22-7450

No.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2023

Derry Sykes, Pro Se,

Petitioner,

-against-

New York City Housing Authority,

Defendant.

On Petition For Writ Of Certiorari To The United States Supreme Court For The Second Circuit Court

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Appellant's Brief

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion and made a clear error of law in dismissing petitioner's complaint for failure state a claim under the Fair Housing Act of 1988 (FHA)(42 USC Section 3601 et seq.) for New York City Housing Authority (NYCHA) failure to make repairs and remove mold/fungus from petitioner's apartment.
2. Whether district court trial judge and the Second Circuit Court in ignoring petitioner's private laboratory test results establishing mold and fungus in apartment violates the Federal Rules of Evidence that contradicts NYCHA false allegation that no mold was present in petitioner's apartment establishes prima facie evidence creates a showing of a clear error of law.

   NYCHA that no mold was found discovered created blatant bias.
3. Whether district court Judge Vyskocil, erroneous dismissal of this action usurp Congress legislative purpose for enactment of the Fair Housing Act surrounding petitioner claims of lack of repairs and mold that endangers the health and safety of petitioner and occupants of his apartment.
4. Whether the Second Circuit has a pattern of depriving petitioner due of process of law in Sykes v. N.Y.S. Office of Children & Family Servs. et al., and Sykes v. James, et. al., before the court below that resulted in an fundamental unfairness, bias, and bad adjudicating that deprived petitioner of his basic civil rights protection as is present here

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OPININS AND ORDERS BELOW

The Order of United States District Court Judge Mary Kay Vyskocil,, Southern District of New York, Order of Dismissal, dated June 7, 2022 (See, Appendix "A"); Second Circuit Court Order of Dismissal of Appeal, entered on February 1st, 2023 (See, Appendix "B"); and U.S. District Court, Southern District of New York, Civil Docket Sheet Case No. 1-22-cv-02127 (MKV), entitled Sykes v. New York City Housing Authority. (See, Appendix "C")

JURISDICTION

The Court of Appeals for the Second Circuit Court of New York dismissal of petitioner's appeal was filed on February 1st, 2023, thus jurisdiction is properly invoked pursuant to 42 USC Section 1245[1], and Rule 13[1], of the United States Supreme Court to timely hear and prosecute petitioner's civil appeal.

CONSTITUTIONAL & STAUTORY PROVISIONS INVOLVED

This United states Supreme Court has jurisdiction to hear and decide this civil appeal pursuant to the Fair Housing Act of 1988 (FHA) (42 USC Section 3601 et seq.); the "Civil Rights Act of 1964 (42 USC Section 1983); and the Fourteenth Amendment of the United States Constitution, Equal protection and Due Process of Law Clauses; the Federal Rules of Evidence, Rule 301-302;

Rule 402; Rule 801-802; Federal Rules of Civil Procedures, and Rule 8[a]; which were not recognized by the courts below in erroneous dismissal of this action.

STATEMENT OF THE CASE

Appellant is a disable Black 64 years old cancer survivor who completed an eight (8th) grade education and resides in a Section 504 apartment with two other occupants who are also, disable. The nexus of this case is whether the defendant New York City Housing Authority violated the provisions of the Fair Housing Act of 1988 (FHA), by failing to make harrowing major repairs caused by years of neglect pertaining to water leaks causing major substantial structural damages to numerous rooms surrounding walls and ceilings areas in petitioner's apartment.

Petitioner alleged and setforth prevalent facts and evidence that NYCHA due to gross negligence failed miserable in their obligation and responsibilities to make timely repairs and more important remove the mold caused by years of water leaks which a blatant violation of 42 USC Section 3604 [a], that strictly prohibits discrimination in "terms, conditions or privileges of sale or rental" and subsection concludes [b], and a number of other practices. Petitioner correctly point out to this Supreme Court that any racial intent motive component isn't required in proving a bative of a violation of the FHA statutes. Based on the premises that petitioner is Black

and the occupants of his apartment are Hispanic belonging to a minority group is a sufficient showing to establish racial disparities.

The district court trial Judge Mary Kay Vyskocil, a former President Trump appointee erroneous dismissed this action on the narrow misinterpretation of the "Reasonable Accommodation" factors of the FHA, and ignored the glaring violations of petitioner's due process of law claims and the dangers of harm to the safety and health of petitioners and the occupants of his apartment is callous and reckless disregard of these civil rights guarantees as **shall** be abundantly demonstrated in this writ.

I. PARTIES

Petitioner, Derry Sykes, is appearing pro se, for this application for a Writ of Certiorari to this United States Supreme Court from an order of dismissal from the Second Circuit Court of New York upholding an erroneous dismissal of petitioner's complaint before the trial court Judge Mary Kay Vyskocil, of the United States District Court for the Southern District of New York.

Defendant New York City Housing Authority (NYCHA) is an repeated and notorious offender of tenant's housing rights and this action represent on of several discriminatory litigations petitioner has brought against NYCHA all ending in favorable settlements for petitioner. In this proceeding before this Supreme Court petitioner is alleging violations of civil rights to timely repairs and extensive lengthily water leaks that caused the growth of mold/fungus saturated throughout petitioner's apartment representing a

severe dangerous health risk hazardous to petitioner and the occupants of his apartment including his pet.

II. FACTS

The district court Order of Dismissal of petitioner's complaint on the narrow scope of the "Accommodation" factor runs counter to the authoritive Court related decisions in Maribel Baez v. NYCHA, 533 F. Supp. 3d 135 (SDNY 2021), *before the late Great Honorable William E. Pauley, Senior* United States District Judge; Sherron Paige v. NYCHA, et al., No. 17-cv-7481 (Aug. 4, 2018)(WHP); Davis v. NYCHA, et al., 839 F. Supp. 215 (SDNY 1993)(Judge Sweet); and Davis v. NYCHA, 379 F. Supp. 3d 237 (Judge J. Paul Oetken)(2019).

Petitioner correctly argued that he had viable legal standing to bring this for punitive damages against NYCHA in light of the decisions held Smith vs Wade, 461 U.S. 30 (1983), Sherron Paige v. NYCHA, No. 17-cv-7481; and Davis v. NYCHA, 379 F. Supp. 3d 237 (2019), allowing punitive damages if *sue in their individual capacities. Then, after realizing this exception* petitioner requested that the Second Circuit Court before dismissing his appeal in entirely remand that portion back to the district court to allow for amendments in "Statement of the Issues Presented For Review" in his appeal brief at pages 5-6. The courts below obviously weren't concern about any prevailing aspect petitioner presented that would ordinary and fairly shock the conscience of any rational civilized person to be rightfully outraged by the

egregious capricious conduct of NYCHA under both human and civil rights circumstances alleged here except the lower courts below.

However, NYCHA is an habitual offender of petitioner's due process of law deprivations and has long track record of willful and reckless behavior through the New York City NYCHA Developments properties.

REASONS FOR GRANTING THE WRIT

Because it would be in the public interest to grant petitioner's Writ of Certiorari to protect a Federal Right remedies. enshrined in the FHA Statutes and Section 1983 Civil Rights Statutes Remedies regulatory and statutory provisions actionable under the these above stated statutes unambiguously and erroneously applied by the district court trial Judge Vyskocil and Second Circuit Court dismissing petitioner's appeal for failure to state a claim on February 1st, 2023, (See, Appendix "A"). As abundantly demonstrated the Courts below foreclosed petitioner to a remedy for violations of his federal rights deprivation under the FHA and Section 1983

Petitioner and his household members are still being subjected to dangerous unsafe health risk factors from continuation of water leaks which were not sufficiently repaired and water leaks continue today and mold growth has reoccurred thus, the harm was negligently inflicted paramount on the poor quality or incomplete repairs of the water leaks crisis creates an atmosphere of deliberate indifference to failure to make adequate and timely repairs support a substantive due process claim here.

The fact that district court trial judge and the Second Circuit Court ignored the fact that NYCHA presented false statements to the Court stating that no mold was found in petitioner apartment without the use of any mold testing devises implemented b NYCHA when their counsel made that false statement to the Court was not acknowledges, sanctioned or reprimanded support petitioner's contention of bias and unfair treatment by the lower courts that triggers violation of the Fourteenth Amendment of the United States Constitution, Equal Protection & Due Process of Law Clauses.

More over the fact that lower courts ignored petitioner's independent mold laboratory test results (See, Appendix "C" Pro lab Certificate of Mold Analysis" dated June 21, 2022"; "D1" Notice-Mold Inspection Review/Mold Inspection Receipt-Work Order # 93314034; and Appendix "D2' Notice-Mold Inspection Review/Mold Inspection Receipt Work Order #93314272) that proved the growth of mold & fungus in his apartment in several areas also, demonstrate a callous disconcert for petitioner's and his household members safety and being exposed to dangerous contaminants is offensive to human dignity and integrity of the courts below dispensing fair impartial justice. The fact that NYCHA intentionally concealed the results of petitioner's mold test results which were furnished to them also, illustrate an equal callous and uncaring disposition to petitioner's being exposed to dangerous health risks and unsafe conditions is unconscionable.

I. PETITIONER HAS LEGAL STANDING IN THIS ACTION BASED ON MARIBLE BAEZ V. NYCHA, THAT HELD NYCHA CAN BE HELD LIABLE FOR FAILURE TO REMOVE MOLD UNDER THE ADA ACT OF 1990, AND SECTION 504, FAIR HOUSING AMEND MENTS ACT OF 1988.

Petitioner believes that he has presented valid argument that the NYCHA and the courts below refusal to take into considerations that the evidence he submitted to the courts below are consistent with the regulatory scheme of the FHA and Section 1983 remedies, that constitutes petitioner's evidence as acceptable objective and subjective permissible evidence to substantiate a claim under FHA statutes.

The Court in Maribel Baez v NYCHA, F. Supp. 3d 135 (SDNY 2021), the late Great Honorable William H. Pauley III, Senior United States District Court Judge, a defining and well crafted ruling held that NYCHA can be liable for non repairs, lack of heat; hot/cold water, non repairs services and mold/lead contaminations in the NYCHA apartments unites. Thus, NYCHA was forced to create inter alia "Mold Busters" program through the "Original Consent Decree" in April 2015, granting appointment of a Special Master remediating mold and excessive moisture.

During an extraordinary hearing on September 26, 2018, this Court heard from scores of NYCHA tenants, elected officials, and representatives of community organizations concerning the fairness of the further amended consent decree. During this hearing, this Court also, considered a sweeping proposed consent decree parallel action brought by the United States

addressing NYCHA's systematic failure to provide any semblance of adequate housing. See, generally, United States v. N.Y.C. Hous. Auth., 18-cv –5213. Witnesses, "[o]ne after another,...rendered harrowing accounts of the squalid conditions in their apartments and the indifference of NYCHA management, called for the firing or prosecution of NYCHA officials, and urged greater tenant participation in the negotiation and enforcement of the proposed consent decree."

The Court in Davis v. New York Housing Authority, 379 F. Supp. 3d 237 (2019), addressed what constitutes a violation of Constitutional Rights, acknowledge that Davis premises this claim on the violation of her substantive due process rights under the Fourteenth Amendment. To adequately plead a substantive due process violation, a plaintiff must allege: (1) the infringement of a right protected by a substantive due process; and (2) that the conduct of the state actor was sufficiently "egregious" or "outrageous" to rise to a level of a constitutional violation. See, Masclotta v. Clarkstown Cent. Sch. Dist., 136 F. Supp. 3d 527, 542 (SDNY 2015)(quoting, Lombardi, 485 F.3d at 79); 49 WB, LLC v. Will. Of Haverstraw, 511 Fed. Appx. 33, 34 (2d Cir. 2013).

The Court in Davis v. New York City Housing Authority, 839 F. Supp. 215 (.S.D.N.Y 1993), dealt with a different set of policies violations under the FHA, alleging discrimination based of race, color, and national origin in the selection and assignment of public housing tenants in

violation of the Fair Housing Act of 1968, as amended, 42 USC Section 3601 et seq. (The "Fair Housing Act"); Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d, et seq.; and 42 USC Section 1981, Section 1982, Section 1983. The Government later initiated United States v. New York City Housing Authority, 92-cv-4873, also, alleging that NYCHA's policies and practices of selecting tenants for projects violated the Fair Housing Act.

A. THE DISTRICT COURT AND SECOND CIRCUIT COURT BELOW ARE PROVIDING CARTE BLANCHE INSULATION TO NYCHA TO USURP CONGRESS LEGISLATIVE INTENT IN ENACTING FHA TO HOLD VIOLATORS OF DUE PROCESS LIABLE SUCH AS NYCHA FAILURE TO MAKE REPAIRS AND REMOVE MOLD/FUNGUS FROM PETITIONER'S APARTMENT

Despite the Supreme Court decisions such as Shelly v. Kraemer, 344 U.S. 1 (1948), a landmark United states Supreme Court case that held racially restrictive housing covenants can't legally be enforced argued by George L. Vaughn , a BLACK attorney who represented J.D. Shelly, in an Opinion Joined by all participating Justices, the United States Supreme Court Chief Justice Fred Vinson, held that the "Fourteenth Amendments Equal Protection Clause" prohibits racially restricted housing covenants from being enforced.

Also, in the "companion case of" Hurd v. Hodge, 344 U.S. 24 (1948), the Supreme Court found that the "Civil Rights Act of 1966" forbade restrictions on covenants, which later legislation in the "Civil Right Act of 1968".

In this proceeding petitioner presents dual nature prima facie claims in the following: (1) that unduly delays in rendering repairs caused by water leaks; (2) that due to the severity water leaks petitioner apartment became saturated with growth of dangerous mold/fungus bacteria's (See, Appendix "C", "D1", and "D2"), which not got a response on the summation of petitioner's prima facie evidence to both the district court and the Second circuit Court certainly petitioner's evidence represents more than a scintilla of evidence to survive a motion to dismiss for failure to a claim as the district court erroneous pointed out in its Order of Dismissal. Moreover, there was never a denial from NYCHA that they lied to the district court about no mold be found in petitioner's apartment, nonetheless, petitioner's complaint was unsuccessful on with grounds based on the lower courts observation and decisions dismissing petitioner's complaint.

The district court and the Second Circuit Court are providing NYCHA with free reign to continue with their campaign of systemic abuses and violation of the Fair Housing Act of 1988 statutes and Section 1983 Civil Rights remedies, which encompasses the Fourteenth Amendment of the United States Constitution, Equal Protection and Due Process of Law Clause.

The district court trial judge failure to consider petitioner's evidence of mold in is apartment is a staggering dereliction of the district court's obligation and duty to obfuscate the Federal Rules of Evidence in light of the petitioner raised strong and reasonable objections to NYCHA's being

untruthful to the Court in their false assertions that no mold was found in petitioner's apartment. The Court taking on face value this admission while ignoring petitioner's factual evidence of existence of mold as illustrated by petitioner's Appendix "C"; Appendix "D1"; and Appendix "D2". (See, People v. Kenny, 167 Misc. 51, 54, 3 N.Y.S. (2d) 348, 351 (1938)

MEETING THE EVIL OF BIAS AND THE MOTIVE TO LIE

The fact that the district court trial judge failed to give required weighing to the materiality assessment of the petitioner's Pro Lab Mold Test Results (See, Appendix "C"), and photographs of various stages of growth of the mold/fungus in petitioner's apartment foster the appearance of bias and unfairness is supported by the district court unwillingness to adhere to Federal Rules of Evidence, Article III, Rule 301, Rule 302, Article I, Rule 402; Article VII, Rule 801, Rule 802, represents a horrendous and coerciveness to the fundamental due process protection described in the FHA statutes. (See, St. John Law Review, Article 6, No. 2, Vol. 13, Dated April 13, 1939, "Scientific Aids In Proof" By Harold Peller)..

When judges and magistrates become judicial trespassers to the Canon Laws of Ethic there is a seldom a remedy or that remedy is executed which is treasonous to the Canon Laws of Ethic And Conduct of a violation of a judge's oath of office. (See, U.S. v. Will, 449 U.. 200-16 (1980); and Cohen v. Virginia, 19 U.S. 96 (Wheat) 264, 404, 5 L. Ed 257 (1821); and Marbury v. Madison, 5

U.S. (1 Cranch) 127 (1903), this case established judicial review in the United States, meaning the American Courts have the power to strike down laws, statutes and some government actions that violates the Constitution of the United States, as the exhaustive dissent of Justice Marshall Opinion, "that concluded paten violations of laws the very essence of due process whether the law has provided a specific remedy". (See, 5 U.S. 137 at 169)

B. THE DISTRICT COURT IGNORED PETITIONER'S EVIDENCE DEMONSTRATING NYCHA LYING ABOUT NO MOLD FOUND IN PETITONER'S APARTMENT AND PETITIONER'S LABORATORY EVIDENCE CONRADICTING NYCHA'S FALSE ALLEGATIONS TO THE COURT OF NO MOLD FOUND IN PETITIONER'S APARTMENT

Petitioner submitted credible evidence to the district court that refute NYCHA false statement of no mold found in petitioner's apartment to the court which was never rebutted by NYCHA because the district was acting more in capacity of advocating and protecting NYCHA from petitioner's undisputable claims of years of non-repairs caused by water leaks, which caused the growth of mold demonstrated in petitioner's Appendix's "C", "D1" & "D2", be relieving NYCHA of the burden of production to rebut petitioner's claims and evidence. The appellate court is equally at fault for their failure to weight and perform a partial competent actual analysis to explain the relevancy of petitioner's evidence in violation of the Federal Rules of Evidence both courts below failed to adhere to.

The fact that the district court ordered emergency repairs to petitioner's apartment by "Order For hearing On Plaintiff's Request For Emergency

Relief, dated March 3rd, 2022, (See, Appendix "B" "U.S, District Court, Southern District of new York –Civil Docket Sheet Case No. 22-cv-2127 (MKV) Docket No. 7, Dated march 21, 2022) under cuts her the issues she raised in its Order of Dismissal due to nature of serious and major repairs that were neglected by NYCHA that represent a legitimate severe health danger factor to petitioner and his household members.

Petitioner attempted to submitted video evidence of the deplorable damages in his apartment caused by water leaks in letter to Judge Vyskocil, dated March 29th, 2022, (See, Appendix "B" Civil Docket Sheet, Dkt. No. 12, the Court denied on the basis that petitioner failed to secure prior approval from that court for submission of a video evidence contained a USB drive which was return to petitioner. It should be noted in that letter to the court dated March 29th, 2022, at page 3, quoting' its hard to conceive how a pattern of systematic neglect and recklessness for failure to make major serious repairs does [not] equate to a viable claim of due process deprivations from .....NYCHA had neglected ...obligations and duties to make repairs should be sufficient to give rise to a cause of action in the essence of "willfulness encompassing conduct that can on be interpreted as 'deliberate' or 'egregious' or just bad faith on defaulting in their required actions to make timely and adequate repairs or a violation of 42 USC Section 1983, Civil Rights Statute, which have multiple remedies including injunctive relief".

Petitioner is under no illusion that had he submitted false statements to the courts below as NYCHA has committed he would have found guilty of perjury, sanctioned or had his case dismissed solely on the basis of false statements, instrument, testimony given to those courts which creates a strong appearance of indifference and bias that was allowed and tolerated to NYCHA making those proceeding an un-fare playing ground for petitioner. Yet NYCHA legal counsel was allowed to submit false declaration to the district despite petitioner's objections that counsel misinforming about the district court about no mold be found in NYCHA's counsel Seth Kramer, letter to Judge Vyskocil, dated April 29th, 2022 (See, Appendix "G").

It's very disturbing to the rule of law when a pro se litigant like petitioner presents credible prima facie evidence to the court and when that evidence isn't acknowledge taken seriously, or rejected proves a an impartial judicial system that treats pro se usually poor and minorities with such contempt. (See, Akron Law Journal, Vol. 20, Issue. 2, Article 4, July 2015, Making And Meeting The prima facie case Under The Fair Housing Act" By Frederic C. Schwartz)

C. THE SECOND CIRCUIT COURT HAS A HISTORY OF DEPRIVING PETITIONER EQUAL PROTECTION OF LAW IN TWO PRIOR CASES PRESENTED TO THIS COURT IN SYKES V. NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, ET AL, AND SYKES V. JAMES

Petitioner has been unfortunately subjected to bad judicial decisions from the Second Circuit Court of New York first beginning in Sykes v. James, et

al., 13 F.3d 515 (2d Cir. 1994);(cert. denied) 512 U.S. 1240 (1994), in that proceeding petitioner was subjected to a federal kidnapping crime by a conspiracy involving the NYS Parole Div.; New State Attorney General Office, several New York State Judges, Justice Hecht of the Bronx County, NYS Supreme Court and Justice Leary, of Washington County, NYS Supreme Court that held petitioner in unlawful imprisonment for ten (100 months despite a pro se writ of habeas petitioner had been sustained by Judge Byrne, of the Bronx County, NYS Supreme Court also, more cruel my Legal Aid attorney Scott Buell, Esq., was part of this diabolical scheme. Two days before petitioner hand written pro se Article 78 Petition was to be heard before the NYS Appellate Court, Third Department Docket No. 59745, the Order of Judge Byrne filed Ten (10) month earlier maliciously appeared and petitioner was released from illegal incarceration, and of course the NYS Appellate Court, 3rd Dept., dismissed petitioner's appeal as moot by Presiding Hon A. Franklin Mahoney, on October 23rd, 1989, on grounds I was no longer in custody regardless of the merits and nature of the state appeal challenging the unlawful conduct of all the State actors mentioned in the above.

It appears that even Judge Byrne was deceived about the circumstances that led to the disobedience to his Order, releasing petitioner some ten (10) later as stated in letter from Mark H. Snyder, Court Principal Attorney to the Honorable John N. Byrne, dated July 6th, 2000 (See, Appendix "H").

Now turn to the Second Circuit Court they upheld this cruel scheme of the defendants because petitioner in sound theory due petitioner being an ex parole, poor and black an evil trinity of being born Black and facing a federal and state judicial system infested with a deadly cancer also, known as racism. Today the decision Sykes v. James from the Second Circuit Court of Appeals baffle the most brilliant minds of legal scholars but the stench of racism will enable these injustices inflicted upon me.

Now in the other travesty of justice legal morass petitioner suffered at the hands of the Second Circuit Court is more outrageous and ludicrous to the rule of law and make you wonder what in the hell is going on in the Second Circuit Court. In this action entitles Sykes v. New York State O.F.C.S., and New York City A.C.S., and New Jersey Family Services, 18-cv-8309 (Judge Wood); Second Circuit Case No. 19-3360, United State Supreme Court, Docket No. 20M30-Distrubted for Conference on October 16th, 2020, (See, Appendix "E") which was denied as time barred pursuant to Supreme Court Rule 13.1, due to the negligent and errors of the Second Circuit Court of Appeals to deliver timely written notification of dismissal of petitioner's appeal in violation of FRAP Rule 4[][6][7]; Rule 36[b]; and Rule 45[c], is indefensible and explains why petitioner has well earned right to be critical of the Second Circuit Court of Appeals that petitioner pleaded with the Supreme Court should be an exception due the clear error and negligence of the Second Circuit Court in communications to Supreme Court Clerk Michael

Duggan , dated September 13th, 2020, (See, Appendix "F1", and letter to Supreme Court Clerk Office, dated September 18th, 2020; "Appendix "F2).

Paramount as consequence of Second Circuit Court negligence and errors that caused petitioner to be time barred from submitting his writ of certiorari to the United States Supreme Court pursuant to Rule 13.1, and lost opportunity to obtain custody of his two (2) great nephews ages 15 months and four years old at time that action was filed. And now strangers are raising my two (2) great nephews instead of his blood family their uncle the petitioner/plaintiff in that proceeding. These issues illustrate the injustices from New York State and Federal Courts that gravely injured his civil rights.

Note 1. Independent Democratic Conference Break The Mold: Cleaning Up NYCHA'S Mess-March 2018 https://www.nysenate.gov/sites/default/filespress
Note 2. New Scathing report & Survey On Mold In NYCHA Unveiled By The Independent Conference, NYCHA Tenants & Advocates, By Former New York State Senator Jeffery D. Klein, March 8th, 2018, NYCHA Investigation Public Health Housing, https://www.nysenate.gov/newsroom/press-releases/
Note 3. Environmental Justice, Williams College Spring 2018, "Designed In Oppression: The History of NYC Public Housing Mirrors Current Poor Conditions, By Lillana Blierer, May 21st, 2016, https://sites.williams.edu/envi-322-s-16/mold-in-new-york-city-public-housing-by-lili-bierer/designed-in-oppression-the-history-of-nyc-public-housing-mirrors-current-poor-conditions/
Note 4. In Public Housing, A Battle Against Mold And Rising Seas By Lili Pike, March 25th, 2020, https://undark.org/author/lili-pikr/
Note 5. Guidelines on Assessment And Remediation of Fungi In Door Environment-New York City Department of Health And Hygiene, November 2008, https://www.nyc.gov/assets/doh/downloads/pdf/epi/epi-mold-guidelines.pdf
Note 6. Can Mold Cause Eye Irritation & Other Problems? https://puremaintenance.com/how-mold-exposure-can-impact-your-eyes/
Note 7. Basics of Fungal Keratitis, www.cdc.gov/contactlenses/fungalikeratitis.html
Note 8. NYCHA Mold Court Deal Faces Do-Over As Judge Moves To Protect Tenants, By Greg Smith, April 12th, 2021, gsmith@thecity.nyc

In petitioner writ to the Supreme Court Docket No. 20M30, at page 31, he alleged the following:

> **Far Too Often State And Federal Judges Act In The Capacity of Judicial Whores For The Social, Political, And Economic Government Interest From Criminal/Civil Liabilities Based On Racial Bias And Financial Status Usually Disfavoring The Poor Minorities Who Are appearing Pro Se Before These Courts**

Petitioner from recent decay of the ethically moral posture of the State & especially the Federal Courts have become more convinced of the above contention of judges betraying their judicial oath of office to do justice impartially. This erosion and decline in the public trust in the Courts stems from former President Trump flooding the Federal Courts with unqualified ring radical judges who most had poor rating by their perspective bar Associates or deemed any cases to unqualified to serve on the bench.

In recent events you have Justice Thomas under immense scrutiny for civil and criminal violations which produced the extraordinary measures for Congress to pursue such action as it pertains to the Sheldon Whitehouse, Chairman, Senate Judiciary Subcommittee On Federal Courts, Oversight, Agency Action, And Federal Rights, dated April 14, 2023 https://www.huff.com/entry/ , and calls for Chief Justice Roberts to investigate Justice Thomas https://whitehouse.senat.govnewa/release, by letter dated April 7th, 2023.

Furthermore, you have valid accusations of sexual crimes committed by Justice Thomas, pertaining to credible witness Professor Anita Hill, and

Justice Kavanaugh with another credible witness Professor Christine Blasery Ford, and other allegations from Deborah Ramirez. Plus, Justice enormous debt that just disappeared in a puff of smoke, https://time.com/5677929/new-york-times-brett-kavanaugh-sexual-misconduct/

The fact that Chief Judge wife has drawn a lot of scrutiny for her legal lobbying activities it appears Justice Roberts has so far insulated himself from any appearances of maleficence. It is these issues that Supreme Court's cultural acceptance which arrogantly places these tow any other current sitting Supreme Court Justices above the law that manifesting in the erosion of public trust and confidence and represents many of the injustices that has plagues petitioner with the entire judicial system which is too male and pale.

The Only reason the Second Circuit Court rendered a favor decision to petitioner in Sykes v. Bank Of America, et al. 723 F.3d 399 (2d Cir. 2013) cert. denied. 136 U.S. 48 (Oct. 5, 2015), is because the violation of pertaining to unlawful garnishing of petitioner's SSI benefits was blatant deprivation of law and would've have adversely millions of SSI recipients to unlawful intrusion. In simple terms the Second Circuit Court had no other alternative for such a blatant intrusion on petitioner's civil rights on those issues.

Note 9. EPA - Mold, Moisture, And Your Home, Office of Air & Radiation, indoor Environmental Division, https://ww.epa.gov/mold/brief-guide-mold-mositure-and-your-home

Note 10. World health Organization (WHO) "Dampness And Mould"-Guidelines For Indoor Air Quality-2009, https://www.whoint/publications-detail-redirect/9789289041683

The fundamental procedural issue addressed in housing discrimination cases is that of the "plaintiff's prima facie" The prima facie case and the plaintiff's burden of production are intimately related. To say that a party has the burden of production on an issue means. The amount of evidence sufficiently to satisfy the burden is more than a "scintilla" but it need only be such that a "reasonable person could draw from it the inference of the existence of the particular fact to be proved.

In housing discrimination cases the burden of production with respect to racial effect will be placed on the plaintiff who brings the suit and who seeks to change the present state of affairs. Clearly, it is more efficient to require the defendant to show presence of a particular justification than require plaintiff show absence of all possible justifications. (See, Making & Meeting The Prima Facie Case Under The Fair Housing Act, Alkon Law Review, Vol. 20, Issue 2, Article 4., (1987), By Fredferic S. Schwartz

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Note 11. J. Kushner, supra note 9, at 110-111. Indeed, "disparate treatment" seems to be used as a synonym for racial motive. See, e.g., Id. at section 3.03
Note 12. The Courts have considered the issues are now almost unanimous in holding that no racial motive need to be shown to establish a violation of the FHA. See, Boyd v. Lefrak Org., 509 F.2d 1110, 1117 (2d Cir. 1972); 517 F.2d 918 (2d. 1975) cert. Denied, 423 U.S. 896 (1975)
Note 13. Eisenberg, Disproportionate Impact And Illicit Motive: Theories of Constitutional Adjudication, 52 N.Y.U.L. Review, 36, 98-99, 103 (1977)
Note 14. In Robinson v. 12 Lofts Realty, Inc., 610 F.2d 1031 (1979), the Second Circuit confused motive and racial effect, apparently finding effect where there were none, Moreover, the Court's reasoning implies that is motive where the essence of a Fair Housing Act violations. Therefore, plaintiff can establish a prima facie case of housing discrimination absence legitimate non-racial discrimination

Petitioner urges this Supreme Court to adhere the judicial fiat standards created by the late Honorable William E. Pauley III, Senior District Court Judge, of the Southern District of New York, in the Consent Decrees still in place today in the case of Maribel Baez v. NYCHA, 533 F. Supp. 3d 135 (SDNY 2021), citing that NYCHA can be held liable for failure to make repairs and mold/lead contaminations as authortive law, and United States of America v. NYCHA, 18-cv-5213 (SDNY 2018)(WHP), where the U.S. Attorney Geoffrey S. Berman, cited numerous safety, dangerous, and hazardous violations of HUD regulations under the FHA at paragraph 67, of the Complaint it's quoted, "Nonetheless, the results of NYCHA's partial 2016 effort at visual assessment demonstrate its overall failure to properly protect the children from lead poisoning."

Petitioner appeared before the Late Honorable William E. Pauley III, against for deprivation of his civil rights in Sykes v. LAZ Parking System, and NYCHA, No. 17-cv-6185 (SDNY 2017), in that action petitioner alleged violation of the FHA and the ADA deprivations which petitioner obtained a favor settlement.

Petitioner filed yet another action against NYCHA entitles Derry Sykes, and Elba Malave v. NYCHA, 13-cv- 4990 (EDNY 2013), before Judge Gleeson, the year the Senior Judge retired from the Court and U.S. Magistrate Judge Bloom, for violation depriving petitioners of their civil rights to have their NYCHA application placed in a higher priority based on existing disabilities

on grounds that petitioners weren't entitled to relief under the HUD and NYCHA application process because we did not reside in the Five Boroughs of New York City. Petitioners obtained a favor settlement and refilled complaint alleging NYCHA violated the terms of the original Settlement which led to plaintiff now residing in Public Housing.

Petitioner also, points out corroborating cases in "Verified Article 78 Petition" entitled The City-Wide Council of Residents and At Risk Community Services Inc., v. NYCHA and Shola Olatoye, Chairperson, Index No. 100283/2018, which highlighted the atrocities and violations of the FHA regulations NYCHA has been found to have been willful and recklessly engaged in systematic pattern; Seelah Diamond et al., v. NYCHA and Olatoye, Chairperson, Index No. 153312/2018.

CONCLUSION

For the foregoing reasons this Supreme Court must either vacate, or remand the petition back to the district courts with instructions to review these settled issues of law described in this Writ of Certiorari as law so requires.

Dated: April 25th, 2023.

Respectfully Submitted,

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