

No. 19-8862

IN THE
SUPREME COURT OF THE UNITED STATES

DERRICK M. Allen, SR.

Vs.

TOTAL VISA et. Al.

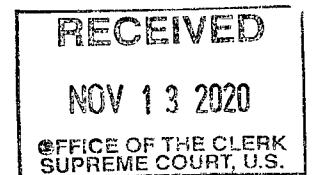
PETITION FOR REHEARING

FROM RULING OF THE UNITED
STATES SUPREME COURT

DERRICK M. ALLEN SR.

P.O. Box 771

Durham, N.C. 27701



No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

DERRICK ZU. ALLEN SR. — PETITIONER
(Your Name)

10-1A(VISA, BANK OF MISSOURI vs.
— 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 ZU. 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

3. WHETHER PETITIONER COMPLAINT
LACKS SUBJECT MATTER JURISDICTION;
AND 3. WHETHER UNPUBLISHED OPINIONS
ARE BINDING PRECEDENT?

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:

RELATED CASES

DERRICK ZU. ALLEN Sr. Vs.
SUNTRUST [1:20-CV-00293].

TABLE OF CONTENTS

OPINIONS BELOW..... 1

JURISDICTION.....

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

REASONS FOR GRANTING THE WRIT

CONCLUSION.....

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

SEARL V. SCHOOL DIST. (1888) 124 U.S. 197, 31 L. ED. 415, 8 S. CT. 460

COUNTY OF ALLEGHENY V. FRANK MASHUDA CO. (1959) 360 U.S. 185, 3 L. ED. 2D. 93, 80 S. CT. 41

3 WEBB V. STATE UNIVERSITY OF NEW YORK
(~~1954~~) (1954 DC NY) 120 F. SUPP. 554

STATUTES AND RULES

28 USC 1331 (FEDERAL QUESTION)

28 USC 1332 (DIVERSITY OF CITIZENSHIP). -- 28 USC(A)(1).

OTHER

28 USC 1332 IS INTENDED TO COVER ALL DIVERSITY OF CITIZENSHIP INSTANCES IN CIVIL ACTIONS BETWEEN (1) CITIZENS OF STATE, AND CITIZENS OF OTHER STATES AND FOREIGN STATES OR CITIZENS OR SUBJECT THEREOF."

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 20-1357; 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-01261; 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 06/18/20

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

STATEMENT OF THE CASE

NORTH CAROLINA DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA DISMISSED PETITIONERS COMPLAINT FOR THE LACK OF SUBJECT MATTER JURISDICTION; HOWEVER, ACCORDING TO TITLE 28 USC 1332(A)(1). NCMD HAS JURISDICTION OR SUBJECT MATTER JURISDICTION, BECAUSE BOTH TOTAL VISA AND THE BANK OF MISSOURI ~~ESTABLISHMENTS~~ ARE ESTABLISHMENT(S) LOCATED IN A STATE OTHER THAN NORTH CAROLINA. FURTHERMORE, FED. RULES OF APPELLATE PROCEDURE 32.1 PERMIT ATTORNEYS TO CITE TO FEDERAL COURT OF APPEALS THEIR UNPUBLISHED OPINION ISSUED IN 2007 OR LATER; HOWEVER, THE FOURTH CIRCUIT COURT OF APPEALS PERMIT "UNPUBLISHED CITATIONS ONLY WHEN THERE IS NO PUBLISHED AUTHORITY ON POINT.

REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED BECAUSE IT IS OBVIOUS DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 USC 1332(A)(1), AND TOO UNPUBLISHED OPINIONS ARE NOT BINDING PRECEDENT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Jr.

Date: 06/18/2020