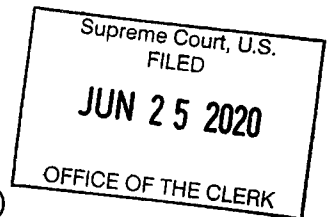


No. 20-5021

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

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



STATE OF NORTH vs.  
CAROLINA OFFICE OF ADMINISTRATIVE  
HEARING 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 M. 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PETITIONER, DERRICK M. ALLEN SR., RESPECTFULLY SUBMIT THIS PETITION FOR WRIT OF CERTIORARI FOLLOWING THE UNPUBLISHED PER CURIUM OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE 4TH CIRCUIT DISMISSING PETITIONERS APPEAL.

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 WHETHER PETITIONER COMPLAINT CONTAINS SUFFICIENT FACTUAL MATTER TO SURVIVE A MOTION TO DISMISS; AND WHETHER UNPUBLISHED OPINIONS ARE DEEMED AS BINDING PRECEDENT IN THIS CIRCUIT?

## 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:

STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS, Civil Rights Division, Human Relations Commission, Lamont C. Givins, Elouise Williams, Richard Boulden and Gene Troy.

## RELATED CASES

- (1) DERRICK M. ALLEN SR. V. PHILLIP JORDAN ET. AL (COA DOCKET # 20-1109); UNITED STATES SUPREME COURT DOCKET # 19-8458.
- (2) ANNETTE MOORE [DERRICK M. ALLEN SR. V. ANNETTE MOORE ET. AL]; UNITED STATES SUPREME COURT DOCKET # 19-8752.
- (3) DERRICK M. ALLEN V. KINGWOOD OPT. ET. AL. 1:19-CV-00992 (NCMD).
- (4) DERRICK ALLEN V. RENTGROW ET. AL. 1:20-CV-00256 (NCMD).

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## TABLE OF AUTHORITIES CITED

### CASES

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- (1) ASHCROFT V. IGBAL, 556 U.S. 662 (2009); 129 S. CT. 1937, 173 L. ED. 2d. 868, 77 USLW 4387, 2009.
- (2) BELL ATLANTIC CORP V. TWOMBLY, 550 U.S. 544
- (3) CONLEY V. GIBSON 335 U.S. 41 (1957)... 45-46
- (4) HUPMAN V. COOK, 640 F.2d. 497, 501 N7 (4<sup>TH</sup> CIR. 1981); REYNOLDS AND RICHMAN, SUPRA."
- (5) KING V. BLANKENSHIP, 636, F2d 70 at 72 (4<sup>TH</sup> CIRCUIT).

### STATUTES AND RULES

42 U.S.C. 1983

42 U.S.C. 1331

42 U.S.C. 1982

### OTHER

FED. RULE OF CIV. PROC. 8(A)(2).

RULES 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 20-1130; 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-00786; 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 05/21/2020.

☐ 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: 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 SECTION ONE OF THE 14<sup>TH</sup>  
AMENDMENT OF THE U.S. CONSTITUTION.



## STATEMENT OF THE CASE

HUMAN RELATIONS REFUSED TO INVESTIGATE FAIR HOUSING COMPLAINT (FAIR HOUSING INQUIRY #589728) I FILED AGAINST CRYSTAL KELSEY OF CROSSROADS NORTH HILLS IN RALEIGH, NORTH CAROLINA. THE REFUSAL IS OR WAS BASED ON INACCURATE INFORMATION DERIVED FROM MY CRIMINAL RECORD IN WHICH OFFENSE(S) HAVE BEEN DISMISSED/EXPUNGED.

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 CONTENT THAT ALLOWS THE COURT TO DRAW ON REASONABLE INFERENCE THAT DEFENDANT IS LIABLE FOR MISCONDUCT.

MOREOVER, UNPUBLISHED OPINIONS ARE MERELY ACCEPTED WHEN THERE'S NO CASE CITATION ON POINT.

## REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED BECAUSE "ALL CITIZENS OF THE UNITED STATES SHALL HAVE THE SAME RIGHT, IN EVERY STATE AND TERRITORY, AS IS ENJOYED BY WHITE CITIZEN THEREOF TO INHERIT, PURCHASE, LEASE, SELL, HOLD AND CONVEY REAL AND PERSONAL PROPERTY" PURSUANT TO 42 U.S.C. 1982.

I HAVE BEEN DENIED THE RIGHT TO PURCHASE, LEASE AND THE EQUAL PROTECTION OF LAWS GUARANTEED BY THE 14<sup>TH</sup> AMENDMENT OF UNITED STATES CONSTITUTION, SECTION ONE. THERE HAS BEEN A LOSS OF LIBERTY.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Sr.

Date: 06/25/2020