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No.18-9594

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IN THE SUPREME COURT OF THE UNITED STATES

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**Brian L. Davis**

**Petitioner,**

**Vs.**

**7-eleven, Inc.,**

**Respondent.**

On petition for a writ of certiorari to the united states court of appeals for the fourth circuit

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Reply Brief From The Petitioner

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Address: 13338 Warwick springs drive Newport news Virginia 23602.

Email: [Loyaltyjustice222222@yahoo.com](mailto:Loyaltyjustice222222@yahoo.com)

+++++ From The Petitioner Brian L. DAVIS Sign 

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REPLY BRIEF<sup>1</sup> FROM THE PETITIONER

## STATEMENT OF THE CASE

I The petitioner in no way was loitering nor behaving in a manner that would raise concerns of the

staff while in the store. 7-eleven Inc. cannot prove otherwise. I am an honorable man.

I was told by Laura Allen that I was ban from the 7-eleven

store for shoplifting outside of the store nevertheless, I never did shoplift in that store stated herein nor anywhere else because I am an honorable man that has morals as a man of the source and Christos and as a man American citizen.

Res Judicata should have been waived or not apply to the case because one such exception to the res judicata doctrine involves claims of so called continuing of wrongs, these are the reasons why petition for a writ of certiorari should be granted because there are continuing of wrongs which deprive me of due process; such as 7-eleven Inc. by counsel claims that plaintiff also admits that defendant did this because

plaintiff was told not to read the newspaper had an issue with Doritos. I did not admit that I was told not to read the newspaper had an issue with Doritos in that store nowhere on my responses nor on my amended complaint nor in any complaint because that did not happen and 7-eleven Inc. by counsel cannot prove otherwise. That's why I presented appendix F

to make sure that the judges are aware of the false claims written about me by 7-eleven Inc. counsel. **Laura Allen claimed that I was ban for shoplifting in front of me and my mother outside of the 7-eleven convenience store that was located at 1451 big bethel**

rd Hampton Virginia 23666. The manager Laura Allen did not tell that to the Hampton general district court judge about what she claimed when I ask her a question pertaining to that. On October 26, 2016, randy Wilson, an employee of 7-eleven Inc., left a voicemail

for me on my

mother's telephone. Mr. Wilson stated: Mr. Davis, this is Randy Wilson calling from 7-Eleven regarding the customer inquiry you called in. My understanding is that you're not very happy with the decision from the store manager as to why you can't come into the store. In speaking with her, we found that you were banned from the store due to an 'issue with some Doritos, and I believe a police officer was involved. So at this time we can't offer you to come back to the store. Then you came back in a second time with the newspapers and was asked not to read the newspaper and apparently that didn't sit well with you either. And I apologize for that, but unfortunately we can't have our customers coming in reading newspapers. So I just wanted to call you and let you know that unfortunately we can't ask you to come back to this location. We do have another location at the end of Saunders and on Route 17. Please feel free to frequent that. Thank you and have a good day.

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My response to that is No man nor woman presented himself as an officer nor came up to me wearing a

uniform telling me he or she is a police officer, 7-eleven Inc. cannot prove

otherwise. I did not have an

issue with Doritos in that store, 7-eleven Inc. cannot prove otherwise.

2.

Please see claim on 15 memorandum in support re14 second motion to dismiss  
for failure to state a

claim with Roseboro notice filled by 7-eleven inc., (Dayton, David). A defendant  
did not intentionally

discriminate against plaintiff on the basis of race.

I

did not admit to being

told not to read newspaper because no one never told me that. And I did not  
admit to having an issue

with Doritos in that store because that did not happen, 7-eleven Inc. cannot prove  
otherwise. Thus in my

opinion res judicata should not apply to the case and should've been waive from  
the case do to

continuing of atrocious wrongs towards me as an African American citizen that is  
an American citizen.

### 3.

42 U.S. Code § 1981 guarantees a right to make and enforce contracts. Courts  
have stated that the alleged discrimination has to in some way interfere with a  
plaintiff's right to make and enforce a contractual interest, as described in the  
statute.

I was actually denied the ability to enjoy the fruits  
of a contractual relationship. I was  
denied rights to enjoy the fruits of a contractual  
relationship as an African American I was ban from  
that store thus I could not enjoy fruits of a  
contractual relationship the same a Caucasian  
American citizen as an African American On October 26,

2016

and so on at that convenience store that 7-eleven Inc. owned by being ban for no proven reason which did interfere with my right to make and enforce a contractual interest as an African American citizen in that 7-eleven convenience store stated herein that 7-eleven Inc., owned.

Please review 32 Comes now

plaintiff response opposing defendant 7-eleven Inc.'s memorandum in support to rule 12(b)(6) motion

to dismiss filed by Brian L. Davis. And review 29 PLAINTIFF'S SECOND AMENDED COMPLAINT AGAINST 7-

Eleven Inc., filed by Brian L Davis I explain in great details.

Section § 1981a (b) provides that a complaining party can recover punitive damages only if they demonstrates that "the respondent engaged in a discriminatory practice or discriminatory practices with malice or reckless indifference to the federally protected rights of an aggrieved individual. "see 42 U.S. Code § 1981a (b). Further, courts have held that punitive damages may be awarded only upon proof of an "evil motive" or callous indifference to a federally protected right.

I was denied my rights of section 1981. I was told  
by the manager Laura Allen, that I was ban for  
shoplifting nevertheless I did not shoplift.

4.

In my exhibit A I show I receive a message from  
Broadspire A CRAWFORD COMPANY PO Box 14351 Lexington. KY 40512-4351  
Phone: (214) 640-4579  
Fax: (859) 550-2732  
that is dated on November 10, 2017 and that shows a claim number claim #  
188388632-001 Toya McFadden sr claim examiner-liability wrote : Claimant:  
Brian Davis the above  
captioned matter  
has been reassigned for future handling. In review of this claim I  
am reaching out to see if you would like to discuss settlement of this  
case. Please contact me at your earliest convenience. Please  
direct all correspondence to my attention. Sincerely broadspire  
services, Inc. on behalf of: 7-eleven, Inc.  
Toya McFadden sr claim examiner-liability (214) 640-4579.

Respondent 7-eleven Inc. by counsel claimed that my Amended Complaint indicates that Defendant banned Plaintiff from the 7-Eleven named in the Amended Complaint, but Plaintiff also admits that Defendant did this because Plaintiff was told

not to read the newspaper, had an "issue" with Doritos, and allegations of shoplifting. See Pl. Amended Compl. ¶ 5, 10,18. Therefore, it was Plaintiff's actions that led to the manager's decision; not Plaintiff's race.

I find that very amusing because I did not admit to being told not to read newspaper on my amended

*Compl. 5, 10, 18. Because that did not happen nor did I admit to having an issue with Doritos in that store*

stated herein because that did not happen and I also find this claim amusing as

well..... Therefore, it was Plaintiff's actions that led to the manager's decision; not Plaintiff's race.

Because if you review exhibit E and review 7-eleven Inc., grounds of defense

that was given to the Hampton general district court the case no. is gv16-14127.

You can see that in 4. Of the grounds of defense that the defendant, 7-eleven Inc., (hereinafter "7-eleven",) by counsel, and states its grounds of defense to plaintiff's bill of particulars in 4. That with regard to paragraph four (4) of the plaintiff's bill of particulars, 7-eleven Inc. denies any allegation concerning Laura Allen telling plaintiff he had been banned from the store for under the circumstances alleged therein.

Thus I was deprived of due process (to have a full and fair opportunity to be heard on the issue) and The petition for a writ of certiorari

should be granted because of that and furthermore please see my exhibit D and see my bill of

particulars that was given to the Hampton general district court, the case no. is GV16-14127. Please see 2. 3. 4. On my bill of particulars.

Thus res judicata should have been waived or should not apply to this case, and I believe that res judicata should have been waived or should not apply to this case because I did nothing wrong to be ban from the 7-eleven convenience store, that was located at 1451 big bethel rd., Hampton Virginia

23666 that 7-eleven Inc. owned. I should've been allowed to enter that store, because I did nothing wrong. 7-eleven Inc. discriminated me as an African American by denying me of my right as an African American the right to contract (cause of action section 1981) at that 7-eleven convenience store

stated herein by banning me from there; 7-eleven Inc. did not allow me to enjoy the fruits of a contractual relationship the same as an white American citizens to purchase goods such as drinks, food, at that store stated herein.

5.

Please review my exhibit D (My bill of particulars) if you review it you can see what I written on my bill of particulars on 3. 4. You can see that I claimed that the manager Laure Allen outburst, yelling at me, at the door of 7-eleven located at 1451 big bethel rd., Hampton VA 23666 saying that I can't come in the 7-eleven that I was ban from the 7-eleven for shoplifting.

Please review exhibit E if you review it you can see what is written on the defendant 7-eleven Inc. grounds of defense on 3, 4; what is written on 3, 4, is: that 7-eleven, Inc. denies the allegation contained in paragraph three (3) of the plaintiff's bill of particulars. That with regard to paragraph four (4) of the plaintiff's, 7-eleven Inc. denies any allegation concerning Laura Allen telling plaintiff he had been banned from the store for under the circumstances alleged therein.

6.

**Reason for granting the petition for a writ of certiorari**

The reason for granting the petition is because all of the above and below facts herein about the case on 1,2,3,4,5, *6,7*.

7.

**A compelling reason for granting my petition for a writ of certiorari to have a full and fair opportunity to be heard on the issue justly and fairly. Res judicata should be be waived do to being deprive of my 5<sup>th</sup> amendment right of due process. The clause in the Fifth amendment reads: No person shall ... be deprived of life, liberty, or property, without due process of law.**

8.

**Conclusion for all of the above reasons The petition for a writ of certiorari should be granted.**

 Dated 7/16/2019

 From a Honorable Man that believe In Equal rights not classism. *That believe in equal Constitutional rights, civil rights, for all American citizens no matter rich or poor*  
 Respectfully Submitted,



 13338 Warwick springs drive  Virginia 23602

 Email [LoyaltyJustice222222@yahoo.com](mailto:LoyaltyJustice222222@yahoo.com)

 Phone Number : 757-977-6331.

 From The Petitioner Brian L. Davis.  
*I request Justice.  
From 1 of the best  
With the Source  
and Christos.*