

No. 19-8457

IN THE
SUPREME COURT OF THE UNITED STATES

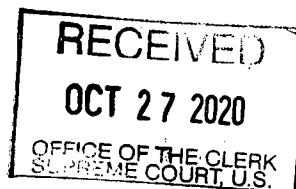
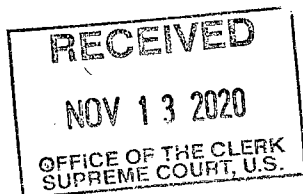
DERRICK M. ALLEN SR.
PETITIONER

vs.

ALICE NEECE ZULINE, et. Al.

PETITION FOR REHEARING

FROM THE RULING OF THE SUPREME
COURT OF THE UNITED STATES



DERRICK M. ALLEN SR.
#10973
DURHAM COUNTY JAIL
P.O. BOX 771
DURHAM, N.C.
27701

QUESTION(S) PRESENTED

3. WHETHER PETITIONER FAIL TO STATE

A CLAIM PURSUANT TO 28 U.S.C. 1915(e)(2)(B) (ii).

I. POINTS OR FACT(S) OVERLOOKED OR MIS- COMPREHENDED BY THE COURT:

THE COURT OF APPEALS FOR THE FOURTH CIRCUIT AFFIRMED THE DISTRICT COURT RULING. THE DISTRICT COURT DISMISSED THE ACTION FOR FAILURE TO STATE A CLAIM UNDER 28 U.S.C. 1915(e)(2)(B)(ii).

IN ORDER TO SURVIVE A MOTION TO DISMISS, COMPLAINT MUST CONTAIN SUFFICIENT FACTUAL MATTER, ACCEPTED AS TRUE, TO STATE A CLAIM OF RELIEF THAT IS PLAUSIBLE ON ITS FACE. A CLAIM HAS FACTUAL PLAUSIBILITY WHEN PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW REASONABLE INFERENCE THAT DEFENDANT IS LIABLE FOR MISCONDUCT.

IN Conley v. Gibson, 355 U.S. 41, 78, S. Ct. 99, 2 L. Ed. 2d 80 (1957); THE COURT SUGGESTED A REMEDY FOR AN ALLEGATION LACKING SPECIFICITY TO PROVIDE ADEQUATE NOTICE IS OF COURSE, A RULE 12(e) MOTION FOR A MORE DEFINITE STATEMENT.

THE MAG. JUDGE PATRICK L. AULD COULD OF REQUESTED OF PLAINTIFF TO FILE AN MOTION FOR A MORE DEFINITE STATEMENT, AS OPPOSE TO DISMISSING PETITIONER(S) COMPLAINT DUE TO FAILURE TO STATE A CLAIM.

Conclusion

THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AFFORDS CITIZEN(S) OF THE U.S. THE RIGHT TO PETITION THE GOVERNMENT FOR AN REDRESS OF GRIEVANCE(S); HOWEVER, ~~THE 7TH AMENDMENT PRESERVES THE RIGHT FOR JURY TRIAL WHEN THE AMOUNT IN CONTROVERSY EXCEEDS \$20.00.~~

and PETITIONER HAS PETITIONED THE
U.S. SUPREME COURT FOR AN REDRESS
OF GRIEVANCE(S)

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Dewick Z. Allen Jr.

10/08/20