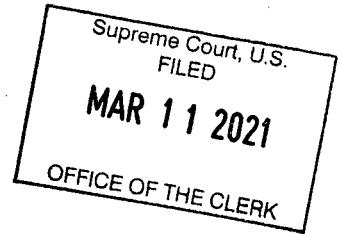


No. 20-7445

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES



DERRICK M. ALLEN SR. PETITIONER  
(Your Name)

vs.  
SUNTRUST Bank et. al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

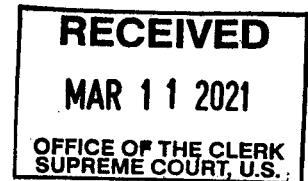
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

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 (4<sup>TH</sup> CIR.)  
ERRED IN AFFIRMING DISMISSAL OF PETITIONERS CIVIL COMPLAINT FOR WANT OF  
SUBJECT MATTER JURISDICTION, WHEN THE  
BASIS FOR FEDERAL COURT JURISDICTION  
HAS BEEN IDENTIFIED AS AN FEDERAL  
QUESTION PURSUANT TO 28 U.S.C. 1331;  
AND WHETHER THE FEDERAL QUESTION  
HAS PROPERLY BEEN POSED INSOFAR AS  
EXPOUNDING UPON THE 7<sup>TH</sup> AMENDMENT  
OF THE UNITED STATES CONSTITUTION AS THE  
PITH AND/OR ESSENTIAL PART OF THE  
QUESTION?

## **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:

TRUIST Bank, HEATH CAMPBELL AND  
BETH BARHAN.

## **RELATED CASES**

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## TABLE OF AUTHORITIES CITED

### CASES

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Howard V. STATE DEPT. OF Highways (1973, CA10 Colo)  
478 F2d 581, 1973-1 CCH TRADE CASES) P. 74509

Calthoun V. UNITED STATES (1977, SD CAL.) 475 F. Suppl.  
aff'd (CA9 CAL) 604, F2d 647, CERT. DEN. 444 - US 1078  
62 Lec. 2d. 761, 100 S. CT. 1029

### STATUTES AND RULES

28 U.S.C. 1331

42 U.S.C. 1983

### OTHER

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. 20-1921; 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-00293; 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 January 7, 2021.

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: \_\_\_\_\_, 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 \_\_\_\_\_.  
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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 SEVENTH AMENDMENT PROVIDES: IN SUITS AT COMMON LAW, WHERE THE VALUE IN CONTROVERSY SHALL EXCEED TWENTY DOLLARS, THE RIGHT OF TRIAL BY JURY SHALL BE PRESERVED...

THE FOURTEENTH AMENDMENT PROVIDES IN RELEVANT PART: NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF LAWS.

THE EIGHTH AMENDMENT PROVIDES: NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENT INFlicted.

STATEMENT OF THE CASE

Acting UNDER COLOR OF STATE LAW, THEIR HAS  
Been A MISUSE OF POWER, POSSESSED BY  
VIRTUE OF STATE LAW and MADE POSSIBLE  
ONLY BECAUSE WRONGDOERS IS CLOTTED  
WITH AUTHORITY OF STATE LAW.

HERE, PETITIONER ESTABLISHES BANK OFFIC  
IALS PERPETUALLY DRAFTED -- OR ALLOWED  
MERCHANT(S) TO DRAFT MORE THAN A  
Single PAYMENT FOR SERVICES RENDERED  
WITHIN A MONTHS TIME FRAME WHICH  
EXCEEDS ~~to~~ THE \$80.00 THRESHOLD ARTICULAT  
ED BY THE SEVENTH AMENDMENT OF THE  
UNITED STATES CONSTITUTION, PRESERVING  
TRIAL BY JURY. THE FEDERAL QUESTION IS,  
HAS PETITIONER CONSTITUTIONAL RIGHT(S) BEEN  
INFILDED; AND WHETHER DISMISSAL FOR WANT  
OF SUBJECT MATTER JURISDICTION HAS BEEN  
ESTABLISHED?

REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED BECAUSE AN SUBSTANTIAL FEDERAL QUESTION HAS BEEN PRESENTED, AND DISMISSAL FOR WANT OF JURISDICTION IS NOT PROPER. MOREOVER, AN MOTION TO DISMISS ACTION FOR FAILURE TO STATE A CLAIM OR FOR WANT OF SUBJECT MATTER JURISDICTION MAY BE GRANTED ONLY IF IT APPEARS BEYOND DOUBT THAT PLAINTIFF CAN PROVE NO SET OF FACTS IN SUPPORT OF HIS CLAIM WHICH WOULD ENTITLE HIM TO RELIEF. HERE, PETITIONER HAS DEMONSTRATED MERCHANT(S) DRAFTED MORE THAN A SINGLE PAYMENT FROM HIS ESSENTIAL CHECKING ACCOUNT WITHIN ONE MONTHS TIME, FRAMING INFRINGING PETITIONER'S SEVENTH AMENDMENT OF THE U.S. CONSTITUTION.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derick M. Allen Jr.

Date: January 26, 2001.