

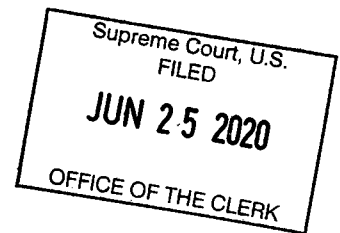
No. 20-5020

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

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

vs.
TRI-LIFT NC INC. 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)

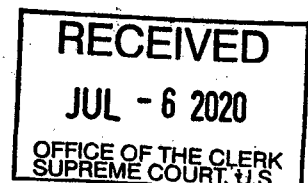
PETITION FOR WRIT OF CERTIORARI

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PETITIONER, DERRICK M. ALLEN SR., RESPECTFULLY SUBMIT THIS PETITION FOR WRIT OF CERTIORARI FOLLOWING THE UNPUBLISHED ~~OPINION~~ PER CURIUM OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, DISMISSING PETITIONERS APPEAL.

QUESTIONS PRESENTED.... WHETHER PETITIONER COMPLAINT LACK ~~OF~~ SUBJECT MATTER JURISDICTION; IF PETITIONER FAIL TO STATE A CLAIM; AND TOO WHETHER UNPUBLISHED OPINIONS ARE BINDING PRECEDENT IN THIS CIRCUIT?

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:

TRI-lift NORTH CAROLINA INC, NICKOL HAINES,
Hailey FULLER, BOB Bond and KAREN Bonds.

RELATED CASES

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TABLE OF AUTHORITIES CITED

CASES

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- *STEM V. GOMEZ* (2016, CAS TEX) 813 F3d 205, 41 BNA IER ~~CASE~~ CAS 103.
- *AMERICAN AUTO. INS. CO. V. FREUNDT* (1939, CA7 ILL) 103 F2d. 613.
- *ASHCROFT V. IGBAL*, 556 U.S. 662 (2009); 129 S.Ct. 1937, 173 L.Ed. 2d. 868, 77 U.S.L.W. 4387, 2009
- *Conley V. Gibson* 335 U.S. 41 (1957).... 45-46
- *HUPMAN V. COOK*, 640 F.2d 497, 501 n7 (4TH Cir. 1981); *REYNOLDS and RICHMAN Supra.*
- *KING V. BLANKENSHIP*, 636 F.2d. 70 at 72 (4TH Cir. 1980).

STATUTES AND RULES

28 U.S.C. 1331

42 U.S.C. 1983

OTHER

RULE OF THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT 18(d)(i) -- AN UNPUBLISHED
OPINION MAY BE CITED FOR WHAT PRECEDENTIAL
VALUE IT MAY HAVE, *Id.* 18(d)(iii).

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 20-1107; 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-00851; 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 01/07/20.

☐ 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: 06/23/20, 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

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

STATEMENT OF THE CASE

PETITIONER PARTICIPATED IN A FORK-LIFT TRAINING CLASS. PETITIONER PAID \$150.00 AND NEVER RECEIVED THE FORK-LIFT TRAINING CERTIFICATE -- EVEN AFTER AMPLE ATTEMPTS TO HAVE THE CERTIFICATE RE-ISSUED, BUT TO NO AVAIL.

REASONS FOR GRANTING THE PETITION

- THIS WRIT SHOULD BE ISSUED, BECAUSE
- (1) 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 FACTUAL PLAUSIBILITY WHEN PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW AN REASONABLE INFERENCE THAT THE DEFENDANT IS LIABLE FOR MISCONDUCT.
 - (2) UNPUBLISHED OPINIONS ARE NOT BINDING PRECEDENT AND ARE MERELY ACCEPTED WHEN THERE'S NO CASE CITATION ON POINT.
 - (3) LASTLY, THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. 1331(~~1331~~) -- THE DISTRICT COURT SHALL HAVE ORIGINAL JURISDICTION OF ALL CIVIL ACTIONS ARISING UNDER THE CONSTITUTION, LAWS OR TREATIES OF THE UNITED STATES.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

1 Derrick Z. Allen Sr.

Date: 06/25/2020