

21-5333

Supreme Court, U.S.
FILED

JUL 14 2021

OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL E. HARRIS, — PETITIONER
(Your Name)

vs.

ANTHONY AKIDI, OWNER — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITES STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

HARRIS, MICHAEL EVERETT
(Your Name)

11934 Willowbrook Avenue
(Address)

Los Angeles, California 90059-2647
(City, State, Zip Code)

(747) 955-0125 cell telephone
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Did the United States court of appeals error and abuse its discretion, in dismissing the petitioner's prima facie personal injury, civil rights complaint, in this jury demand civil action, after the United States district court did the same?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

ANTHONY AKIDI, Owner Havenly Homes Foundation, in his official and his individual capacities, Respondent.

RELATED CASES

N/A

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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 _____; 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☒ is unpublished.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 _____; 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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 May 11, 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: May 11, 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

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour...

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States...to Controversies to which the United States shall be a Party...between Citizens of different States...

AMENDMENT VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT XIV.

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.

STATEMENT OF THE CASE

Petitioner Michael E. Harris filed a prima facie personal injury, civil rights complaint, against respondent, with a motion to proceed in forma pauperis, in the district court, about December 15, 2020. Petitioner's civil case was dismissed and closed, on December 16, 2020. Petitioner's motion to proceed in forma pauperis was also denied. Next, petitioner filed a timely appeal in the United States Court of Appeals for the Ninth Circuit, on January 11, 2021. The Ninth Circuit denied the petitioner's response to the Court's February 18, 2021 order, denied the petitioner's motion to proceed in forma pauperis, and dismissed the petitioner's appeal, on May 11, 2021.

Petitioner prays for and demands relief, in this Court. In brief, on July 8, 2019 the petitioner submitted a written complaint to the United States Department of Justice - Fraud - Ethics - Criminal - Hate Crime, Civil Rights Division, Criminal Section, against the respondent, for civil rights violations. The respondent is sued in his official and his individual capacities.

REASONS FOR GRANTING THE PETITION

The United States Ninth Circuit has so far departed from the accepted and usual course of judicial proceedings, and has sanctioned such a departure by the District Court, as to call for an exercise of this Court's supervisory Power. The inferior Courts, are in conflict with relevant decisions of this Court.

The court of appeals erred in dismissing the Petitioner's prima facie complaint, and it is an abuse of discretion. The cause of action arises under the United States Constitution, the Bill of Rights, the Fourth, Fifth, and Fourteenth Amendments, 28 U.S.C. Section 1331 and 1343, Hate Crimes Prevention Act of 2009, 18 U.S.C. Section 249 of Title 18, 42 U.S.C. Section 3631 of Title 42, 18 U.S.C. Section 241 and 242 of Title 18, Title 42 U.S.C. Section 1983 of the Civil Rights Act of 1871, California State law Code Sections 51; 335.1; 340; California common law, the Unruh Civil Rights Act of California 1959, and case law.

Petitioner is entitled to relief for claims, as a matter of law. The Petitioner has kept in mind the principle that a pro se complaint, "however inartfully pleaded," should be held to "less stringent standards than formal pleadings drafted by lawyers." *Hanes v. Kerner*, 404 U.S. 519, 520-21 (1972). If it please this Court, petitioner requests this case be expedited, due to extraordinary circumstances, and exceptional condition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael E. Harris

Date: July 14, 2021