

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DERRICK M. ALLEN PETITIONER
(Your Name)

vs.
Phillip Jordan ET. AL
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE 4TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DERRICK M. ALLEN SR.
(Your Name)

P.O. BOX 51368
(Address)

DURHAM, N.C. 27717-1368
(City, State, Zip Code)

(919) 450-7497
(Phone Number)

QUESTION(S) PRESENTED

WHETHER PETITIONER HAS SUFFERED INTENTIONAL DISCRIMINATION BASED UPON HIS CRIMINAL RECORD AND/OR; ACTING UNDER COLOR OF STATE LAW, WHETHER PROXIES OF DURHAM HUMAN RELATION(S) FAIL TO ASCERTAIN PETITIONERS COMPLAINT OF HOUSING DISCRIMINATION BASED UPON RACE, SEX, COLOR, RELIGION, FAMILIAL STATUS AND/OR NATIONAL ORIGIN; and WHETHER PETITIONER COMPLAINT CONTAINED SUFFICIENT FACTUAL MATTER TO SURVIVE A MOTION TO DISMISS?

ARE UNPUBLISHED ~~opion~~ OPINIONS BINDING PRECEDENT IN THIS CIRCUIT?

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:

HUMAN RELATIONS; ENGLISH JUANITA;
DENISE FORBES AND MARTINEZ-GIALLO LENIN.

RELATED CASES

- (1) DERRICK ALLEN V. KINGWOOD APART.
ET. AL, 1:19-CV-00992 (NCMD).
- (2) DERRICK ALLEN V. RENTGROW ET. AL,
1:20-CV-00256 (NCMD).
- (3) ALLEN V. ANNETTE MOORE ET. AL, COURT OF
APPEALS DOCKET # 20-1106.
- (4) DERRICK ALLEN V. STATE OF NORTH CAROLINA
ET. AL, COURT OF APPEALS DOCKET # 20-1130

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CASES

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UNITED STATES V. REECE 457 F. Supp. 43, 48
(D. MONT. 1978); MOREHEAD V. LEWIS, 432 F.
Supp. 674, 676 (N.D. Ill. 1977);
ASHCROFT V. Iqbal, 556 U.S. 662 (2009); 129
S. Ct. 1937, 173 L. Ed. 2d 868, 77 USLW 4387,
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ALLEN V. MURIELLO, 217 F.3d 517.
BELL ATLANTIC CORP. V. TWOMBLY, 550 U.S. 544
CONLEY V. GIBSON, 335 U.S. 41

STATUTES AND RULES

CHAPTER 45, 42 U.S.C. 3613(a)(1)(A).
42 U.S.C. 3604
42 U.S.C. 1982
42 USC 1983

FEDERAL RULES OF CIVIL PROCEDURE

RULE 8(A)(2)

FED. RUL. CIV. PROC. RULE 32.1(b)

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 NO. 20-1109; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

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

☒ reported at 1:19-CV-00700; 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

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 04/17/2020.

☒ 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

THE 9TH CLAUSE OF THE 5TH
AMENDMENT OF U.S. CONSTITUTION.

THE EQUAL PROTECTION OF LAWS
GUARANTEED BY SECTION I OF THE
14TH AMENDMENT.

STATEMENT OF THE CASE

ISSUE #1 - I HAVE CONTINUOUSLY BEEN DENIED Housing and an Investigation (BY Human Relations of Durham) REGARDING Housing Discrimination. THIRD PARTY REPORTING AGENCIES ASSOCIATED WITH Experian, Trans-Union and Equifax PROVIDE INACCURATE INFORMATION CONCERNING MY CRIMINAL RECORD. THE FAIR HOUSING ACT PROHIBITS ITS DISCRIMINATION IN THE SALE, RENTAL, OR FINANCING OF DWELLING, SEE 42 U.S.C. 3604; HOWEVER, PETITIONERS CRIMINAL RECORD IS BEING UTILIZED TO DISCRIMINATE, AND DENY PETITIONER HOUSING.

ISSUE #2, ACTING UNDER COLOR OF STATE LAW, LOCAL OFFICIALS FAIL TO INVESTIGATE PETITIONERS CLAIM OF HOUSING DISCRIMINATION, 42 USC 1983.

ISSUE #3, BOTH THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, AND THE COURT OF APPEALS DISMISSED PETITIONERS COMPLAINT STATING COMPLAINT LACKED FACTUAL MATTER. IN ORDER TO SURVIVE A MOTION TO DISMISS, COMPLAINT(S) MUST CONTAIN SUFFICIENT FACTUAL MATTER, ACCEPTED AS TRUE, TO STATE A CLAIM OF RELIEF THAT IS PLAUSIBLE ON ITS FACE; CLAIM HAS "FACIAL PLAUSIBILITY" WHEN PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW REASONABLE INFERENCE THAT DEFENDANT IS LIABLE FOR MISCONDUCT.

ISSUE #4, UNPUBLISHED OPINIONS ARE NOT BINDING IN THIS CIRCUIT. FED. CIVIL PROC. RULE 32.1(b) COPIES NOT FURNISHED TO PARTY (PETITIONER).

REASONS FOR GRANTING THE PETITION

THE PETITION SHOULD BE GRANTED, BECAUSE PETITIONER IS BEING DENIED LIBERTY, AND THE EQUAL PROTECTION OF LAWS GUARANTEED BY THE 14TH AMENDMENT. FURTHERMORE, CHECKS AND BALANCES HAS BEEN PUT IN PLACE TO OVERSEE OR MONITOR DECISIONS OF LOWER COURTS TO ENSURE THE INTEGRITY OF THE JUSTICE SYSTEM.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Sr.

Date: 04/20/20