

20-7143
No. _____

Supreme Court, U.S.
FILED

NOV 30 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

HEYANGJING SHI ET. AL. ,

-PETITIONER(S)

vs.

JIM J MASH

-RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

**STATE OF NEW YORK
COURT OF APPEALS**

PETITION FOR WRIT OF CERTIORARI

XUE JIE HE , Pro Se

40 Ann Street

New York, New York 10038

3472689418

ORIGINAL

QUESTION PRESENTED

Whether it violates the equal protection clause of the Fourteenth Amendment to the U.S. Constitution,

1. There is no one plaintiff in the contract, can he file a lawsuit against the contract, under GOB - § 5-703(2)?
2. An unauthorized use Name in title of the action, is it a void judgment? and can it be executed?

LIST OF PARTIES

[●] 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:

XueJie He

-PETITIONER(S)

RELATED CASES

Pavesich v. New England Life Ins. Co., 50 S.E. 68 (Ga. 1905)

INDEX TO APPENDICES

- APPENDIX A** ORDERED, the motion for poor person is dismissed, that the motion for leave to appeal is dismissed that this Court does not have jurisdiction (see NY Const, art VI, § 3; CPLR 5602);
[Mo.No.2020-64] State Of New York Court Of Appeals [Hon. Janet DiFiore, presiding]. [Entered:04/20/20]
- APPENDIX B** Petitioner creditor(s) Jim J. Mash,
ORDERED: That a warrant of eviction shall issue removing all named respondents from the described premises.
[LT -053082-18/RI] Civil Court of the City of New York County of Richmond. [Hon.Kimberley Slade.]. [Entered:02/02/19]
- APPENDIX C** ORDERED that the motion for reargument of a motion for poor person leave to appeal is denied.
[Mo.No.2020-396] State Of New York Court Of Appeals [Hon. Janet DiFiore, presiding]. [Entered:09/01/20]
- APPENDIX D** Notice of Appeal, Filed By: (R) Heyangjing Shi; (R) Xuejie He.
[53082/18][Entered:02/214/19]
- APPENDIX E** ORDERED that appellant's motions of granting poor person, free transcripts and assignment of counsel are denied.
Absent are affidavits of service showing service of the motion papers on the Corporation Counsel as mandated by CPLR 1101 (c).
[2019-573 RIC] Appellate Term Of The Supreme Court Of The State Of New York For The 2Nd, 11Th & 13Th Judicial Districts.[Hon. Michael L. Pesce, P.J.Thomas P. Aliotta ,David Elliot, JJ.]. [Entered:07/15/19]
- APPENDIX F** ORDERED that Heyangjing Shi's motion is denials for granting leave to proceed as a poor person, and authorizing the state to pay the costs for a stenographic transcript.
[LT -053082-18/RI] Civil Court of the City of New York County of Richmond.[Hon.Thomas P. Aiiotta.]. [Entered:0314/19]
- APPENDIX G** ORDERED that the Xuejie He's motion is denials for granting leave to proceed as a poor person, and authorizing the state to pay the costs for a stenographic transcript.
[LT -053082-18/RI] Civil Court of the City of New York County of Richmond. [Hon.Thomas P. Aiiotta.]. [Entered:0314/19]

- APPENDIX H** Xuejie He waived that fee for filing a Notice of Appeal in this action.
[LT -053082-18/RI] Civil Court of the City of New York County
of Richmond.[Hon.Frances Ortiz][Entered:02/21/2019]
- APPENDIX I** Lease,Receipt for Shi: 08/01-08/31. [Entered:07/28/2019]
- APPENDIX J** Receipt for He: 12/011-12/31, Pay for Shi with He: January rent;
February rent to Jim Mash.
- APPENDIX K** Ownership is Jim Mash.
- APPENDIX L** Notice Of Eviction. [Entered: 03/01/19]

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 **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A, _____ 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 State Of New York Court Of Appeals
_____ court appears at Appendix A 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 highest state court decided my case was April 02, 2020.
A copy of that decision appears at Appendix A, _____.

☐ A timely petition for rehearing was thereafter denied on the following date:
September 01, 2020 and a copy of the order denying rehearing
appears at Appendix C _____.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourteenth Amendment to the United States Constitution (Section 1.)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

New York-CVR § 50

A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait or picture of any living person without having first obtained the written consent of such person, or if a minor of his or her parent or guardian, is guilty of a misdemeanor.

New York-GOB § 15-501(2). Executory accord

- 2. An executory accord shall not be denied effect as a defense or as the basis of an action or counterclaim by reason of the fact that the satisfaction or discharge of the claim, cause of action, contract, obligation, lease, mortgage or other security interest which is the subject of the accord was**

to occur at a time after the making of the accord, provided the promise of the party against whom it is sought to enforce the accord is in writing and signed by such party or by his agent. If executed by an agent, any promise required by this section to be in writing which affects or relates to real property or an interest therein as defined in section 5-101 in any manner stated in subdivisions one or two of section 5-703 of this chapter shall be void unless such agent was thereunto authorized in writing.

28 U.S. Code § 1915(a)(1)

(a) (1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

STATEMENT OF THE CASE

1. This is a civil action for eviction by the respondent Jim J Mash ("Mash" or "respondent") against the petitioners Heyangjing Shi ("Shi" or "Petitioner,") and Xuejie He, ("He" or "Petitioner,").

2. On July 28 ,2017, Yangfen Li (“Li”) with Shi signed lease for 126 Scribner Avenue, 1st Floor 4# bedroom, Staten Island, NY 10301 and, recover August(08/01-08/31) rent and depotion , that bedroom’s smallpox was leaking, move inside this bedroom on August 01,2017. [A-I]
3. Li asked Shi to pay rent to Jim Mash account (no respondent) from September ,2017. [A-J]
4. He moved in the Shi’s bedroom, Li forced He to pay her rent directly(12/11-12/31) to Jim Mash account (no respondent) on December 11,2017. [A-J]
5. The respondent served the 30 Day Notice (9-27-18) to Petitioners on August 22,2018.
6. The respondent sued Petitioners for eviction on October 16, 2018 But,
Homeowner is Jim Mash and Yangfen Li, isn't respondent Jim J Mash. [A-K]
7. On February 01, 2019, ORDERED: Creditor(s) Jim J. Mash, that a warrant of eviction shall issue removing all named respondents from the described premises on Civil Court of the City of New York County of Richmondby. [A-B].
8. On February 13, 2019, Petitioners filed a timely Notice of Appeal. [A-D]
9. On February 14, 2018, Motion for granting as a poor person and to waive court fees were declined on Civil Court of the City of New York County of Richmondby.
10. On February 21, 2019, He retrial motion for as a poor person only were waived that fee for filing a Notice of Appeal on Civil Court of the City of New York County of Richmondby. [A-H].

11. On March 1, 2019, NY city Marshal executed the judgment of unauthorized to use Name.
[A-L].
12. On March 14, 2019, Shi and He Motion for granting as poor person, free transcripts were declined on Civil Court of the City of New York County of Richmondby. [A-F] [A-G].
13. On Arilp 23, 2019, ORDERED that appellant's motions of granting poor person, free transcripts and assignment of counsel are denied on Appellate Term Of The Supreme Court Of The State Of New York For The 2Nd, 11Th & 13Th Judicial Districts. [A-E]
14. On Arilp 02, 2020, State Of New York Court Of Appeals dismissed the motion of petitioners for a poor person to leave to appeal. [A-A].
15. On September 01, 2020, State Of New York Court Of Appeals denied the motion of petitioners for reargument for a poor person to leave to appeal. [A-C].
16. WHEREFORE petitioner(s) prays for judgment against respondent, and each of them as follows:
 - Returning all named petitioners to the described premises.
 - For punitive damages according to proof.
 - For reasonable studied law fees and costs incurred herein, For such other and further relief as the court may deem just and proper.

REASONS FOR GRANTING THE WRIT

REASONS FOR GRANTING THE WRIT was the lower Court of judiciary discrimination:

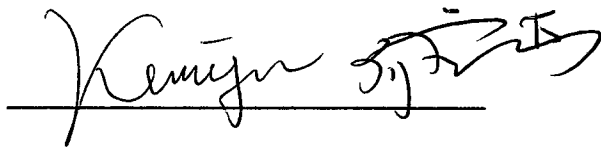
The lower Court dismissed the motion of Petitioner for a poor person to leave to appeal,
violates 28 U.S. C. § 1915.

Has so far departed from the accepted and usual course of judicial proceedings, sanctioned such
a departure by a lower court, as to call for an exercise of this Court's supervisory power.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: November 28, 2020