

21-5374

Supreme Court, U.S.  
FILED

JUL 28 2021

OFFICE OF THE CLERK

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

On Petition For A Writ of Certiorari to UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Patrina Harrison  
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**ORIGINAL**

## QUESTION(S) PRESENTED

- I. Pursuant to 42 U.S.C. Section 1981 can Defendant Wells Fargo Bank and its Branch manager deny Plaintiff "access to servicing her federal home because she is Negro?
- II. Pursuant to 42 U.S.C. Section 1981, can Defendant Wells Fargo Bank and its Branch Manager deny Plaintiff the "right to make and enforce a contract with Wells Fargo Bank, as a result of racial discrimination?
- III. Pursuant to 42 U.S.C. Section 1983 and Equal Protection Clause, can Defendant Wells Fargo Bank and its Branch Manager "humiliate Plaintiff, by denying her service and not providing equal access to the bank's facility and its promotional product because Plaintiff is Negro?
- IV. Pursuant to Section 601 of the Civil Rights Act of 1964, can Defendant Wells Fargo Bank and its Branch Manager refuse Plaintiff the right to service, while serving under the color of law, in the defendant's capacity serving as an agent of the federal government, processing federal home loan application, inflict emotional distress injuries onto Plaintiff Harrison because she is Negro?
- V. Whether the Ninth Circuit Court of Appeals decide on the merits of a case that was not asked by the Appellant to decide on, and render a final ruling, while ignoring the merits of the case asked to preside a ruling on?
- VI. Pursuant to 42 U.S.C. Section 1982, can Defendants Wells Fargo Bank and its Branch manager exclude Plaintiff from competing for the right to purchase, lease, sell, hold, and convey real and personal property because Plaintiff is a member of a racial minority?
- VII. Whether Defendant Wells Fargo Bank can determine that Plaintiff is not qualified to receive a home loan based on refusing Plaintiff's documentary evidence to support her eligibility otherwise?

VIII. Whether Summary can be granted on merits not asked to be redressed in its appeal?

IX. Pursuant to 42 U.S.C. Section 1981 can Defendant Wells Fargo Bank and its Branch manager deny Plaintiff the opportunity to contract for the service of Plaintiff's federal home loan application, by telling her to leave The bank and that she is black?

X. Pursuant to 42 Section 1981 can Defendant Wells Fargo Bank and its Branch manager refuse to let Plaintiff see a banker because Plaintiff is Negro?

XI. Pursuant to Equal Credit Opportunity Act & Fair Housing Act, can Defendant Wells Fargo Bank and its Branch manager discriminate against Plaintiff with respect to any aspect of cred transaction on the basis of Plaintiff's race, or color?

XII. Pursuant to the Federal Housing Act ("FHA"), can Defendant Wells Fargo Bank and its Branch manager discriminate against Plaintiff by making unavailable real-estate transactions, or in the terms or conditions of such a transaction because of Plaintiff's race and color?

XIII. Pursuant to 42 U.S.C. Section 3605(a) are Plaintiff's rights protected under the FHA?

#### 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:

## TABLE OF AUTHORITIES CITED

CASES:	PAGE No.
1. Schlegel v. Wells Fargo Bank, NA, 720 F.3d 1204, 1210 (9 <sup>th</sup> Cir. 2013)	<u>13</u>
2. Hafiz v. Greenpoint Mortg. Funding, Inc., 652 F.Supp. 2d 1039, 1045 (N.D. Cal. 2009)	<u>8,9</u>
3. Domino's Pizza, Inc. v. McDonald, 546 U.S. 470, 475 (2006)	<u>8,9</u>
4. Nat'l Ass'n Of African Am. -Owned Media v. Charter Commo'ns, Inc., 915 F.3d 617, 622 (9 <sup>th</sup> Cir. 2019)	<u>14,</u>
5. Lindsey v. SLT Los Angeles, LLC, 447 F.3d 1138, 1144 (9 <sup>th</sup> Cir. 2006)	<u>14</u>
6. Nuerre v. Whitehead, 580 F.3d 1087, 1092 (9 <sup>th</sup> Cir. 2009)	<u>13</u>
7. McDonald v. Santa fe Trial Transp. Co 427, U.S. 272 (1976)	<u>8,9</u>
8. Patterson v. McLean Credit Union, 491 U.S. 164 (1989)	<u>8,9</u>
9. Jones v. Alfred H. Mayer CO, 392 U.S. 409 (1968)	<u>13,</u>
10. Gilligan v. Jamco Dev. Corp., 108 F.3d 246, 249 (9 <sup>th</sup> Cir. 1997)	<u>14,</u>
11. Harris v. Itzhaki, 183 F.3d 1043, 1051 (9 <sup>th</sup> Cir. 1999)	<u>14</u>
12. Douglas Corp. v. Green, 411 U.S. 792, 802 -03 (1973)	<u>13</u>
13. Phiffer v. Proud Parrot Motor Hotel, Inc., 648 F.2d 548, 551 (9 <sup>th</sup> Cir. 1980)	<u>14</u>
14. Anderson v. Liberty, 477 U.S. 242 (1986)	<u>13</u>
15. Easter v. Am. W. Fin, 381 F.3d 948 (9 <sup>th</sup> Cir. 2004)	<u>8</u>
16. Celotex Corp. v. Catrett, 477 U.S. 317, 106 S. Ct.	<u>9</u>
 <b>STATUTES AND RULES</b>	
1) 42 U.S.C. Section 1981	<u>8</u>
2) 42 U.S.C. Section 1982	<u>13</u>
3) 42 U.S.C. Section 1983	<u>14</u>
4) (ECOA), 15 U.S.C. SECTION 1691	<u>13</u>
5) Fair Housing Act 15 U.S.C. Section 1691 (a)	<u>9</u>
6) Dodd – Frank Wall Street Reform/Consumer Protection Act	<u>8</u>
7) 24 CFR Section 100.1 – 100.500 (HUD's Regulations)	<u>8</u>
8) 42 U.S.C. Section 2000d	<u>13</u>

## RELATED CASES

17. Schlegel v. Wells Fargo Bank, NA, 720 F.3d 1204, 1210 (9 <sup>th</sup> Cir. 2013)	<u>14</u>
18. Hafiz v. Greenpoint Mortg. Funding, Inc., 652 F.Supp. 2d 1039, 1045 (N.D. Cal. 2009)	<u>14</u>
19. Domino's Pizza, Inc. v. McDonald, 546 U.S. 470, 475 (2006)	<u>14</u>
20. Nat'l Ass'n Of African Am. -Owned Media v. Charter Commo'ns, Inc., 915 F.3d 617, 622 (9 <sup>th</sup> Cir. 2019)	<u>8</u>
21. Lindsey v. SLT Los Angeles, LLC, 447 F.3d 1138, 1144 (9 <sup>th</sup> Cir. 2006)	<u>9</u>
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23. McDonald v. Santa fe Trial Transp. Co 427, U.S. 272 (1976)	<u>13</u>
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25. Jones v. Alfred H. Mayer CO, 392 U.S. 409 (1968)	<u>9</u>
26. Gilligan v. Jamco Dev. Corp., 108 F.3d 246, 249 (9 <sup>th</sup> Cir. 1997)	<u>8</u>
27. Harris v. Itzhaki, 183 F.3d 1043, 1051 (9 <sup>th</sup> Cir. 1999)	<u>9</u>
28. Douglas Corp. v. Green, 411 U.S. 792, 802 -03 (1973)	<u>14</u>
29. Phiffer v. Proud Parrot Motor Hotel, Inc., 648 F.2d 548, 551 (9 <sup>th</sup> Cir. 1980)	<u>13</u>
30. Anderson v. Liberty, 477 U.S. 242 (1986)	<u>13</u>
31. Easter v. Am. W. Fin, 381 F.3d 948 (9 <sup>th</sup> Cir. 2004)	<u>14</u>
32. Celotex Corp. v. Catrett, 477 U.S. 317, 106 S. Ct.	<u>8</u>

## TABLE OF CONTENTS

OPINIONS BELOW.....	11
JURISDICTION.....	12
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	12
STATEMENT OF THE CASE .....	13
REASONS FOR GRANTING THE WRIT .....	13
CONCLUSION.....	14

## INDEX TO APPENDICES

**APPENDIX A Opinion of the U.S. Court of Appeals**

**APPENDIX B Opinion of the U.S. District Court**

**IN THE SUPREME COURT OF THE UNITED STATES**

**PETITION FOR WRIT OF CERTIORARI**

**Petitioner respectfully prays**

**that a Writ Of Certiorari is issued to review the judgment below.**

### OPINIONS BELOW

☒ For cases from federal courts:

The opinion of the United States Court of Appeals For the Ninth Circuit appears at Appendix A to the petition and is

☐ reported at

☐ has been designated for publication but is not yet reported

☒ is unpublished.

☐ For cases from federal courts:

The opinion of the United States District Court For the Northern District of California appears at Appendix B to the petition and is

☐ reported at

☐ has been designated for publication but is not yet reported

☒ is unpublished.

### JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals for the Ninth Circuit decided my case was On JULY 22, 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.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves 42 U.S.C. Section 1981 which provides:

All persons within the jurisdiction of the United States Shall have the same right in every state and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit.

(1) To establish a prima facie case for a Section 1981 claim in a non-employment context, plaintiff must show that: "(1) [she] is a member of a protected class, (2) [she] attempted to contract for certain services, (3) [she] denied the right to contract for those services," and (4) "such services remained available to similarly-situated individuals who were not members of the plaintiff's protected class."

### STATEMENT OF THE CASE

Plaintiff challenged Defendants race based discrimination in access to servicing her home loan application, and providing equal access to the bank' facility and its promotional products. Thereby, inflicting emotional distress injuries onto Plaintiff, and violating Plaintiff's "right to make and enforce a contract with Wells Fargo Bank resulting on the basis of racial discrimination.

Plaintiff maintains that Respondents refused her access to servicing her federal home application, whereas humiliating Plaintiff, by denying her service

and not providing equal access to the bank facility and its promotional products.

Petitioner believes that the issues raised are sufficient for at least 4 Justices to vote to grant Certiorari.

## **REASONS FOR GRANTING THE PETITION**

### **(A) CONFLICT WITH DECISIONS OF OTHER COURTS**

The Holdings of the Courts below that the Ms. Harrison was unqualified for the mortgage she sought, thus her § 1982, ECOA, and FHA claims fail as a matter of law. And Ms. Harrison does not provide sufficient evidence that Wells Fargo actually denied her service, thus her § 1981 claims also fail. The motion for summary judgment is GRANTED.

In *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470, 475 (2006). While Section 1981 applies to both public and "purely private acts of racial discrimination," it reaches only purposeful discrimination." *Nat'l Ass'n of African Am. -Owned Media v. Charter Commc'ns, Inc.*, 915 F.3d 617, 622 (9<sup>th</sup> Cir. 2019).

### **(B) IMPORTANCE OF THE QUESTIONS PRESENTED**

(I) This court should visit this issue due to the fact that it has the potential to affect Thousands of Negroes who are seeking to service their home loan application, have equal access to the bank facility, and promotional at Wells Fargo Banks.

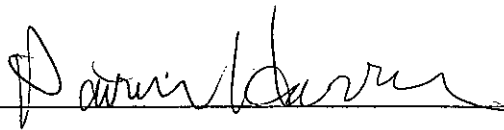


(II) Defendants require that Negroes do not have equal access to the bank facility, and promotional items. Defendants also require that Negro Bank Customers are not allowed to see a banker to submit additional source documents to support a favorable decision on their home loan application.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted

  
\_\_\_\_\_

Date July 28, 2021

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
PATRINA HARRISON – PETITIONER

Vs.

WELLS FARGO BANK; NICHOLAS PACUMIO, BRANCH MANAGER –  
RESPONDENTS

**PROOF OF SERVICE**

I, John Rueny do swear or declare that on this date, July 28, 2021, as required by Supreme Court Rule 29 I have served the enclosed **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS** and **PETITION FOR A WRIT OF CERTIORARI** on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. **The names and addresses of those served are as follows:** Wells Fargo Bank, Nicholas Pacumio, Branch Manager,

Attorney For Defendants: Evelina Manukyan, One Embarcadero Center, Suite 2600,

San Francisco, California 94111.

Executed on Wednesday, 28th Day of JULY, 2021

John Rueny  
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SF CA 94109

