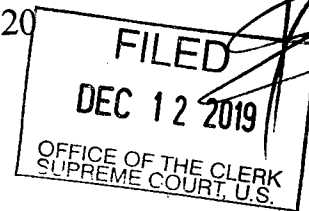


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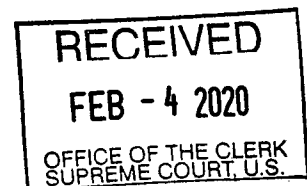
IN THE

SUPREME COURT OF THE UNITED STATES

**ELIJAH JACKSON, JR.-PETITIONER**

VS.

**UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ET AL., 17-15218-GG; BEN CARSON, SECRETARY and RICHARD A. HAUSER, GENERAL COUNSEL, UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 451 7th Street, Southwest, Washington D.C. 20410; WILLIAM BARR, ESQ., UNITED STATES ATTORNEY GENERAL, OFFICE OF THE UNITED STATES ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF JUSTICE, 950 Pennsylvania Avenue, N. W., Washington D. C. 20530-0001; ASHLEY B. MOODY, Esq., Florida Attorney General, THE OFFICE OF THE ATTORNEY GENERAL, FLORIDA DEPARTMENT OF LEGAL AFFAIRS, The Capitol PL-01, Tallahassee, Florida 32399-1050; OFFICE OF THE GENERAL COUNSEL, STATE OF FLORIDA DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY, The Hartman Building, Suite 100, 2012 Capitol**



Circle Southeast, Tallahassee, Florida 32399-2152; **DAVID GUERRIN**, Esq., General Counsel, **FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND INNOVATION**, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4120; **TIM MCCAUSLAND**, City of Lakeland, Florida Attorney, Esq., **OFFICE OF THE CITY ATTORNEY, CITY OF LAKELAND, FLORIDA**, City Hall, 228 South Massachusetts Avenue, Lakeland, Florida 33801 a Municipality/Municipal, et al.; **LAKELAND HOUSING AUTHORITY; HOUSING AUTHORITY OF LAKELAND, FLORIDA; LAKELAND-POLK HOUSING CORPORATION "LPHC";** 430 Hartsell Avenue, Lakeland, Florida 33815; **AND EMPLOYEES 1-100; JANE DOES 1-100; JOHN DOES 1-100; DOE ENTITIES 1-100 SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES-RESPONDENT(S).**

**ON PETITION FOR WRIT OF CERTIORARI TO**

**DAVID J. SMITH**, Clerk, Office of the Clerk of Court, Appeal from the  
**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**  
located at Elbert Parr Tuttle Court of Appeals Building, 56 Forsyth Street  
Northwest, Atlanta, Georgia 30303 (404) 335-6177; [www.ca 11. uscourts.gov](http://www.ca11.uscourts.gov).  
USCA Docket No.: 17-15218-F, FF, or GG; USDC Docket No.: 8:17-CV-01294-  
EAK-MAP/SPF

**PETITION FOR WRIT OF CERTIORARI**

**ELIJAH JACKSON, JR.** #979922  
Avon Park Correctional Institution  
8100 Hwy 64 East, E1-144S  
Avon Park, Florida 33825  
☎ 863-452-8801  
Fax. 863-452-3729  
[www.dc.state.fl.us](http://www.dc.state.fl.us)

## QUESTION(S) PRESENTED

- DOES **APPENDIX Q** PERSONAL GUARANTOR/SURETY BOND 5-9-2017 SUFFICE TO DEFER FILING FEES?
- DID THE ARTICLE 3 COURT-U. S. DISTRICT COURT-MDF-TD ERROR IN EXECUTION, ISSUANCE OF DOCUMENT 4 FILED 5-17-17 2 PAGES, PAGE ID 87 **APPENDIX P**? CASE WAS FILED IN 2000 AS 8:2000-CV-01401-SDM.
- DOES **APPENDIX O** PROMISSORY NOTE AND PERSONAL GUARANTOR/SURETY BOND 6-27-2017 SUFFICE TO DELAY FILING FEES UNDER FED. R. CIV. P. FED. R. APP. P.?
- DOES PRISON LITIGATION REFORM ACT "PLRA" TITLE 28 U. S. C. SECTION 1915 TRUMP THE 2000 FILING OF CASE #8:2000-CV-01401-SDM. FILED PRIOR TO PLAINTIFF INCARCERATION 1-5-2005? CASE BELOW 2000 AND WAS CLOSED, PRISONER REFILED CASE AS 8:17-CV-01126-JDW-AAS AND 8:17-CV-01294-EAK-MAP.
- DID THE ARTICLE 3 COURT-U. S. DISTRICT COURT-MDF-TD ERROR IN EXECUTION, ISSUANCE OF DOCUMENT 12 FILED 7-24-2017 2 PAGES, PAGE ID 119 **APPENDIX N**? BECAUSE U. S. D. C.-MDF-TD CLERK FAILED TO COMPLETE, PROCESS AND ISSUE/EXECUTE ON 8-10-2017

AO440 SUMMONS IN A CIVIL ACTION (8) EIGHT SUMMONS RULE 26  
SENT TO CLERK BY PLAINTIFF AND 4 FED. R. CIV. P.

- DID TRIAL/ARTICLE 3 COURT-U. S. DISTRICT COURT-MDF-TD ERROR TO DENY PLAINTIFF MOTION FOR WAIVER OF CASE MANAGEMENT CONFERENCE..? LOCAL RULE 3.05 (c) (2) (b) OR (c) (3) (a); AND RULE 26 FED. R. CIV. P.; LOCAL RULE 1.03 (e) M. D. FLA.; AND TO ADOPT DOCUMENT 13 FILED 8-14-2017 REPORT AND RECOMMENDATION **APPENDIX “L”**?

- DID ARTICLE 3 COURT-U. S. DISTRICT COURT-MDF-TD ERROR IN DENYING/ADOPTING PLAINTIFF’S OBJECTION TO THE REPORT AND RECOMMENDATION? ON 10-27 AND 30-2017? **APPENDIX J**:

- DID ARTICLE 3 COURT MISSTEP, OVERLOOK A POST OF BOND? AS OUTLINED IN **APPENDIX I**?

- DID ARTICLE 3 COURT ERROR IN CLAIMING THE REPORT AND RECOMMENDATION AS MERITLESS AND WAS PLAINTIFF SURETY BOND/PROMISSORY NOTE RELEVANT? TO TRUMP IFP STATUS, PLRA STATUS AS THE CASE STARTED IN 2000 AS 8:2000-CV-01401-SDM? DOCUMENT 22, 13, 12? **APPENDIX H**?

- DID THE ARTICLE 3 COURT-U. S. COURT OF APPEALS-11TH CIRCUIT ERROR IN RECALLING, RETRACKING, REVERSING THE 2-13-2019 ORDER GRANTING APPELLANT LEAVE TO PROCEED IFP UNDER PLRA

#17-15218-FF **APPENDIX E** 7-15-2019 BY U. S. CIRCUIT JUDGE ADALBERTO JORDAN?

- DID THE ARTICLE 3 COURT-U. S. COURT OF APPEALS-11TH CIRCUIT ERROR IN THE 10-16-2019 ENTRY OF DISMISSAL PURSUANT TO THE 11TH CIR. R. 42-1 (b) FOR WANT OF PROSECUTION BECAUSE APPELLANT FAILED TO PAY THE FILING AND DOCKETING FEES OF > \$855.00 TO THE U. S. DISTRICT COURT-MDF-TAMPA DIVISION WITHIN THE TIME FIXED BY THE RULES? **APPENDIX C** 17-15218-GG?

## **LIST OF PARTIES**

All Parties appear in the caption of the case on the cover page.

## **RELATED CASES**

In accordance with Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure and Rules of the Supreme Court, I certify that the instant action is related to pending or closed civil or criminal cases previously filed in this Court, or any other Federal or State Court, or Administrative Agency as indicated below:

- 8:03-CV-02070-T-26EAJ 10/29/2003
- 8:11-CV-00646-T-17EAJ 3/29/2011
- 8:11-CV-00646-EAK-EAJ 4/5/2011
- 1:1994-CV-00392-ACK-BMK (Hawaii U. S. D. C. )
- 8:14-CV-01764-SDM-23MAP
- 8:14-CV-01764-T-23MAP
- 8:16-CV-00559-T-35MAP
- 8:16-CV-00559-MSS-MAP
- 6:16-CV-00262-CEM-TBS
- 6:16-CV-00262-ORL-41TBS

**United States Court of Appeals for the Ninth Circuit:**

19-16661

89-10506

CA-8910506

**United States Court of Appeals for the Eleventh Circuit:**

- 16-10660H      •11-16047E      •11-16-90015, 90016
- 16-1037B      •14-13445D      •11-16-90007, 90008
- 16-1063F      •16-11030E      •11-16-90012, 90013, and 90014
- 17-15218F      •17-1536H      •17-15-388H      •17-15389H

**Supreme Court of the United States:**

- 12-8885

**United States District Court-Northern District of Florida:**

- 5:11-CV-00057-RS-CJK
- 4:13-CV-00651-MW-CAS      5/28/13
- 4:15-CV-00595-WS-GRJ
- 5:15-CV-00316-LC-EMT
- 5:16-CV-00021-MP-GRJ
- 5:17-CV-00263-MCR-CJK
- 4:16-CV-00047-RH-CAS

**United States District Court for the Middle District of Florida –Tampa  
Division**



- 8:17-CV-01294-EAK-MAP or SPF
- 8:17-CV-01126-JDW-AAS
- 8:14-CV-1764
- 8:11-CV-646
- 8:04-CV-02790-T-26EAJ
- 8:04-CV-2790-RAL-EAJ
- 8:03-CV-02070-RAL-EAJ
- 8:03-CV-02070-T-26EAJ
- 8:00-CV-01401-T-23
- 8:00-CV-01401-SDM
- 8:99-CV-02460-RAL-EAj
- 8:99-CV-02460-T-26C
- 8:98-CV-01380-JDW-MAP
- 8:98-CV-01380-T-17F
- 8:98-CV-01380-T-27MAP
- 8:98-CV-01360-T-25F
- 8:97-CV-00038-RAL
- 8:97-CV-00038-T-21E
- 8:96-CV-00045-SDM
- 8:96-CV-00045-T-23C

**United States District Court for the District of Hawaii-Honolulu Division**

1:19-CV-00380-SOM-RT

**United States Tax Court-WADC/JAX:**

- 30739-15

**United States Court of Federal Claims:**

1:15-CV-01528CFL or T and 01554T

**Federal Bureau of Investigations:**

- 282-JK-0
- 168-17M-0
- RJM:ARM:SAM DJ 144-17-0
- 168-17-0
- 204-17-0
- DJ-144-17
- DJ-144-17M-0

**10th Judicial Circuit Court (Civil):**

- 53-2006-SC-0362-0000-00
- 53-2004-AP-0023-0000-00
- 53-2006-SC-0359-0000-00
- 53-2004-SC-1314-0000-00
- 53-2006-SC-0356-0000-00
- 53-2003-SC-6029-0000-00
- 53-2006-SC-0350-0000-00
- 53-2004-AP-0014-0000-00
- 53-2006-SC-0345-0000-00
- 53-2005-SC-0399-0000-00
- 53-2003-SC-5250-0000-00
- 53-2006-AP-0008-0000-00
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- 53-2005-AP-0018-0000-00
- 53-2004-AP-0007-0000-00
- 53-2005-AP-0020-0000-00
- 53-2003-SC-5255-0000-00
- 53-2006-AP-02-0000-00
- 53-2004-AP-0002-0000-00
- 53-2006-AP-03-0000-00

- 53-2003-SC-5266-0000-00
- 53-2004-AP-0011-0000-00
- 53-2003-SC-5268-0000-00
- 53-2003-SC-6006-0000-00
- 53-2004-AP-0010-0000-00
- 53-2003-SC-6012-0000-00
- 53-2004-AP-0003-0000-00
- 53-2003-SC-6014-0000-00
- 53-2004-AP-0004-0000-00
- 53-2003-SC-6017-0000-00
- 53-2004-AP-0005-0000-00
- 53-2003-SC-6018-0000-00
- 53-2005-SC-2596-0000-00
- 53-2003-SC-6019-0000-00
- 53-2006-AP-04-0000-00
- 53-2006-AP-05-0000-00
- 53-2006-AP-06-0000-00
- 53-2006-AP-07-0000-00
- 53-2006-AP-08-0000-00
- 53-2006-AP-09-0000-00
- 53-2006-AP-10-0000-00
- 53-2006-SC-0454-0000-00
- 53-2006-CA-0484-0000-00
- 53-2005-SC-0399-0000-00
- 53-2005-AP-0008-0000-00

#### **Florida Department of Health:**

- 2005-55085
- 2005-62176
- 2005-62174
- 2005-62171
- 2017-6780 MEP #101
- 2006-16418
- 2006-
- 201409473
- 201409470
- 2018-04050 WP #503
- 201409476
- 201411581
- 201412267
- 2018-11069 Dental #503

#### **Florida Commission on Human Rights and Florida Department of Ethics:**

- 200600116

**Second Judicial Circuit Court (Civil):**

- 2006-SC-000842-0000-00
- 2015-CA-003038-0000-00
- 2016-CA-000261-0000-00
- 2015-CA-003041-0000-00
- 2015-CA-003042-0000-00
- 2015-CA-003040-0000-00
- 2006-AP-2994-0000-00
- 2013-CA-001753-0000-00

**Tenth Judicial Circuit Court (Civil/Criminal):**

- 53-2000-CF-8240-AOXX-XX
- 53-1999-CF-1709-AOXX-XX
- 53-1998-CF-6396-AOXX-XX (D. R. Jackson) 12-7-98 (98-104834)
- 53-2003-SC-6018-0000-00
- 53-2006-AP-0003-0000-00
- 53-2003-SC-5997-0000-00
- 53-2006-AP-0018, and 0020-0000-00
- 53-2005-SC-2596-0000-00
- 53-2003-SC-5256-0000-00, and 2006-AP-0002
- 53-1999-CA-0805-0000-00
- 53-2001-CF-5964-AOXX-XX
- 53-1997-CF-3853-AOXX-XX
- 53-2000-CF-2243-AOXX-XX
- 53-2000-CF-3656-AOXX-XX
- 53-2000-CF-3657-AOXX-XX
- 53-2001-CF-0695-AOXX-XX

- 53-2001-CF-6438-AOXX-XX
- 53-2001-CF-0694-AOXX-XX
- 53-2000-CF-8240-AOXX-XX
- 53-1998-CA-0437-0000-00
- 53-1999-DR-5220-0000-00 (CSE)
- 53-2002-DR-7027-0000 (FDOM) 905 So.2d 892 (Fla. 2nd DCA 2005) LK
- 53-2002-CF-7328-AOXX-XX
- 53-1999-CF-2153-DOMV-00
- 53-1999-CF-2197-DOMV-00
- 53-1995-SP-13 1717-0000-00
- 53-2006-SC-0359-0000-00

**Thirteenth Judicial Circuit Court (Criminal):**

- 29-2000-CF-001483D001TA

**Supreme Court of Florida:**

- |            |                  |            |            |
|------------|------------------|------------|------------|
| •SC07-619  | •SC06-1637       | •SC06-304  |            |
| •SC05-1673 | •SC07-1883       | •SC08-336  | •SC07-1859 |
| •SC05-1944 | •SC08-334        | •SC07-2038 | •SC08-332  |
| •SC05-1573 | •SC05-0925(FDOM) | •SC03-2201 | •SC08-337  |
| •SC06-749  | •SC06-919        | •SC05-1575 | •SC08-341  |
| •SC05-1574 | •SC05-1572       | •SC05-1577 |            |
| •SC05-1576 | •SC08-1943       | •SC06-0485 |            |

## **Second District Court of Appeals:**

- 2D07-5643                      •2D07-3155                      •2D05-2502                      •2D06-3380
- 2D04-1245(FDOM) •2D07-4359                      •2D05-1973                      •1D07-2574
- 2D03-2714                      •2D07-737                      •2D05-1971                      •2D07-3533
- 2D10-5146                      •2D05-0083                      •2D05-0616                      •2D07-4239
- 2D05-2500                      •2D05-0090                      •2D05-1969                      •2D07-5952
- 2D05-4450                      •2D05-0089                      •2D05-5682                      •2D07-5955
- 2D05-4451                      •2D05-2498                      •2D07-5954                      •2D07-4240
- 2D07-4519                      •2D05-2504                      •2D08-1319                      •2D07-5643
- 2D10-1713, 1714, and 2052                      •2D10-0722 (Hillsborough CR)
- 2D19-3912                      •2D19-3913                      •2D19-3914                      •2D19-3915
- 2D19-3936                      •2D19-3937                      •2D19-4296

## **State of Hawaii, District of Hawaii:**

- 8 Haw.App. 624, 817 P.2d 130, 1 C.A. 14705
- 988 F.2d 119, 1993 W. L. 47215 (9th Cir. Hawaii)
- U.S.D.C. District of Hawaii in Honolulu, Case No: CV-92-00723DAE
- U.S.D.C. District of Hawaii in Honolulu, Case No: 92-15000 (2255)
- Supreme Court of Hawaii, Case No. 15162 (CR87-0174)
- Supreme Court of Hawaii, Case No. 16718 (CV88-0866)
- Supreme Court of Hawaii, Case No. 17639 (SPP93-0009)
- City and County of Honolulu Police Department Standard Motor Vehicle Accident Report No. K-95055, 03/19/1985.

- U.S.D.C. for the District of Hawaii CR No.'s 88-00629ACK01, and 88-00629DAE.
- State of Hawaii Department of Commerce and Consumer Affairs "DCCA", Case No. SEU-95-151.
- U.S. Court of Appeals, Ninth Circuit Case No. 89-10506, CA-8910506 (San Francisco, Ca.)
- State of Hawaii v. Jackson, CR No. 88-1781.

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<b>APPENDIX B</b>	Notice of Appeal United States Court of Appeals for the 11th Cir.10-31-19 Number 17-15218-GG.
<b>APPENDIX C</b>	10-16-19 Order or Entry of Dismissal pursuant to 11th Cir. R. 42-1 (b) 10-16-19.



- APPENDIX D** 8-19-17 Order Granting Appellant's Final Motion for Extension of Time To Pay Filing Fees Granted by 10-15-19.
- APPENDIX E** 7-15-19 Order of Retraction/Reversal 2-13-19 Order Granting Appellant Leave to Proceed "IFP" By U. S. Circuit Judge Adalberto Jordan.
- APPENDIX F** 11-27-17 Document 29.
- APPENDIX G** 11-21-17 Notice of Appeal.
- APPENDIX H** 11-6-17 Document 24 file Order Adopting the Report and Recommendation and Overruling Objection Document #13 and 22.
- APPENDIX I** 11-21-17 Notice of Error's and Corrections with CIP-CDS.
- APPENDIX J** 10-27, 30-17 Plaintiff's Objection To The Report and Recommendation with CIP/CDS.
- APPENDIX K** 9-28-17 Amended Motion for Extension of Time.
- APPENDIX L** Document 13 filed 8-14-17 2 pages, page Id. 121 Report and Recommendation #8:17-Cv-01294 EAK-MAP by U. S. Magistrate Judge Mark A. Pizzo.

- APPENDIX M** 7-12-17 and 8-1, 7-17 Motion for Waiver of Case Management Conference.
- APPENDIX N** 7-24-17 Document 12 Order of Dismissal and Documents 9, 10, 6, and 1, Case #8:17-Cv-01294 EAK-MAP by U. S. Magistrate Judge Mark A. Pizzo.
- APPENDIX O** 6-27-17 Promissory Note and Personal Guarantor/Surety Bond.
- APPENDIX P** 5-17-17 Oder of Dismissal Case #8:17-CV-01126-JDW-AAS by U. S. District Judge James D. Whittemore.
- APPENDIX Q** 5-9-17 Personal Guarantor/Surety Bond, Case #8:17-CV-01126-JDW-AAS by U. S. District Judge James D. Whittemore by Plaintiff-Appellant-Petitioner.

## TABLE OF AUTHORITIES CITED

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<u>Ricci V. Destefano</u> , 557 U. S. 557-578.....	23, 10
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### THERE ARE CASES THAT ARE CITED OR EXCLUDED FROM THIS TABLE

#### STATUTES AND RULES

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<ul style="list-style-type: none"> <li>• Fair Housing Act “FHA” 82 Stat. 81, as Amended.</li> <li>• Title VII of the Civil Rights Act of 1964.</li> <li>• Section 703 (a) (2) of FHA.</li> <li>• Section 4 (a) (2) of the Age Discrimination in Employment Act “ADEA”.</li> <li>• Title 42 U. S. C. Section 3601 et seq.</li> <li>• Section 804 (a).</li> <li>• FHA Amendments Act of 1968 102 Stat. 1619.</li> <li>• Freedom of Information Act “FOIA” Title 5 U. S. C. Section 552 (a).</li> </ul>	

- Title 42 U. S. C. 441 Cranston Gonzalez National Affordable Housing Act.
- 6 of the Civil Rights Act of 1964.
- The U. S. Housing Act of 1937.
- Title 42 U. S. C. Section 14371.
- Title 42 U. S. C. Section 1396 (a).
- Title 42 U. S. C. Section 1396 (Q).
- Title 30 Florida Statutes 409, 420.
- Title 42 U. S. C. Section 42 (i) (3) (0).
- Title 42 U. S. C. Section 832 (b).
- Title 42 U. S. C. Section 862 (b).
- Florida Statute 212, 220, 624, 216, 218, 287, 16, 617, 163, 381-408, 760, 395, 984, 900-999.
- Florida Statute 445, 414.
- Title 31 Labor Chapters 435-453.
- Title 42 U. S. C. Section 832 (b).
- Title 42 U. S. C. Section 862 (b).
- Florida Statute 14, 290, 279-290, 713.
- Title 4 Labor Chapters 14-24 Florida Statute.
- Title 42 U. S. C. Section 5301 et seq.
- Florida Statute 192-221, 420, 212, 624, 163, 162.
- Title 42 U. S. C. Section 2000 c.
- Title 29 U. S. C. Section 621 et seq.,
- Title 29 U. S. C. Section 701 et seq.,
- Title 42 U. S. C. Section 12101 et seq.
- Florida Statutes 448, 542, 817.

- Title 29 U. S. C. Section 206.
- Title 42 U. S. C. Section 2601 et seq.
- Title 26 U. S. C. Section 501 (c) (3) and 401 (a).
- Title 26 U. S. C. Section 502, 503, 509.
- 203 (k) (1), 203 (p) (1)
- Section 203 (k) (1) of the Federal Property and Administrative Services Act of 1949.
- Section 203 (p) (1) of the Federal Property and Administrative Services Act of 1949.
- Section 203 (E) (1) of the Federal Property and Administrative Services Act of 1949.
- Title 42 U. S. C. Section 484 (k) (1).
- Title 42 U. S. C. Section 484 (p) (1).
- Title 42 U. S. C. Section 484 (k).
- Title 42 U. S. C. Section 11411.
- Title 42 U. S. C. Section 108 755 Chapter 28, Subchapter 4.

## OTHER

1ST AMENDMENT OF U. S. CONSTITUTION.....16, 17, 26, 27, 28, 29

FLORIDA CONSTITUTION ART. VII SECTION 3

FLORIDA CONSTITUTION ART. VII SECTION 9, 17, 18 AND 19

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 Opinions of the United States Court of Appeals appears at **Appendix B, C, D, E** to the Petition and **is unpublished**.

The Opinion of the United States District Court appears at **Appendix F, H, L, N, and P** to the Petition and **is unpublished**.

## **JURISDICTION**

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was **October 16, 2019**.

No Petition for Rehearing was filed timely in my case.

A timely Petition for Rehearing was not filed pursuant to 11th Cir. Rule 42-1 (b). See **Appendix C**.

No extension of time to file Petition for a Writ of Certiorari was granted and is due **January 14, 2020**. See November 15, 2019 letter from Supreme Court of the United States stating “ you must submit a Petition for Writ of Certiorari within the ninety day time limit pursuant to Rule 13. Clerk Scott S. Harris and Lisa Nesbitt, 202-479-3038. See **Appendix “A”**.

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

## **CONSTITUTIONAL STATUTORY PROVISIONS INVOLVED**

- Fair Housing Act “FHA” 82 Stat. 81, as Amended.
- Title VII of the Civil Rights Act of 1964.
- Section 703 (a) (2) of FHA.
- Section 4 (a) (2) of the Age Discrimination in Employment Act “ADEA”.
- Title 42 U. S. C. Section 3601 et seq.
- Section 804 (a).
- Kerner Commission-Report of National Advisory Commission on Civil Disorders for Social Unrest No. 910 (1968).
- Kerner Commission.
- Executive Order No. 11365.
- 3 Code of Federal Regulations “CFR” 674 (1966-70).
- FHA Amendments Act of 1968 102 Stat. 1619.
- H. R. Rep. 15.



- Freedom of Information Act “FOIA” Title 5 U. S. C. Section 552 (a).
- Florida Sunshine Law/Act “FSC”.
- Title 42 U. S. C. 441 Cranston Gonzalez National Affordable Housing Act.
- 6 of the Civil Rights Act of 1964.
- The U. S. Housing Act of 1937.
- Comprehensive Plan-Modernization Handbook of the Department of Housing and Urban Development “HUD”.
- Title 42 U. S. C. Section 14371.
- Chapter 8 for Low Income Housing Program of Assisted Housing.
- Homeownership and Opportunity for People Everywhere “HOPE” 2, 3, and 6.
- Title 42 U. S. C. Section 1396 (a).
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 “PRWOR”.
- Title 42 U. S. C. Section 1396 (Q).

- State Housing Initiatives Partnership “SHIP” Program.
- Florida Neighborhood Stabilization Program “NSP”.
- Title 30 Florida Statutes 409, 420.
- Title 42 U. S. C. Section 42 (i) (3) (0).
- Florida Civil Rights Act.
- Florida Statute 212, 220, 624, 216, 218, 287, 16, 617, 163, 381-408, 760, 395, 984, 900-999.
- Florida Const. Art. VII Section 3.
- Title 11 Florida Local Government Development Agreement Act.
- Florida State Comprehensive Planning Act of 1972.
- State of Florida Agency for Workforce Development WOTC Program.
- Federal Wagner Peyser Act.
- Florida Statute 445, 414.
- Title 31 Labor Chapters 435-453.

- Temporary Assistance for Needy Families “TANF”.
- Title 42 U. S. C. Section 832 (b).
- Title 42 U. S. C. Section 862 (b).
- National and Community Service Trust Act of 1993.
- Florida Statute 14, 290, 279-290, 713.
- Florida Volunteer and Community Service Act of 2001.
- Title 4 Labor Chapters 14-24 Florida Statute.
- Florida Small Cities Community Development Block Grant Program Act “CDBG”.
- Housing and Community Development Act of 1974.
- Title 42 U. S. C. Section 5301 et seq.
- Florida Const. Art. XII Section 9.
- Florida Const. Art. XII Section 17.

- Florida Const. Art. XII Section 18 and 19.
- Florida Statute 192-221, 420, 212, 624, 163, 162.
- Title 42 U. S. C. Section 2000 c.
- Equal Employment Act of 1972.
- Age Discrimination In Employment Act of 1967.
- Title 29 U. S. C. Section 621 et seq.,
- Rehabilitation Act of 1973.
- Title 29 U. S. C. Section 701 et seq.,
- Americans with Disabilities Act of 1990.
- Title 42 U. S. C. Section 12101 et seq.
- Florida Statutes 448, 542, 817.
- Equal Pay Act of 1963.
- Title 29 U. S. C. Section 206.
- Lilly Led Better Act of 2009.

- Family and Medical Leave Act of 1993.
- Title 42 U. S. C. Section 2601 et seq.
- Florida Civil Rights Act of 1992 F. S. 760.
- Unfair Trade Practices Act Title 15 U. S. C. Section 45, 52, and 64.
- Florida Deceptive and Unfair Trade Practices Act F. S. 501, 201 et seq.
- Title 26 U. S. C. Section 501 (c) (3) and 401 (a).
- Title 26 U. S. C. Section 502, 503, 509.
- 203 (k) (1), 203 (p) (1)
- Federal Property and Administrative Services Act of 1949.
- Section 203 (k) (1) of the Federal Property and Administrative Services Act of 1949.
- Section 203 (p) (1) of the Federal Property and Administrative Services Act of 1949.

- Section 203 (E) (1) of the Federal Property and Administrative Services Act of 1949.
- Title 42 U. S. C. Section 484 (k) (1).
- Title 42 U. S. C. Section 484 (p) (1).
- Title 42 U. S. C. Section 484 (k).
- Title 42 U. S. C. Section 11411.
- Title 42 U. S. C. Section 108 755 Chapter 28, Subchapter 4.

## STATEMENT OF THE CASE

**“Disparate impact”** and **“disparate treatment”** claims are cognizable under the Fair Housing Act (“FHA”). Both the Title VII of the Civil Rights Act of 1964 or Section 703 (a) (2) of the Act and § 4(a) (2) of the Age Discrimination in Employment Act (“ADEA”) authorize **“disparate impact”** and **“disparate treatment”** claims under Griggs v. Duke Power Co., 401 U. S. 424 and Smith v. City of Jackson, 544 U. S. 228. These are two antidiscrimination statutes or laws which construe and encompass disparate impact and disparate treatment claims when their text refers to the consequences of actions and not just to mindset of the actors, and when and where that interpretation is consistent with statutory purpose. Ricci v. Destefano, 557 U. S. 557-578. See Claim Number 1 Paragraphs 1-42, pages 7-18; Claim Number 2, page 18; Claim Number 3, 4, 5, pages 19-20; See statement of Facts/Claims page 20, paragraphs 1-29 of Amended, Restated, Supplemented, Modified and Consolidated Civil Rights Complaint Form filed 5-23-2017 for additional details.

The Plaintiff-Appellant-Petitioner requested relief to “waive the posting of a bond for security on page 25 Paragraph D Part VII of Statement of Claim or Relief Requested of Amended Complaint form filed 5-23-2017. This case was appealed to the Supreme Court of the United States in 2018-2019 but was placed in

jurisdiction of U. S. Court of Appeals-11th Circuit, wherein Notice of Appeal clearly stated Supreme Court of the United States under Rule 3, Federal Rules of Appellate Procedure “Federal Rule of Appellate Procedure” and Rule 10-18 and 20 Rules of the Supreme Court of the United States. See 28 U. S. C. Section 2101 (e) and Rule 11 and 38 (a) of Supreme Court Rules. The Notice of Appeal from the United States District Court-Middle District of Florida-Tampa Division “USDC-MDF-TD” was filed in 2018 to the Supreme Court of the United States not U. S. Court of Appeals-11th Circuit. As of 12-17-2019 this case was ensued in this court’s jurisdiction.

1(a). On 12-17-2019 Supreme Court of the United States received a Motion For Leave to Proceed IFP.

1(a)(2). On 10-25-2019 Notice of Appeal, 11th-Circuit was filed as Exhibit or Appendix B.

1(b). Petitioner filed on 9-23, 25, 2019 in the U. S. Court of Appeals-Atlanta, Georgia Appellant-Petitioner Supplement to Initial Brief of Appellant “the Clerk’s Office has received your Supplemental Brief...” “You must file a Motion To Supplement ...”

2. Petitioner filed same on 9-23-19 as above. “Returned Unfiled...Returned unfiled because once the brief is filed a motion is required to amend/supplement the brief.



Also the filing fee has not been paid. No action will be taken on motion until the fee issue is resolved.”

3. Petitioner filed EIPI-JBS-Jackson Farm Center for Children on 9-17, 18-2019 filed in U. S. D. C.-MDF-Tampa Division 8:17-CV-01294-EAK-SPF.

4. On 8-19-2019 Order Granting Appellant’s Final Motion for Extension of Time to Pay Filing Fees is GRANTED. If Appellant does not pay the entire filing fee by October 15, 2019, this appeal will be dismissed for lack of prosecution. Exhibit “D”.

5. Appellant-Petitioner filed on 8-7-2019 Final Motion for Extension of Time to Pay Filing Fees.

6. On 7-15-2019 Order by U. S. Circuit Judge Adalberto Jordan vacating prior 2-13-2019 Order Granting Leave To Proceed. Exhibit “E”.

**7. Special Notation or Note that on 12-2-2019 thru 2018 Pleadings from 12-2-2019 retroactive/carry backwards to 2018 has been excluded Pleadings for consideration from 12-11-2017 retroactive/r backwards to 5-9-2017 Complaint under #8:17-CV-01126-JDW-AAS.**

8. Motion for Extension of Time filed 12-11-2017 USCA-11th Circuit Case Number 17-15218-F.

9. On 11-27-2017 Acknowledgement of New Case Appeal # 17-15218-F pursuant to Eleventh Circuit Rule 42-1 (b) you are hereby notified that upon expiration of

14 days from 11-27-2017, this appeal will be dismissed by the Clerk without further notice unless the defaults noted below have been corrected: “pay to the **District Court** Clerk the docketing and filing fees, with notice to this office, or move in the District Court for relief from the obligation to pay the Docketing and Filing Fees pursuant to Title 28 U. S. C. Section 1915. If the District Court denies such relief, Appellant may file in this Court a motion for such relief. Dionne S. Young (404) 335-6224...Due 12-11-2017.

10. Received Document 29 filed 11-27-2017 15 pages page Id. 213 from USDC-MDF-Tampa Division 8:17-CV-01294-t-17MAP Exhibit “F”.

11. On 11-21-2017 Application for Recognition of Exemption Part IV Narrative Description 8:17-CV-01294-EAK; 8:17-CV-01126-JDW-AAS.

12. On 11-21-2017 Notice of Appeal USDC-MDF-Tampa Division 8:17-CV-01294-EAK and 8:17-CV-01126-JDW of Document 24 filed 11-6-2017 3 pages page Id. 176 Order Adopting Report and Recommendation and Overruling Objection.

13. On 11-21-2017 Notice of Errors and Corrections Personal Guarantor/Surety Bond/CIP-CDS; Motion for Court to Fix an Appeal Bond and to Fix Amount Exhibit “I”.

14. On 11-2-2017 CIP-CDS 7 pages was filed.

15. Proposal of Settlement in suit USDC-MDF-Tampa Division, was filed 11-2-2017; 10-31-2017 under case numbers; 8:17-CV-01294-EAK; 8:17-CV-01126-JDW-AAS.

16. Plaintiff's Objection to the Report and Recommendation was filed on 10-27, 30-2017 USDC-MDF-Tampa Division 8:17-CV-01294-EAK; 8:17-CV-01126-JDW-AAS.

17. Amended Motion for Extension of Time/Motion for Extension of Time respectively filed 9-28-2017 USDC-MDF-Tampa Division 8:17-CV-01294.

18. On 9-15-2017 Amended, Restated, Supplemented, Notified, and Consolidated Civil Rights Complaint Form 8:17-CV-01294-EAK was filed.

19. Document 13 filed on 8-14-2017 2 pages page Id. 121 Report and Recommendation for case numbers: 8:17-CV-01294-t-17MAP USDC-MDF-Tampa Division Exhibit "L".

20. On 8-10-2017 Plaintiff-Appellant-Petitioner filed A0440 Summons in a Civil Action sent, mailed to Clerk of U. S. District Court for the Middle District of Florida-Tampa Division 8 Eight Summons in a Civil Action never processed nor signed by Clerk of Court... Document 12 on 7-24-17.

21. On 7-18, 12-2017 and 8-1-2017 Plaintiff-Appellant-Petitioner served on all Parties of Record the First Amended, Revised, Restated Motion for Waiver of Case Management Conference, Alternative Case Management Conference by or Via

Telephone, Telephone Case Management Conference and Initial Disclosures contained in USDC-MDF-Tampa Division Nos.: 8:00-CV-01401-SDM and 8:17-CV-01126-JDW-AAS Exhibit “M”.

22. Document 12 Order filed 7-24-2017 2 page page Id. 119 under Case # 8:17-CV-01294-T-17MAP by U. S. Magistrate Judge Mark A. Pizzo was Denied Document 19, 10 and 6.

23. On 6-27-2017 Promissory Note and Personal Guarantor/Surety Bond and Amended Promissory Note and Personal Guarantor/Surety Bond U. S. District Court-MDF-TD Case Nos.: 8:17-CV-01294-EAK and 8:17-CV-0126-JDW was filed as Exhibit “O” and Exhibit “O”.

24. Document 4 filed on 6-5-2017 pages 15 page Id. 40 Notice of Designation under Local Rule 3.05 8:17-CV-1294-t-17MAP by Sara Boswell, Deputy Clerk-USDC-MDF-Tampa Division.

25. On 5-23-2017 Amended, Restated, Supplemented, Modified and Consolidated Civil Rights Complaint Form 30 pages with Notice of Pendency of Other Actions 6 pages was filed.

26. Document 4 filed on 5-17-2017 2 pages page Id. 87 Order of Dismissal/Closure of Case #8:17-CV-1126-T-27AAS or 8:17-CV-01126-JDW-AAS by U. S. District Judge James D. Whittemore.

27. On 5-16-2017 Document 3 was filed as pages/ page Id. 75 Notice of Designation under Local Rule 3.05 and Case Management Notice by Charmaine A. Black, Deputy Clerk- USDC-MDF-Tampa Division 8:17-CV-01126-JDW-AAS.
28. On 5-23-2017 Notice of Pendency of Other Actions USDC-MDF-Tampa Division was filed.
29. On 5-9-2017 Personal Guarantor/Surety Bond USDC-MDF-Tampa Division Exhibit "O" was filed.
30. On 5-9-2017 Affidavit concerning Jackson v. Comm'R of IRS #030739-15 and Jackson v. U. S. A. #'s 1:15-CV-01528-CFL or T and 1:15-CV-015544T was filed.
31. On 5-9-2017 Civil Rights Complaint 8:17-CV-01126-JDW-AAS 67+ page was filed.

### **REASONS FOR GRANTING THE PETITION**

The Plaintiff-Appellant-Petitioner is not a frequent and vexatious litigant and the Complaint has merit, Plaintiff-Appellant-Petitioner is unable to pay the filing and docketing fees in cash and the three strike provision of "PLRA" Title 28 U. S. C. Section 1915 is blocking a fruitful lawsuit similar to Thomas, 508 F.3d 1225 (2007-08).

Jackson #979922 is not a serial litigant who has clogged the Federal Courts with frivolous litigations by submitting more than one thousand pro se filings in over a hundred actions and appeals in at least nine different Federal Courts. Daker

v. Comm’r, Ga. Dept. of Corr., 820 F.3d 1278, 1281 (11th Cir. 2016). PLRA 28 U. S. C. Section 1915 (g) “three strikes” bars Jackson under 28 U. S. C. 1915 (g) constitutionality. PLRA violates First Amendment. Three strikes provision violates the 1st Amendment “**Breathing Space**” principle because it does not provide a margin of error and punishes all pro se litigants for honest mistakes, rather than just for abuses of the legal system. Congress is not obligated to provide free or unlimited access to the Courts.

Section 1915 (g) “does not prevent a prisoner with three strikes from filing Civil Actions; it merely prohibits him from enjoying IFP status. Rivera v. Allin, 144 F.3d 719 (11th Cir. 1998); Jones v. Bock, 549 U. S. 199, 215 (2007).

IFP status is a privilege, not a right fundamental or otherwise.

The Article 3 Courts have formed a “**suspect or quasi-suspect class**” and Section 1915 (g) has a burden, a fundamental right although these Courts rational basis is that Congress’s legitimate goal of curtailing abusive litigation and conserving judicial resources. 144 F.3d at 727-28.

“**Breathing Space**” principle of the First Amendment is to protect freedom of speech... the ability to advance insulting, outrageous, or inadvertently false speech. Snyder v. Phelps, 562 U. S. 443, 458 (2011); and Hustler Magazine, Inc. v. Falwell, 485 U. S. 46, 52 (1988).

Plaintiff-Appellant-Petitioner acknowledges that there is no First Amendment right to access the courts for free, and it follows that there is no First Amendment rights to speak in the courts for free, so these courts allege **“Breathing Space”** principle is inapplicable to silence **Petitioner Jackson** based **solely on monetary obligations or paying a filing and docketing fee in order to bring a lawsuit. Petitioners litigation is not baseless and has merit, he is just unable to pay filing and docketing fees due to poverty and incarceration...**

**“Pecuniary Harm”** is harm that is monetary or that otherwise is readily measurable in money, and is reasonably foreseeable if the Defendant knew or, under the circumstances, reasonably should have known, that it was a potential result of the offense.

Article 3 of the Constitution limits Federal Courts to adjudicating actual **“cases”** and **“controversies”**. Allen v. Wright, 468 U. S. 737, 750 (1984) abrogated on Lexmark Int’L, Inc. v. Static Control Components, Inc., 572 U. S. 118 (2014).

**Standing**= Wooden v. Bd. Of Regents of the University System of Georgia, 247 F.3d 1262, 1273 (11th Cir. 2001); Bender v. William Sport Area Sch. Dist., 475 U. S. 534, 541 (1986); Harris v. Evans, 20 F.3d 1118, 1121 n.4 (11th Cir. 1994); **whether Court is entitled to decide merits**= Warth v. Seldin, 422 U. S.

490, 498 (1975); Yellow Pages Photos, Inc. v. Ziplocal, LP, 795 F.3d 1255, 1262 (11th Cir. 2015).

**Declaratory Judgment Act**= Declaratory Judgment cannot be issued only in actual controversy. Emory v. Peeler, 756 F.2d 1547, 1551-52 (11th Cir. 1985) citing 28 U. S. C. 2201; Atlanta Gas Light Co. v. Aetna Cas. And Sur. Co., 68 F.3d at 414 (11th Cir. 1995).

A departure from precedent, however, “**demands special justification**,” Arizona v. Rumsey, 467 U. S. 203, 212 Jackson’s case is strong to break the chain of precedent...

If a party challenges an agency action in a facial, pre-enforcement suit, that specific party may be barred by ordinary preclusion principles from relitigating the same question against the agency in a future enforcement action. Abbott Labs, 387 U. S. at 154.

“The time at which a 1983 Claim accrues” is a question of federal Law, “confrontation in general to common law tort principles,”...when the Plaintiff has a complete and present cause of action.” Wallace v. Kato, 549 U. S. 384, 388. An actual analysis begins with identifying “the specific constitutional Right” alleged to have been infringed. Manuel v. Joliet, 580 U. S. \_\_\_\_\_, \_\_\_\_\_. Here, the **claimed right is an assumed due process right not to be deprived of liberty** as a



result of *Defendant* fabrication of evidence. Accrual common law principles governing analogous torts. Wallace, 549 U. S. 388.

**Article 3 limits the subject matter jurisdiction of the Federal Courts to “cases” and “controversies.” U. S. Const. Art 3 Section 2.**

To have a case or controversy, a litigant must establish that he has standing, which must exist throughout all stages of litigation. U. S. v. Amodeo, 916 F.3d 967, 971 (11th Cir. 2019) (quoting Hollingsworth v. Perry, 570 U. S. 693, 705 (2013); U. S. v. Hays, 515 U. S. 737, 742 (1995)).

Article 3 standing has 3 elements, **First**, “the Plaintiff must have suffered an injury in fact-an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical.” LuJan v. Defs. Of Wildlife, 504 U. S. 555, 560 (1992); **Second**, “there must be a causal connection between the injury and the conduct complained of- the injury has to be fairly traceable to the challenged action of the Defendant, and not the result of the independent action of the third party not before the court; **Third**, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.”

Defendants are violating the Home Mortgage Disclosure Act, 12 U. S. C. Section 2801-11 “**Rate spread**” greater than 1.5 % points for a 1st lien loan or spread for a loan origination between annual percentage rate “APR” and the APR

offered on originated prime mortgage loans of a comparable amortization type, interest rate lock in date, fixed term loan maturity or variable term initial fixed rate period, and lien status.

**Defendants continue to allocate high cost loans made to African American borrowers and Hispanic borrowers.**

**No rate spread loans are being made to non Hispanic White Borrowers...**

Defendants continue to allocate credit score as determine through the Fair Isaac Corporation's Model, the Loan to Value Ratio "LTV", Debt to Income Ratio "DIR" and "DTI."

Defendants-Appellees-Respondents are violating the Home Mortgage Disclosure Act, 12 U. S. C. §§ 2801-11.

Defendants-Appellees-Respondents are violating the "rate spread for a loan origination that is the spread between the Annual Percentage Rate (APR) and a survey based estimate of [Annual Percentage Rates] offered on originated prime mortgage loans of a comparable amortization type, interest rate lock-in date, fixed term (loan maturity) or variable term (initial-fixed rate period), and lien status."

Defendants-Appellees-Respondents are issuing High-Cost Loans to Hispanic's and African American Borrowers. No rate spread loans are reported in the data and does not include non-white borrowers.

The Defendants-Appellees-Respondents continue to use LTV and DTI in the underwriting history of Bankruptcy, Foreclosures, Charge Offs, Collections, Late Payments, Delinquencies, Judgments, and Public Records on the Borrower's Credit Report. The score for Non-Hispanic White's Borrowers is less than Hispanic Borrowers.

“Desperate Treatment claims require proof of discriminatory intent either through direct or circumstantial evidence.” Equal Emp't Opportunity Comm'm v. Joe's Stone Crab, Inc., 220 F.3d 1263, 1286 (11th Cir. 2000). Proof of intent by circumstantial evidence relies on the burden shifting framework of McDonnell Douglas Corp. v. Green, 411 U. S. 792 (1973). See Secretary, U. S. Dep't of Hous. & Urban Dev. V. Blackwell, 908 F.2d 864, 870 (11th Cir. 1999) (“**holding that the test developed in McDonnell Douglas**” governs suits brought under the **Fair Housing Act**). Under this framework, “the Plaintiff bears the initial burden of establishing a *prima facie* case of discrimination.” Lewis v. City of Union City, 918 F.3d 1213, 1217 (11th Cir. 2019).

**The Plaintiff-Appellant-Petitioner as a borrower was a member of a protected class under Florida Statute 20.315, the borrower applied for and was qualified to receive loans from the Defendants-Appellees-Respondents, and the loans were offered on less favorable terms than a loan offered to a**

similarly situated person who was not a member of the borrower's class. Cf. McDonnell Douglas, 411 U. S. at 802 (1973).

First, a prima facie case requires “**the identification of a specific, facially-neutral...practice or policy.**” Joe's Stone Crab, Inc., 220 F.3d at 1268; see also Inclusive Cmtys, 135 S.Ct at 2523 (holding that “a disparate-impact claim” under the Fair Housing Act “must fail if the Plaintiff cannot point to a ...policy or policies”), Second, the Plaintiff must establish the existence of a “**significant statistical disparity**” between the effects of the challenged policy or practice on minorities and non-minorities. Joe's Stone Crab, Inc., 220 F.3d at 1274.

Under a disparate-impact theory of liability, proof of a violation requires the Plaintiff to establish that the challenged policy produced a “**significant disparity,**” Joe's Stone Crab, Inc., 220 F.3d at 1274; see also Ricci, 557 U. S. at 587.

The Defendants-Appellees-Respondents are violating the Housing Act of 1937, 42 U. S. C. Section 1437 et seq. and Section 8 Housing Program, 42 U.S. C. Section 1437 (a) which subsidizes income to private landlords who rent to low income tenants by authorizing Housing Authorities to pay the difference between the contribution and the full cost of rent.

The Plaintiff-Appellant-Petitioner argues that Section 1983 provides a cause of action to a Plaintiff who can prove that a Defendant acted under Color of State Law, deprived him of a right, privilege or immunity protected by the Laws of

Constitution of the United States. Lane v. Philbin, 835 F.3d 1302, 1307 (11th Cir. 2016).

There exists Obstruction of Justice as Defendants-Appellees-Respondents deprived Plaintiff-Appellant-Petitioner of rights under Color of Law where Defendants-Appellees-Respondents failed to perform their duties, both official and Individual or in their Individual and Official Capacities as Government Agents.

Between 1999 and 2001 The Plaintiff-Appellant-Petitioner filed a Complaint against **Ocwen Financial Corporation at the HUD Atlanta, Georgia Regional Office. Ocwen Financial Corporation is a financial Services Company** that focuses primarily on Mortgage Servicing in particular, by processing borrower payments, administering loan loss-mitigation operations, and managing foreclosures.

Between 1995-2001, Ocwen grew from big to bigger expanding its portfolio from 175,000 loans with an unpaid principal balance of roughly \$25 billion to more than 350,000 loans with a balance worth \$100 billion. Ocwen used a software called **Real Servicing** that did not work well, because the software was unable to track borrowers accounts and payments, and recorded inaccurate information about interest, late fees, escrow accounts, or completed payments for up to 90% of the loans in the system.

Plaintiff-Appellant-Petitioner was a Guarantor which constitutes being an Applicant under Equal Credit Opportunity Act, 15 U. S. C. Section 1691 (a) (b).

The 11th Circuit Court took jurisdiction over this Case against HUD et al., after Plaintiff-Appellant-Petitioner filed Notice of Appeal. See similar actions in the matter of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Associated Contractors, Inc., 877 F.2d 938, 939 n.1 (11th Cir. 1989).

To establish Article 3 standing, a prerequisite to invoking Federal jurisdiction a Plaintiff-Appellant-Petitioner must have **“(1) suffer an injury in fact, (2) that is fairly traceable to the challenged conduct of the Defendants-Appellees-Respondents, and (3) that is likely to be redressed by a favorable Judicial Decision.”** Spokeo, Inc. v. Robins, 578 U. S. \_\_\_\_, 136 S.Ct. 540, 547 (2016).

The trial and reviewing Court must accept as true all material allegations of the Complaint, and must construe the Complaint in favor of the Complaining Party.

Region 8 Forest Service Timber Purchasers Council v. Alcock, 993 F.2d 800, 806 (11th Cir. 1993) (quoting Warth v. Seldin, 422 U. S. 490, 501, 95 S.Ct. 2197, 2206 (1975)).

The United States Supreme Court applied the interpretive canon *noscitur a sociis* (“a word is known by the company it keeps”) to conclude that a “question or matter”-words that appear in the same series of item as “cause, suit, proceeding or controversy” in the definition of “Official Act” must likewise “be similar in nature to a cause, suit, proceeding or controversy”.

To survive a Motion to Dismiss a Complaint must contain sufficient facts to state a claim for relief that is plausible on its face. Bell Atlantic v. Twombly, 550 U. S. 544, 570 (2007). **Petitioner survives this hurdle or requirement.**

Plaintiff-Appellant-Petitioner make a facially plausible claim when they plead factual content from which the court can reasonable infer that Defendants-Appellees-Respondents are liable for the misconduct alleged. Iqbal, 129 S.Ct. at 1949 (2009).

The plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a Defendants-Appellees-Respondents has acted unlawfully. In determining whether a Complaint states a plausible claim for relief, the Court draws on its judicial experience and common sense. *Id.* at 1950. See Twombly, 550 U. S. at 556.

Dismissal pursuant to a Rule 12 (b) (6) Motion is warranted “only if it is clear that no review can be granted under any set of facts that could be proved consistent with the allegations of the Complaint”. Shands Teaching Hospital and

Clinics, Inc., v. Beech St. Corp., 208 F.3d 1308, 1310 (11th Cir. 2000) (quoting Hishon v. King and Spalding, 476 U. S. 69, 73 (1984)).

The Defendants-Appellees-Respondents claims or wants to obtain the benefit of qualified immunity, as a Government Official as the Defendants-Appellees-Respondents “bears the initial burden of establishing that they were acting within their discretionary authority”. Huebner v. Bradshaw, 935 F.3d 1183, 1187 (11th Cir. 2019) (citing Vinyard v. Wilson, 311 F.3d 1340, 1346 (11th Cir. 2002)).

The Plaintiff-Appellant-Petitioner Jackson suffered a violation of a Constitutional Right and that the right he claims was “clearly established” at the time of the alleged misconduct.

Section 1997e (e) bars compensatory damages for First Amendment claims unless accompanied by a showing of physical injury. See Geiger v. Towers, 404 F.3d 371, 374-75 (5th Cir. 2005); Royal v. Kautzky, 375 F.3d 720, 722-23 (8th Cir. 2004); Searles v. VanBebber, 251 F.3d 869, 875-76 (10th Cir. 2001); Allah v. Al-Hafeez, 226 F.3d 247, 250-51 (3rd Cir. 2000). The other five Circuit Courts under the **First Amendment** permits Compensatory Damages that redress injury to liberty interest itself independent of any physical, mental, or emotional harm and are therefore, not subject to the limitation on recovery. Wilcox v. Brown, 877 F.3d 161, 169-70 (4th Cir. 2017); Aref v. Leach, 833 F.3d 242, 267 (D. C. Cir. 2016);



King v. Zamiara, 788 F.3d 207, 212-13 (6th Cir. 2015); Rowe v. Shake, 196 F.3d 778, 781-82 (7th Cir. 1999); Canell v. Lightner, 143 F.3d 1210, 1213 (9th Cir. 1998).

The Eleventh Circuit Court and one other Circuit Court have held that the limitation on recovery governs all claims for Punitive damages. See Al-Amin, 637 F.3d at 1199; Davis v. District of Columbia, 158 F.3d 1342, B4 8 (D.C. Cir. 1998).

“**Absolute Rights**” are those rights for which no proof of consequential harm is required to establish a violation. Carey v. Piphus, 435 U. S. 247, 266 (1978). See Bryan A. Garner, et al.. The Law of Judicial Precedent section 10, 122-125 (2016).

The **First Amendment** violation are not likely to come accompanied by physical injury. The Supreme Court precedent leaves inmates with nominal damages of one dollar as their only remedy for violations of Bedrock Constitutional Rights, no matter how egregious the violation. **The PLRA does not require physical injury.**

The Eleventh Circuit has departed from precedent from the PLRA’s plain language, and its error has become entrenched and at this point, any panel of these Circuit Courts of Appeals especially the **Eleventh** or the **Ninth** can simply cite to Al-Amin v. Smith, 637 F.3d 1192, 1198-99 (11th Cir. 2011) and thereby dispose of

an inmate Compensatory or Punitive Damages Claim, without no though given to whether the Statute actually requires this result.

The Appellant-Petitioner-Plaintiff Jackson request an **En Banc Court** that would take the opportunity presented to or in Jackson's case to change course, since varies Panels of the Eleventh Circuit has opinion or rule against him specifically on this/these issues per curiam, unpublished or rejecting Jackson's argument for punitive damages... The PLRA continues to prop-up the Eleventh Circuit's Rule withholding Compensatory or Punitive Damages on inmates' **First Amendment Claims**. Jackson is calling this issue to the attention of the Courts and or request En Banc Court in cases where inmates' claim warrants Compensatory or Punitive Damages. The Eleventh Circuit Court needs alignment with Jurisprudence with the text of the PLRA, so that the Eleventh Circuit Court won't continue to deny inmates relief that Congress did not intend to preclude.

The PLRA was enacted in an effort to stem the flood of prisoners lawsuits in Federal Court, Harris v. Garner, 216 F.3d 970, 972 (11th Cir. 2000) En Banc, the PLRA imposes a "**limitation on recovery**" in Federal Civil Actions brought by inmates, See 42 U. S. C. Section 1997e (e).

Article 3 of the Constitution extends the jurisdiction of Federal Courts to "**cases**" and "**controversies**" only at 806 F.3d at 1339, 1340; "**standing requires a showing of injury in fact causation, and redressability.**"

The Supremacy Clause of the U. S. Constitution provides “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.” Art. VI, Cl. 2; Pliva, Inc. v. Mensing, 564 U. S. 604, 621 (2011); Nelson, Preemption, 86 Va. L. Rev. 225, 237-242, 245-246 (2000).

This case meets the Supremacy Clause because it marks the Consummation of Agency’s Decision Making Process and shows Jackson’s “rights or obligations.” “The Supremacy Clause requires that pre-emptive effect to be given only to those Federal Standards and Policies that are set forth in, or necessarily follow from, the statutory text that was produced through the constitutionally required bicameral and Presentment Procedures.” Wyeth v. Levine, 555 U. S. 555, 586 (2009); Department of Transportation v. Association of American Railroads, 575 U. S. 43, 86 (2015) (“The Government may create generally applicable rules of private conduct only through the proper exercise of Legislative Power”).

## CONCLUSION

The Petition for a Writ of Certiorari should be **GRANTED**.

Respectfully Submitted,

  
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Date: 1-6, 8, 10, 14-2020

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