

No. **20-6476**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
NOV 16 2020
OFFICE OF THE CLERK

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

vs.
UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS, FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DERRICK M. ALLEN SR.
(Your Name) DURHAM COUNTY Jail
P.O. BOX 771
(Address)

DURHAM, N.C. 27701
(City, State, Zip Code)

919-450-7497
(Phone Number)

QUESTION(S) PRESENTED

WHETHER THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT ERRED IN AFFIRMING THE DISTRICT COURT DENIAL OF AN CERTIFICATE OF INNOCENCE IN RE 20-6493, PURSUANT TO 28 U.S.C. 2513 [EVEN THOUGH THE FEDERAL COURT OF CLAIMS HAS JURISDICTION PURSUANT TO 28 U.S.C. 1495]; AFTER THE SUPREME COURT VACATED THE JUDGMENT IN 18-7123 IN LIGHT OF REHAIF V. UNITED STATES, 588 U.S. ____ (2019).
?

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:

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OTHER

DERRICK M. ALLEN SR. VS. UNITED STATES OF
AMERICA -- FEDERAL COURT OF CLAIMS NO. 20-437
(C).

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 NO. 20-6493; 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☒ is unpublished.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 1:17-CR-157-1-LCB-1; 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 09/10/2020.

☐ 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: 10/16/2020, 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 FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION PROVIDES IN PART: THE RIGHT OF THE PEOPLE TO PETITION THE GOVERNMENT FOR AN REDRESS OF GRIEVANCES.

THE FOURTEENTH AMENDMENT AFFORDS CITIZEN(S) OF THE UNITED STATES THE EQUAL PROTECTION OF THE LAWS.

STATEMENT OF THE CASE

ATTORNEY KEVIN P. BRADLEY FROM THE OUTSET, REPRESENTED PETITIONER PRO BONO IN RE AN CERTIFICATE OF INNOCENCE PURSUANT TO TITLE 28 U.S.C. 2513 IN WHICH HE INITIALLY FILED WITH THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA WHICH WAS DENIED.

PETITIONER REPRESENTING HIMSELF PRO SE APPEAL THE JUDGMENT OF THE DISTRICT COURT IN THE MATTER OF DENIAL FOR CERTIFICATE OF INNOCENCE THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT AFFIRMED THE DISTRICT COURT'S RULING.

PETITIONER NOW APPEALS TO THE SUPREME COURT OF THE UNITED STATES -- EVEN THOUGH PETITIONER UNDERSTANDS THE FEDERAL COURT OF CLAIMS HAS JURISDICTION PURSUANT TO 28 USC 1495 AND ISSUE(S) ARE APPEALABLE TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT AND THEN THE SUPREME COURT OF THE UNITED STATES; THIS CASE IS NOW BEFORE THE UNITED STATES SUPREME COURT.

REASONS FOR GRANTING THE PETITION

EVEN THOUGH THE U.S. COURT OF APPEALS, NOR THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA HAS JURISDICTION OVER CLAIMS OF UNJUST CONVICTION. PETITIONER WAS ERRONEOUSLY MISLED BY COUNSEL, AND ACTING ON HIS OWN ACCORD RECTIFIED COUNSELOR ERROR BY FILING WITH THE FEDERAL COURT OF CLAIMS IN RE Allen v. USA No. 20-437C, AND TOO APPEALED THE DISTRICT COURT RULING AS WELL AS THE JUDGMENT OF THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT. PURSUANT TO ARTICLE III — JUDICIAL POWER (SECTION ONE) THE JUDICIAL POWER OF THE UNITED STATES, SHALL BE VESTED IN ONE SUPREME COURT. EVEN THOUGH THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, NOR THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT HAS JURISDICTION. THE SUPREME COURT OF THE UNITED STATES DOES

*** CONCLUSION**

The petition for a writ of certiorari should be granted.

THE SUPREME COURT OF THE UNITED STATES HAS
JURISDICTION PURSUANT TO ARTICLE III SECTION ONE.

Respectfully submitted,

Derrick M. Allen Sr.

Date: 11/16/2020