

No. **20-7302**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAR - 2 2021

OFFICE OF THE CLERK

DERRICK ALLEN SR. — PETITIONER
(Your Name)

vs.

RENTGROW ET. AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATE COURT OF APPEALS (4TH CIR.)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DERRICK ALLEN SR.
(Your Name)

110 N. COLEY STREET UNIT H
(Address)

DURHAM, N.C. 27702
(City, State, Zip Code)

984-888-1387
(Phone Number)

RECEIVED

MAR 2 - 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

WHETHER THE U.S. COURT OF APPEALS ERK IN AFFIRMING THE JUDGMENT OF DISTRICT COURT JUDGE THOMAS D. SCHROEDER... IN DISMISSING ALL CLAIM(S) BROUGHT AGAINST DEFENDANT(S) YARDI AND MORRELL... AND TOO DISMISSAL OF THE COMPLAINT AGAINST CORPORATION SERVICE COMPANY WITHOUT DETERMINING THE ACTION OR APPEAL... (i) IS FRIVOLOUS OR MALICIOUS; (ii) FAIL TO STATE A CLAIM ON WHICH RELIEF MAY BE GRANTED; OR (iii) SEEK MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.. PURSUANT TO 28 U.S.C. 1915(e)(5)(2)... AND WHETHER PETITIONER'S [ALLEN] LIBEL CLAIM MEETS THE CRITERIA OF DISMISSAL FOR LACK OF SUBJECT-MATTER-JURISDICTION PURSUANT TO FED. R. CIV. P. RULE 12(b)(1)....

WHEN IN FACT BOTH RENTGROW AND CORPORATION SERVICE COMPANY ARE ENTITIES ESTABLISHED OUT-SIDE THE STATE OF NORTH CAROLINA SATISFYING THE DIVERSITY OF CITIZENSHIP REQUIREMENT.

3. WHETHER FAILURE TO PERMIT A LAYMAN AT LAW TO AMEND HIS COMPLAINT FOR A SECOND TIME PURSUANT TO FED. R. CIV. P. 15(A)(2) INFRINGES THE EQUAL PROTECTION OF LAWS GUARANTEED BY THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION?

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:

ANANT YARDI, GORDON MORRELL AND CORPORATION
SERVICE COMPANY.

RELATED CASES

DERRICK M. ALLEN SR. VS. U.S.A 1:20CV00570
ALLEN V. BURLINGTON HOUSING AUTHORITY 1:20CV00486.
ALLEN V. JORDAN 1:19CV00700
ALLEN V. MOORE 1:19CV00710
ALLEN V. NINE 1:19CV00750
ALLEN V. KINGWOOD APARTMENTS ET. AL. 1:19CV00992

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

HAINES V. KERNER 404 U.S. 519, 520-21

FOLDEN V. UNITED STATES, 379 F.3d 1344, 1354 (Fed. Cir. 2004).

ASHTCROFT V. Iqbal 556 U.S. 662, 678.

BELL ATLANTIC CORP. V. TWOMBLY, 550 U.S. 544, 555.

STATUTES AND RULES

28 U.S.C. 1915(e)(b)(2)(i)(ii)(iii)

28 U.S.C. 1332 [DIVERSITY OF CITIZENSHIP]

15 U.S.C. 1681 [FAIR CREDIT REPORTING ACT].

FEDERAL RULE OF CIVIL PROCEDURE, RULE 8(A)(1)

FED. R. CIV. P. 12(b)(1)

FED. R. CIV. PROCEDURE 15(A)(2)

OTHER

RULE TEN OF THE RULES OF THE SUPREME COURT OF THE UNITED STATES.

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 20-1837/20-2014; 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 1:20-cv-00256; 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: 01/26/2021, 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 FIFTH AMENDMENT IN RELEVANT PART: NOR BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW.

THE FOURTEENTH AMENDMENT IN RELEVANT PART: 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.

THE EIGHTH AMENDMENT... NOR CRUEL AND UNUSUAL PUNISHMENT INFLICTED.

STATEMENT OF THE CASE

PETITIONER, DERRICK ALLEN, APPLIED FOR A APARTMENT AT LENNOX AND PATTERSON PLACE LOCATED IN DURHAM, NORTH CAROLINA.

REPRESENTATIVE(S) OF LENNOX AT PATTERSON PLACE DENIED MY APPLICATION DUE TO BACKGROUND CHECK DEPICTING I AS A SEX OFFENDER, MURDERER AND SO ON. MOREOVER, CONVICTIONS AND SENTENCES WERE VACATED... INsofar AS THE SEX OFFENSE AND MURDER OFFENSE(S) ARE CONCERNED. ULTIMATELY, RESULTING IN DISMISSAL OF OFFENSE(S) ON OCTOBER 25, 2016.

RENTGROW AN THIRD PARTY REPORTING AGENCY LISTED A NUMBER OF OFFENSE(S) IN 40 DIFFERENT WAYS MAKING MY CRIMINAL RECORD APPEAR WORSE THAN IT ACTUALLY IS. I AM NOT A CONVICTED FELON, BUT CATEGORIZE AS A FELON.

MY ATTEMPTS TO DISPUTE THE INACCURATE INFORMATION SERVED NO PURPOSE. I AM STILL WITHOUT MY OWN EARTHLY ABODE.

REASONS FOR GRANTING THE PETITION

WHEN DETERMINING WHETHER A COMPLAINT FILED BY A PRO'SE PLAINTIFF IS SUFFICIENT TO INVOKE REVIEW BY A COURT, A PRO'SE PLAINTIFF IS ENTITLED TO ~~MAKE~~ A MORE LIBERAL CONSTRUCTION OF THE PRO'SE PLAINTIFF'S PLEADINGS. SEE, HAINES V. KERNE R, 404 U.S. 519, 520-21. (REQUIRING THAT ALLEGATIONS CONTAINED IN A PRO'SE COMPLAINT BE HELD TO LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY LAWYERS).

MOREOVER, SUBJECT-MATTER-JURISDICTION MAY BE CHALLENGED AT ANY TIME BY THE PARTIES OR BY THE COURT SUA SPONTE. FOLDEN V. UNITED STATES, 379 F. 3d 1344, 1354 (FED. CIR. 2004). THE COURT MUST ADDRESS JURISDICTIONAL ISSUES, EVEN SUA SPONTE, WHEN EVER THOSE ISSUE(S) COME TO THE COURT'S ATTENTION, WHETHER RAISED BY A PARTY OR NOT, AND EVEN IF THE PARTIES AFFIRMATIVELY URGES THE COURT TO EXERCISE JURISDICTION OVER THE CASE" (CITING FOSTER V. CHATMAN, 136 S. CT. 1737 1745 (2016)). HERE, PETITIONER ESTABLISHES THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA HAS JURISDICTION PURSUANT TO 28 U.S.C. 1332 TO ADJUDICATE PETITIONER'S CLAIM OF CONSTITUTIONAL VIOLATIONS IN RE 15 U.S.C. 1681. HENCE, THIS PETITION SHOULD BE GRANTED.

FURTHERMORE, IN DISMISSING ALL CLAIM(S)
BROUGHT AGAINST DEFENDANT(S) YARDI AND MORE
ELL AND TOO DISMISSAL OF THE COMPLAINT AGAINST
CORPORATION SERVICE COMPANY WITHOUT DETERMINING
THE ACTION OR APPEAL... IS FRIVOLOUS OR MALICIOUS, FAILS
TO STATE A CLAIM ON WHICH RELIEF MAY BE GRANTED,
OR SEEK MONETARY RELIEF AGAINST A DEFENDANT WHO
IS IMMUNE FROM SUCH RELIEF... HAS SO DEPARTED FROM
THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEED-
INGS, OR SANCTIONED SUCH A DEPARTURE BY A LOU-
ER COURT, AS TO CALL FOR AN EXERCISE OF THIS COURT'S
SUPERVISORY POWER.

CONCLUSION

IN ORDER TO SURVIVE A MOTION TO DISMISS, A COMPLAINT
MUST CONTAIN SUFFICIENT FACTUAL MATTER, ACCEPTED AS TRUE TO
STATE A CLAIM TO RELIEF THAT IS PLAUSIBLE ON ITS FACE. "ASHCROFT V
IGBAL, 556 U.S. 662, 678 (2009) (CITING BELL ATL. CORP. V. TWOMBLY, 55
The petition for a writ of certiorari should be granted. U.S. 544, 555".

Respectfully submitted,

Derrick Allen

Date: 02/22/2021