

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

1 Derrick B. Allen Sr. — PETITIONER
(Your Name)

ANNETTE MOORE; HUMAN^{VS.} RELATIONS ET. AL.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

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 ALLEN SR., RESPECTFULLY SUBMIT THIS PETITION FOR WRIT OF CERTIORARI FOLLOWING THE UNPUBLISHED PER CURIAM OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT DISMISSING PETITIONER'S APPEAL.

QUESTIONS PRESENTED ARE, WHETHER PETITIONER COMPLAINT CONTAINS SUFFICIENT FACTUAL MATTER TO SURVIVE A MOTION AND/OR DISMISSAL; AND WHETHER UNPUBLISHED OPINIONS ARE DEEMED AS BINDING PRECEDENT IN THIS CIRCUIT?

AND WHETHER PLAINTIFF CACK JURISDICTION TO APPEAL FROM AN DISTRICT COURT?

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:

ORANGE COUNTY Human Relations
Division; ANNETTE MOORE; MELVYN
Blackwell, Tara May and Valieko Marilyn.

RELATED CASES

- (1) DERRICK ALLEN SR. V. PHILLIP JORDAN
ET. AL. (COA DOCKET # 20-1109); UNITED
STATES SUPREME COURT Doc. # 19-8458.
- (2) DERRICK ALLEN V. STATE OF NORTH CAROLINA
CIVIL RIGHTS (HUMAN RELATION) Division
ET. AL. (COA DOCKET # 20-1130)
- ~~(3)~~ (3) DERRICK ALLEN V. KINGWOOD APT.
ET. AL., 1:19-CV-00992 (NCMD)
- (4) DERRICK ALLEN V. RENTSGROW ET. AL
1:20-CV-00256 (NCMD).

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STATUTES AND RULES

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OTHER

FED. RULES OF CIV. PROCEDURE
RULE 8(A)(2).
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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 20-1106; 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☒ is unpublished.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 00710; 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 06/10/2020.

☒ 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 THE U.S. CONSTITUTION;

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

STATEMENT OF THE CASE

BOTH THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, AND THE COURT OF APPEALS FOR THE FOURTH CIRCUIT DISMISSED PETITIONER'S COMPLAINT.

THE MIDDLE DISTRICT OF NORTH CAROLINA DISMISSED PLAINTIFF'S ACTION PURSUANT TO 28 U.S.C. 1915 (e)(2)(B)(ii) AND THE COURT OF APPEALS DISMISSED PETITIONER APPEAL FOR LACK OF SUBJECT MATTER JURISDICTION.

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; CLAIM HAS FACIAL PLAUSIBILITY WHEN PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW AN REASONABLE INFERENCE THAT DEFENDANT IS LIABLE FOR MISCONDUCT.

PETITIONER HAS BOTH AN CONSTITUTIONAL AND STATUTORY RIGHT TO APPEAL THE FINAL JUDGMENT OF AN DISTRICT COURT PURSUANT according to 28 U.S.C. 2107; UNPUBLISHED OPINIONS ARE NOT BINDING PRECEDENT.

REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED
BECAUSE THERE'S A LOSS OF LIBERTY
INsofar AS NOT BEING ABLE TO RENT OR
LEASE REAL PROPERTY -- AN EARTHLY ABODE
WHICH INFRINGE THE EQUAL PROTECTION
OF LAWS GUARANTEED BY THE 14TH
AMENDMENT OF THE UNITED STATES
CONSTITUTION. HENCE, ITS THE RESPONSIBILITY
OF HUMAN RELATIONS TO ASCERTAIN SUCH
PLIGHTS AND WHEN PROXIES AND/OR
OVERSEERS OF HUMAN RELATION FAIL TO
ADEQUATELY AND THOROUGHLY INVESTIGATE
SUCH ISSUES IT VIOLATES THE SAID PERSONS
CIVIL RIGHTS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Jr.

Date: 06/11/2020