

No. 19-8458

IN THE  
SUPREME COURT OF THE UNITED STATES

1 DERRICK M. ALLEN SR.  
PETITIONER,

Vs.

PHILLIP JORDAN ET. AL.

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PETITION FOR REHEARING

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FROM THE RULING OF THE SUPREME COURT  
OF THE UNITED STATES

DERRICK M. ALLEN SR.

#10973

DURHAM CO. JAIL

219 S. MANGUM ST.

P.O. Box 771

DURHAM, N.C.

27701

## QUESTION(S) PRESENTED :

3. 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 INVESTIGATE PETITIONERS COMPLAINT OF HOUSING DISCRIMINATION BASED UPON RACE, SEX, COLOR, RELIGION, FAMILIAL STATUS AND/OR NATIONAL ORIGIN; AND WHETHER PETITIONER COMPLAINT CONTAINS SUFFICIENT FACTUAL MATTER TO SURVIVE A MOTION TO DISMISS ? ARE UNPUBLISHED OPINION(S) CONSTITUTIONAL?

Plausibility when plaintiff pleads factual content that allows the court to draw reasonable inference that defendant is liable for misconduct.

- Unpublished opinion(s) are unconstitutional

### Conclusion :

This court should grant petitioners writ for rehearing, because as an African American male I am afforded the same right as every Caucasian within this realm, and any other nationality.

No. 19-8458

IN THE  
SUPREME COURT OF THE UNITED STATES

DERRICK M. ALLEN — PETITIONER  
(Your Name)

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

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)

## LIST OF PARTIES

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

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

UNITED STATES V. REECE 457 F. Supp. 43, 48  
(D. MONT. 1978); MOREHEAD V. LEWIS, 432 F.  
Supp. 674, 676 (N.D. III. 1977);  
ASHCROFT V. Iqbal, 556 U.S. 662 (2009); 129  
S. CT. 1937, 173 L. Ed. 2d 868, 77 USLW 4387,  
2009.  
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

## 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).

## 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 EXGUIFAX PROVIDE INACCURATE INFORMATION CONCERNING MY CRIMINAL RECORD. THE FAIR HOUSING ACT PROHIBITS 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 35.1(b) COPIES NOT FURNISHED TO PARTY (PETITIONER).



**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Sr.

Date: 04/20/20