Background

I. The United States Constitution guarantees, every American Citizen has the right to have their legal cases heard in court. The Due Process Clause in the Fifth Amendment, states " no person shall be deprived of life, liberty or property without the due process of law". This Clause has also assisted the federal government and state governments appropriate standards of fairness, to insure peoples right's are not violated. The Seventh Amendment guarantee a jury trial for civil cases in the federal courts. Theses two amendments are a part of the Bill of Rights and they insure the public rights in court system are protected.

The petitioner, confronted with civil rights issues, decided to file a lawsuit at the local United States Courthouse to exercise her constitutional rights, confident the Judicial System would address her issues with one hundred percent honesty and integrity. To the petitioner's surprise and astonishment she experienced federal judge Mark G. Mastroianni engaged in deceitful and corrupt practices, and clearly violating her constitutional rights. *State of New Jersey v. Judge Mary Pat Gallagher* (2014).

Ms. Steele federal lawsuit was navigating through the Federal Court system very smoothly and efficiently from March of 2017 to August 16, 2017. Two of the three lawyers I was working with were following all the Federal Court Rules and Laws. They returned all their responses in a timely manner

regarding my Federal Complaint (See docket report) App. 2. The Federal Lawsuit was about to transition into the Discovery Phase.

The third lawyer I was working with, Mathew J. King, a trial attorney in Springfield, Massachusetts, who was representing John Pedro, Jr., did not want to follow the Federal Rules and Laws. He decided he deserved special treatment and privileges. He did want to file Motions to make requests before the court. That would take too long to process because Mr. King wants everything really quick and fast. He approached me requesting information really quick and fast.

I suspected District Court Judge Mastroianni and Attorney Mathew J. King, were friends before he admitted they were friends (Dkt. No. 34), because Mastroianni overrode the legal system for Attorney King with a Sua Sponte Order. A Sua Sponte order is "an act of authority taken without formal prompting from another party. This is an action by a judge taken without a prior motion or request for the parties.

My Civil rights lawsuit was a new case that was just commenced and initiated. Why implement such an extreme legal maneuver on a new case that has not been established ? A Sua Sponte order totally overrides our democratic legal system. See *Playing god: a critical look at sua sponte decisions by appellate courts*, Milani and Smith, StudyLib (2002). Judge Mastroianni removed a default judgment in my case and I had no participation in the decision (Dkt. No. 21), App.-2. (Opposition to Motion to Vacate Default Judgment). Mastroianni completely shut the petitioner out of the legal process with this legal maneuver. Attorney King and Judge Mastroianni made all the decisions with this order without informing me (Dkt. No. 20), App.-2. He did not have hearing, so I could participate in the decision to vacate the default judgment. I informed Mastroianni that maybe I should remove myself from the case and let him and the defendants make all the decisions in my case, because they made a major decision in my case without my participation.

Judge Mastroianni removed Magistrate Judge Katherine A. Roberson from my case on August 2, 2017 and by August 16, 2017, he initiated the Sua Sponte Order. He did not give me advance warning he was going to remove Judge Roberson and he did not give me a reason why he removed her. He did everything really quick and fast. I thought Judge Roberson was doing a beautiful job with my case and I did not see any reason she should have been removed.

Judge Katherine A. Roberson was removed from my case to allow Judge Mastroianni's friend, Attorney Mathew J. King, receive all the court orders

and court rulings in his favor because of their friendship (Dkt No.19) App-2.

I requested Judicial Recusal for Mastroianni but he refused to remove himself from my case (Dkt No. 34 and No. 39), App.-2. I also requested a hearing regarding his recusal (Dkt No. 21), App.-2. He has not responded to neither request.

I do not understand Judge Mastroianni judicial conduct. It seems he is haphazardly implementing court rulings with my federal lawsuit (Dkt. No. 26), App.-2. Anything that goes across his desk, concerning Tanya Steele is, NO. Judges are not put on the bench to destroy people with no, no, no all the time, with their court decisions. They are put on the bench to help people and settle disputes. His judicial conduct regarding my case is unprofessional and biased.

II. The Department of Housing and Urban Development (HUD) provides affordable housing to American families. The elderly, disable and low-income Americans are the population they serve. The government program was established in 1965 by President Lyndon B. Johnson.

HUD makes rental payments for their affordable housing through the section 8 program. This is a program financed by HUD but administered by local public housing authorities(PHA's) 42 U.S.C. § 1437f(b)(1);24 C.F.R. § 982.151. Wayfinders Inc. is a local public housing authority in Western Massachusetts. Families apply directly to the public housing authority to participate in the Section 8 program. The tenant and HUD create a contract with the owner of the house the tenant will occupy 24 C.F.R § 982.1(B)(2).

The petitioner has Two Counts. Count One, HUD intentional infliction of emotional distress and Count Two, which is the Department of Housing and Urban Development (HUD), denial of petitioner's civil rights protections from discrimination with the violation of the Fair Housing Act, anti-harassment provision, 42 U.S.C. § 3617.

The petitioner and her family lived in a private house adjacent to a two family public housing dwelling, owned by John Pedro Jr.. His tenants received section 8 subsidies from HUD to pay their rent. His tenants severely harassed, intimidated and interfered with the Steele family. Their residence was vandalized, they were called monkeys and bananas peels were thrown in front of their house (Dkt. 6), App.-2.

Complaints were made to the Department of Housing and Urban Development but nothing was instituted to settle the issues. HUD denied the

petitioner's civil rights protections from discrimination with the violation of Fair Housing Act, anti-harassment provision, 42 U.S.C § 3617.

The Fair Housing Act, 42 U.S.C § 3617, makes it unlawful "coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected. Unlawful conduct includes "threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of race, color, religion, handicap, familial status or national origin 24 C.F.R § 100.400(c)(2).

The elements a Plaintiff must establish to file a claim under The Fair Housing Act, are (1) the plaintiff must be a member of a protected class (2) the plaintiff was subjected to unwelcome harassment (3) the harassment was based on her protected class (4) the harassment was sufficiently severe or pervasive to deprive the plaintiff of his enjoyment of his home (5) the defendant knew or should have known of the harassment and failed to take prompt remedial action.

Ms. Steele and her family are African-American (protected class). (2) John Pedro's tenants severely harassed her family (reference allegations 1 to 31 in the Complaint) (Dkt. No. 6) App.-2. (3) Ms. Steele and her family were called monkey's and on a chronic bases banana peels were thrown on their property. (4) The harassment has escalated to the point, where Ms. Steele and her family does not feel safe at their residence (928 Berkshire Ave.) and have seriously considered moving. (5) I informed HUD through their PHA, WayFinders, Inc., in April of 2016 of the severe harassment and they totally disregarded me.

The United States Government has protections from lawsuits from the General Public through Sovereign Immunity. HUD has volumes of legal cases, where they tried to ignore housing lawsuits through Sovereign Immunity, *Aetna Life and Casualty Insurance Co. v. United States*, 508 F supp 298-Dist Court ND Illinois, 1981. The Fair Housing Act has waivers that allow lawsuits to be commenced against the HUD. *See United States of America v. Berk-Cohen associates at Tor View village apartments LLC*, 09 Civ 4368.

U.S. code 42 § 3602(i) and U.S. Code 42 §3613(a)(2) are Fair Housing Act waivers that the petitioner's case falls within. Ms. Steele is an "aggrieved person" that has been injured by discriminatory housing practice and has established waivers of Sovereign Immunity (Dkt. 28).

B. Procedural History

The Petitioner filed a Civil Right's lawsuit, on April 24, 2017, against The Department of Housing and Urban Development (HUD) and John Pedro, Jr. of John Pedro Real Estate Associates. The lawsuit was filed in United States District Court in Springfield, Massachusetts. United States Magistrate Judge Katherine A. Robertson, requested the original Complaint be amended to clarify the counts and statutes. On June 30, 2017, the Complaint was amended.

The petitioner and her family lived in a private house adjacent to a two family public housing dwelling, owned by John Pedro Jr.. His tenants received section 8 subsidies from HUD to pay their rent. His tenants severely harassed, intimidated and interfered with the Steele family. Their residence was vandalized, they were called monkeys and bananas peels were thrown in front of their house (Dkt. No. 6), App.-2.

Complaints were made to the Department of Housing and Urban Development but nothing was instituted to settle the issues. HUD denied the petitioner's civil rights protections from discrimination with the violation of Fair Housing Act, anti-harassment provision, 42 U.S.C § 3617.

HUD makes rental payments for their affordable housing through the section 8 program. This is a program financed by HUD but administered by local public housing authorities(PHA's) 42 U.S.C. § 1437f(b)(1);24 C.F.R. § 982.151. Wayfinders Inc. is a local public housing authority in Western Massachusetts. Families apply directly to the public housing authority to participate in the Section 8 program. The tenant and HUD create a contract with the owner of the house the tenant will occupy 24 C.F.R § 982.1(B)(2). (See memorandum in support of motion to dismiss, Dkt. No. 26), App.-2.

Wayfinder Inc., a public housing authority for HUD filed a motion to dismiss the case for failure to state a claim on July 17, 2017. They stated that Count One, intentional infliction of emotional distress and Count Two discrimination in violation of the Fair Housing Act, anti-harassment provision, 42 U.S.C. § 3617 in the petitioner's lawsuit should be dismissed. "Count One and Count Two are the action's of a third party (tenants) and in no way meet the legal standards for the claims referenced in the Complaint". Respondent states it is appropriate and proper for the district court to dismiss both claims on the basis of Fed. R. Civ. P. 12(b)6 for failure to state a claim upon which relief can be granted. (See Wayfinders, Inc. motion to dismiss for failure to state a claim upon which relief can be granted pursuant to fed. r. civ.p.12(B)(6), Dkt. No. 15), App.-2.

Wayfinder Inc. requested that this claim be removed and referred to Massachusetts Commission Against Discrimination (MCAD) as the filing of a timely charge of discrimination with the MCA D is a prerequisite to the filing of a judicial civil action under Mass. Gen. Laws. Ann. ch. 151B, § 5,9.

The Department of Housing and Urban Development filed a motion to dismiss for failure to state a claim on August 24, 2017. The motion to dismiss the complaint was filed pursuant to rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure. "HUD stated the claim for intentional infliction of emotional distress should be dismissed because the petitioner failed to exhaust administrative remedies and has not alleged that HUD engaged in any intentional conduct against her. The petitioner Fair Housing Act claim against HUD should be dismissed because HUD has not waived its sovereign immunity and does not owe a legal duty to the petitioner".

The Department of Housing and Urban Development "stated they cannot be held responsible for harassment it did not have authority to correct".

Anderson v. City of Alpharetta, 737 F. 2d 1530, 1531-32n2 (11th Cir. 1984) The landlord is responsible for the actions of the tenants, and HUD is an administrative agency that distributes the finances for the subsidized housing".

A default judgment was issued for respondent John Pedro Jr. on August 2, 2017 because he failed to return his court summons. U.S. district court judge Mastroianni issued a sua sponte order to set aside the entry of default.

The sua sponte order was appealed on November 17, 2017 in the First Circuit Appeals Court. The appeal was denied on November 27, 2018.

REASONS FOR GRANTING THE PETITION

I. FIRST CIRCUIT APPEALS COURT, "OVERWORKED JURISDICTION OPINION"

A. A judicial misconduct complaint was made to the First Circuit Executive Court regarding Federal Judge Mastroianni. The Complaint was dismissed and the judge was not disciplined.

The First Circuit Appeals Court informed the petitioner they did not have jurisdiction over the issues related with judicial misconduct. If they do not have jurisdiction with this case, who does ? The Appeals Court issue negative jurisdictional opinions, but they do not tell you which court

or governmental agency does have jurisdiction. Petitioners need precise information, not generalizations.

B. HUD's violation of Fair Housing Act, Anti-harassment provision, 42 U.S.C. § 3617, according to the First Circuit Appeals Court Opinion, does not have jurisdiction with this civil rights law.

HUD has protections from lawsuits from the General Public through Sovereign Immunity. The Fair Housing Act, Anti-Harassment Provision, Waivers, (U. S. code 42 § 3602(i) and U.S. Code 42 § 3613 (a)(2)allow lawsuits to be commenced against the government. Did the appeals court take time out to discuss these Waivers, or did they just pushed this case through the system ?

THE GENERAL PUBLIC BENEFIT FROM THE ENFORCEMENT OF CONSTITUTIONAL AMENDMENTS AND CIVIL RIGHT'S LAWS

II. A. The significance of the petitioner's complaint regarding the deceitful behavior of the federal judge presiding over this case has numerous national implications. The United States Constitution protect and allow American citizens to have their disputes settled in a civil manner in the court system. The laws of the United States Constitution, specifically, the Due Process Clause of the Fifth Amendment, allow the uniform distribution of justice. The judges and lawyers have to follow these laws to keep the legal system equitable. Occasionally, you will have judges or lawyers, who think they are above the law and they could do whatever they want. Through governmental enforcement, they should abide by the rules like everyone else.

B. Count Two presented in the original federal complaint, violation of Fair-Housing Act, Anti-Harassment Provision 42 U.S.C. § 3617, has numerous components, besides harassment and interference. It ensure groups of people, who are in "protected classes" do not have to confront discrimination. The seven "protected classes" are race, color, religion, sex, handicap, familial status and national origin. The civil right's act also ensure Americans are not discriminated with mortgages, housing assistance, and equitable pricing for housing.

LAWSUITS KEEP THE AMERICAN LEGAL SYSTEM VIRTUOUS AND HONORABLE – THE LEGAL SYSTEM SHOULD BE OPEN TO EVERYONE

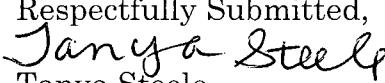
III A. The noteworthy aspects of this civil right's case, is that in the future

it will help the judicial system discipline unscrupulous and immoral judges and attorneys who think they are above the rules and laws of the American legal system. Unfortunately the petitioner had to be confronted with a corrupt judge who has soured her experience with the Judicial System. Mastroianni completely shut the petitioner out of the legal system, with the sua sponte order. There are numerous judges in America that have virtues, unfortunately the petitioner did not get assigned to one.

B. Landlords who own apartment buildings and have tenants, are aware of the Fair-Housing Act. When they apply for mortgages and housing permits, this civil right's act is advertised everywhere. The enforcement of this law, allows landlords to train their ignorant and rude tenants to be respectful to their neighbors and everyone in the community where they reside.

CONCLUSION

For the Foregoing Reasons, This Court should grant the Petition for Certiorari.

Respectfully Submitted,

Tanya Steele
928 Berkshire Ave.
Indian Orchard, MA 01151
(413) 543-5445
ziccy32@hotmail.com
Petitioner, Pro Se

February 15, 2019