

No. 21-5130

IN THE  
SUPREME COURT OF THE UNITED STATES

MICHAEL STOREY  
(Your Name)

PETITIONER

ORIGINAL

vs.

CITY OF ALTON

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED  
JUL 12 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

APPELLATE COURT OF IL 5TH DISTRICT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL STOREY  
(Your Name)

*Michael Storey*

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(City, State, Zip Code)

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## QUESTION(S) PRESENTED

Can a city deny a resident use of his land without due process?

Can city allow resident to develop his property then without any changes to its Official city code stop said development?

After allowing resident to start developing his property can city claim this type of development is not allowed?

## **List of parties**

All parties appear in the caption of the case on the cover page

## **RELATED CASES**

## TABLE OF AUTHORITIES CITED

### CASES

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In United States constitutional law, a **regulatory taking** occurs when governmental regulations limit the use of private property to such a degree that the landowner is effectively deprived of all economically reasonable use or value of their property. Under the Fifth Amendment to the United States Constitution governments are required to pay just compensation for such takings. The amendment is incorporated to the states via the Due Process Clause of the Fourteenth Amendment.

*Pennsylvania Coal v. Mahon* (1922)

*Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978).

*Lucas v. South Carolina Coastal Council*,

*Agins v. Tiburon*, 447 U.S. 255 (1980).

*Nollan v. California Coastal Commission*

*Dolan v. City of Tigard*, 512 U.S. 374 (1994)

## STATUTES AND RULES

## 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 \_\_\_\_\_ 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☐ is unpublished.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 United States district 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.

☐ 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 ~~CIRCUIT COURT THIRD JUDICIAL CIRCUIT~~ court appears at Appendix B to the petition and is MADISON COUNTY

- ☐ 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 \_\_\_\_\_.

☐ 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 11-23-20.  
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: 4-24-21, and a copy of the order denying rehearing appears at Appendix D.

☐ 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 to the Constitution clearly states that Americans cannot be deprived of their property without due process of law. Respondent made no effort to use the courts to stop petitioner from the use of his land. Respondent used regulatory taking to stop petitioner. Respondent's actions to stop the project came after respondent had allowed petitioner to start project and construct 2 sites on the property which violated the principle of Estoppel.

## **REASONS FOR GRANTING THE PETITION**

Respondent is violating petitioner's Constitutional rights provided under the Fifth Amendment. The Petitioner has used regulatory taking to deprive petitioner of his property without due process.

Respondent has demonstrated petitioner has the right to use his property for a manufactured home community by allowing petitioner to start construction of the project and issuing permits for such. Respondent has taken petitioner's land without any action by the courts or respondent's city council giving it authority to do such.

Respondent cannot be allowed to continue to deprive petitioner of his property without due process.

## **STATEMENT OF THE CASE**

Petitioner is the owner of property with-in Respondent's jurisdiction.

Respondent agreed both verbally and in writing said property is properly zoned for and could be used as a manufactured home community and lots in that community could be sold to third parties.

Respondent did allow Petitioner to develop part of his property in line with his agreement with Respondent but without any due process stopped Petitioner from completing the project and has virtually taken Petitioner's property.

Respondent has failed to present any documents to the Petitioner or any court to suggest the property cannot be used for this purpose.

Respondent has failed to use due process of the law to prevent Petitioner for the purpose it is zoned for.

Respondent has advised Petitioner that the property cannot be used for any purpose that requires any type of structure.

Petitioner purchased the property for the sole use as a manufactured home community which the Respondent refuses to allow.

Respondent has taken Petitioner's property without due process of the law as required under the Fifth Amendment to the Constitution.

## **CONCLUSION**

Petitioner is the rightful owner of the property. Respondent agreed said property is zoned for use as a manufactured home community with lots to be sold to third parties. Respondent allowed petitioner to divide and sell lots in 2002.

These actions by respondent establish a history and basis for estoppel that allows petitioner to continue with his development.

Respondents defense claim that petitioner has no right to develop his property is made null and void by respondent's previous acts of allowing petitioner to develop part of this tract. Once respondent allowed petitioner to divide, develop and sell part of the tract respondent verified petitioner had the right to complete the development as a manufactured home community.

These actions also demonstrate respondent has the ability and authority to act as petitioner asks for in his writ of Mandamus. Petitioner is not asking respondent to perform any duty it has not previously performed.

Petitioner encountered a large loss in actual damages caused by respondent's actions in originally allowing him to start the development and then stopping him from completing said development.

Respondent is liable for petitioner's losses and should be ordered to compensate petitioner for such.

The Petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Storey