

No. **18-9778**

Supreme Court, U.S.  
FILED

JUN 21 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

XUEJIE HE ET AL.,

-PETITIONER

VS.

OFFICE OF THE NEW YORK CITY COMPTROLLER ET AL.,

-RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

**ORIGINAL**

XUE JIE HE , Pro Se

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New York, New York 10038

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RECEIVED

JUN 21 2019

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SUPREME COURT, U.S.

## QUESTION PRESENTED

1. US visa: 0187 , legal short-term stay, Personal Injury , can Petitioner get The Equal Protection Clause Of The Fourteenth Amendment to the United States Constitution?
2. Whether The Second Circuit Court of Appeals ordered in violation of the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment[A-A]?

The Second Circuit Court of Appeals acquiesce in arguments of Petitioner about the discrimination law:

The explanation of the respondent's refusal of the claim was pretext for national origin discrimination and Conspiracy to interfere with civil rights filed under 42.

U.S.C. § 2000a (a), Racial Discrimination Act 1975 (13)(b)(18A) (1)(a), 42 U.S.

Code § 1985; and

Petitioner filed an Oral Argument Statement; and

Respondents did not have without objection Testimony of Petitioner; but

No for a award judgment by under the rule 56 (f)(1) (3).

3. Whether The District Court judgment and ordered directly conflict with an the Equal Protection Clause and the Due Process Clause Of The Fourteenth Amendment to the United States Constitution?

The District Court modifies the Testimony of complaint of Petitioner :

amount of the claim was fix \$58,008.456 form complaint was \$58,008,456 . (No

less than 1 cent in USA , only 0.00 , never 0.000.) . [A-C]; then Judgment in order to

dismiss the complaint [A-B], whether it is malicious? in violation 42

U.S.C.§ 1985(3)?

4. Whether the United States needs to create a new law: discrimination poverty. Poverty has the privilege in discrimination? The brain causes poverty.

## **LIST OF PARTIES**

- [ ] All parties appear in the caption of the case on the cover page.
- [●] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

**HEYANGYING SHI**

**-PETITIONER(S)**

**vs.**

**UNITED STATES**

**NEW YORK**

**-RESPONDENT(S)**

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## **INDEX TO APPENDICES**

- APPENDIX A** It is hereby ORDERED that the motion is GRANTED for the forma pauperis. It is further ORDERED that the case be REMANDED for consideration of whether the parties are diverse and whether the amount in controversy requirement was satisfied. (Robert A. Katzmann, John M. Walker, Jr., José A. Cabranes, (Entered: 04/04/19))
- APPENDIX B** JUDGMENT that the complaint is dismissed under Rule 12(h)(3) of the Federal Rules of Civil Procedure. any time that it lacks subject-matter jurisdiction and lacks diversity jurisdiction. By the United States District Court for the Southern District of New York (Louis L. Stanton, J (Entered: 11/12/18))
- APPENDIX C** ORDER OF DISMISS that fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. S 1915(e)(2)(B). By the United States District Court for the Southern District of New York (Louis L. Stanton, J (Entered: 11/12/18))
- APPENDIX D** ORDER GRANTING IFP APPLICATION :Leave to proceed in this Court without prepayment of fees is authorized. By the United States District Court for the Southern District of New York (COLLEEN MCMAHON) (pl)(Entered: 11/09/2018)

## **TABLE OF AUTHORITIES CITED**

### **CASES**

### **PAGE NUMBER**

Reeves v. Sanderson Plumbing Products, Inc.

530 US 133 (2000)

### **STATUTES AND RULES**

Fourteenth Amendment to the United States Constitution

42. U.S.C. § 2000 a (a)

42 U.S.C. § 1985(3)

28 U.S. Code § 1915 (a) (1) (e) (2)(B)

28 U.S.C. § 1331

28 U.S.C. § 1332 (a)(3)

Rule 56.(f)

Racial Discrimination Act of 1975 (13)(b)(18A)(1)(a)

### **OTHER**

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or  
☐ is unpublished. or,

The opinion of the United States district court appears at Appendix B,C,D,E to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished. : or

☐ For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.



## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 04/04/2019.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_ and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### Fourteenth Amendment to the United States Constitution (Section 1.)

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.

### 42. U.S.C. § 2000 a

#### (a) Equal access

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

### 42 U.S. Code § 1985.

#### Conspiracy to interfere with civil rights

##### (3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving,

either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

28 U.S.C. § 1331

Federal question

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. § 1332 (a)(3)

Diversity of citizenship; amount in controversy; costs

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—,

(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and

Rule 56. (f)

Summary Judgment

(f) Judgment Independent of the Motion. After giving notice and a reasonable time to respond, the court may:

- (1) grant summary judgment for a nonmovant;
- (2) grant the motion on grounds not raised by a party; or
- (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

Racial Discrimination Act 1975 (13)(b)(18A) (1)(a)

### 13 Provision of goods and services

It is unlawful for a person who supplies goods or services to the public or to any section of the public:

- (b) to refuse or fail on demand to supply those goods or services to another person except on less favourable terms or conditions than those upon or subject to which he or she would otherwise supply those goods or services;

by reason of the race, colour or national or ethnic origin of that other person or of any relative or associate of that other person.

### 18A Vicarious liability

- (1) (a) an employee or agent of a person does an act in connection with his or her duties as an employee or agent; and

## STATEMENT OF THE CASE

This is a civil action for personal injuries suffered by Petitioner-Plaintiff Xuejie He, ("He" or "Petitioner,") and Heyangjing Shi ("HShi") against Respondents-Defendants United States ("Respondents"), New York ("Respondents"), Office Of The New York City Comptroller, ("ONYC.CO," or " Respondents"), in violation 42 U.S.C. § 2000a(a), Racial Discrimination Act of 1975 (13)(b)(18A) (1)(a), 42 U.S. Code § 1985.

On the evening of 06/21/2018, the last day of the application for claim registration. But The City Of New York Office Of The Comptrollers' eClaim system cannot be filed due to a technical failure.

At about 9:40 am on the morning of 06/22/2019, after Petitioner reached ONYC.CO that two male clerk confirmed the technical failure of the eClaim system. Later, another clerk asked Petitioner to complete the form immediately of papers and assured Appellant that they would explain Petitioner special situation to the relevant department.

Petitioner completed the manual form submission at 2:22pm. The clerk told Petitioner that when Appellant got the case number (about two weeks). Petitioner will bring relevant information to file here again.[A-12]

On 07/03/2018, Petitioner received a feedback on the failure of the application, which was due to overdue application.[A-11]

The explanation of the respondent's refusal of the claim was pretext for national origin discrimination. Petitioner lost deserved claims in violation of the Equal access Discrimination of 42 U.S.C. § 2000a(a), Racial

Discrimination Act of 1975 (13)(b)(18A) (1)(a), and Conspiracy to interfere with civil rights under 42 U.S.C. § 1985(3).

The Petitioner was informed and believed and, accordingly, claimed that the Petitioner had suffered a permanent disability.

The complaint for personal injuries against New York, Office Of The New York City Comptroller Document, Discrimination and Conspiracy to interfere with civil rights filed by Xuejie He on 08/27/2018.

The District Court Granting IFP Application on 11/01/2018 [A-D].

But summons was not issued. The case was not heard.

Final judgment that the complaint was dismissed and order dismiss by the United States District Court for the Southern District of New York (Louis. Stanton, J) on 11/06/2018. [A-B] [A-C].

Petitioner filed a timely notice of appeal on 11/27/2018. [A-9].

The Petitioner filed a brief, and an Oral Argument Statement to Respondent(s) with the appeal of court on 01/17/2019. [A-10]. [A-13-23].

Respondent(s) did not plead, default that Petitioner appealed that the case contains no factual issues, no title issues, no relief issues.

No trial. But the court of appeals Order that REMANDED for consideration on 04/04/2019. [A-A].

The District Court Order that show cause, If Petitioner cannot show good cause the complaint will be dismissed for lack of subject matter jurisdiction. on 04/16/2019 [A-E]

The Petitioner is a foreigner , affirms that federal law is suitable for her.

Answer to all questions in the complaint. why? Due to judicial discrimination.

Petitioner copied complaint to the District Court on 04/26/2019.

The addition of Petitioner is Heyangjing Shi (“HShi”), HShi is an international student, and HShi **income** relies entirely on her single mother (Petitioner “HE”) . HShi informed the school that it will suspend its school in the fall on June 7, 2019. No money to pay for tuition.

Due to judicial discrimination, the mother (Petitioner) suffered personal injuries in the United States again and again, the family suffered three years of disaster, resulting in the decline of HShi’s GPA.

The disappearance of the architect’s mother (Petitioner) , and the dream of HShi becoming a doctor was destroyed by the United States.

The addition HShi seek compensatory damages Total: \$46,000,000.00 (Loss of wages of Doctor income for 40 years \$12,000,000.00, spiritual suffering compensation: \$36,000,000.00.), punitive damages, liquidated damages, and reasonable attorneys’ fees, any other and further relief that the court considers proper and costs as remedies for Respondents’ violations of their rights.



## **REASONS FOR GRANTING THE WRIT**

REASONS FOR GRANTING THE WRIT was the Court of judiciary discrimination:

Petitioner do not have money to pay off Court. The Court of Appeal refused to triable.

More important, compelling reasons:

The Second Circuit Court of Appeals acquiesce in the legal issues raised by the  
petitioner;

the Petitioner file an Oral Argument Statement[A-10], but no been need; So

A fact and “ a prima facie case ” supported Award Judgment.

The Second Circuit Court of Appeals has entered a decision in conflict with the decision  
of another United States court of appeals and the Supreme Court Of The United States on the  
same important matter;

Because, the importance of the present case not only to the petitioner but also to others  
similarly situated. So as to call for an exercise of this Court's supervisory power.

**Emergency relief, can't work, judicial discrimination exhausts the  
petitioner's all savings.**

### CONCLUSION

The petition for a writ of certiorari should be granted.

The judgment sought of Petitioner shall be rendered forthwith.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "B. J. [unclear]", written over a horizontal line.

Date: June 20, 2019.

## DISCLOSURE LAWYER

The Petitioner personally completed all the legal documents, she studied the law, the lawyer was not willing to help her free of charge, and all legal documents were translated by Google. The appellant does not understand English and cannot speak English.

Petitioner earnestly request the Justice judge to grant an interpreter (Chinese Mandarin) for oral arguments.

The era of ending discrimination against poverty has arrived. End the hegemonic position of the lawyer. Winning the law is a fact, evidence. Lawyers cannot change a fact or evidence.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Xuejie He', written in a cursive style.

Xuejie He, Pro Se

Petitioner

**SAMPLE CERTIFICATE OF COMPLIANCE WITH WORD COUNT**

**CERTIFICATE OF COMPLIANCE**

**No.**

**XUEJIE HE ET AL.,**

**-Petitioner(s)**

**v.**

**OFFICE OF THE NEW YORK CITY COMPTROLLER ET AL.,**

**-Respondent(s)**

As required by Supreme Court Rule 33.1 (h), I certify that the petition for a writ of certiorari contains 1,919 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20 19.

A handwritten signature in black ink, appearing to be 'XJ He', written over a horizontal line.

(Signature)