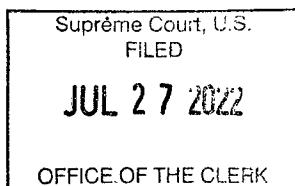


ORIGINAL



22-5229

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Gwendolyn Wilson
Petitioner

Vs.

Hillsborough Township Construction Department
Hillsborough Township Building Department
Hillsborough Township Tax Assessor
Respondent(s)

On Petition for a Writ of Certiorari to
The United States Court of Appeals
For the Third Circuit, and
The United States District Court, New Jersey

PETITION FOR A WRIT OF CERTIORARI

Gwendolyn Wilson
22 Sunnyside Lane
Hillsborough, New Jersey 08844
(908)359-7049

QUESTIONS PRESENTED**RULE 5.1 CONSTITUTIONAL CHALLENGE TO A FEDERAL STATUE**

- (1) Whether the United States Court of Appeals for the Third Circuit and the United States District Court, New Jersey erred in concluding that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitutions not implicated by a complaint that alleges that 'under the color of law' law-enforcement officials, in response to an African American purchasing/ residing in a home in a Caucasian suburban/ neighborhood/ community can be 'targeted' for differential treatment, services, discriminatory policies/practices, and retaliatory policies/ practices as it pertains to construction permits, and building inspections by the municipality solely and expressly on the basis of race, and to the exclusion of all nonracial identifying information.
- (2) Whether the United States Court of Appeals for the Third Circuit and the United States District Court, New Jersey erred in concluding that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitutions not implicated by a complaint that alleges that 'under the color of law' law-enforcement officials, in response to an African American purchasing/ residing in a home in a Caucasian suburban/ neighborhood/ community 'targeted' for differential treatment and different services, discriminatory policies/ practices, and retaliatory policies/ practices as it pertains to property assessments and taxation by the municipality solely and expressly on the basis of race, and to the exclusion of all nonracial identifying information.

PARTIES TO THE PROCEEDINGS

Petitioner: **Gwendolyn Wilson, Pro Se**

Respondents: **Hillsborough Township Construction Department**
Hillsborough Township Building Department
Hillsborough Township Tax Assessor

PARTY/ PETITIONER

I, Gwendolyn Wilson,
 (1) am an African American,
 (2) am 69 years old
 (3) have been disabled/ brain injury since 1992.
 (4) have motioned/ requested for Pro Bono Attorney numerous times since May 2017 I purchased my home in Hillsborough Township, Somerset County, New Jersey in January 12, 1996. At the time of my purchase Hillsborough Township was a predominately Caucasian town. Petitioner and her family were the only African Americans residing in the entire Claremont Development. Hillsborough Township continues to be predominately Caucasian.

In the 2000 Census the population of Hillsborough Township was as follows:

3.76% African American	85.96% Caucasian
------------------------	------------------

In the 2010 Census the population of Hillsborough Township was as follows:

4.59% African American	78.61% Caucasian
------------------------	------------------

A letter brief response by Defendants and five other petitioner: ...132 N.J. 1 (1993) 622 A. 2d 1257 to The Supreme Court of New Jersey; Argued September 14, 1992; Decided April 1, 1993, Article: In Re Petition for Substantive Certification filed by the Township of Hillsborough stated ..." in support of that assertion, the Public Advocate presented to COAH the following percentage comparisons of minority (African American and Hispanic) households for each of the municipalities and their respective fair-share regions, based on 1980 census data:

Hillsborough	2.8% Municipal percentage of minority residents
	8.9% Regional percentage of minority residents

The Public Advocate contended that the occupancy preference constituted a racially-discriminatory standard that perpetuated exclusionary zoning in violation of the New Jersey Constitution, article1,par.5; the Fair Housing Act; the Federal Fair Housing Act. Title VIII of the Civil Rights Act of 1968, 42 U.S.C.A. 3601- 3631 (the Federal Fair Housing Act of Title VIII); and the Law Against Discrimination (LAD), N.J.S.A. 10:5- 1 to -42.

The Public Advocate also contends that the occupancy preference, because of the disproportionately-low minority-resident and-worker population in the six municipalities, has the effect of favoring eligible white households as occupants of the newly-constructed affordable-housing units and virtually excluding minorities from the units eligible for preference. The Public Advocate asserts that the occupancy preference's discriminatory impact on minorities violates federal and state anti-discrimination statutes."

Petitioner states detail claims that the Defendant 's actions were motivated by racial discrimination under 42 U.S.C 1981. Petitioner+

++ has provided sufficient factual content to prove claims of Defendant's purposeful discrimination and sufficient factual content to survive a motion for dismiss from Defendant.

- (1) Petitioner is a member of a protected group (racial minority/ African American).
- (2) Defendant has discriminated against Petitioner on the basis of race.
- (3) Defendant discriminated concerning one or more of the activities enumerated in the statue which includes the right to make and enforce contracts (Brown v. Morris Inc., 250 F. 3 rd 789, (3 rd Cir. 2001).

(4) Defendants retaliated against the Plaintiff for filing a discrimination lawsuit in 2017 by increasing her property taxes/ assessment for a non-existing updated kitchen, and a non-existing finished basement. Defendants has unlawfully increased and overassessed Plaintiff's property taxes annually for a non-existing updated kitchen, and a non-existing finished basement since 2018 in retaliation for Plaintiff filing a 2017 lawsuit. Defendants retaliation is based on racial discrimination, and racial retaliation.

DEFENDANT/ HILLSBOROUGH TOWNSHIP CONSTRUCTION/ BUILDING DEPARTMENT

15. Hillsborough Township [Construction/ Building Department] is a municipal corporation duly incorporated and existing pursuant to the laws of the State of New Jersey and having its principal offices at 379 South Branch Road, Somerset County, Hillsborough, New Jersey 08844. The City of Hillsborough has established and maintains the Hillsborough Township Construction/ Building Department as a constituent department. The Hillsborough Township Construction/ Building Department acts as the City of Hillsborough Township's agent in the administration of the New Jersey Uniform Construction Codes.

New Jersey Administrative Code 5:23-2.14 Construction permits--when required

(a) It shall be unlawful to construct, enlarge, repair, renovate, alter, reconstruct, or demolish a structure, or change the use of a building or structure, or portion thereof, or to install or alter any equipment for which provision is made or the installation of which is regulated by this chapter without first filing an application with the construction official, or the appropriate subcode official where the construction involves only one subcode, in writing and obtaining the required permit therefore.

New Jersey Administrative Code 5:23-2.15 (8)

If work involves a home improvement performed by a contractor, such contractor shall be registered pursuant to N.J.S.A. 56:8-136 et seq. The registration number of the contractor shall appear on the permit application. No number shall be required to be provided by any person performing a home improvement who is not required to be registered, in accordance with (b)8ii, v, vi, or viii below. The appropriate license, registration or certificate number and documentation shall be provided by any person exempt from registration as a contractor pursuant to (b)8iv or vii below.

Viii. Exception: Registration shall not be required for any home improvement retailer with a net worth of more than \$50,000,000 or any employee of such home improvement retailer who is making or selling home improvements within the person's scope of employment by the home improvement retailer. This exception shall not apply to persons working as subcontractors for any home improvement retailer.

New Jersey Administrative Code 5:23-2.16A. Records Retention

(a) Copies of the following documents shall be retained by the construction official for the life of the building or structure:

1. Construction applications;
2. Permits;
3. Permit updates;
4. Decisions on applications for variations;
5. Decisions of the Construction Board of Appeals;
6. Certificates of occupancy;

7. Elevator inspections;
8. The ongoing inspection control card; and
9. Notices of unsafe structure.

New Jersey Administrative Code 5: 23-2.18 Inspections

(a) Preliminary Inspection: Before issuing a permit, the construction official and appropriate subcode official shall, where necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a construction permit.

(b) Inspections during the progress of work: The construction official and appropriate subcode official shall carry out periodic inspections during the progress of work to ensure that the work inspected conforms to the requirements of the code.

New Jersey Administrative Code 5:23-2.18(d)

Final inspection: Upon completion of the building or structure, and before the issuance of a certificate of use and occupancy required herein, a final inspection shall be made, and any violations of the code shall be noted and the holder of the permit shall be notified of any discrepancies by the construction official. The final inspection shall include:

1. Building and Fire Subcode: Installation of all interior and exterior finish material, sealing of exterior joints, mechanical systems and any other equipment.
2. Electrical Subcode: Wiring, devices and fixtures.
3. Plumbing Subcode: Piping, trim and fixtures.
4. Test required by any provision of the adopted subcodes.
5. A review for compliance with N.J.A.C. 5-23-7, The Barrier Free Subcode, for all buildings required by N.J.A.C. 5:23-7.1 to be accessible.
6. Verification of compliance with N.J.A.C. 5:23-3.5, Posting structures.

(e) Inspection records: The enforcing agency shall make a written record of all inspections, including any discrepancies or violations noted and shall maintain those reports as a public record which shall be available for public inspection during normal business hours.

HILLSBOROUGH TOWNSHIP TAX ASSESSOR

16. Hillsborough Township [Tax Assessor] is a municipal corporation duly incorporated and existing pursuant to the laws of the State of New Jersey and having its principal offices at 379 South Branch Road, Somerset County, Hillsborough, New Jersey 08844. The City of Hillsborough has established and maintains the Hillsborough Township Tax Assessor as a constituent department. The Hillsborough Township [Tax Assessor] acts as the City of Hillsborough Township's agent for the assessment of all property in the district. The Assessor works on behalf of Hillsborough Township under the direction and supervision of the New Jersey Division of Taxation and the Somerset County Board of Taxation.

Petitioner has filed Property tax Appeals in 2016 and 2017 based on Defendant, Hillsborough Township [Construction/ Tax assessor] based on the discrimination. Petitioner is being taxed on a renovation of on third of her home which Defendant, Hillsborough Township [Construction/ Building Department] has never inspected.

Defendant, Hillsborough Township [Construction/ Tax Assessor] is over assessing Petitioner, an African American for non existing property improvement.

Defendant, Hillsborough Township [Construction/ Tax Assessor] is under assessing Caucasian s for property improvements such as additions, garages, bathrooms, bedrooms, fireplaces, decks etc.

Defendant, Hillsborough Township [Construction/ Tax Assessor] 2016 Property Record card indicated the following:

(A) Defendant, Hillsborough Township [Construction/ Tax Assessor] list the interior condition of her home is listed as "GOOD".

(B) Defendant, Hillsborough Township [Construction/ Tax Assessor] list that 'INFO: REFUSED'.

National Railroad Passenger v. Morgan

Plaintiff claims of discrimination against the Defendant, Hillsborough Township [Construction/ Building/ Department] and Defendant, Hillsborough Township [Construction/ Tax Assessor] are actionable under the Civil Rights Act VII context; Plaintiff may recover for exposure to a hostile environment whose time has long passed simply because the hostile environment has continued into the charge- filing period and is ongoing/ continuous/into the present.

STATEMENT OF FACTS

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Monell v. Department of Social services of the City of New York 436 U.S. 658 (1978)

Swierkiewicz v. Sorema NA., 534 U.S. 506, 512 (2002); accord Atchison, Topeka & Santa Fe Ry v. Buell., 480 U.S. 557, 568 n.15 (1987)

Bell Atlantic v. Twombly, 550 U.S. 544, 555 (2009)

Brown v. Morris Inc., 250 F 3 rd. 789, (3 rd. Cir 2001)

Conley v. Gibson 335 U.S. 41, 48 (1957)

Will v. Michigan Department of State Police, 491 U.S. 58, 109 S. CT 2304, 105 L. Ed. 2d 45 (1989)

Cox v. Stanton, 529 F. 2d 47 (4 th Cir 1975)

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Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc. 135 S. Ct. 2507 (2015)

Celotex Corp. 447 U.S. at 323 quoting Fed. R. Civ. P. 56(c)

Celotex Corp. v. Catrett, 477 U.S. 317 (1986)

Anderson, 447 U.S. at 255, 242, 248 (1986). Aliv. D.C. Gov't, 801 F.Supp 2d 78, 83 (D.D.C. 201)

Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)

Tabron v. Grace, 6F. 3d 147, 155-56 (3d Cir. 1993)

Borelli v. City of Reading, 523 F. 2d 950, 951 (3d Cir. 1975) (per curiam)

Ivan F. Boesky sec. Litig., 957 F. 2d Cir. 65, 69 (2d Cir. (1992)

U.S. v. Tenzer, 213 F. 3d 34, 39 (2d Cir 2000)

Jones v. District of Columbia, 322 F. Supp. 3rd 78, 85 (D.D.C. 2018), quoting Hunter v. District of Columbia, 824 F. Supp. 2D 125, 133 (D.D.C. 2011).

(135 S. Ct. 2014) Tracy L. Johnson, et. Al v. City of Shelby, Mississippi (No. 13-1318. Decided November 10, 2014)

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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 ____ to
the petition and is ***** SUR PETITION FOR REHEARING**

reported at May 3, 2022; 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 July 15, 2020; 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 August 18, 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 3, 2022, and a copy of the order denying rehearing appears at Appendix Z-14.

[] 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).

4) STATEMENT OF RELATED CASES

No. 18-3697 8-1-19
Gwendolyn Wilson, Appellant
v.
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

No. 19-1522 4-11-19
United States Court of Appeals for the Third Circuit
In Re: Gwendolyn Wilson (Petitioner)

No. 17-995 12-4-18
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

No. 18-01244 2-7-18
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

No. 19-02294 7-25-19
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

No. 17-02498 7-13-17
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township construction/ Building Department
Hillsborough Township Tax Assessor

No. 18-03650 12-4-18
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township Construction/Building Department
Hillsborough Township Tax Assessor

No. 17-03446 11-13-17
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

No. 17-02661 8-1-17
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

10/9/87

No. 19-18598 10-2-19
Gwendolyn Wilson, Plaintiff
v.
Hillsborough Township
Hillsborough Township Construction/ Building Department
Hillsborough Township Tax Assessor

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The pertinent provisions of the United States Constitution involved in this case are found in Section 1 of the Fourteenth Amendment, which provides as follows:

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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. This is a civil rights action based upon the United States Constitution , the Civil Rights Act, and Federal Housing Act. Petitioner, an African American has been discriminated against for 26 + years by Defendant', Hillsborough Township [Construction/ Building Department] unconstitutional usage of construction/ building permits to deprive Petitioner's constitutional rights. This is an action for relief from racial discrimination and racial retaliation in violation of:

Title VII of the Civil Rights Act of 1964

42 U.S.C. 1983 et seq.

42 U.S.C. 1982 et seq.

Civil Rights Act of 1866

Fair Housing Act

Fourth Amendment

Fourteenth Amendment

Continuing Violation Theory

2. Petitioner alleges that defendants deprived her of the safety, protection and value inherent in a legally issued, inspected, and approved construction permit.
3. Petitioner further allege that Defendants policies, practices, and decisions had a disparate impact upon her based on racial discrimination.
4. Petitioner alleges that Defendant deprived /Petitioner of her rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. 1983.
5. Petitioner alleges that Defendant violated her constitutional rights under the color of Federal, and State laws.
6. Petitioner alleges that Defendant discriminated on the basis of race and singled out Petitioner for disfavor able and unequal treatment from Caucasian homeowners.
7. Petitioner alleges that Defendant deprived Petitioner due process rights based on their discriminatory practices and resulting continued/ ongoing (discriminatory) harm.
8. Petitioner alleges that Defendant [Hillsborough Construction/ Building Department] under the color of law conducted an illegal search in her home.
9. Petitioner alleges that Defendant [Hillsborough Construction/ Building Department] under the color of law issued violations to promote fear so that they can continue depriving Plaintiff of her civil rights.
10. Petitioner alleges that Defendant [Hillsborough Tax Assessor] assesses Petitioner higher property taxes based on Defendant [Hillsborough Construction/ Building Department] discriminatory usage of building permits.
11. Petitioner brings this lawsuit against Defendant, Hillsborough Township [Construction / Building Department and Tax Assessor] in order to affirm the principle that individuals may not be singled out for discriminatory treatment that causes harm simply based on race.

Petitioner has a constitutional right to sue on claims that would ordinarily be time-barred so long as they either are sufficiently related to incidents that fall within the statutory period or are part of a systematic policy or practice of discrimination that took place, at least in part, within the period. (Citation 526 U.S. 101 (2002).

Petitioner has a constitutional right to sue on claims that would ordinarily be time-barred so long as they either are sufficiently related to incidents that fall within the statutory period or are part of a systematic policy or practice of discrimination that took place, at least in part, within the period. (Citation 526 U.S. 101 (2002).

(A) National Railroad Passenger v. Morgan.

Petitioner claims of discrimination against the Defendant, Hillsborough Township [Construction/ Building Department] and Defendant, Hillsborough Township [Construction/ Tax Assessor] are actionable under the Civil Rights Act VII context; Petitioner may recover for exposure to a hostile environment whose time has long passed simply because the hostile environment has continued into the charge- filing period and till present date.

(B) Continuing Violation Theory

Petitioner alleges that Defendant, Hillsborough Township [Construction/ Building Department and Tax Assessor] continues violating her civil rights by the continuing violation theory and by showing genuine issue of facts which are sufficiently related to their ongoing discriminatory and retaliatory acts.

- (a) the existence of a continuing violation-be it serial or systematic, and
- (b) that the violation continued into the limitation period

12. Petitioner seek injunctive and declaratory relief, compensatory damages, punitive damages, liquidated damages, and reasonable attorneys' fees and cost as remedies for Defendants' violation of her rights.

13. The Court possess jurisdiction to hear this matter pursuant to 28 U.S.C. 1331 because it alleges violation of the United States Constitution and 42 U.S.C. 1983, and therefore raises questions of Federal law. Jurisdiction is also based upon 28 U.S.C. 1343 because relief is sought for the deprivation of Petitioner's constitutional rights under color of State law. This Court has supplemental jurisdiction over Petitioner's state law claims pursuant to 28 U.S.C. 1337.

STATEMENT OF THE CASE

THE ENTIRETY OF MY FIRST AMENDED COMPLAINT CIVIL ACTION NO: 3:19-CV-18598-FLW-DEA DATED 10-16-19 IS PLAINTIFF'S OFFICIAL STATEMENT OF THE (MY) CASE.

PLAINTIFF HAS CONVERTED MY ENTIRE FIRST AMENDED COMPLAINT CIVIL ACTION NO.: 3:19-CV-18598-FLW-DEA DATED 10-16-19 INTO A SWORN AFFIDAVIT/ STATEMENT OF THE CASE.

PLAINTIFF (AFRICAN AMERICAN) IS THE OWNER OF A SINGLE FAMILY PROPERTY IN A SUBURBAN NEIGHBORHOOD LOCATED IN HILLSBOROUGH TOWNSHIP, NEW JERSEY.

PLAINTIFF PURCHASED SAID PROPERTY OVER 26 YEARS AGO FROM A CAUCASIAN HOMEOWNER.

PLAINTIFF WERE THE ONLY AFRICAN AMERICAN FAMILY RESIDING IN THIS NEIGHBORHOOD AND IN PARTICULAR RESIDING IN THIS SECTION/AREA OF HILLSBOROUGH TOWNSHIP.

THE CAUCASIAN OWNER'S PREVIOUS REPAIRS TO THE PROPERTY RESULTED IN NUMEROUS STRUCTURAL AND SAFETY HAZARDS AND WORK BY THE PRIOR, CAUCASIAN OWNER COMPLETED WITHOUT CONSTRUCTION PERMITS/ INSPECTIONS/ APPROVALS.

PLAINTIFF HIRED A CONSTRUCTION CONTRACTOR TO GUT OUT AND REDO THE STRUCTURALLY UNSAFE ONE THIRD OF HER PROPERTY.

PLAINTIFF'S CONTRACTOR OBTAINED DEFENDANTS' CONSTRUCTION PERMIT # 96-0615 FOR ALL THE WORK- THE GUTTING OUT AND RENOVATION OF ONE THIRD OF PLAINTIFF PROPERTY. (SEE EXHIBIT'S A 8, AND A 9).

DEFENDANTS FAILED TO CONDUCT ANY INSPECTION FOR BUILDING, ELECTRICAL, PLUMBING, FIRE, ETC ON PERMIT # 96-0615.

INSTEAD, THREE YEARS AFTER THE CONSTRUCTION WORK WAS COMPLETED DEFENDANTS MAILED PLAINTIFF A CERTIFICATE OF APPROVAL WITHOUT ANY INSPECTIONS SIGNED BY RONALD E. ESTEPP, C.B.O. HILLSBOROUGH TOWNSHIP CONSTRUCTION OFFICIAL.

DEFENDANTS' ISSUANCE OF THE CERTIFICATE OF APPROVAL WITHOUT ANY INSPECTIONS, WITHOUT CONDUCTING ANY MANDATORY TESTS (RADON, TEST, CHIMNEY INSPECTION, FRAMING INSPECTIONS ELECTRICAL INSPECTIONS, INSULATION INSPECTIONS ETC) HAS HARMED PLAINTIFF AND HAS LEFT PLAINTIFF'S HOME WITH UNSAFE AND HAZARDOUS CONDITIONS WHICH HAS FOR OVER 26 YEARS DEPRIVED PLAINTIFF(AFRICAN AMERICAN) OF DUE PROCESS RIGHTS BY TREATING PLAINTIFF DIFFERENTLY FROM SIMILARLY SITUATED CAUCASIAN HOMEOWNERS AS IT PERTAINS TO CONSTRUCTION PERMITS.

DEFENDANTS' DISCRIMINATORY ACTIONS FROM THEIR FAILURE TO MANDATORY INSPECT ON THEIR LEGALLY ISSUED CONSTRUCTION PERMITS IS DISCRIMINATION BASED ON RACE, AND IS DEFENDANTS' POLICY, AND PRACTICE TO TREAT PLAINTIFF(AFRICAN AMERICAN) DIFFERENTLY FROM SIMILARLY SITUATED CAUCASIAN HOMEOWNERS.

DEFENDANTS' DISCRIMINATORY ACTIONS FROM THEIR FAILURE TO MANDATORY INSPECT ON THEIR LEGALLY ISSUED CONSTRUCTION PERMITS VIOLATES PLAINTIFF'S CIVIL AND CONSTITUTIONAL RIGHTS BY PROVIDING PLAINTIFF (AFRICAN AMERICAN) SEPARATE AND UNEQUAL SERVICES FROM SIMILARLY SITUATED CAUCASIAN HOMEOWNERS.

DEFENDANTS' DISCRIMINATORY ACTIONS FROM THEIR FAILURE TO MANDATORY INSPECT ON THEIR LEGALLY ISSUED CONSTRUCTION PERMITS IS IN VIOLATION OF NJ CONSTRUCTION CODES AS IT PERTAINS TO CONSTRUCTION PERMITS ISSUANCE, INSPECTIONS, AND/OR FAILURE/ APPROVALS.

DEFENDANTS' DISCRIMINATORY ACTIONS FROM THEIR FAILURE TO MANDATORY INSPECT ON THEIR LEGALLY ISSUED CONSTRUCTION PERMITS HAS RESULTED IN DEFENDANTS' INCREASING PLAINTIFF' ASSESSED PROPERTY TAXES WITHOUT THE BENEFIT OF VALUE AND SAFETY AFFORDED SIMILARLY SITUATED CAUCASIAN HOMEOWNERS. (SEE EXHIBIT'S A 7, A 7(a), A 8, A 9).

WHETHER THE EQUAL PROTECTION CLAUSE ALLOWS A LOCAL TAXING AUTHORITY TO ASSESS HIGHER PROPERTY TAXES FOR NON-EXISTING BUILDING IMPROVEMENTS FOR AFRICAN AMERICAN HOMEOWNER, WHILE FORGIVING OR ASSESSING A LOWER TAX ASSESSMENTS FOR BUILDING IMPROVEMENTS OF CAUCASIAN, IDENTICALLY SITUATED TAXPAYERS/ HOMEOWNERS?

PLAINTIFF ALSO EMPHASIZES THE FACT THAT THE DISTRICT COURT DID NOT CONSIDER PLAINTIFF'S CONSTITUTIONAL AND CIVIL RIGHTS IN CIVIL CASE NO.: 3:17-CV-00995 OF THE MERITS. PLAINTIFF CONCLUDES THAT THE DISTRICT COURT'S APPROACH OF EVALUATING AND CARTELIZING PLAINTIFF'S CONSTITUTIONAL AND CIVIL RIGHTS CLAIMS UNDER THE MONELL CLAIMS WAS AN ABUSE OF DISCRETION AND BASED ON PLAIN ERROR.

PLAINTIFF FURTHER EMPHASIZES THAT THE DISTRICT COURT DID NOT CONSIDER THAT DEFENDANTS STATED A DISCRIMINATORY ANSWER IN THEIR MOTION TO DISMISS (CIVIL CASE NO.: 3:17-CV-00995). DEFENDANTS STATED THAT THEY DO NOT HAVE TO INSPECT ON THEIR LEGALLY ISSUED CONSTRUCTION PERMITS (CIVIL CASE NO.: 3:17-CV-00995).

DEFENDANTS' ANSWER IS EVIDENTIARY PROOF OF THEIR DISCRIMINATORY AND DIFFERENTIAL TREATMENT OF PLAINTIFF (AFRICAN AMERICAN) FROM THE SIMILARLY SITUATED CAUCASIAN HOMEOWNER AS IT PERTAINS TO CONSTRUCTION PERMIT AND SUBSEQUENTLY TAXATION ON BUILDING IMPROVEMENTS.

ON PLAIN ERROR REVIEW, PLAINTIFF MUST SHOW (1) THERE IS AN ERROR, (2) IT IS PLAIN, (3) IT AFFECTS SUBSTANTIAL RIGHTS, AND (4) IT "SERIOUSLY AFFECT(S) THE FAIRNESS, INTEGRITY OR PUBLIC REPUTATION OF JUDICIAL PROCEEDINGS." UNITED STATES V. OLANO, 507 U.S. 725, 732 [1993 (CITATION OMITTED); UNITED STATES V. PAYANO, 930 F. 3D 186, 192 (3D CIR. 2019) .

DEFENDANTS' REFUSAL TO TIMELY INSPECT ON THEIR LEGALLY ISSUED CONSTRUCTION PERMITS IS IN VIOLATION OF PLAINTIFF'S DUE PROCESS RIGHTS.
DEFENDANTS FOR OVER 23 YEARS HAS PROVIDED PLAINTIFF (AFRICAN AMERICAN) DIFFERENT SERVICES FROM SIMILARLY SITUATED CAUCASIAN HOMEOWNERS AS IT PERTAINS TO THE VALUE AND PROTECTION OF THEIR LEGALLY ISSUED CONSTRUCTION PERMITS AND SUBSEQUENTLY DEFENDANTS' HAVE DISCRIMINATORILY INCREASE PLAINTIFF'S PROPERTY ASSESSMENT/ TAXATION.

PLAINTIFF FILED A DISCRIMINATION COMPLAINT CIVIL CASE NO.: 3:17-CV-00995 AGAINST THE DEFENDANTS ON 2-14-17. RETALIATION IS*** A FORM OF "DISCRIMINATION" BECAUSE THE COMPLAINANT IS SUBJECT TO DIFFERENTIAL TREATMENT***

DEFENDANTS IN 2018 RETALIATED AGAINST THE PLAINTIFF BY UNLAWFUL INCREASES IN PROPERTY TAXATION/ ASSESSING FOR AN:

(1) UPDATED KITCHEN

(2) FINISHED BASEMENT

42 U.S. CODE 12203 PROHIBITION AGAINST RETALIATION AND COERCION

(A) RETALIATION. NO PERSON SHALL DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE SUCH INDIVIDUAL HAS OPPOSED ANY ACT OR PRACTICE MADE UNLAWFUL OR BECAUSE SUCH INDIVIDUAL MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING.

(B) INTERFERENCE, COERCION, OR INTIMIDATION. IT SHALL BE UNLAWFUL TO COERCE, INTIMIDATE, THREATEN, OR INTERFERE WITH ANY INDIVIDUAL IN EXERCISE OR ENJOYMENT OF, OR ON ACCOUNT OF HIS OR HER HAVING EXERCISED OR ENJOYED, OR ON ACCOUNT OF HIS OR HER HAVING AIDED OR ENCOURAGED ANY OTHER INDIVIDUAL IN THE EXERCISE OR ENJOYMENT OF, ANY RIGHT GRANTED OR PROTECTED BY THE ACT OR THIS PART.

FOGLEMAN V. MERCY HOSPITAL INC., 283 F. 3d 562 (3D CIR. 2002) THE STATUE ANTI-RETALIATION PROVISION FORBIDS COERCE, INTIMIDATE, THREATEN, OR INTERFERE WITH EXERCISING RIGHTS PROTECTED UNDER THE ACT...AS LONG AS THE INTENT WAS DISCRIMINATORY, THE RETALIATION WAS ACTIONABLE.

PLAINTIFF IS A MEMBER OF THE FOLLOWING PROTECTED CLASSES IN THIS NEW/ DE NOVO CIVIL CASE NO.: 3:19-CV-18598-FLW-DEA AS LISTED BELOW:

(1) I, Gwendolyn Wilson, am an African American

(2) I, Gwendolyn Wilson, am Disabled/ Brain Injury

(3) I, Gwendolyn Wilson, am 69 years old

Plaintiff swears under penalty of perjury that she belong to three protected groups, (1) race, African American, Disabled/ Brain Injury, and Age (69 years old).

Plaintiff states that she is entitled to the protections of the United States Constitution, the Civil Rights Act of 1866, the Civil Rights Act of 1964, the 42 U.S.C. 1982, the 42 U.S.C. 1983, the Fair Housing Act, the First Amendment, and the Fourth Amendment etc.

I, Gwendolyn Wilson, Plaintiff, Pro Se, African American, Disabled/ Brain injury, 69 years old Hillsborough Township Homeowner for approximately 26 years have filed a new, de novo Complaint/ Civil Action No.: 3:19-18598-FLW-DEA in the matter of Gwendolyn Wilson v. Township of Hillsborough, Hillsborough Township Construction/ Building Department, and Hillsborough Township Tax Assessor.

Plaintiff filed a previous Civil Action No.: 3:17-cv-00995 on 2-14-17. On 12-4-18 Civil Action No.: 3:17-cv-00995 was dismissed by Honorable Freda Wolfson, U.S.D.J.

Plaintiff is suing the Defendants for retaliation against Plaintiff based on race and racial retaliation by assessing (Hillsborough Township Tax Assessor) Plaintiff for an updated kitchen and a finished basement. (See Exhibits TA 1, TA 2, TA 3, A- 37).

Plaintiff is suing the Defendants for retaliation against Plaintiff based on race and racial retaliation for their discriminatory assessment and taxation of Plaintiff for a updated kitchen and finished basement without proof of an construction permit, inspections, or evidence from Hillsborough Township Construction/Building Department. (See Exhibits TA 1, TA 2, TA 3, A- 37).

Plaintiff swears under the penalty of perjury that I have not applied for, paid for, or been granted by the Hillsborough Township/ Building Department a building permit for an updated kitchen.

Plaintiff swears under the penalty of perjury that Plaintiff basement is not finished.

Plaintiff (African American) is an expert witness to Defendants' favorable taxation and non-taxation of her Caucasian neighbors for additions, finished basements, garages, newly constructed garages, decks, second floors additions, fireplaces etc. (See Exhibits).

Plaintiff (African American) swears under the penalty of perjury that she has witness the Defendants' favorable taxation and/ or non-taxation of her Caucasian neighbors for additions, new kitchens, finished basements, garages, newly constructed garages, decks, second floor additions, fireplaces etc.

Plaintiff (African American) is an expert witness to the Defendants discriminatory and different over-taxation of her property via fraudulent and non-inspected construction permits, and arbitrarily increased property taxes assessment for non-existing building improvements. (SEE EXHIBITS

Plaintiff(African American) swears under penalty of perjury that Defendants discriminates, treats her differently from her Caucasian neighbors as pertains to construction permits and property taxation.

RETALIATION IS ILLEGAL

It is illegal to retaliate against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under HUD' complaint process at any time, even after the investigation has been completed. The Fair Housing Act also makes it illegal to retaliate against any person because that person reported a discrimination practice to a housing provider or other authority.

PLAINTIFF'S NEW, DE NOVO CIVIL RIGHTS ACTION IS BASED ON RACIAL DISCRIMINATION, AND RETALIATION BASED ON RACE. DEFENDANTS' RETALIATED AGAINST APPLICANT BY ASSESSING INCREASED PROPERTY TAXES ON PLAINTIFF FOR A NON-EXISTING UPDATED KITCHEN, AND A NON-EXISTING FINISHED BASEMENT IN 2018, 2019, 2020, 2021, AND 2022. DEFENDANTS ARBITRARILY INCREASED PLAINTIFFS' PROPERTY TAXES WITHOUT NOTIFICATION, WITHOUT DUE PROCESS, BASED ON DISCRIMINATION, AND RETALIATION AS TREATED DIFFERENTLY FROM SIMILARLY SITUATED CAUCASIAN HOMEOWNERS.

This Civil Case No.: 3:19-cv-18598 is a new de novo claim. Gunter-King, 2018 U.S. Dist. LEXIS 209443 at *8, citing Watkins v. Resorts Int'l Hotel and Casino, Inc., 591A.2d 592, 599 (N.J. 1991). Plaintiff's claims in this complaint are retaliation based on race and retaliation based on racial discrimination for an updated kitchen and finished basement. Defendants arbitrary assignment of the Plaintiff an updated kitchen and a finished basement is proof of violation of section 1983. This new or a de novo claim is proof of Defendants ongoing discriminatory customs, practice and policies against the Plaintiff.

Plaintiff's (African American) states that the U.S. District Court of NJ, and the U.S. Court of Appeals Third Circuit abused their discretion by rendering unfair and unjust federal opinions hostile to constitutional and

civil rights violations based on race and racial discrimination.

Plaintiff's Civil Action No.: 3:19-18598 is a Civil Rights and Constitutional Rights complaint based on Racial Discrimination and Retaliation based on race, and is a de novo or a new complaint.

Plaintiff swears under the penalty of perjury that I do not have an updated kitchen.

Plaintiff swears under the penalty of perjury that I do not have a finished basement.

PLAINTIFF'S 2-14-17 LAWSUIT

Plaintiff's 2-14-17 lawsuit alleges that Defendant's 'racially biased' policy, practice, and custom via their construction/ building permits (Hillsborough Township Construction/ Building Department) violates Plaintiff's civil and constitutional rights. Plaintiff alleges that Defendant's 'racially biased' policy, practice, and custom of discriminatory 'overcharging/ overtaxing' Plaintiff's property taxes (via Hillsborough Township Property Assessment/ Assessor for a 1996 renovation) violated Plaintiff's civil and constitutional rights.

Defendants discriminated against the Plaintiff under the Fair Housing Act. As listed under the hud.gov website:

'Housing discrimination is illegal in nearly all housing, including private housing, public housing, and housing that receives federal funding

Under 42 U.S.C. 1983 every person who under the color of any statute, ordinance, regulation, custom, of any State or Territory or the District of Columbia, subject, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, Suit in equity, or other proper proceeding for redress....

Defendants, a municipality and local government, are considered "a person" subject to suit for damages and prospective relief under 42 U.S.C. 1983.

Under 42 U.S.C. 1983 the Supreme Court has rejected the notion that a Plaintiff must meet a heightened pleading standard to state a claim against a municipality for an unconstitutional custom or policy.

Defendants' do not have immunity from damages flowing from their constitutional violations, and may not assert the good faith of its agents as a defense to liability. Further, state law sovereign immunity and state law limitations on damages do not protect local governments/ Defendants from liability under 42 U.S.C. 1983. Therefore, Defendants are left in the unique and unhappy situation of being subject to suit without the benefit of any form of immunity.

Plaintiff brings this de novo lawsuit against the Defendants in order to affirm the principle that individuals may not be singled out for discriminatory treatment that causes harm simply based on race.

Plaintiff has a constitutional right to sue on claims that would ordinarily be time-barred so long as they either are sufficiently related to incidents that fall within the statutory period or are part of a systematic policy or practice of discrimination that took place, at least in part, within the period. (Citation 526 U.S. 101 (2002).

(A National Railroad Passenger v. Morgan.

Plaintiff claims of discrimination against the Defendants are actionable under the Civil Rights Act VII context; Plaintiff may recover for exposure to a hostile environment whose time has long passed simply because the hostile environment has continued into the charge-filing period and till present date.

(B) Continuing Violation Theory

Plaintiff alleges that Defendants continue violating her civil rights by the continuing violation theory and by showing genuine issue of facts which are sufficiently related to their ongoing discriminatory and retaliatory acts.

- (a) the existence of a continuing violation-be it serial or systematic, and
- (b) that the violation continued into the limitation period.

CIVIL RIGHTS OBLIGATIONS OF PUBLIC ENTITIES AND RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

Federal laws prohibits discrimination in housing and community development program and activities because of race, color, religion, sex, national origin, familial status, and disability. These obligations extend to recipients of HUD financial assistance, including sub recipients, as well as the operations of state and local governments and their agencies, and certain private organizations operating housing and community development services, programs, or activities.

DISABILITY

Federal nondiscrimination laws provide housing protections for individuals with disabilities. These protection apply in most private housing, state and local government housing, public housing and any other federally-assisted housing program and activities. The Fair Housing Act prohibits discrimination and housing-related transactions because of disability. Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Title II and III of the Americans with Disabilities Act prohibits discrimination on the basis of disability in all programs, services, and activities of public entities that own operate, or lease places of public accommodation.

DISCRIMINATORY ACTIONS PROHIBITED BY TITLE VI

Title VI prohibits recipients of federal financial assistance, either directly or through subcontracts from, on the ground of race, color or national origin...utilizing criteria or other methods, or determining...has the effect of discriminating or impairing the purpose of the program'

Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc., 576 U.S. Supreme Court (2015) This case held that disparate impact claims were intended to be a part of the Fair Housing Act but that a plaintiff must prove that it is a defendant's policies that have caused the disparity.

In Civil Action No.: 3:17-cv-00995 Judge Sheridan literally "sat on" this case for nineteen months knowing at he had an incurable defects with the Defendants law firm and possible the Defendants.

Plaintiff questioned Judge Sheridan in court about previously representing Former Governor Donald DiFrancesco. Judge Sheridan preceded to asked the Defendants attorney, Richard Guss, if he (Judge

Sheridan) has represented former N.J. Governor Donald DiFrancesco. Plaintiff asked Judge Sheridan why he did not perform a 'conflict of interest' check. Public records provide evidence/ written records that Judge Sheridan was Former Governor Donald DiFrancesco's attorney. (Evidentiary facts are the Transcripts)

Plaintiff questioned Judge Sheridan in court about if he had worked for the Defendants/ Hillsborough Township as DWI Alt Prosecutor. Judge Sheridan did not deny working for the Defendants. Judge Sheridan claimed that he would check his records from his former law firm. (Evidentiary facts are the Transcripts). Judge Sheridan's Order in November 2017 was ex parte and favorable to Defendants and the Defendants' law firm. Eventually, after nineteen months of 'sitting on' my Civil Case No.: 3:17-cv-00995 Judge Sheridan Rescued himself from my case in July 2018 after Plaintiff' disclosure of his former employment history with Governor Donald DiFrancesco (Partner), (Di Francesco, Bateman, etc. law firm) and possible (prior) employment with Defendants (Hillsborough Township Alt Prosecutor DWI)

CIVIL RIGHTS ACT OF 1964

The Civil Rights Act of 1964 is a landmark civil rights and labor law I the U.S. that outlaws discrimination based on race, color, religion, sex, or national origin. It prohibits unequal application of voter registration requirement, and racial segregation in schools, employment, and public accommodations.

The Civil Rights Act of 1964 was the key legislation banning public and private discrimination against African Americans or any other racial, ethnic, or religious minority. For the first time in U.S. history, a federal law made it illegal to exclude someone from a job or a public accommodation.

THE CURRENT COMPLAINT RAISES NEW, DE NOVO CLAIMS OF RETALIATION

Plaintiff asserts that her original discrimination claims are based on a well documented history of Defendants' violations of Plaintiff's constitutional and civil rights. Plaintiff asserts that this new and de novo discrimination claims are based on the original well documented history and the new and de novo 2018 Defendants' (Hillsborough Township, and Hillsborough Township Tax Assessor) retaliating against Plaintiff for filing her 2-14-17 Discrimination lawsuit.

CIVIL RIGHTS ACT: 42 U.S.C. SECTION 1983

The statue provides in pertinent parts:

Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or District of Columbia, subjects, or causes to be subjected, any citizen of the United states or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proceeding for redress...

Plaintiff alleges that Defendants the three elements of liability under Section 1983 as follows:

(1) First Element: Person

Section 1983's first requirement is to show a "person" violated Plaintiff's constitutional or federal statutory rights. A city, county, or municipality can also be a "person" under section 1983.

(2) Second Element: Under Color of State Law

Section 1983's second requirement is that the "person" who violated the Plaintiff's rights acted "under color of" state law. Defendant must be someone or local agency acting under the state's or a local government's or agency's authority. States have authority over their agencies and employees; over cities, county, and municipal employees.

(3) Third Element: Deprived of a Federal Right

Section 1983's third requirement is that the "person" sued must have deprived Plaintiff of a right, privilege, or immunity under the U.S. Constitution or under federal law.

RESPONSE:

(1) First Element: Person: Defendants (Hillsborough Township, Hillsborough Township Construction/Building Department, and Hillsborough Township Tax Assessor) is a "person" under Section 1983.

(2) Second Element: Under Color of State Law: Defendants 'Under Color of State Law' violated Plaintiff's civil and constitutional rights under Section 1983.

(3) Third Element: Deprived of a Federal Right: Defendants deprived Plaintiff (African American) Civil and Constitutional Rights under:

- Title VII of the Civil Rights Act of 1964
- 42 U.S.C. 1983 et seq.
- 42 U.S.C. 1982 et seq.
- Civil Rights Act of 1866
- Fair Housing Act
- First Amendment
- Fourth Amendment
- Fourteenth Amendment
- Continuing Violation Theory

This is a new/ de novo civil rights action based upon the U.S. Constitution, The Civil Rights Act, and Federal Housing Act. Plaintiff, an African American, has been discriminated against/ treated differently from Caucasians homeowners for over 26 years by the Defendants. Plaintiff's new, de novo claims against the Defendants (Hillsborough Township, Hillsborough Township Tax Assessor) for relief from racial discrimination and retaliation based on Defendants increasing Plaintiff's home (building) assessment (in 2018) to include an updated kitchen and a finished basement as retaliation for Plaintiff filing a Civil Case No.: 3:17-cv-00995 ion 2-14-17.

Plaintiff swears under penalty of perjury that I do not have an updated kitchen or a finished basement.

Plaintiff's new/ de novo claims are that Defendants'(Hillsborough Township Tax Assessor) are assessing Caucasian homeowners lower property taxes for building improvements and treating Plaintiff (African American) differently by arbitrarily assessing Plaintiff for non-existing building improvements.

Plaintiff (African American) swears under penalty of perjury that she is an expert 'eyewitness to the building improvement under-taxed by Defendants in her similarly situated Caucasian homeowners.

Plaintiff (African American) is an expert 'eye' witness to a similarly situated Caucasian Ranch style (property) burn to the ground. This Ranch was rebuilt as a much larger Colonial style with increased height in the new cedar blocks of the rebuilt, finished basement, the footprint of the rebuilt house bumped out or enlarged perimeter of the house, rebuilt two car garage, rebuilt/ finished second floor, fireplace, deck, new kitchens, new bathrooms etc.

DEFENDANTS VIOLATED PLAINTIFF'S DUE PROCESS AND EQUAL PROTECTION RIGHTS (FOURTEENTH AMENDMENT)

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. (The Equal Protection Clause is located at the end of Section 1 of the Fourteenth Amendment).

According to Wikipedia, "Separate but equal was a legal doctrine in United States constitutional law, according to which racial segregation did not necessarily violate the Fourteenth amendment to the United States constitution, which guaranteed 'equal protection' under the law to all people. Under the doctrine, as long as the facilities provided to each race were equal, state and local governments could require that services, facilities, public accommodations, housing, medical care, education, employment, and transportation be segregated by 'race', which was already the case throughout the states of the former Confederacy. The phrase was derived from a Louisiana law of 1980, although the law actually used the phrase 'equal but separate'.

The doctrine was confirmed in the *Plessy v. Ferguson* Supreme Court decision of 1896, which allowed state-sponsored segregation.

'Separate but equal' facilities were found to be unconstitutional in a series of Supreme Court decisions under Chief Justice Earl Warren, starting with *Brown v. Board of Education* of 1954. However, the subsequent overturning of segregation laws and practices was a long process that lasted through much of the 1950's, 1960's, and 1970's, involving federal legislation (especially the Civil Rights Act of 1964), and many court cases.

Where a law treats certain classes of people differently than others, a potential equal protection claim arises. The doctrine regulates ability of government to classify individuals for purpose of receiving benefits or punishment. It requires that classifications relate to proper governmental purpose and that similarly situated persons be similarly treated.

'Equal' facilities were the exception rather than the rule. The facilities and social services offered to African Americans were almost always of a lower quality than those offered to white Americans, if they existed at all."

Defendants (Hillsborough Township, Hillsborough Township Tax Assessor) discriminated against the Plaintiff by marking on the Plaintiff's Property Record card under Info: REFUSED. (See Exhibit A- 37)

Judge Sheridan stated in Court that the Defendants' marking Plaintiff's Property Record card under Info: REFUSED was discrimination.

Plaintiff swears under penalty of perjury that Judge Sheridan stated in court that Defendants' marking Plaintiff's Property Record card under Info: REFUSED was discrimination.

Plaintiff's complaint alleges under the FHA/ HUD mortgage (which counted toward Defendants'

Affordable Housing credits) the Defendants engaged in a pattern of illegal discrimination against the Plaintiff by using race as a factor to deprive Plaintiff of the value and protection on their Construction Permits.

CONSTITUTION OF THE UNITED STATES

The Constitution of the United States is the supreme law of the United States of America. The U.S. Constitution outlines the basic rights that can be exercised by all citizens of the United States. If a state constitutional right conflicts with a U.S. Constitutional right, the U.S. right prevails. As such, the state constitutional can add rights, but they can't take away any U.S. Constitutional rights. Unlike other legal rights, constitutional rights cannot be changed by statute (a law passed by Congress or a state legislature). A government must always stay within the limits of constitutional right, even when adopting laws to extend rights. U.S. Constitutional Rights given or reserved to the people by the U.S. Constitution, and in particular, the Bill of Rights. Plaintiff alleges that Defendants, a government entity, discriminated against Plaintiff in violation of Plaintiff's constitutional rights under Section 1983 of the U.S. Codes. Plaintiff alleges that Defendants, a government entity, discriminated against Plaintiff, because Plaintiff belonged to a protected class (African-American). Plaintiff alleges that Defendants prohibited discrimination practices has resulted in disparate treatment and disparate impact toward the Plaintiff as it pertains to construction permits and property taxation. Plaintiff states that Defendants' retaliated against Plaintiff for filing a discrimination lawsuit (2-14-17). In 2018 Defendants Hillsborough Township Tax Assessor, arbitrarily, assessed Plaintiff for an updated kitchen and finished basement without any construction permit application from Plaintiff, without any proof of either an updated kitchen or finished basement, and in retaliation for Plaintiff filing a discrimination lawsuit in 2017. (See Exhibits TA 1, TA 2, TA 3, A-37).

Plaintiff 's claim under 42 U.S.C. 1983, the Plaintiff has proven two critical point: defendants subjected the Plaintiff to conduct that occurred under the color of state law, and Defendants' conduct deprived the Plaintiff of rights, privileges, or immunities guaranteed under federal law or the U.S. Constitution.

RETALIATION

The Fair Housing Act also makes it illegal to retaliate against any person because that person reported a discriminatory practice to a housing provider or other authority. The U.S. Supreme Court case Jackson v. Birmingham Board of Education, 544 U.S. 167 (2005) included protection against retaliation.

Defendants retaliated against the Plaintiff for filing lawsuit/ Civil Case No.: 3:17-cv-00995 on 2-14-17. Defendants (Hillsborough Township, and Hillsborough Township Tax Assessor) discriminatorily assessed Plaintiff for:

- (1) an Updated kitchen, and
- (2) a finished basement

Plaintiff swear under penalty of perjury that I do not have a updated kitchen or a finished basement. (See Exhibits TA 1, TA 2, TA 3, A- 37).

FALSE CLAIM ACT

The false claim act deals with a claim which involves the assertion of your rights of government property or money. The False Claims Act is a claim which would be considered any demand or request for money from the government which was made directly through a contractor, grantee, or other parties who could receive federal funds. Plaintiff believes that Defendants violated the false claims act.

Liability under the False Claim Act happens when:

- You (an agency) knowingly present a false claim for payment

-You (an agency) knowingly makes or use a false record to make a false claim

-You (an agency) knowingly use or make a false record or statement to avoid, conceal, or change the amount of money to be paid

-You (an agency) conspire with another to commit a violation of the act

Plaintiff believes that Defendants deprived Plaintiff the value and protection of the Affordable Housing Rehabilitation Program (2003-2004) based on Defendants racially motivated discriminatory beliefs, customs, practices, and policies. The Caucasian contractor received full payment. Defendants deprived Plaintiff of the value and protection of the Affordable Housing Program via their discriminatory usage of their construction permits/inspections/ approvals etc. Defendants offered different services on their construction permits to Plaintiff (African American) different from those services offered to Caucasians homeowners. Defendants offered different services to Plaintiff (African American) from the mandatory requirement listed in NJ Statues for Construction permits. The Affordable Housing Program which was supposed to be a credit to the Defendants' Affordable Housing Credits. The Affordable Housing Program mandated construction permits and inspections by the Defendants (Hillsborough Township Construction Department). The Affordable Housing Program was suppose to bring my house up to code. Defendants' discriminatory usage of the construction permits deprived Plaintiff of the protection and value of a Federally funded program/ The Affordable Housing Program (Exhibit A- 11, 2). To date Plaintiff has two open construction permits:

(1) Roof (open for 14 years, and 17 years) , and

(2) Electrical (open for 17 years)

Defendants have discriminated against Plaintiff (African American) by offering discriminatory and different services to Plaintiff from Caucasian homeowners as it pertains to Construction permits. Plaintiff's exhibits shows that Defendants' discriminatory customs, policies, and practices has allowed them to 'hide' under the color of law their discriminatory actions. Plaintiff presents exhibits of photos and Defendants legal records:

(1) Construction Plumbing Permits/ inspection/ approvals

(a) falsification of the official records

-Plumbing drawings differ from actual plumbing site

-Plumbing main over two electrical appliances

(b) in violation of NJ Statues for Permits/ inspections/ approvals

-NJ Statues for Permits ignored by defendants as it pertains to Plaintiff's legally issued construction permits

Plaintiff's U.S. Constitution and Civil Rights have been deprived by the Defendants' for over 26 years based on Defendants' racial discrimination, customs, practices, and policies as it pertains to Plaintiff's Construction permits.

REASONS FOR GRANTING RELIEF

The Civil Rights Act, section 1983 allows a Plaintiff to sue Defendants who violated U.S. constitutional rights, and civil rights. Section 1983 allows Plaintiff to sue Defendants for deprivation of federal rights under the color of state law, and provides a full range of civil remedies- damages, injunctive, and declaratory relief. Plaintiff is suing Defendants under 42 U.S.C. 1983 for violating federal civil rights and plaintiff's constitutional rights.

Housing discrimination in the United states began at the end of the Civil War and after the abolition of slavery. 'Jim Crow laws' led to discrimination of racial minorities, especially African Americans.

Jim Crow Laws forbade African Americans from living in white neighborhoods. Jim Crow Laws are technically off the books, but 'technically off the books' has not guaranteed full integration or adherence to anti-racism laws throughout the U.S. Jim Crow Laws were a collection of state and local statutes that legalized racial segregation. Jim Crow was a series of rigid anti-black laws, and a racial caste system.

Jim Crow Laws were statutes and ordinances created 'separate but equal' policies. In reality, Jim Crow laws led to treatment and accommodations that were always inferior to those provided to white American.

"In 1933, faced with a housing shortage, the federal government began a program explicitly designed to increase- and segregate- American housing stock. The housing programs begun under the New Deal created after the Depression ensured that African Americans were left out of the new suburban communities. The Federal government's efforts were 'primarily designed to provide housing to white, middle-class, and white lower-middle class families. African Americans were left out of the new suburban communities- and pushed into urban housing projects.' It was the Underwriting Manual of the Federal Housing Administration, which said that 'incompatible racial groups should not be permitted to live in the same communities. FHA manual was an explicitly laid out segregationist (redlining) policies. (The Color of Law by Richard Rothstein)

Plaintiff , an African American, turned to the Courts to help protect her civil and constitutional rights. As predictable and a historical fact the Courts' failed their judicial duty and handed down decisions on Plaintiff's (Civil Case No.: 3:17-cv-00995) that permitted Defendants (Hillsborough Township, etc.) to discriminate against Plaintiff (an African American).

Plaintiff alleges that Defendants practices, policies and customs allows Defendants' (Hillsborough Township Construction Department) discriminatory usage of construction permits usage similar to "Jim Crow Laws" policies of 'separate but (un)equal treatment of Plaintiff (African American) homeowner from Caucasian homeowners as it pertains to services provided.

Plaintiff alleges that Defendants' (Hillsborough Township Tax Assessor) discriminates or treat differently Plaintiff via their practices, policies, and customs against the Plaintiff (African American) by assessing Plaintiff's property taxes differently from Caucasian homeowners' property taxes. Defendants' (Hillsborough Township Tax Assessor) discriminatory usage of property taxation uses 'Jim Crow Laws' or separate but (un)equal treatment of Plaintiff (African American) property taxes from Caucasian property taxes.

The Civil Rights Act of 1968 included legislation known as the Fair Housing Act, which made it unlawful to discriminate based on race, color, religion, gender, or national origin. Such protections have also been extended to other 'protected classes' including disabilities...

Texas Department of Housing and Community Affairs v Inclusive Communities Project, Inc. 135 S. Ct. 2507 (2015). The U.S. Supreme Court held that disparate impact claims are cognizable under FHA. A disparate impact claim is brought when adverse and disproportionate impacts are affecting certain groups of people, leading to the conclusion that they are being discriminated against.

FEDERAL QUESTION: Can Defendants discriminate against Plaintiff, an African American, by usage of 'separate but equal doctrine' to treat Plaintiff, an African American homeowner differently from white homeowners as it pertains to construction permits and property taxation?

DEFENDANTS VIOLATED PLAINTIFF'S FIRST AMENDMENT RIGHT

The First Amendment guarantees the right of citizens to assemble and to petition their government for a

redress of grievances.

Plaintiff's civil and constitutional rights are guaranteed by the U.S. Constitution and , there forth are not merit less claims. Defendants'has ongoing history of violating Plaintiff's civil and constitutional rights by ongoing (racism) discriminatory customs, policies, and practices.

Plaintiff swears under penalty of perjury that she belongs to three protected classes:

- (1) Plaintiff is an African American.
- (2) Plaintiff is disabled (brain injury).
- (3) Plaintiff is 69 years old.

Defendants discriminated Plaintiff via construction permits and property taxation differently from her Caucasian neighbors.

Celotex Corp. v. Catrett, 477 U.S. 317 (1986), was a case decided by the United States Supreme Court. In Celotex, the Court held that a party moving for Summary judgment need only show that the opposing party lacks evidence sufficient to support its case.

At the Summary Judgment stage credibility determinations, the weighting of evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge. Anderson, 447 US at 255, 242,248 (1986).Aliv. D.C Gov't, 801 F. Supp 2d 78,83 (D.D. C. 201) Rule 56 allows a party...opposing Summary judgment to object that the material cited to support a dispute/ fact can not be presented in form that would be admissible in evidence." (citi/ NY Fed R. Civ. P. 56 c (2).

Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986), is a United States Supreme Court case articulating the standard for a trial court to grant summary judgment. Summary judgment will lie when, taking all factual inferences in the non-movant's favor, there exist no genuine issue as to material fact such that the movant deserves judgment as a matter of law.

Plaintiff swears under penalty of perjury that Plaintiff was deprived at the Summary Judgment stage credibility determinations, the weighting of evidence, and the drawing of legitimate inferences from the facts in Civil case No.: 3:19-cv-18598 FLW DEA.

Plaintiff contends that all the affirmative defenses asserted by Defendants should be stricken because they are 'factually insufficient' under the standards set forth in Bell Atlantic v. Twombly, 550 U.S. 544 and Ashcroft v. Iqbal, 556 U.S. 662 (2009). Courts have held that the 'plausibility' pleading standard established in Twombly and in Iqbal applies to a Defendants' assertion of affirmative defenses.

DEFENDANTS UNCLEAN HAND, IMPROPER AND UNLAWFUL CONDUCT

Plaintiff contends that Defendants' answer to Plaintiff's complaint is barred by the doctrines of unclean hands. Plaintiff alleges that Defendants violated the doctrine of unclean hands' by their improper and/ or unlawful conduct prior and ongoing discriminatory practices, customs, and policies has deprived Plaintiff's civil and constitutional rights (for over 26 years) as it pertains to construction permits and property taxation in violation of the Constitution of the United States. Defendants' ongoing/ continuous unlawful increases in Plaintiff's annual property taxation / assessments since 2018 for arbitrary, non-existing improvements/ without due process are a violation of Plaintiff's Constitutional rights. Plaintiff is seeking relief from Defendants falsification of the official records based on racial discrimination, and retaliation based on race.

CONCULSION

Government entities (Defendants) may not maintain records where the harm to the Appellant caused by the existence of those records outweighs the utility of their continued maintenance, especially, where the information contained in the records was compiled by unlawful methods.

Judge Wolfson's dismissal of Appellant's complaint effectively ruled that such race based actions are invisible to the Equal Protection Clause of the U.S. Constitution.

Judge Wolfson's dismissal of Appellant's complaint without due process and no opportunity for Appellant to appeal an ILLEGAL property tax was an abuse of discretion.

Appellant obtained records of Hillsborough illegal property assessment via Appellant's OPRA Request mere days prior the mandatory due date of Petitioner's court ordered First Amended Complaint. Appellant/ Petitioner was deprived due process to challenge Defendants' illegal and discriminatory property assessment. Illegal property tax assessments can not be appealed. Illegal property taxation is a violation of Appellant's/ Petitioner's due process rights. Defendants' falsified the Appellant's/ Petitioner's official property taxation records.

The U.S Court of Appeal 3th Cir. And the U.S. District Court erred in affirming the US District Court opinion in violation of the F.R.C.P., Appellant's constitutional rights, civil rights, and due process rights.

USDC CIRCUIT DIFFERENT STANDARD FOR REVIEWING FEDERAL RIGHTS THAN NJDC

The DC Circuit has ruled that the necessary municipal policy or custom may be established with evidence of the following: (1) the existence of an explicit government policy; (2) the action of a government policymaker; (3) the fact that a policymaker knowingly ignored a practice that was consistent enough to create a custom; or (4) the fact that the government failed to 'respond to a need...in such a manner as to show 'deliberate indifference' to the risk that not addressing the need will result in constitutional violations. [Baker, 326 F. 3d at 1306 (citations omitted); see also Jones v. District of Columbia, 322 F. Supp. 3d 78, 85 (D.D.C. 2018), quoting Hunter v. District of Columbia, 824 F. Supp. 2d 125, 133 (D.D.C. 2011) (There are four basic categories of municipal action that...establish municipal liability: (1) express municipal policy; (2) adoption by municipal policymaker; (3) custom or usage; and (4) deliberate indifference]

USCA FOR THE FIFTH CIRCUIT DIFFERENT STANDARD FOR REVIEWING DEFENDANT'S COMPLAINT THAN NJDC (Cite as: U.S. 2014) Per Curium

Defendants answered Appellant's original and First Amended Complaint dated 2-20-18 with a Motion to Dismiss based on a discriminatory response/ answer that they do not have to inspect on their legally issued construction permits. Defendants usage of N.J.S.A. 5:23-2.14, and N.J.S.A. 5:23-2.5(8) to deprive Appellant of the value and protection of their legally issued construction permits in a violation of Appellant's due process civil and constitutional rights. No ordinance, or statue, or state law allows Defendant to violate my constitutional rights, civil rights, or due process rights.

The U.S. Supreme Court's case (135 S. Ct. 2014) Tracy L. Johnson, et. Al v. City of Shelby, Mississippi (No 13-1318. Decided November 10, 2014) wrote this decision as follows, ..."Charging violations of their Fourteenth Amendment due process rights, they sought compensatory relief from the city.....Federal pleading rules call for 'a short and plain statement of the claim showing that the pleader is entitled to relief,' Fed. Rule Civ. Proc. 8(a)(2); they do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted.....In particular, no heightened pleading rule requires plaintiffs seeking damages for violations of constitutional rights to invoke 1983 expressly in order to state a claim. See Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 507U.S. 163, 164 (1993) (a federal court may not apply a standard 'more stringent than the usual pleading requirement of Rule 8(a) in a civil rights cases alleging municipal liability.'"

REASONS FOR GRANTING THE WRIT

The pertinent provisions of the United States Constitution involved in this case are found in Section 1 of the Fourteenth Amendment, which provides as follows: 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.

At issue here is whether the Equal Protection Clause places any standard, authority, and duty of Municipal construction code enforcement officials to target and deprive African American homeowners of the value and protection of their legally issued construction permits. At issue here is whether municipal's policies, customs, and practices based on racial profiling, municipal's systemic disparity based on race, and municipal's different treatment of African American's from similarly situated Caucasian homeowners is a violation of the Fourteenth amendment. The Court erred by not upholding the Petitioner's First Amendment right to petition the Court for relief of Defendants 27+ years of discriminatory policies, practices, and customs. Furthermore, the Court erred by not upholding Petitioner's retaliatory claim against the Defendant for increasing Petitioner's property taxes for non-existing improvements for filing a discrimination lawsuit in 2017 in violation of Petitioner's Fourteenth Amendment protected rights.

By dismissing Petitioner's equal protection claim, the United States Court of Appeals Third Circuit effectively ruled that such race-based actions are invisible to the Equal Protection Clause. By dismissing Petitioner's equal protection claims the Court condones the Defendants usage of continued/ ongoing racial targeting of policies, customs, and practices justifying discriminatory/ retaliatory 'Jim Crow' separate and unequal ordinances, rules, laws, and taxation toward the Petitioner, an African American.

In this case Petitioner was targeted for discriminatory/ retaliatory treatment for no reason other than her race. Race- based municipal discriminatory/ retaliatory practices/customs/ practices as it pertains to municipal code enforcement, and municipal property taxation are in violation Petitioner's Fourteenth Amendment Rights, the United States Constitution, and Civil Rights.

The United States Court of Appeals Third Circuit, and United States District Court of New Jersey abused their discretion by ignoring their sworn duty to uphold Petitioner's protected rights under the First Amendment, the Fourteenth Amendment, the United States Constitution, and the Civil Rights Laws.

For the foregoing reasons, Petitioner respectfully requests that this Court issue a writ of Certiorari to review the judgment of the U.S. Court of Appeals Third Circuit Opinion, and the U.S. District Court, New Jersey Opinion.

The petition for a Writ of Certiorari should be granted.

Respectfully submitted,
 Gwendolyn Wilson, Plaintiff, Pro Se
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 Hillsborough, New Jersey 08844
 (908)359-7049

Signature of Petitioner/ Gwendolyn Wilson

Signed this 27 the day of July 2022