No. 19-5680

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

KENNETH TAYLOR CURRY
— PETITIONER
(Your Name)

vs.

VANCOUVER HOUSING AUTHORITY
et. al.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KENNETH TAYLOR CURRY
(Your Name)

1208 N.E. 143rd Avenue, Apartment No. 3
(Address)

Vancouver, Washington 98684
(City, State, Zip Code)

(360) 944-7056
(Phone Number)

QUESTION(S) PRESENTED

1. A Vancouver Housing Authority Hearings Officer who is with out original subject matter jurisdiction is Ultra Vires and did not present Plaintiff, Housing Choice Voucher participant, a Goldberg pre-termination hearing that is tailored to the circumstances of Plaintiff's needs based property interest? At the State of Washington, who is a violence threat is an original subject matter jurisdiction exclusively with in the criminal or civil province of the judiciary?

2. A Reasonable Accommodation Attorney who effect communication for the federal disabled Plaintiff is an essential nexus to Plaintiff having equal access to the Housing Choice Voucher program? Such a said reasonable accommodation does not fundamentally alter the administration of the Housing Choice Voucher program by Defendants?

3. The common law implied mens rea element must be proven in all allegations of violence threats that are pending accusations when the decision at Anthony Doughlas Elonis, 575 US (2015) is handed down?

4. Article VI, paragraph 2, includes the Supremacy Clause that preserves the disabled Plaintiff's right to object under 24 CFR 982.554 (b) (2) notwithstanding the color of state law at Vancouver Housing Authority equal to able persons whether at Seattle Housing Authority.

5. Vancouver Housing Authority Administrative Plan 3 III-C purport a proscribed violence threat or threats on the property of another? It incorporates violence acts absent an enumerations clause? Nonetheless its residual clause renders the regulation unconstitutional owing to vagueness? The categorical approach to an idealized offense fails to publish which conduct poses a risk? How does a notice at a public forum to sue at law or in equity per the substance of RCW 4.28.080 (16) (17) for conduct outside the scope of an employment breach 24 CFR § 5.100 defining violence? As applied speech is chilled? An uncorroborated statement based on other than personal knowledge in the face of two persons who each have personal knowledge will not save VHA Admin. Plan 3 III-C? U.S. Constitution Amendments I and XIV, Section 1.

6. Financial needs based programs, including subsidized housing,

shall apply a minimal due process federal Administrative Procedure Act as the Bright Line Rule. Hearsay and multiple hearsay shall be limited by and under the rule of the judiciary. US Constitution Amendments V. and XIV., Section 1.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

ROY JOHNSON is a Respondent at the SUPREME COURT OF THE UNITED STATES and is the Defendant-Appellee below at the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

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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

[X] 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,
[X] is unpublished.

The opinion of the United States district 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.

[ ] 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

[x] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was February 21, 2019.

[ ] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May 23, 2019, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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

United States Constitution. Article. VI Clause 2.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

United States Constitution. Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

United States Constitution Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in the cases arising in the land or navel forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution. Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

United States Constitution. Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

United States Constitution. Amendment X

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.

United States Constitution. Amendment XIV. 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.

* * *

Constitution of the State of Washington. Article II. Section 1.

The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserved the power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act, or law passed by the legislature.

* * *

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STATEMENT OF THE CASE

In 1981 Vancouver Housing Authority denied Plaintiff an application for housing programs at Columbia House or Van Vista Plaza albeit Plaintiff is an eligible disabled family of one person. V.H.A. limited applications to older Americans for such said programs. V.H.A. did however allow Plaintiff access to the Section 8 Certificate program from 1981 to 1995. Defendants have had other challenges involving disability discrimination, including the United States Department of Justice, Civil Rights Division, bringing a public right of action complaint respecting food service and housing at Van Vista.

Plaintiff applied for the Section 8, Housing Choice Voucher Program in 2006. With the enrollment in to the 2014 H.C.V. sought are reasonable accommodations: leasing in place; exceeding 40% of family income to rent; up to or exceeding 120% of fair market rent; a two bedroom Housing Choice Voucher; a verbatim hearings record; and assistance of counsel to further communication. Plaintiff submitted his reasonable accommodation request with an authorization for Social Security Administration file access and notice that Defendants may consult their records, at Vancouver Housing Authority. Defendants responded that the Social Security Administration does not verify disability and that Defendants do not retain any records of disability.

Plaintiff who pays over 90% of family income on housing, immediately submitted Washington State Department of Social and Health Services verification of Social Security Administration cognizance that Plaintiff is with a disability. Defendants received the said document on September 16, 2014. And received medical doctor verification September 24, 2014.

The District and the Defendants agree that Plaintiff is difficult to understand. Admitting that this disabled Plaintiff communication is not effective.

Inessa Raybukin, whether a housing technician, received Plaintiff's disability evidence albeit the same is addressed to the mail folder of ADA/504 coordinator David Overbey. Overbey repeatedly stated that he is not receiving Plaintiff's disability status submissions. When Plaintiff asked Raybukin why is she delaying documents that are addressed to Overbey, Raybukin said that it is because she does not believe that anyone will approve the requested reasonable accommodations.

Vancouver Housing Authority collateral hearings records establish rare retroactive application of reasonable accommodations.

From the lobby of Vancouver Housing Authority, before a general public, Plaintiff notified Raybukin that Plaintiff is willing to sue Raybukin for conduct perceived out side the scope of employment. Plaintiff then pointed out to Raybukin that family resemblance has already verified the Raybukin residence. Before Plaintiff submitted his writing to V.H.A. entitled Disablity Discrimination Complaint. Defendants have not investigated the said complaint even though whether eligible for a program, applicant and participant are severally due reasonable accommodations that give to an equal access for hearing eligibility questions. Plaintiff did by parole ask Overbey for a disability issue hearing, whether Overbey understood the request, he now says that he has no memory of the request. Nonetheless, memories notwithstanding, Defendants did not make available the Housing and Urban Development mandated complaint form. Section 504 of the Rehabilitation Act of 1973 as amended by 42 USC 794; 24 CFR PART 8 counsel. The District applied 28 USC § 1915 (e) (1).

On December 4, 2014 — Hearings Officer, Josh Townsley, arrived at V.H.A. and announced that 15 to 20 minutes are set aside for a hearing owing to Townsley having an airplane to catch. Townsley continued with that there are to be no interruptions.

H.C.V. Director, Sasha Nickelson, was called on for direct. Nickelson instantly offered a prepared narrative that is written. The writing is not subscribed, an author is anonymous, it does not incorporate a verification under oath or affirmation, the information is not tested, there is no corroboration, there is no foundation for multiple hearsay, the information is inaccurate, the alleged statement are not made in the presence of Plaintiff, the statements are prepared in anticipation of a hearing, it is replete with roomer, gossip or innuendo, the composite contributors were not available for confrontation or cross examination. Rather than sit on his known rights, Plaintiff objected that the writing is clearly irrelevant to a hearing. 24 CFR 26.47

Sasha Nickelson admitted that she was not present or at V.H.A. on any day questioned, that she has no personal knowledge of what she recited from the composite writing and that Nickelsons memory is not good.

Townsley asked Plaintiff whether Plaintiff is an attorney. Plaintiff responded with negative. Then Townsley stated that he wants no more interruptions.

Inessa Raybukin was call upon for direct. Raybukin then read from a prepared statement. Plaintiff applied the foregoing objections to Nickelson, to Raybukin. Again Townsley said no objections. Raybukin arrived at her reading a police report of what persons allegedly said to police. In limine Plaintiff ask that the police report only apply to Raybukin extra administrative admissions against Defendants interest.

Raybukin admitted to police that Plaintiff said that he will sue Raybukin, that he knows the Raybukin residence, that residence verification is by the way of her childrens resemblance and that Plaintiff did not say that there will be violence. 24 CFR 26.46 Again Townsley referred to objection as an interruption.

Raybukin stated that she does not have anything else to add to her input. Almost twenty minutes into the meeting Plaintiff informed the Hearings Officer that Plaintiff did offer to sue Raybukin, that the Raybukin address is known to Plaintiff and that Plaintiff does know cognate appearances. Townsley said that the admission is a new threat and concluded the meeting.

Overbey thereafter asked Plaintiff: You don't know my address? Plaintiff responded that actually the Overbey address is known or is believed to be known unless Overbey has since moved.

Townsley wrote that Plaintiff threatened persons in the room but Townsley does not say what his perceived threat is based on. The District apparently adopt the Townsley conclusions.

Townsley mailed to Plaintiff a hearings decision in a Habitat for the Humanities envelop. It was not opened until late March, thought to be a holiday solicitation. Although a February 2015 Public Records Request did result a decision copy among other documents. The decision is the first notice that Townsley participated in ex parte communications with Housing Specialist, Misty Collard. Townsley considered the Collard submissions that were not placed into evidence during the meeting. One such document amended another and it was not served on Plaintiff in advance of the meeting. 24 CFR 26.3 (a) (b) (c); 24 CFR 26.33

Even while Defendants could not deliver collateral hearings records in season for the Plaintiff's request, Sasha Nickelson invaded the Office of Hearings province by saying that there will be no further continuance. Continuance, verbatim record and reasonable accommodation hearings counsel is for the Hearings Officer to rule on.

Misty Collard belied the multiple hearsay when Collard recited VHA614 that the delay for attending her break is limited to: . . . art of keeping the conversation going.

Why is the Office of Budget and Management authorization number expired? Why is the signature block pre-dated? Why does the one bedroom H.C.V. say zero bedroom? Who failed to initial what is stricken? Does an out dated form effect formulas? Is the 40% family income to rent standard statutory? What is preventing a two bedroom reasonable accommodation exception? What is preventing up to 120% of fair market rent? When did terms of art become violence threats?

The District adopted from the Raybukin Declaration: "I learned later that other employees actually had to interrupt the meeting as Mr. Curry would not let Ms. Collard conclude the lengthy discussion."

The Misty Collard statement reads: "Tried to get out of the room due to my break having passed, he had an art of keeping the conversation going." 24 CFR 26.24 (a) (b) (c) Evidence, Oath and Objections.

When did due diligence that marshal residential service of process information become threats of violence?

Kenneth Taylor Curry

Kenneth Taylor Curry

REASONS FOR GRANTING THE PETITION

Fifty years of Goldberg v. Kelly, 397 U.S. 254 (1970). Plaintiff at bar argues at each stage of the proceedings the Plaintiff did not receive a pre-termination hearing or due process. What brings this case before the Court is Plaintiff having participated in the United States Department of Urban Development's Housing Choice Voucher as a program administered by Defendants. Defendant Vancouver Housing Authority is a State of Washington Special District authorized to, inter alia, contract with the federal government as a Public Housing Agency.

The Housing Choice Voucher is a financial needs based program that when rescinded, does remove the very resource Plaintiff and persons who are similarly situated rely on to prosecute recourse. Vance v. Housing Opportunities Commission of Montgomery County, 332 F. Supp 2d 832 (2004).

Defendant Roy Johnson, Executive Director of Vancouver Housing Authority provided to Plaintiff a September 25, 2014 written notice: "The Vancouver Housing Authority is proposing to deny your participation in the Section 8 Housing Choice Voucher program. **This denial is effective immediately.**" Since the said immediate denial Defendants have refused to consider Plaintiff for reasonable accommodations. On September 16, 2014 Deffendants received Washington State Department of Social and Heath Services verification of Plaintiff having a Social Security Administration disability status. On September 24, 2014 Defendants received medical doctor verification of the nexus between disability and reasonable accommodation. Section 504 of the Rehabilitation Act of 1973 as amended by 29 USC 794; 24 CFR Part 8.

At the more than 4,000 Public Housing Agencies our society will benefit from guidance. Is Cleveland v. Policy Management Systems Corp., 526 US 795, 797 (1999) SSDI sufficient evidence of disability now over ruled? Does FRCP 56 (C) or Rules 602 and 701 still require that Declarations be on personal knowledge? The District cite inaccurate office gossip over a personal knowledge Defendant business record.

Plaintiff did question one employee of Defendants about practiced disability discrimination, another employee about CFR fidelity and other employees about slander against Plaintiff. As Defendants now stand, their administrative practice will provide the disabled population the **post termination hearing.** Offending the Supremacy Clause: United States Constitution, Article VI, Clause 2. Plaintiff proffered a general public notice of Plaintiff volition to sue several disability discrimination and any further slander. Defendants retaliated repeatedly contacting local Police Defendants asked to be on site absent a Court Order with instructions, absent probable cause, absent reasonable cause or even a reasonable suspicion. When will the disabled have equal access to any real administrative eligibility hearing? The Bright Line Rule is the federal Administrative Procedure Act? Full employment for attorneys is whether an evil, a lessor evil than lessor competent hearing officers. Van Deelen v. Johnson,Et al., 535 F. Supp 2d 1227 (2008) Petition Government. Van Deelen v. Johnson, Et al., 497 F. 3d 1151 (2007).

The 12-04-2014 post termination hearing is pretext considering that the Executive Director did not follow regular procedure of the Housing Choice Voucher Director investigating all sides and initiating any decision. Plaintiff was not allowed to object. VHA 3 III-C is a vague unconstitutional local state law that chills speech.

The threat defense fails to identify a specific risk. RCW 4.28.080 (16) (17) particulars are residence Service of Process and that the place of employment is not an alternative. To responsible persons: Federal District Court Rule 4 and Washington Superior Court Rule 4. Subpoena value is a refection of identifying witnesses. RCW 5.56.010 or Federal Rule of Civil Procedure. Rule 45. Defendants indicated that Plaintiff proceeded with identifying witnesses.

Plaintiff is also an elder, other disabled persons of youth should not be suffered another fifty years of anapirism as Goldberg percolate incremental challenges to financial needs based programs. This day in Court affirming Goldberg seems ripe whether put off for tomorrow. The Rehabilitation Act of 1973 claims deserve an administrative day for hearing for the verbatim record denied to Plaintiff. Verbatim records inform review, promote uniform applications and encourage public servants to behave. The Ninth is in a Direct Conflict with the Supreme Court Goldberg financial needs based jurisprudence. Not enforcing laws against disable discrimination whether administrative is a disproportionate adverse impact on vulnerable elders and on disabled.

Violence threats are criminal at the State of Washington. As with every alleged offense, proscription imply the mens rea element on threat. Thus civil standards of liability are inconsistent. What are the elements of an offense? Anthony Doughlas Elonis, 575 US (2015) What are the rights of a disable case when accused? Is the law of objection available? Amended Complaint p. 2., ln. 13. Plaintiff Declaration p. 6., ln. 1. 24 CFR 982.554 (b) (2) The Court will benefit our nation by rule: Does Elonis apply to cases that were pending review?

Ultra Vires resulted the post termination hearing. Defendants are with no authority for original determination of violence threat status determination. At the State of Washington violence threat subject Matter jurisdiction is exclusive to the judiciary, original. Defendants invade the Courts province original jurisdiction. 86 Wn App 138 — Pierce County v. Murrey's Disposal. Fire Protec. Dists. v. Housing Authority 123 Wn 2d 819 (Wash. 1994) Defendants Shift the Burden of Proof in that the administrative record does not present original jurisdiction for criminal or civil crime status assignments.

The concept of a de facto administrative hearings officer does not apply to the Defendants. The State of Washington, Special District that authorized Local Public Housing Agencies did not promulgate an Office of Original Subject Matter Jurisdiction or construct any such authority to Vancouver Housing Authority. Where there is no office to entertain an original determination of crime allegations, there can be no de facto officer imposing criminal or civil punishment.

Washington Constitution Article II, Section 1., expresses its Peoples will concerning legislation. Guarded jealously are the protection of United States Constitution Amendments IX and X. Federalism include a doctrine of none delegation. Congress has no authority over sister state office holder jurisdiction. Thus Housing and Urban Development did not pass any subject matter jurisdiction over to Vancouver Housing Authority. Consult the limited powers at U.S. Const. Art. 1.

Post Termination Hearing or arguendo even a pre-termination hearing that is held before a Hearing Officer who has no authority to enter an original finding of criminal status, is no hearing at all. Subject Matter Jurisdiction of Hearing Officer may be raised at any time.

Reasonable Accommodation counsel to advance communication is applied for at the Ninth, at the District and at the Vancouver Housing Authority. It is an abuse of discretion that the Hearings Officer allow no objection. To effect meaningful prosecution of Plaintiff's case, reasonable accommodation counsel is essential. The District abused the Courts discretion by not assigning counsel to advance any likely hood of a successful claim. 42 US Code § 3613 (b) (1). Discrimination Attorney appointment. Equal access to a hearing has been denied. Plaintiff has a disability that with aging challenge cognitive efficiency.

Another important issue that travels beyond just the parties to this cause is the Residual Clause Vagueness of VHA 3 III — C unconstitutional denial of due process. We must be thoughtful that the financial needs benefit pre-termination hearing mandate is a protection interest when lost places children, elderly and disabled at risk across the United States, its territories and its insular possessions.

When presented with the case of Johnson v United States, 576 US (2015) the Armed Career Criminal Act 18 USC § 924 (e) (1) is struck down residual clause for vagueness denial of due process. The Courts next term considered Welch v United States, 578 US (2016) finding that Johnson is a substantial rule change retroactive application to Welch. Session v. Dimaya, 584 US (2018) — from the Board of Immigration Appeals, a Civil Deportation matter, resulted the struck down 18 USC § 16 (b) fairly straight forward application of Johnson. Idem. Residual clause again determined unconstitutional for vagueness. For all of the ordeal, expense or inconvenience of facing imprisonment, deportation from what has become home is worst. Families security is a greater penalty when financial needs based threaten the vulnerable.

PLAINTIFF IS DENIED DUE PROCESS

A. The VANCOUVER HOUSING AUTHORITY NOTICE THAT PARTICIPATION IN THE HOUSING CHOICE VOUCHER PROGRAM WILL BE RESCINDED DOES NOT MEET UNITED STATES CONSTITUTIONAL MUSTARD.

1. VHA Administrative Plan, Section 3-III. C. is a U.S. Const. Amend. V and Amend. XIV §§ 1 & 5 defect. It reads as follows; to wit:

> The VHA will deny assistance to an applicant family if:
>
> A family member has engaged in or threatened violent or abusive behavior toward VHA personnel.
>
> Abusive or violent behavior towards VHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
>
> Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

The Vancouver Housing authority Administrative Plan must be in accordance with the Code of Federal Regulations. 24 CFR § 982.54 (B).

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Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. 24 CFR § 5.100

VHA Administrative Plan, Section 3-III.C is comparable to 24 CFR § 982.552 C (2) (ix). The VHA said rule and the HUD said regulation severally incorporate criminal offenses that include an element defining violence as set forth in the foregoing 24 CFR § 5.100 regulation.

The elements clause of VHA Administrative Plan, Section 3-III.C, notwithstanding, Defendants did not publish or include with in the Notice to Rescind the Housing Choice Voucher any offense allegation. There is no written notice of any criminal law violation for this Plaintiff to have disputed at a December 4, 2014 administrative hearing. Want of due process notice.

The residual clause is barren of any standards. "or other language, . . . customarily used to intimidate may be considered abusive or violent behavior." Every categorical approach does require a named offense. What are an offense elements? VHA Administrative Plan, Section 3-III.C is not a criminal proscription. What is the ordinary case of "or other language . . ."

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What does customarily used to intimidate mean? Is it a nation standard, a State of Washington standard, a Clark County standard or the personal standard of VHA staff or employees. Is there ever a serious potential risk of true threats, in the ordinary case that presents no elements for definition or even a category.

In that the United States Department of Housing and Urban Development limits an inquiry to criminal offense, questions of negligence are out. There must be conscious of guilt, a guilty mind or mens rea. How could a participant ever know of expectations or risk? How could law enforcements police, judges or juries assess conduct? With out any named offense? Local law enforcement determined that there is not any offense!

To qualify as a true threat, a communication must be a serious expression of an intention to commit unlawful physical violence, not merely "political hyperbole;" "vehement, caustic, and sometime unpleasantly sharp attacks;" or "vituperative, abusive, and inexact" statements. Watts v. United States, 394 US 705, 708 (1969) (per curium) HUD however has determined that any threat must be a substantial injury, property damage of another or abuse.

The ordinary case for customary languish for violence or abuse to inform substantial violence or abuse language to intimidate seems to be more than due process allows.

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Sasha Nickelson admitted that she is not at work and does not have personal knowledge of the anonymous un dated print that she read to Hearing Officer Josh Townsley. Accordingly the only other input is Inessa A. Raybukin reading a prepared statement and a police report. Hearsay and Multiple hearsay respectively.

The Josh Townsley conclusion for all that it is worth, announced a violence threat. There is no finding of abuse. And no finding of threatened abuse or actual violence. Most important is that the Josh Townsley opinion does not conclude threatened use of physical force substantial enough to cause or be reasonably likely to cause, serious bodily injury or property damage.

No reasonable person would find that standing on rights or assuring a law suite evidence violence.

Plaintiff should have been informed of the nature and cause of the accusation. United States Constitution Amendment VI.

4. VOID FOR VAGUENESS. VHA Administrative Plan, Section 3-III.C is void for vagueness. Compare:

> " serious potential risk of physical injury." Armed Career Criminal Act: 18 USC § 924 (e) (2) (B) (ii)

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"involves a substantial risk that physical force against the person or property of another may be used in the coarse of committing the offense." Crime of Violence Definition: 18 USC § 16 (b)

Abusive or violent behavior towards VHA personal includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

The Defendants find from the foregoing provisions apparent authority to determine criminal culpability on a record that

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reasonable persons examine and discover no such evidence. The State of Washington has statutes that proscribe serious bodily injury or property damage. Plaintiff is not with in the purview of any such law. As the Defendants continue to imagine customary other languish on the top of physical gesture to determine threatened substantial force that cause serious bodily injury or property damage, no disabled person or ordinary person will be armed with the information due process demands.

Defendants, now years later do not direct any attention to the criminal provision that they argue proscribe conduct. The Ninth Circuit has before it Defendants asking not only that evidence be synthetic, save the institution, they further ask that an offense be inferred. The rule sweeps into its fold innocent conduct.

Offering an adversary her day in court, a serious offer that inform verification of the service address is protected conduct. Pure speech and the political right to petition our government for a redress of grievances. Vancouver Housing Authority Administrative Plan, Section 3-III.C is defection on its face. Ordinary persons are not presented information to assess risk that behavior exposes. The said rule is an administrative promulgation that chills speech. United States Constitution, Amendment I.

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An administrative hearing officer is asked to determine what is a serious risk that an other languish threaten substantial physical force of injury, abuse or property damage of another on the top of an ordinary case. There is an imprecise serious potential risk and no guidance for an ordinary case. Yet there are no elements or nature of an offense of conviction for a categorical approach. Defendants may have concealed law that they incorporate from U.S. possessions, from territories, from sister states or from abroad.

There is no criminal law presented to the Administrative Hearing Officer or to the District, obviously fact finding include legislative construction of law that is out side their province. The rule is over breath in allowing an adverse finding albeit there is no criminal law violation. Ex pressio unius est exclusio alterius imply that self help is out. There is not any violence or abuse threat finding that H.U.D. sanctions. And denying this disabled participant a verbatim record of proceedings, hamper communication and deny due process owing to the reasonable accommodation impede.

Administrative Plan, 3-III.C is not published in any Clark County, Washington legal circular. Removing property under a criminal law must give fair notice: Kolender v. Lawson, 461 US 352, 357-358 (1983)

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Grave uncertainty about how to assess risk stem from the plan hypothesis on other acts that threaten substantial force for an imagined offense of crime. An idealized ordinary case. Plaintiff is with out negligence or even recklessness. Sessions v. Dimaya, 584 US (2017). Cf. Johnson v. United States, 559, US 133, 140 (2010): Physical force means capable of causing physical pain or injury.

A criminal cause fact finding belongs to a jury that may evaluate the defense case. Descamps v. United States, 570 US 254, 267 (2013). Civil application interpretation is the same as a criminal case interpretation. Leocal, 543 US @ 12 n. 8. and at 7. See: Taylor v. United States, 495 US 575, 601 (1990): Statutes of conviction. At bar is no real world criminal offense for Defendants to articulate.

Idem sonas does not excuse the white US National police report Inessa A. Raybukin for the other Inessa A. Raybukin.

Equal Protection under the law is breached where one law or criminal offense is defined one way civil proceeding yet another way criminal proceeding. Moreover because jury trial is not available at the former but is available at the latter. Also, a due process breach. From whole cloth Defendants conflate an evidentiary fact that does not support contentions of an inherent danger and any risk of harm is too remote for violence.

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Plaintiff questioned public service workers concerning irregular practices other than fraud, patent waste, abuse, mismanagement or misconduct. Then a real question arrived concerning real or apparent disability discrimination. Defendants have a history of over looking programs intended for the disabled since the Vancouver Housing Authority inception. Ibidem.

Do we want a culture at the more than 4,000 Public Housing Agencies that chill speech? The most vulnerable populations summarily rescinded to take effect immediately. No pre-termination hearing and only the pretext post termination hearing. Employees are placed on notice that should they report suspect violation of the public trust, then on a whim their lively hood is an instant suspension.

Every reasonable person who is employed at the Vancouver housing authority understands that they are not shield from any general public notice that the Court will determine disputes. Particularly for conduct out side the scope of their employment.

Is due process alive? The apparent notice that Defendants rely on makes the Plaintiff's case. Takes effect immediately! Or will our nation be and the same further silenced?

Civil mens rea beyond deportation is important. Retro-application of Elonis to pending causes are important. Does the administrative agency carry the Burden of Proving subject matter jurisdiction? Is VHA 3 III-C un constitutional for vagueness. Is it un constitutional as applied?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth Taylor Curry

Date: August 9, 2019