

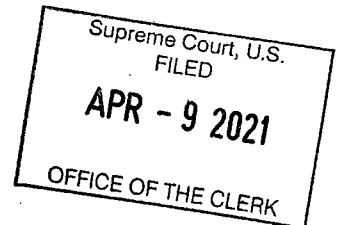
20-7698

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Derrick M. Allen PETITIONER
(Your Name)

Town of Cary's Police Dept. vs. et. AL.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE 4TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

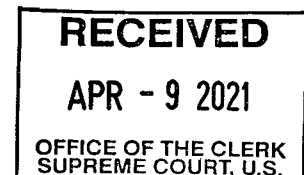
PETITION FOR WRIT OF CERTIORARI

Derrick M. Allen
(Your Name)

P.O. Box 1675
(Address)

Raleigh, N.C. 27602
(City, State, Zip Code)

(919) 973-3632
(Phone Number)



QUESTION(S) PRESENTED

WHETHER DISMISSAL OF ACTION AS
FRIVOLOUS AND/OR FOR FAILURE TO STATE A
CLAIM AGAINST THE TOWN OF CARY'S POLICE
DEPARTMENT AND POLICE CHIEF TONI
DEZOMITS IS ADEQUATE (WHEN PETITIONER
CAN PROVE FACTS TO SUPPORT HIS CLAIM)?

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:

OFC. N. COFFEY AND POLICE CHIEF

TONI DEZOMIT(S).

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Conley v. Gibson, 355 U.S. 41 (1957).

Bell Atlantic Corporation v. Twombly, 55 U.S. 544 (2007).

Ashcroft v. Iqbal, 556 U.S. 662 (2009).

STATUTES AND RULES

FED. R. CIV. PRO. 15(a)(2).

OTHER

A Complaint is Frivolous where it lacks an arguable basis either in law or fact. A motion is frivolous when either (1) the factual contentions are clearly baseless, such as when allegation(s) are the product of delusion or fantasy.

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 20-7474; 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 5:20-CV-00144; 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 03/30/2021.

☒ 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 _____.

☐ 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 XIV AMENDMENT IN RELEVANT PART, NOR
DENY TO ANY PERSON WITHIN ITS JURISDICTION
THE EQUAL PROTECTION OF LAWS.

STATEMENT OF THE CASE

SEPTEMBER 14, 2019 OFC. N. COFFEY
ISSUED I A CITATION [823G709].

THIS TRAFFIC INFRACTION WAS DISMISSED
BY JUDGE J. SATISF, 06/08/20. PETITIONER
ESTABLISHES, OFC. COFFEY STEREOTYPED AN
AFRICAN AMERICAN MALE, AND POLLED HIM
OVER FOR NO LEGITIMATE REASON.

REASONS FOR GRANTING THE PETITION

BECAUSE 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.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen

Date: 04/01/2021