

In The United States Supreme Court

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REGINALD E. BARNES SR.,

Petitioner

v.

CITY OF CLEVELAND, ET. AL.,

Respondents

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**ON MOTION AND PETITION FOR EXTENSION TO PETITION FOR WRIT OF  
CERTIORARI FOR 60 DAYS**

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From the United States Court of Appeals for the Sixth Circuit

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Reginald E. Barnes, Sr., Pro Se, Petitioner  
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# In The United States Supreme Court

REGINALD E./ BARNES SR., ) JUSTICE: Brett M. Kavanaugh,  
Petitioner ) Associate Justice  
v. )  
CITY OF CLEVELAND, ET. AL, ) **APPLICATION FOR EXTENSION  
OF 60 DAYS TO FILE WRIT OF  
CERTIORARI**  
Respondents ) **FROM THE UNITED STATES  
COURT OF APPEALS FOR THE  
SIXTH CIRCUIT**

Petitioner Reginald E. Barnes, Sr. through this motion requests Brett M. Kavanaugh the Justice that has he allotment for the Sixth Circuit Court of Appeals, for an extension of time to file a Petition for Writ of Certiorari and Jurisdictional Statement, because I have been forced into homelessness and experiencing difficulties relating to the coronavirus covid health crisis. This motion is made under Rule 13.5, 21, 22, 30, 39, being made at least 10 days prior to the date a Petition for Writ of Certiorari would be due under Supreme Court Rule 13. The Six Circuit Court of Appeals issued its Order Denying Rehearing on January 26, 2022. Today is Saturday-April-16-2022.

## CERTIFICATE OF SERVICE

This Motion applying for an extension of time to file a Petition for Writ of Certiorari is filed with the Clerk of Court on April, 16, 2022, through United States Express Delivery Mail Service. There are no parties requiring service.

Respectfully submitted,



Reginald E. Barnes, Sr., Pro Se  
Post Office Box 110374  
Cleveland, Ohio 44111  
(216) 417 - 9189

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

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Filed: January 26, 2022

Mr. Reginald E Barnes Sr.  
P. O. Box 110374  
Cleveland, OH 44111

Re: Case No. 20-4130, *Reginald Barnes, Sr. v. City of Cleveland, OH, et al*  
Originating Case No. 1:18-cv-01866

Dear Mr. Barnes,

The Court issued the enclosed Order today in this case.

Sincerely,

s/Gretchen S. Abruzzo  
Case Manager  
Direct Dial No. 513-564-7018

cc: Ms. Sandy Opacich

Enclosure

No. 20-4130

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Jan 26, 2022  
DEBORAH S. HUNT, Clerk

REGINALD E. BARNES, SR.,

)

Plaintiff-Appellant,

)

v.

)

CITY OF CLEVELAND, OH, et al.,

)

Defendants-Appellees.

)

O R D E R

Before: BATCHELDER, COOK, and STRANCH, Circuit Judges.

Reginald E. Barnes, Sr., has filed a petition for rehearing of this court's order of June 15, 2021, affirming the district court's denial of his post-judgment motions in his civil action.

We have reviewed the petition and conclude that we did not misapprehend or overlook any point of law or fact when we entered our previous order. *See* Fed. R. App. P. 40(a)(2).

We therefore **DENY** the petition for rehearing.

ENTERED BY ORDER OF THE COURT

  
\_\_\_\_\_  
Deborah S. Hunt, Clerk

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>REGINALD E. BARNES, SR.,</b>	)	<b>CASE NO. 1:18 CV 1866</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>v.</b>	)	
	)	<b><u>OPINION AND ORDER</u></b>
<b>CITY OF CLEVELAND, <i>et al.</i>,</b>	)	
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J.:**

*Pro se* Plaintiff Reginald E. Barnes, Sr. filed this action against the City of Cleveland, the Cleveland Parking Violations Bureau, the Cleveland Photo Safety Division, the Cleveland Police Department, the Cleveland Department of Corrections, the Cleveland Department of Vehicle Impound, City of Cleveland “agents, employees, contractors, subcontractors and other parties,” Cuyahoga County, the Cuyahoga County Sheriff, the Cuyahoga County Sheriff’s Department, the Cuyahoga County Division of Corrections, the Cuyahoga County Corrections Center Jail, Cuyahoga County “agents, employees, contractors, subcontractors and other parties,” the Ohio Department of Motor Vehicles, the City of Avon, the City of Avon Lake, the Pennsylvania Department of Motor Vehicles, Labor Ready-People Ready, Xerox Corporation, ACS Corporation, Credit Acceptance Company, Volkswagen Inc. & Credit Comapny, Inc., “agents, employees, contractors, subcontractors and other parties” and United States District

Court Judge John A. Adams. Plaintiff's Complaint contains no facts. He requests an order requiring the Defendants to provide him with "current law" at no cost to him. He also states, without explanation that the Defendants refused to return personal property. He seeks injunctive relief for "deprivation of rights, breach of contract and others." (Doc. No. 1 at 5).

## **I. LAW AND ANALYSIS**

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court is required to dismiss an *in forma pauperis* action under 28 U.S.C. §1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996). An action has no arguable basis in law when the Defendant is immune from suit or when the Plaintiff claims a violation of a legal interest which clearly does not exist. *Neitzke*, 490 U.S. at 327. An action has no arguable factual basis when the allegations are delusional or rise to the level of the irrational or "wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 32 (1992); *Lawler*, 898 F.2d at 1199.

A cause of action fails to state a claim upon which relief may be granted when it lacks "plausibility in the Complaint." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the Complaint are true. *Bell Atl. Corp.*, 550 U.S. at 555. The Plaintiff is not required to include detailed factual allegations, but must provide more than

“an unadorned, the-Defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678. A pleading that offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this pleading standard. *Id.* In reviewing a Complaint, the Court must construe the pleading in the light most favorable to the Plaintiff. *Bibbo v. Dean Witter Reynolds, Inc.*, 151 F.3d 559, 561 (6th Cir. 1998).

Plaintiff’s Complaint does not meet this basic pleading standard. He does not allege facts pertaining to any Defendant suggesting how that Defendant may be liable to him. The Complaint does not give the Defendants fair notice of what the Plaintiff’s legal claims are or the factual grounds upon which they rest. *Bassett v. National Collegiate Athletic Ass’n*, 528 F.3d 426, 437 (6th Cir. 2008). He has failed to state a claim upon which relief may be granted.

### **III. CONCLUSION**

Accordingly, Plaintiff’s Application to Proceed *In Forma Pauperis* (Doc. No. 2) is granted, his Petition for Injunctive Relief (Doc. No. 3) and his Motion for Order to Resend Copies of his Complaint (Doc. No. 4) are denied, and this action is dismissed pursuant to 28 U.S.C. §1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.<sup>1</sup>

IT IS SO ORDERED.

DATED: December 21, 2018

s/ Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> 28 U.S.C. § 1915(a)(3) provides:

An appeal may not be taken *in forma pauperis* if the trial court certifies that it is not taken in good faith.

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

IN THE  
SUPREME COURT OF THE UNITED STATES

REGINALD E. BARNES, SR. — PETITIONER  
(Your Name)

VS.

CITY OF CLEVELAND, ET AL — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

UNITED STATES DISTRICT COURT, OHIO, NORTHERN EASTERN DIVISION - CLEVELAN

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: \_\_\_\_\_  
\_\_\_\_\_, or

a copy of the order of appointment is appended.

Reginald E. Barnes, Sr.  
(Signature)

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, REGINALD E. BARNES SR., am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Income from real property (such as rental income)	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Interest and dividends	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Gifts	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Alimony	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Child Support	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Disability (such as social security, insurance payments)	\$ <u>730</u>	\$ <u></u>	\$ <u>830</u>	\$ <u></u>
Unemployment payments	\$ <u>0.00</u>	\$ <u></u>	\$ <u>0.00</u>	\$ <u></u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u></u>	\$ <u>0.00</u>	\$ <u></u>
Other (specify): <u>FOOD</u>	\$ <u>200</u>	\$ <u></u>	\$ <u>300</u>	\$ <u></u>
<b>Total monthly income:</b>	\$ <u>930</u>	\$ <u></u>	\$ <u>1100</u>	\$ <u></u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<i>N/A</i>			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<i>N/A</i>			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ *\$ 50.00*  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<i>CHECKING</i>	\$ <u><i>2,00</i></u>	\$
<i>SAVINGS</i>	\$ <u><i>40.00</i></u>	\$
	\$	

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home  
Value \_\_\_\_\_

Other real estate  
Value \_\_\_\_\_

Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Other assets  
Description \_\_\_\_\_  
Value \_\_\_\_\_

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A 0.00</u>	\$ <u>N/A</u>
	\$ <u> </u>	\$ <u> </u>
	\$ <u> </u>	\$ <u> </u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>
	<u> </u>	<u> </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>650</u>	\$ <u>N/A</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>70.</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)	\$ <u>000</u>	\$ <u> </u>
Food	\$ <u>300</u>	\$ <u> </u>
Clothing	\$ <u>0.00</u>	\$ <u> </u>
Laundry and dry-cleaning	\$ <u>10</u>	\$ <u> </u>
Medical and dental expenses	\$ <u>0.00</u>	\$ <u> </u>

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ <u>48</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>10</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0.00</u>	\$ _____
Life	\$ <u>0.00</u>	\$ _____
Health	\$ <u>0.00</u>	\$ _____
Motor Vehicle	\$ <u>0.00</u>	\$ _____
Other: _____	\$ <u>0.00</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses:</b>	<u><u>1100</u></u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes

No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes

No

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*I CAN NOT AFFORD THE COSTS DUE TO MY EXPENSES  
EXCEEDING MY INCOME BECAUSE I AM HOMELESS  
MOTELS ARE EXPENSIVE, AND SHELTERS ARE DAILY REQUIRING  
ME TO DEPART EACH DAY AT 6AM*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 17, 2022

*Reynold C. Burns Jr.*  
(Signature)