

No. \_\_\_\_\_

\_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

DERRICK N. ALLEN SR. PETITIONER  
(Your Name)

vs.

TED ZWIRE et. AL RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE FOURTH CIR.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DERRICK N. 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

PETITIONER, DERRICK M. ALLEN SR, RESPECTFULLY SUBMIT THIS PETITION FOR WRIT OF CERTIORARI FOLLOWING THE UNPUBLISHED PER CURIAM OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT DISMISSING ALLEN'S APPEAL.

QUESTIONS PRESENTED ARE, WHETHER PLAINTIFF -- AN AFRICAN AMERICAN MALE HAS BEEN BIASED BY CAUCASIAN MANAGERS AT LYNNWOOD BREWING AND CONCERN IN RE 42 USC 2000e TO 2000e-17 and 29 U.S.C. 621 TO 634; FURTHERMORE, THE CASE HAS YET TO BE DISMISSED IN DISTRICT COURT FOR THE MIDDLE DISTRICT OF N.C. (1:19 CV 00689); MOREOVER, WHETHER U.S. COURT OF APPEALS ERR IN DISMISSING ALLEN'S AS OPPOSE TO GRANTING AN STAY OF PROCEEDING PURSUANT TO 9 USC 3 UNTIL THE DETERMINATION OF N.C. DISTRICT COURT

## 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:

LYNNWOOD, BREWING & CONCRETE,  
ERIK McCONCHIE, WILL AUSTIN, DAVE SIGUM  
UND, AND CASEY HUMPHRIES

## RELATED CASES

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## TABLE OF AUTHORITIES CITED

### CASES

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38 (S.D. TEXAS) . . . . .	
Connelly V. Lone Construction Corp., 809 F.3d.	
780 (3 <sup>rd</sup> Cir. 2016) . . . . .	
EEOC V. Lawer Foods, Inc. et al. 128 F. Supp.	
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### STATUTES AND RULES

42 U.S.C. 2000e-2(a)	29 U.S.C. 621-634
42 U.S.C. 1981(a)	9 U.S.C. 3

### 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 20-1105; 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 N/A to the petition and is

☐ reported at 1:19-CV-00689; 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: 5/22/2020, 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

14TH AMENDMENT OF THE UNITED STATES CONSTITUTION; SECTION ONE... "EQUAL PROTECTION OF LAWS"



## STATEMENT OF THE CASE

Caucasian Managers at Lynnwood, Brewing and CONCENT are Biased against African American employees. Because I am Black and am 41 years of age, and have a stigma attached to my name insofar as being categorized as an sex offender & child murderer (98CR55208, 98CR57980 & 98CR57979) when the convictions were dismissed by Senior Resident Superior Court judge Orlando F. Hudson Jr. [and too ADA Luke ~~Burns~~ BURN, after reinstated]. Moreover, due to being an African American male - with an inept stigma attached to his name, I was required to do extra work outside of ordinary duties, in which other Caucasian employees were not required to do. Also, my work schedule changed on short notice contrary to the schedule previously posted. When I complained of differential treatment, the Caucasian managers belittled me and treated me like I was incapable of understanding them, ultimately firing me. They discriminated against an African American male who stands up for himself. The only African Americans who were treated better than me were the one who acted gay.

### REASONS FOR GRANTING THE PETITION

BECAUSE AN MATERIAL FACTUAL OR LEGAL MATTER WAS OVER LOOKED. PETITIONER REQUESTED OF THE UNITED STATES COURT OF APPEALS FOR A STAY OF PROCEEDING in accordance with 9 U.S.C. 3, due TO THE DISTRICT OF COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA HAVING NOT ENTERED A RULING.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Sr.

Date: 05/29/2020