

No. **18-9779**

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(S)

VS.

TRINITY CHURCH 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

40 Ann Street Address

New York, New York 10038

3472689418

RECEIVED

JUN 21 2019

**OFFICE OF THE CLERK
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. The Second Circuit Court of Appeals' ordered that there was not "any evidence" to support it (A-A). Whether the Second Circuit Court of Appeals' ordered directly conflict with an the Equal Protection Clause and the Due Process Clause Of The Fourteenth Amendment to the United States Constitution?

The US Congress don't allow the following Statutes for leave:

42. U.S.C. § 2000a (a); Racial Discrimination Act of 1975 (11)(c)(18A), 42 U.S.C. § 1985(3) , 18 U.S.C. §16, 18 U.S. Code § 1621, 28 U.S. C§ 4101(1);

Respondents did not have without objection Testimony of Petitioner; and the testimony and evidence of Petitioner was that Respondents provided, a award judgment by under the rule 56 (f)(1) (3).

3. Whether the District Court ordered in violation of the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment?

The District Court Granting IFP Application on 10/30/2018 (A- C);

Order To Amend on 11/06/2018 (A- B);

NOTICE OF APPEAL for Order To Amend on 11/27/2018 (A-11); but

the District Court dismissed IFP (A- E). and dismissed complaint on 01/14/2019 (A-F).

Trinity Church("TC") refused Petitioner to use a public computer, New York-Presbyterian Hospital("NY-PH"), and Modern Medical, PC ("MM") refused provided of the applicable health care standard services,

4. Trinity Church("TC") refused Petitioner to use a public computer, New York-Presbyterian Hospital("NY-PH"), and Modern Medical, PC ("MM") refused provided of the applicable health care standard services, whether it is the Discrimination?

Discrimination and Vicarious liability under 42. U.S.C. § 2000a(a); and Racial Discrimination Act of 1975 (11)(c)(18A).

5. TC false statement of Anxiety and Panic Attacks to NY-PH, 911 and Kaiya. NY-PH ED forged anxiety and panic syndrome identification report released to MM and 911 without authorized, and Forged again seizure disorder to MM. Does NY-PH and MM help TC cover up violent crime, whether it is the Conspiracy Defamation: Use "mental disease or defect," to deprivation of her human rights ; cover up battery and falls, cover up violent crime ?

Crime of violence under 18 U.S.C. §16 ?

Defamation under 28 U.S. Code § 4101.(A-20)?

Perjury generally under 18 U.S. Code § 1621?

42 U.S.C. § 1985(3)?

6. 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

NEW YORK-PRESBYTERIAN HOSPITAL,

MODERN MEDICAL, PC

-RESPONDENT(S)

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- APPENDIX A** ORDER, DENIED Appellant, pro se, in forma pauperis and the appeal is DISMISSED. it "lacks an arguable basis either in law or in fact.". 28 U.S.C. § 1915(e). [18- 3584] United States Court of Appeals For The Second Circuit.[USASC]. CJ: Barrington D.Parker, Peter W.Hall, Christopher F. Droney.[Entered:03/27/2019]
- APPENDIX B** ORDER TO AMEND, dated 11/06/2018, (1)amend facts of statement of the case, (2) amend title that defendant didn't have vicariously responsible for the harm caused, (3) amend delete that relief that gain legal status of the USA, (4) denial of equal protection wasn't discrimination, (5) amend the amount in relief, within sixty days. [18-cv-9934]; [SDNY]; DJ: Louis. L Stanton.[Entered:11/07/18]
- APPENDIX C** ORDER GRANTING IFP APPLICATION, Leave to proceed in this Court without prepayment of fees is authorized. See 28 U.S.C. § 1915. [18-cv-9934]; [SDNY]; Chief DJ: COLLEEN MCMAHON, [Entered: 10/30/18]
- APPENDIX D** ORDER, dismissing complaint, unless Plaintiff amended complaint within sixty days from the date of that order, notice of appeal did not divest the district court of jurisdiction.Plaintiff must comply with the November 6, 2018 order. [18-cv-9934]; [SDNY]; DJ: Louis. L Stanton. [Entered:12/03/18]
- APPENDIX E** ORDER OF DISMISSAL, Plaintiff has not filed an amended complaint or otherwise communicated with the Court. this action, filed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1), is dismissed for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3). [18-cv-9934]; [SDNY]; DJ: Louis. L Stanton.[Entered:01/14/19]
- APPENDIX F** CIVIL JUDGMENT, complaint is dismissed under 28 U.S.C. § 1915(e)(2) (B)(ii). [18-cv-9934]; [SDNY]; DJ: Louis. L Stanton..[Entered:01/14/19]

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Boddie v. Connecticut	401 U.S. 371 (1971)
Chopourian v. Catholic Healthcare West	(E.D. Cal. Feb. 29, 2012)
United States v. Price	383 U.S. 787 (1966)
Brown v. Board of Education of Topeka	347 U.S. 483 (1954)

STATUTES AND RULES

Fourteenth Amendment to the United States Constitution

42 U.S.C. § 2000 a (a)

42 U.S.C. § 1985(3)

18 U.S.C. § 16 (b)

18 U.S. Code § 1621(2).

28 U.S. C § 4101(1)

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

28 U.S.C. § 1332 (a)

28 U.S.C. § 1292 (a) (1)

Rule 56. (c)

Rule 8(a) (2)

Racial Discrimination Act of 1975 (11)(c)(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,F 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 03/27/2019.

☒ 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

(b) 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.

18 U.S.C. §16 (b)

Crime of violence defined

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

18 U.S. C § 1621(2)

Perjury generally

(2)in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

28 U.S. C § 4101(1)

(1)Defamation.— The term “defamation” means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

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

Proceedings in forma pauperis

(a) (1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil

or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(e)(1) The court may request an attorney to represent any person unable to afford counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(A) the allegation of poverty is untrue; or

(B) the action or appeal— (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1332 (a)

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—, (2) citizens of a State and citizens or subjects of a foreign state;

28 U.S.C. § 1292 (a) (1)

Interlocutory decisions

- (a)(1) Interlocutory orders of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

Rule 56. (c)

Summary Judgment

- (c) The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is genuine issue as to the amount of damages. Summary judgment, when appropriate, may be rendered against the moving party.

Rule 8(a) (2)

General Rules of Pleading

(a) (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

Racial Discrimination Act 1975 (11)(c)(18A) (1)(a)

11. Access to places and facilities. It is unlawful for a person:

(c) to require another person to leave or cease to use any such place or vehicle or any such facilities;

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"), Trinity Church ("TC," or "Respondent"), New York-Presbyterian Hospital ("NY-PH," or "Respondent"), and Modern Medical.Pc ("MM," or "Respondent") in violation Intentional torts and applicable standard of medical care. The alleging causes of action for Discrimination, Defamation Conspiracy, assault, battery, outrage, premises liability, negligence, and negligence per se.

This case arises out of a October 30, 2017 in Trinity Church Parish Center 56 Trinity Pl at Rector St and Trinity Pl - Manhattan, NY 10006. [A-16]

TC employs employees who manage the use of public computers refused the Petitioner kept to use of public computers that the Petitioner found TC give her another computer-managed rule today.

Two employs assaulted the Petitioner by pushing, forcibly removed from building, and threatened her and HShi to call 911 and never enter the parish center.

The Petitioner call the 911 at this time at 1:32pm, (Petitioner did not consent to TC act) [A-13], and the staff again assaulted her falls on ground at 1:42 pm [A-13], and then the Petitioner appeared numbness of the limbs and symptoms of breathing disorder. The surveillance video of the lobby and HShi saw all facts. HShi was assault. Petitioner is HShi's mother.

At this time HShi called 911 at 1:42pm, at 1:45 pm, at 1:46 pm, and at 1:51pm. [A-14],

TC false statement of Anxiety and Panic Attacks to NY-PH EMS[A-18], 911

[A-16], and HShi. The Petitioner never received any treatment for mental illness.

Emt arrived incident scene at 1:55 pm [A-14], But Police didn't arrive incident building.

After 27 minutes, Amb arrived NY-PH principal place of business is located at 170 William St, New York (Total mileage 0.7mi) [A-16]. NY-PH ED employed medical providers, nurses and medical staff do not provide comprehensive health care services, refused to provide language services[A-24], but forged VRI of Cantonese(Chinese), [A-19] and a Cantonese(Chinese) Person[A-20] to depriving the Petitioner of the power to express the facts of the illness, that forged the history of anxiety and panic [A-19-26] . No X-rays, Forged anxiety and panic syndrome identification report [A- 27-30]. NY-PH ED did not send the petitioner to the hospital for examination, to treat the fall injury, and did not send the petitioner to the specialist, but the petitioner was sent to the Respondent's Flya Kleyn family doctor at MEDICAL MEDICAL, PC (MM) [A-15]. NY-PH ED false diagnosis anxiety and panic released to MM without authorized[A-31].

At 6:48 pm, the Petitioner called 311 to transfer to the report phone, at 8:25 pm, at 8:58 pm, called 911 again, the Petitioner need police retrieve the surveillance video of the lobby. At 12:09 am on October 31, 2017, got a call number +1 (1) (222) 333-3 that the police arrived at the scene of incident[A-13] .

On December 18, 2017, the Petitioner went to MM at 1420, 225 Broadway New York. MM hired a medical service provider, and the nurses and medical staff did not provide

comprehensive medical care services. The petitioner was not sent to a special hospital for the examination and treatment of falls, but the physiotherapist, ibuprofen were given to relieve her waist, back pain, dizziness and sometimes headache.

On February 7, 2018, Flya Kleyn deceived the Petitioner to detect EEG because Petitioner frequent dizziness. The MM forged that Petitioner has a history of identification of epilepsy [A-31].

The malicious nature of the Respondent, which seriously led to the physical injury, mental pain and personal humiliation of the appellant. On March 23, 2018, Appellant was slipped AND FALLS on ice and snow sidewalk, Broken in the Wrist[A-32-33], Lumbar Vertebrae[A-34], Concussion[A-35], Cervical Vertebrae[A-36] and injured again.

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

The complaint for personal injuries against Trinity Church, New York-Presbyterian Hospital, Modern Medical.Pc Document filed by Xuejie He on October 27, 2018.

The District Court Granting IFP Application on October 30, 2018 [A-C], but summons was not issued. The case was not heard.

Final order to amend was entered pursuant to a decision by the United States District Court for the Southern District of New York (Louis. Stanton, J) on November 6, 2018.[A- B] . Petitioner filed a timely notice of appeal on November 27, 2018.

The petitioner has moved to the Court of Appeal, but the District Court made a Order on December 3, 2018 to amend the complaint [A- D]. The decision of the District Court on January 14, 2019 dismissed the IFP [A- E]and the judgment dismissal complaint [A-F].

The Petitioner file Respondent(s) with the appeal court of a brief[A-11], and an Oral Argument Statement[A-12]on January 17, 2019.

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 Order, denied IFP and the appeal is dismissed by lacks an arguable basis either in law or in fact on March, 27, 2019 [A-A].

This is a Discrimination, defamation conspiracy. Obviously it is a conspiracy, not a medical accident.

"Mental Disease Or Defect," will deprivation of Petitioner human rights.

The addition of Petitioner is Heyangjing Shi ("HShi"), HShi is an international student, and HShi relies entirely on her single mother (Petitioner "HE") .

HShi witnessed the mother being beaten and insulted, HShi is not obligated to accept such beatings and insults. This pain caused drop in the GPA of HShi and she could not study quietly. HShi informed the school that it will suspend its school in the fall on June 7, 2019.

The dream of HShi becoming a doctor was destroyed by the Respondent(s).

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 discretion:

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' ordered that there was not "any evidence" to support it; and

the Petitioner file an Oral Argument Statement (Apply for a judge to ask questions) [A-12], but the it was not needed .

Has so far departed from the accepted and usual course of judicial proceedings,

Because, the importance of the present case not only to the petitioner but also to others similarly situated. So sanctioned such a departure by a lower court, 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 "J. K. Smith", 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', with a long horizontal flourish extending to the right.

Xuejie He, Pro Se

Petitioner

SAMPLE CERTIFICATE OF COMPLIANCE WITH WORD COUNT

CERTIFICATE OF COMPLIANCE

No.

XUEJIE HE ET AL.,

-Petitioner(s)

v.

TRINITY CHURCH ET AL.,

-Respondent(s)

As required by Supreme Court Rule 33.1 (h), I certify that the petition for a writ of certiorari contains 2,700 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 20 19.

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

Signature)