

No. _____

18-9389

IN THE

SUPREME COURT OF THE UNITED STATES

Shields - PETITIONER

v.

Klein et al. - RESPONDENT

ORIGINAL

FILED

MAY 09 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO:

United States court of appeals for the Second circuit

This is a petition to review a civil action pending
in the United States court of appeals for the Second circuit
before judgment is entered in that court

(Supreme Court Rule 11).

PETITION FOR WRIT OF CERTIORARI

Antonia W. Shields May 2, 2019
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Questions Presented

- 1. Is 28 U.S.C. § 1915 unconstitutional, discriminatory, based on a person's ability to pay fees and costs and/or to give security for fees and costs for a person who is under U.S. Constitution Amendment V. and not a prisoner?**
- 2. If 28 U.S.C. § 1915 as a standard of review is unconstitutional for all persons under U.S. Constitution Amendment V. who cannot pay fees and costs of federal question civil actions, what is the constitutional standard of review for those persons who are not prisoners?**
- 3. If a federal question civil action is able to proceed under law(expanded, new, or existing law) for those under U.S. Constitution Amendment V. who cannot pay fees and costs and who are not prisoners...for the people of the United States with regard to housing, a roof over the people's head, can this Court grant explicit U.S. Constitutional Fourth Amendment punitive damages award to those who lose their right to be secure in their houses against unreasonable seizure because no one issued an Amendment IV. Warrant?**

List of Parties

Petitioner:

Antonia Shields

v.

Respondent:

**Juda Klein, of 2150 Eastern Parkway LLC and its Deposit
Account and of Wade Tower”**

Short caption:

U.S. district court’s designation: “Shields v. Klein et al”

U.S. court of appeals, 2nd circuit’s designation: “Shields v. Klein”

**The short caption, “Shields v. Klein et al.,” the U.S. district
court’s original proceeding designation is what Petitioner Shields
chooses to use because the “et al.” includes the two non-public U.S.
domestic corporations and the deposit account, that links them, to
Plaintiff Shields; the et al. includes this federal question civil action
within the short caption. Not including the two non-public U.S.
domestic corporations and the deposit account, that links them, to the
Plaintiff Shields eliminates Plaintiff Shields’s original intent in
district court docket #1’s entry that started the action.**

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**IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully asks that a writ of certiorari issue to review the judgment below. Regarding Supreme Court Rule 14.1(e)(v) this initial document states that Petitioner Shields does not know if any of the courts below, pursuant to 28 U.S.C. § 2403(a) certified to the Attorney General the fact that the constitutionality of an act of Congress was in question.

Opinions Below

From the federal courts: Pending in the United States court of appeals for the Second circuit is Civil case 19-420.

Writing to “close this case” is the Judgment in a Civil Case (Appendix A) and the separately issued Decision and Order (Appendix B), both finalizing decisions.

Both the Judgment in a Civil Case and the Decision and Order entered into the district court record on February 7, 2019. *Pro se* Petitioner Shields, not an attorney, does not know where else the opinions below are reported.

Basis for Jurisdiction in this Court

Petitioner Shields is filing pursuant to this Court's Rule 11, unless the court of appeals for the Second circuit electronically rendered a judgment or decree before Petitioner Shields received paper notification of it happening. If so, Supreme Court Rule 10 is apt, rather than Rule 11. Either way, this Court has jurisdiction under 28 U.S.C. § 1254(1).

Regarding timeliness, on February 7, 2019, the U.S. district court for the Northern District of New York Albany Civil Filing Division (1) entered separate Judgment and Decision and Order. Within thirty days, Petitioner Shields filed with the U.S. court of appeals for the Second circuit. And, Petitioner Shields is filing in this Court, on paper with the United States Post Office by priority mail bearing the postmark May 6, 2019, within ninety days after district court entry of judgment or decree from February 7, 2019. And, Petitioner Shields has appealed to the U.S. court of appeals for the Second circuit, but the matter is pending, therein, to Shields's knowledge.

Constitution and Statutory Provisions Involved

Article. VI., section 2. to the U.S. Constitution:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Const. art. VI. § 2.

The Fourteenth Amendment to the U.S. Constitution, section 1:

“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

U.S. Const. amend. XIV., § 1.

The Fifth Amendment to the U.S. Constitution:

“No person shall be ... deprived of ...life, liberty, or property, without due process of law...” U.S. Const. amend. V.

The Preamble to the U.S. Constitution:

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” U.S. Const. pmbl.

The Tenth Amendment to the U.S. Constitution:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

U.S. Const. amend. X.

42 U.S.C. § 1983 Civil action for deprivation of rights:

“Every person who, under color of any ... custom ... of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...”

28 U.S.C. § 1343(a)(4) states: “Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (4) To recover damages ... under any act of Congress providing for the protection of civil rights...”

The Fourth Amendment to the U.S. Constitution:

“The right of the people to be secure in their ... houses, papers, and effects, against unreasonable ... seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place ... and the persons or things to be seized.”

U.S. Const. amend. IV.

28 U.S.C. § 1254(1) “Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil...case, before or after rendition of judgment or decree”

28 U.S.C. § 1291. “Final decisions of district courts The courts of appeals...shall have jurisdiction of appeals from all final decisions of the district courts of the United States....”

Supreme Court Rule 10(c): "...a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court..."

28 U.S.C. § 1331: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

28 U.S.C. § 1391(b)(2): "A civil action may be brought in ... a judicial district in which a substantial part of the events or omissions giving rise to the claims occurred, or a substantial part of property that is the subject of the action is situated;..."

28 U.S.C. § 1391(d) Residency of corporations in States with multiple districts.-For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation(s) is subject to personal jurisdiction at the time an action is commenced, such corporation(s) shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State..."

28 U.S.C. § 519: Except as otherwise authorized by law, the Attorney General...shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

28 U.S.C. § 2403(a) “Intervention by United States or a State; constitutional question (a) In any action... in a court of the United States to which the United States..., wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question(the original district court civil action claims Appendix ____), the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States shall, subject to the applicable provisions of law, ... and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.(b)

28 U.S.C § 2403(a) may apply, and this initial document to this Court has been served on the Solicitor General of the United States meeting Supreme Court Rule 29.4(b).

By Supreme Court Rule 14.1(e)(v), this initial document states that Petitioner Shields has not been notified that any lower court, pursuant to 28 U.S.C. 2403(a), certified to the Attorney General the fact that the Constitutionality of an Act of Congress was drawn into question.

Federal Rule of Civil Procedure 1: “Rule 1. Scope and Purpose

These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”

Federal Rules of Civil Procedure 3: “Rule 3. Commencing an Action

A civil action is commenced by filing a complaint with the court.”

Statement of the Case

The Civil Judgment to “close this case” (Appendix A) and the Decision and Order to “close this case” (Appendix B), both of the federal district court, are under 28 U.S.C. § 1915 contested and detailed in Shields’s petition for leave to proceed *in forma pauperis* attached herein. Adding to it, *Mapp v. Ohio*, 367 U.S. 643(1961) relays that presumptive discrimination is purposed around classifying people differently; i.e. for this federal question civil action, Shields, a person with Amendment V. Liberty, is classified differently than other persons with Amendment V. Liberty simply because Shields cannot pay fees and costs; Shields is classified by 28 U.S.C. § 1915, “such prisoner” in an unconstitutional manner. And, to *retroactively* expand 28 U.S.C. § 1915 to include all persons with Amendment V. Liberty who cannot pay fees and costs, with payment more lenient - as soon as practicable - certainly makes good sense toward original Congressional legislative intent. *Levy v. Louisiana*, 391 U.S. 68(1968).

And, though the Constitution of the United States supports a woman's point of view, *Roe v. Wade*, 410 U.S. 113(1973), Shields hopes the men of the Constitution agree with her point of view, too. For, if a law, (in this federal question civil action used as precedent) is contrary to the U.S. Constitution, the Court need determine what constitutional law governs the case. *Marbury v. Madison*, 5 U.S. 137(1803).

Klein of Klein et al., Respondent, is the member of two non-public domestic U.S. corporations on official public documents including corporate membership. (Appendix K). The district court told Shields to find the person of the corporations to substantiate 42 U.S.C. § 1983 claims for which relief may be granted. Klein is that only named person, not immune.

And, Klein et al., Respondent, received and thereby controlled Shields's money. Shields's money, her check # 2205, was deposited only at 09:15 on 09-27-2017 into the account 2150 Eastern Parkway LLC 2150 EAPKWY 31006026 with a reference number for the transaction: 0886772008 and her check # 2213 was deposited only at

15:39 on 12-04-2017 into the account 2150 Eastern Parkway LLC 2150 EAPKWY 31006026 with a reference number for the transaction: 0886419374. 2150 Eastern Parkway LLC is not immune from this federal question civil action. By 28 U.S.C. § 1391(d), Schenectady County is the place for the corporate personal jurisdiction here. (Appendices I, J).

And, Klein et al., Respondent, issued through significant contacts between Shields and their Schenectady County office location at 2150 Eastern Parkway in Schenectady County a receipt #842913 dated 9/15/17 for Security deposit in the amount \$790.00 marking the money was in check form and signed by "Van Buren." Shields asserts that 9/15/17 was the day she took occupancy at her house, the premises, located at 2150 Daisy Lane Apt. C, Niskayuna, NY in Schenectady County, where she lived. (Appendix G).

And, Klein et al., Respondent, issued through significant contacts between Shields and their Schenectady County office at Wade Towers an email dated September 15, 2017 at 5:30 pm and an email

dated October 19, 2017 at 1:37:58 PM EDT, this last one, a false promise. Though promising to first deliver a copy to Shields of her signed lease for the premises at 2150 Daisy Lane Apt. C, Niskayuna, NY in Schenectady County, nothing happened. (Appendix H). Wade Towers (a.k.a. Wade Towers LLC) is not immune from this federal question civil action.

There is no veil for claims against the provisions of the United States Constitution. Specifically, with regards to this case, there is no veil for federal question(s) grounded in *a priori* law, secured by the U.S. Constitution, expressly written. A person under the U.S. Constitution is one of the people. And, Shields, a citizen of the United States, is one of the people. Therefore, Petitioner Shields is under the U.S. Constitutional provisions securing and supporting claims on which relief may be granted against the other party, Respondent Klein et al. allegedly violating the U.S. Constitution.

28 U.S.C. § 1331 states, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or

treaties of the United States.” Shields filed in the U.S. district court a civil action arising under the Constitution, laws, or treaties of the United States on July 16, 2018 within the statute of limitations that started September 15, 2017. The district court entered the Complaint as document #1 on the Civil docket sheet with the date July 17, 2018 and the action commenced. (Appendix F).

28 U.S.C. § 1343(a)(4) reads, “The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (4) To recover damages... under any Act of Congress providing for the protection of civil rights.” This civil action, authorized by law, was commenced by Shields to recover damages under Acts of Congress providing for the protection of civil rights: Amendment IV. to the U.S. Constitution, Amendment X. to the U.S. Constitution, and Amendment XIV. to the U.S. Constitution; Amendment V. to the U.S. Constitution supports the provisions of Amendment XIV. to the U.S. Constitution for the federal government’s securing due process because the due process clause is equal protection for the federal government to abide under, also.. *Bolling v. Sharpe* 347 U.S. 497(1954).

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42 U.S.C. § 1983, an Act of Congress, expressly includes “Civil action for the deprivation of rights Every person who, under color of any...custom...of any State...subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action of law...for redress...”

Respondent Klein et al., under the color of custom of the State of New York - to follow U.S. Constitutional law first (U.S. Const. art. VI., sec. 2.) - caused U.S. citizen Shields’s deprivation of rights, privileges or immunities secured by the Constitution and laws, and shall be liable to the party injured (Shields) in an action of law for redress.

Shields is the party injured because:

Respondent Klein et al. omitted due process.

Omission of due process was in the form of no Amendment IV. Warrant issued when Klein et al., who controlled Shields’s money, her effects, seized it directly without due process for benefit, depriving Shields’s right secured by Amendment IV. to the U.S. Constitution, that never

**expressly limits itself to only the government's actions,
Shields's right to be secure in her house against
unreasonable seizure was allegedly violated.**

Amendment IV. to the U.S. Constitution:

**The right of the people to be secure in their persons,
houses, papers, and effects, against unreasonable ...
seizures, shall not be violated, and no Warrants shall issue,
but upon probable cause, supported by Oath or
affirmation, and particularly describing the place to be
searched, and the persons or things to be seized."**

**No due process equals unreasonable. No Warrant equals no due
process. No Warrant equals unreasonable.**

**Further, Respondent Klein et al. omitted due process again.
Omission of due process was in the form of no Amendment
IV. Warrant issued when Klein et al., who controlled
Shields's money, seized Shields's papers for benefit,
directly without due process, recidivation, depriving
Shields's right secured by Amendment IV. to the U.S.
Constitution, that never expressly limits itself to only the
government's actions, Shields's right to be secure in her**

house against unreasonable seizure was allegedly violated.

By not giving Shields her copy to her signed lease, Klein et al. voided the 12 month-plus lease, and without Shields's consent, Klein et al. allegedly violated Shields's security in her house by creating different short term housing, that was only month-to-month tenancy, not secure. This was Klein et al.'s controlling mechanism - not just in alleged violation to the U.S. Constitution Amendment IV.

The Bill of Rights' preamble is not in the U.S. Constitution, and U.S. Constitution Article VI. Section 2 means any Thing that was intended to be in the U.S. Constitution is expressly therein.

In a repeated manner, Klein et al. is alleged violating the U.S. Constitution.

No corporate disclosure statement from Klein et al. has ever been submitted with a copy to Shields in this federal question civil action; Klein et al. was receiving Shields's money through the office where Shields put the payment envelopes at 2150 Eastern Parkway in Schenectady

County. This Schenectady County office location, 2150 Eastern Parkway is where the majority of significant contacts between Shields and Klein et al. happened. [28 U.S.C. § 1391(b)(2) and (d)] Not one of the Respondent Klein et al. has immunity; Klein et al. controlled Shields's money as shown.(Appendix K.)

Since Shields's money went directly to Klein et al., then Klein et al. controlled Shields's right to be secure in her house by being in charge of her financial balance for securing the roof over her head, her housing, her 12 month + lease security in her housing that was reduced drastically to only month-to-month without Shields's consent, and causing deprivation of her federal civil rights to due process by omission, i.e. not issuing an Amendment IV. Warrant when, in an unconstitutional manner, there was a demand for payment stating that if not paid, Shields had to surrender the premises in four days' time.(see below).

**Klein et al. retained and controlled by the deposit
(Appendix I) Shields's security deposit that became rent
prepaid when the lease was not returned as a signed copy to
Shields, her papers. The complicated nature of the
transactions has nothing to do with Shields, only to do with
Klein et al. This recurring alleged Respondents' violation to
the U.S. Constitution: no due process, no Amendment IV.
Warrant happened egregiously by Klein et al.'s
Schenectady County office delivery to Shields a deliberate
falsification, April 5, 2018 letter. On the letter are the
words, "24-hour demand for Payment of Rent" and
"You are hereby required to pay the total amount owing or
surrender the premises on or before 4/9/2018." [Four (4)
days later] This is the office receiving Shields's money for
financial transactions between Shields and Klein et al.
Shields's 42 U.S.C. § 1983 deprivation of Bill of Rights'
Amendment IV. Right to be secure in her house against**

**unreasonable seizure is allegedly violated: no due process,
no Amendment IV. Warrant. (Appendix L).**

**The word, “government,” is not expressly written in Amendment
IV. to the U.S. Constitution, meaning that Amendment IV to the
U.S. Constitution may apply to more than only the government
being bound to its law. (U.S. Const. amend. IV.)**

**No Amendment V. due process affects no due process by
unreasonable omission of an Amendment IV. Warrant when
depriving a person, Shields, under the U.S. Constitution of Bill of
Rights’ Amendment IV. Right to be secure in Shields’s house
against unreasonable seizure.**

**Shields is a citizen of the United States of America under
Amendment XIV. to the U.S. Constitution; Shields is therefore one of
the people in that definition of whom to include under U.S.
Constitutional law.**

**No Warrants could be found via Freedom of Information Law
(FOIL) request within Schenectady County Legislature search.
(Appendix M).**

Amendment X. to the U.S. Constitution affects this federal question civil action because it requires that the power of Amendment IV. belongs to the U.S. Constitution before New York State's law that appears to be the same, but is exactly not. This means that Shields under the U.S. Constitution Amendments X. And XIV. and through Amendment V.'s due process clause, has equal civil rights under U.S. Constitution Amendment IV. as one of the people of the United States. And, all non-public domestic U.S. corporations, represented by members are not immune and shall follow Amendment IV. to the U.S. Constitution first, before following New York law, with the Attorney General of the United States supervises all litigation for the Department of Justice. (28 U.S.C. § 519)

***A priori*, the word, "just" comes before the words, "speedy" and "inexpensive" in Federal Rules of Civil Procedure Rule 1. (Appendix C).**

More importantly, the Preamble to the U.S. Constitution establishes justice, a national value.

Now, Petitioner Shields, Shields received a letter from the U.S. district court stating, "... no proceedings have been held. Your case was decided on initial review by the Court." (Appendix D).

Yet, this civil action commenced July 17, 2018 with the filing entry of a complaint within the statute of limitations for civil rights violation and within the law, the United States Federal Rules of Civil Procedure Rule 3. (Appendix E).

So, the document, the complaint, a federal questions' matter was entered as the first entry, starting the civil action. (Appendix F).

Because the U.S. district court's letter (Appendix D) negates the law (Appendix E), Shields has received an unfair, unlawful letter from the U.S. district court, unless a civil action is not a proceeding.

For the U.S. district court to misconstrue, not administer, and misemploy the third rule of the United States Federal Rule of Civil Procedure unfairly discriminates against Shields. Such discrimination is arbitrary merely because Shields filed a federal question civil action matter arising from the United States Constitution that

demands fairness, speed and expense because it specifically caused harm. And, this civil action federal questions matters importantly to the public, the people of the United States; this civil action federal questions' matter is the realm of housing, having a roof over one's head, a national basic Bill of Rights' civil rights' security matter of paramount value to the people.

Apparently, the district court's judgment to "close this case" finalized it on "initial review" - unjust to Shields's point-of-view.

28 U.S.C. § 1291 states, "Final decisions of district courts The courts of appeals...shall have jurisdiction of appeals from all final decisions of the district courts of the United States...."

A decision to "close this case" is part of "all final decisions."

How a federal district court can close a case without it being a final Judgment is not reasonable, and reason is the soul of all law. When the Decision and Order says, "close this case," and the separately issued Judgment says, "close this case," it is reasonable that the Decision and Order and Judgment are final decisions. Shields

asserts this case is being appealed to the U.S. court of appeals under a final federal district court decision and Order and final judgment (28 U.S.C. § 1291) . (It is *pending* in the U.S. court of appeals for the Second circuit to Shields's current knowledge, as Shields receives documents in paper form via U.S. mail - Shields is *pro se*, not an attorney.) Shields further asserts, this civil case is not appealed under an initial review(collateral) because the Decision and Order to "close this case" and the separately issued Judgment to "close this case" finalizes this civil action federal question; the district court quashed it, the court of appeals is reviewing it, and Shields continues to ask the federal questions.

Moreover, this finalization has happened, according to the federal district court's letter to Shields, though "no proceeding have been held." Therefore, the district court has attempted to directly finalize this federal question civil action unfairly, "so far departing from the acceptable and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power" by Supreme Court Rule 10, if eventually applicable.

So, does this Court actually have jurisdiction? Yes, this Court has jurisdiction under 28 U.S.C. § 1254(1).

Petitioner Shields has asked reasonably for the U.S. court of appeals Second circuit to change their designation for Shields's name, the other parties' names, the nature of the suit, and other items back to what they were under the original proceeding in U.S. district court: The district court's nature of the suit was 440 Civil Rights - other (federal question). Appellant's name should continue to be what the district court used for Plaintiff's name: Antonia Shields, not Antonia W. Shields. The "cv" for civil action was there for the district court.

This federal question civil action asks for a damages award toward Shields's specific case.

However, federal question jurisdiction is original to the federal district court by 28 U.S.C. § 1331.

And, 28 U.S.C. § 1343(a)(4) states: "Civil rights and elective franchise (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (4) To recover damages ... under any act of Congress providing for the protection of civil rights...." page 24

**The deprivation of Shields's civil rights is under 42 U.S.C. § 1983-
that act of Congress was on their form in the upper right corner.**

**Specifically, the award requested is punitive damages, plus
interest that does not have to be returned. The reason for the punitive
damages is:**

**Office workers, Kelsey and Michelle, collected the security
deposit(Kelsey) and rent(both Kelsey and Michelle) in person at 2150
Eastern Parkway in Schenectady County and Klein et al. took Shields's
money because Klein et al. were the financiers of the operation that
made Shields's right to be secure in her house against unreasonable
seizure culpable.**

All financiers are culpable.

Klein et al. is the financier.

Klein et al is culpable.

**The punitive damages award sought is 3.2 million U.S. dollars, plus
interest.**

**To remove a person's right to be secure in her house against
unreasonable seizure without due process is unconstitutional.**

For Klein et al. to remove due process by changing the ownership of finance and changing the term of living in the house and omitting the law, all without due process is reprehensible conduct.

Morally wrong, seizing unreasonably Shields's housing is purely harmful, justifying a punitive damages award that is substantial.

Recently, a fine American artist, a sculptor, whose copyright was not secured by determined morally wrong conduct (omission of due process) that misused that artist's copyright- the artist was awarded more than 3.2 million dollars because of the other party's culpability.

For Shields's case, Klein et al is culpable. Klein et al. did not use due process. Klein et al. removed the roof over Shields's head without due process. Housing is a value of the people of the United States of America, a certainty. Klein et al. removed without due process, housing for Shields, harming Shields dearly.

The difference between the award and the civil penalties award authorized in comparable cases is unknown to Shields and is only known to the Supreme Court.

Had Shields not survived the nights thereafter without a roof

over her head, this case would have gone further with civil penalties via the police, who were notified by Shields, who knew how difficult Shields's situation without a roof over her head can be. Case after case for the people of the United States forced out of housing without due Process is of intense interest to the people because no one wants lack of housing, even Klein et al.

Reasons for Granting the Petition

The reasons why “the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court” (Rule 11) is because the Court wishes to particularly “decide cases presenting issues of importance beyond the particular facts and parties involved” (Supreme Court Directive). Therefore:

28 U.S.C. § 1915 law is wrong precedent when a person who has U.S. Constitution Amendment V. liberty is named “such prisoner” under it because she or he cannot pay fees and costs (here when asking a federal question(s) arising from the Constitution of the United States).

Any lower court judgment based upon the wrong precedent (above) is against the scope and purpose of Federal Rule of Civil Procedure Title 1, Rule 1. governing “the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to

secure the just, speedy, and inexpensive determination of every action and proceeding.” Law violating Amendment V. to the U.S. Constitution is wrong law; and, court-use of precedent based upon law that is wrong is prejudicial and unconstitutional. Unconstitutional law is not just.

And, federal governmental use of wrong precedent that is prejudicial, that explicitly and arbitrarily removes a person’s liberty because she or he cannot pay fees and costs is in violation of Amendment V. to the U.S. Constitution and is discriminatory to persons with liberty under Amendment V. to the U.S. Constitution. Due process means that equal protection is apt for the federal government, also. *Bolling v. Sharpe* 347 U.S. 497 (1954).

Moreover, such does *not* secure the just, speedy, and inexpensive determination of every action and proceeding because it only makes every similar action and/or proceeding unjust, time-consuming, and expensive for the federal government and essentially for the people under the United States Constitution.

Precedent that is prejudicial without reason should not keep Amendment X. to the U.S. Constitution waiting.

Amendment X. to the U.S. Constitution directs custom for all in the U.S. States- that under the color of the custom of any State (it is custom to follow Amendment X to the U.S. Constitution) is being first subject to the powers delegated to the United States by the Constitution, the supreme Law of the Land by U.S. Const. art. VI. § 2.; thereby, Amendment X to the U.S. Constitution is within 42 U.S.C. § 1983 under the term, “custom.”

42 U.S.C. § 1983, also provides rationale substantiating if another “subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws” - such citizen of the United States or other persons within the jurisdiction thereof has opportunity for stating claims on which relief may be granted.

Further, by number 4. above, stated claims are claims on

which relief may be granted, and this Court may be the correct Court to judge how a federal question civil action may proceed when directly quashed within one's inability to pay fees and costs and consequently, being decided with prejudice after being named, "such prisoner", though having Amendment V. liberty. To have claims on which relief may be granted, non-public U.S. domestic corporations may certainly be found liable if alleged violations of Amendment IV. due process (no Warrant issued) actually happened because no where in Amendment IV. is the word, "government" expressly written. And, therefore more than the government can be in violation to U.S. Constitution Amendment IV. Essential, Housing with due process is the important public issue here, because due process provides security in having a roof over one's head for survival, for life. Housing with due process is a basic right for the people of the United States of America first, under the Constitution of the United States.

Conclusion

Petitioner Shields respectfully seeks full reversal of the district court's February 7, 2019 Civil Judgment, full reversal of the district court's February 7, 2019 Decision and Order and full reversal of any Orders that substantiate these two district court documents of February 7, 2019, and starting again after document 1, reinstitution the petition for leave to proceed in forma paupers under a lawful ruling because Shields is not "such prisoner" and cannot pay fees and costs and has U.S. citizenship by birth, and has liberty and is protected by the U.S. Constitution Amendment V. Shields is pro se, not an attorney, who respectfully asks the Court to consider ruling this federal question civil action and its stated claims on which relief may be granted in favor of Shields with full measure of the punitive damages requested due to the harm of no alleged due process of Klein et al. when removing Shields's right to be secure in her house against unreasonable seizure. The petition for writ of certiorari should be granted.

Respectfully submitted,

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Date: May 20, 2019

Rachel A. Petryna 5/20/19
Notary

Rachel A. Petryna
Notary Public State of New York
No. 01PE6107354
Qualified In Saratoga County
Commission Expires March 29, 2020