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No. 21-

22-6919

In The

Supreme Court of the United States

IN RE: DeAnn Graham VS UMH Property

Civil Right, Constitutional Rights, Due Process,

Fair Housing

ON PETITION FOR A WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR A WRIT OF MANDAMUS

DeAnn Graham Plaintiff-Appellant pro se litigant

1624 Windsong Dr. Apt. #2

Elkhart, In.

November 20, 2022



QUESTION PRESENTED

When this case was before the Court of Appeals on the Appeals" and "review[ed] the Plaintiffs' appeals challenging the District Court's Judge Jon E. DeGuilio order their motions to dismiss." DeAnn Graham VS UMH , No. 21:2829. The Court held the Petitioners' lawsuit challenging UMH." 1. Accordingly, the Appeal Court's 7th Circuit judgment affirmed the district court's order and remanded to the 7th Circuit for proceedings consistent with the opinion. Rather than remanding the case to the district court, the court of appeals, should have scheduled oral arguments but, did not. They could consider setting a briefing schedule on purportedly remaining justiciability issues. The question presented is whether a writ of mandamus should be issued directing the court of appeals to remand the case to the district court without delay. I believe this should be a reversal of the lower court and 7th Circuit because I allege "abuse of discretion" and "clear error", Violation of civil rights, Violation of Fair Housing, Due Process.

PARTIES TO THE PROCEEDING

Petitioners in this Court (plaintiffs-appellant in the court of appeals) are DeAnn Graham. The Respondents- Appellees in this Court is the United States Court of Appeals for the 7th Circuit. Respondents also include Judge Diane Sykes, Michael B. Brennan, and Michael Y. Scudder in their official capacity as Judges of the 7th Circuit of Appeal.

STATEMENT OF RELATED PROCEEDINGS

The following proceedings are directly related to the case in this Court within the meaning of Rule 14.1(b)(iii): U.S. District Court for Northern Indiana, No. 3:20-cv-00714-JD- MGG, DeAnn Graham VS UMH, (AUG 21, 2020); U.S. Court of Appeals for the 7th Circuit, No. 21-2829, In re DeAnn Graham VS UMH (Oct. 21, 2021); Supreme Court of the United States, No. 21-...., DeAnn Graham VS UMH, (Nov 20, 2022).

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TABLE OF AUTHORITIES

Ordinarily, in conducting its review at summary judgment, the court will "consider the record and draw all reasonable inferences in the light most favorable to the non-moving party." *Blue v. 2 Lopez*, 901 F.3d 1352, 1357 (11th Cir. 2018). The court may grant summary judgment only when, after viewing all evidence in the light most favorable to the non-moving party, the court determines that no genuine dispute of material fact exists such that the movant is entitled to judgment as a matter of law. *Id.* at 1360. Summary judgment is improper, however, "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson*, 477 U.S. at 248; *Guevara v. NCL (Bahamas) Ltd.*, 920 F.3d 710, 720 (11th Cir. 2019). In so ruling, even a motion for summary judgment, the court should review the facts in a light most favorable to the party who would be opposing the motion.

APPENDIX

Appendix A: 7th Circuit's Order

Statutes, Constitutional Provisions, and Rules 28 U.S.C. § 1651(a)

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Stephen M. Shapiro et al., *Supreme Court Practice* (10th ed. 2013)

PETITION FOR A WRIT OF MANDAMUS

Petitioners respectfully petition for a writ of mandamus to the United States Court of Appeals for the Seventh Circuit, requesting that the Seventh Circuit be directed to properly fulfill their official duties or correct an abuse of discretion. BY commanding the performance of a specified official act or duty.

OPINIONS BELOW

The 7th Circuit Appeal courts on Oct 31, 2022, decision on appeal denying plaintiffs' Oral argument when there was a clear error.

Under Federal Law it Prohibits Discrimination

Breed, Size, Training Level or Age of Any Emotional Support prohibits discrimination by direct providers of housing, prohibits discrimination in housing against families with children, that need reasonable accommodation. Prohibits discriminatory practices by make housing unavailable to persons because of: race or color family status, and disability for ESA. Prohibiting, an outright denial of housing to families with children, that have special requirements or conditions. The amended Fair Housing Act prohibits, a housing Provider from refusing to rent or sell to families with children, that need a Reasonable accommodation for ESA to families with children. There are other federal statutes that prohibit discrimination against individuals with disabilities, including the Americans with Disabilities Act, which is enforced by the Disability Rights Section of the Civil Rights Division for families that are being denied reasonable accommodation for a disability. Our family is being refused housing or to occupy rentals all over the State of Indiana Northern District they will say no for no dogs. The Courts and Judges are not upholding the law. Fair Housing Act, Section 504 Federal nondiscrimination laws require housing providers to grant requests for reasonable accommodations and modifications in housing. Federal nondiscrimination laws that protect against disability

discrimination cover not only tenants and home seekers with disabilities, but also buyers and renters without disabilities who live or are associated with individuals with disabilities. The Fair Housing Act makes it unlawful to refuse to make reasonable

accommodations, to a family with a person with a disability who is existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. The Motion to Remand the Case to the District Court is wrong.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1651.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The All-Writs Act, 28 U.S.C. § 1651(a), provides: "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

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STATEMENT OF THE CASE

The 7th court of Appeal rule with the lower court than mandate that the issues from The Court of Appeals." DeAnn Graham VS UMH Fair Housing Violation. In that capacity it decided plaintiff's appeals of the district court's denial and motions to dismiss. The 7th Circuit has refused to do Oral arguments, I seriously dispute the 7th Circuit. The Honorable 7th Circuit Judge David F. Hamilton has had all my 7th Circuit Appeals cases and knowledge of them since they been in the 7th Circuit appeals. I already had filed a brief and it was in a timely matter and the Honorable 7th Circuit Judge David F. Hamilton had knowledge of the brief. Then Judge Diane Woods, on March 9, 2022, and March 10, 2022 send multiple errors and amending's to my CCC case and my UMH cases. Judge Diane Woods, on March 9, 2022, of the 7th Circuit appeals Federal Court, make two very vital decisions of denials in my CCC and UMH. She had no knowledge of the cases, Judge Diane Woods, on March 9, 2022, of the 7th Circuit anneals Federal Court has

shown, I allege she not even looked at my cases. How could Judge Diane Woods make a decision on my case? When she had NO knowledge of my brief that was done, that can ONLY mean she never looked at the cases before making a decision of denials, entered on March 9,2022. The tamping and delaying of the mail in all 7 of my court cases. The clear error of Violating Federal Law in Fair Housing. Petitioners respectfully request that this Court issue a writ of mandamus.

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PETITIONERS' RIGHT TO ISSUANCE OF A WRIT IS CLEAR

Petitioners are entitled to a writ directing the to relinquish jurisdiction over this case and the district court and Appeal for further proceedings consistent with this Court's opinion, because the appeals before the Seventh Circuit have been fully resolved by this Court. That the errors from the 7th Circuit and District be correct. The appeal and district court dismissed that clearly Violates Fair Housing.

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REASONS FOR GRANTING THE PETITION

The 1968 Act expanded on previous acts and prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status. Title VIII of the Act is also known as the Fair Housing Act (of 1968). The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations "To effectuate its sweeping purpose, to forbid discrimination against individuals in major areas of public life, and among employment. The court may grant summary judgment only when, after viewing all evidence in the light most favorable to the non-moving party, the court determines that no genuine dispute of material fact exists such that the movant is entitled to judgment as a matter of law. Id. at 1360. Summary judgment is improper, however,

The Court may "issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). A writ of mandamus is warranted where "(1) no other adequate means exist to attain the relief [the party] desires, (2) the party's right to issuance of the writ is clear and

indisputable, and (3) the writ is appropriate under the circumstances." Hollingsworth v. Perry, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004)) (internal quotation marks and alterations omitted). Mandamus is reserved for "exceptional circumstances amounting to a judicial 'usurpation of power.'" *Cheney*, 542 U.S. at 380 (citation omitted).

Where a lower court "mistakes or misconstrues the decree of this Court" and fails to "give full effect to the mandate, its action may be controlled by a writ of mandamus to execute the mandate of this Court." *Gen. Atomic Co. v. Felter*, 436 U.S. 493, 497 (1978) (per curiam) (quoting *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895)); see also *United States v. Fossatt*, 62 U.S. 445, 446 (1858) ("[W]hen a case is sent to the court below by a mandate from this court, if the court does not proceed to execute the mandate, or disobeys and mistakes its meaning, the party aggrieved may, by motion for a mandamus, at any time, bring the errors or omissions of the inferior court before this court for correction."). "If the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson*, 477 U.S. at 248; *Guevara v. NCL (Bahamas) Ltd.*, 920 F.3d 710, 720 (11th Cir. 2019) In so ruling, even a motion for summary judgment, the court should review the facts in a light most favorable to the party who would be opposing the motion.

We lost our home, and we were homeless. I feel that I and my 3 daughters with my daughter's emotional support dog are victims of Disability discrimination, and failure to accommodate is violation of the Fair Housing Act and the Rehabilitation Act. I have been denied the right to fair housing based on many untruths, from UMH, Police, Human Relation, and judges. Nothing but discrimination and they all refused to help. This is Disability discrimination, and violation of the Fair Housing Act and the Rehabilitation Act. We lost our home that we lived on 1513 Flag Day Ln Holiday Village in Elkhart, In. 46514. We lived here about 6 and 1/2 years. We have been forced out of our home for my daughter's Emotional Support dog Kane, on August 1, 2018. We have never broken the community rules, we were granted in May 2017, to have Kane. I went to the Holiday Village Office and spoke with Holiday Village's the-Property Manager, Candace. I was told by Candace that I would need to provide paperwork from my daughter's doctor showing that Indigo had a disability, and that Kane was needed to provide emotional support to her.

I provided that information, and Candace and Micah LNU came to inspect our home. We obtained Kane, a golden retriever mix, as an ESA. Neither I nor my family has ever broken any rules; Holiday Village's Property Manager's office has a revolving door, because Candace left shortly after I got Kane. Candace was followed by 5 subsequent property managers. However, I had no problems concerning Kane until the arrival of Chris as Property Manager, and Karen as Regional Manager, in approximately June 2018. We have never broken the community rules, we were granted permission to have Kane. I've paid my rent-on time since we lived there.

They have been through about 6 different new property managers who have all been negligent in their jobs. **They were forcing us to put Kane down, give Kane away or leave.** This is against the law, a violation of our civil rights and my daughter's Emotional Support dog Kane, rights. The Attorneys, judges and Human Relation Jenny Recinos- Trejo did nothing to help or uphold the law, in Elkhart, In. I allege mismanagement, an abuse of authority from Elkhart, In. Human Relation Department Jenny Recinos- Trejo and Abby Wiles I allege the abuse and gross mismanagement in a HUD programs and operations. They did nothing to help. For reasons unknown, I was informed that Kane was "a new pet," who had "never been registered, at the community and that **I would either have to get rid of Kane, put Kane down or leave** the property. At around the same time, I received a notice from Holiday Village that, unless I power washed my residence immediately, I would be evicted.

My daughter, IKG, was involved in a series of automobile accidents. As a result of those accidents, me and my daughter's doctor, Dr. Amrhein agreed on getting an Emotional Support Dog ("ESA") for Indigo, to provide calming when she experienced stress and anxiety as a result of the accidents. My daughter IKG almost lost her life in a car accident from all stress August 11, 2018, her car flipped 3 and she had a brain injury.

I feel they plotted against us On June 18, 2018, the day of the incident, Karen and Chris, were visiting the property. My daughter was outside taking Kane to the restroom. My daughter was with Kane, standing several feet within the back of the yard. Karen, without permission or invitation, came up to my daughter and Kane. When Chris and Karen pulled at my home unannounced and without any notice of a home visit or a phone call. Karen **only**, stopped and got out, while Chris sat in the car the **entire time** and Karen began to inquire quite loudly, "whose animal" is this. Karen was yelling at my minor daughter without me being present. Karen didn't even introduce herself to me or my daughter before she approached all hostile Karen began to inquire quite loudly, "whose animal" is this. My daughter's Emotional Support Dog was using the restroom on a leash and under our control the entire time. Kane started barking because Karen was yelling at my daughter, that she had no business talking to a minor without an adult present. I went outside and I asked Karen to get out of our yard. Karen was irate and screaming and Karen refused 3 times to leave, I called the police. I called the police; the police officer didn't even come until a day later he didn't even come to speak to me. He went to the office first and I called him. This is just like " Karen was yelling loudly about "whose animal" is this again. Karen was irate that the animal "had to go," because he was "a pet. I heard all the very loud talking and my daughter called me for help to come here. For reasons unknown, I was informed that Kane was "a new pet," again. I said he is not a pet; he is my daughter's ESA.

I came outside and told her to leave, Suddenly, Karen shouted that Kane had bitten her. No one else observed the alleged "bite," Kane, is an Emotional Support Dog, barking is not a bite. Karen Wills came up in our yard in a threatening way. Kane is very gentle and very loving; Karen created a hostile environment by the way she approached us very rudely and flailing her arms. I called the police, and I did report it. We had control of Kane the entire time, Karen attacked us. I have contacted Humane society and I've contacted the health department and neither one of them has any documentation on any dog bite from Karen Wills. Neither doctor's papers of a bite, nor any torn clothing, the entire story was based on false allegations against our family and

my daughter's ESA are vicious and false. I told the police officer he didn't bite her, the police officer said I was not here, but wrote a ticket and falsified documents. I told the Human Relation Department that she was not being truthful, and I told the court Karen had not been truthful. This whole entire story was a falsified story from Karen and UMH properties. No one did anything to help us.

UMH was aware that my daughter had a disability, and that Kane was required to alleviate the symptoms of the daughter's disability. That UMH's objective was to "rid" Holiday Village of my family and Kane's presence. **At the eviction hearing, Karen admitted that Kane was not the dog who bit her, although she claimed I "must have other dogs," in which I did not. Karen Wiles also admitted that she had never reported the alleged "dog bite" to the Health Department, doctor's office nor the Humane Society nor had she ever sought medical treatment for the bite.**

The police department, UMH and Human Relation Department, with the help of the courts falsified documents to help UMH properties. I am sure they all knew, as I have stated before the Fair Housing Act ("FHA"), 42 U.S.C.A. § 3604(f), prohibits discrimination in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of race or disability of any person associated with that buyer or renter. Moreover, the FHA further defines discrimination as the "refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling[.]" The Rehabilitation Act prohibits discrimination on the basis of a disability by a corporation "principally engaged in the business of providing . . . housing[.]" 29 U.S.C. § 794.

Now that we're all alone and homeless with nowhere to go, my family is in crisis, and no one seems to care because it's not their life. We lived a nightmare for more than 2 years when I lost my home, my job, and now almost my daughters for nothing. We were homeless, no place to go, no place to call our home, sleeping in my truck sleeping on people's couches, in people's homes all for nothing. I gave UMH the documents twice and they destroyed the documents. I can't get a fair hearing in ELKHART SUPERIOR COURT 6, Federal Northern District, or 7th Appeal.

I allege this is just a cover up. I have tried to rent homes from over 22 people, and all was no. This is Fair Housing Discrimination and the courts in the Northern District, State, Federal, and Appeal are allowing it. The corruption and collusion I allege, you scratch my back and I'll cover your back. There was no dog bite, not even one time. The dishonest people involved in this plot against me, and my daughters all know each other through work. **The so-called dog bite ticket, that has sent our lives into a world wind that got us put out of our home, when they all knew it was not a dog bite. The ticket was thrown out of court on July 3, 2019.** We have lost everything that I worked so hard for because of others and their bias. We are being refused housing throughout the Northern State of Indiana.

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III.

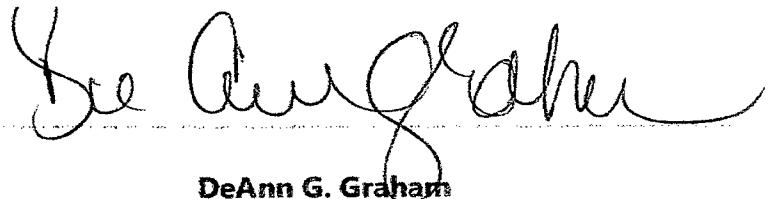
NO OTHER ADEQUATE MEANS TO OBTAIN RELIEF EXIST

No other adequate means exists to obtain Petitioners' requested relief. "[T]he Court has indicated that mandamus is the only proper remedy available. *United States v. Fossatt*, 62 U.S. (21 How.) 445, 446 (1858), 'does not proceed to execute the mandate, or disobeys and mistakes its meaning.'" Stephen M. Shapiro, et al., *Supreme Court Practice* 665 (10th ed. 2013). The petitioners have been denied by the court of appeals' order setting oral argument and for the case and remanded to the district court. I am asking for the courts to use the evidence in the case, that is clear this is Fair Housing Discrimination. Please correct the errors made and overturn it.

Conclusion

The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations, to a family with a person with a disability who is existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Respectfully Submitted,

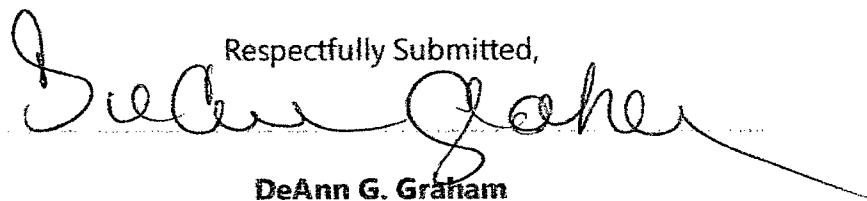


DeAnn G. Graham

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished via US Mail
This 20th day of November 2022.

Respectfully submitted this 20th day of November 2022



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