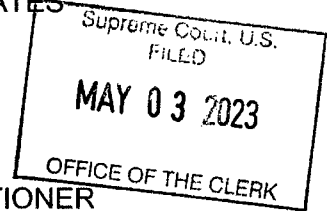


No. 22-7813

\_\_\_\_\_  
IN THE

SUPREME COURT OF THE UNITED STATES



\_\_\_\_\_  
Toby Ray A. McKenzie

— PETITIONER

(Your Name)

vs.

Kentucky Commission on Human Rights

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Kentucky

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Toby Ray A. McKenzie

(Your Name)

99 Williams Branch Apt 4A

(Address)

Wittensville, Ky 41274

(City, State, Zip Code)

(606)297-1982

(Phone Number)

## QUESTION(S) PRESENTED

Is unfair housing now legal in the state of Kentucky where single fathers can be singled out and discriminated against by their landlords due to their family status? Is it now legal to retaliate against person if they complain of discrimination (admitted by Woda in court documents Johnson County District Court Case 20-C-235) and they lose their HUD/Section 8 voucher as a result? Is it now legal for the courts, state, and federal agencies that are supposed to protect those rights ignore violations of KRS 344. 625(1), Sec 804.[42.U.S.C.3604] and Sec. 818. [42U.S.C. 3617] of the U.S. Fair Housing Act? Is it now legal for the attorneys, sheriff, courts, and state agencies to ignore evidence of discrimination, harassment, perjury, threats, witness tampering, fraud, retaliation, gaslighting, child endangerment, and slander that has been ignored or destroyed by these systems yet has been here <https://www.facebook.com/Fairhousingandequalrightsforall/>? Are Attorneys and Judges now allowed to cover up evidence of Civil Rights/Housing violations? Is Judicial misconduct now legal, are Judges now allowed ignore state and federal law along with court procedure like forcing a single father to return his daughters cloths to pay court cost upon denying his court cost waiver only to call DCFS later for child neglect or be bias in favor of the opposing party? Is fraud now legal, for example Woda paid me to be quit about their unfair housing practices (a clear fair housing violation though KCHR says it isn't) or lose my child after they slandered me preventing me from finding housing in hopes I would lose my child while falsely accusing me of what they and their false witnesses was doing with a signed contract under duress, then Woda turned around six months later to file a fraudulent debt against me that was investigated and dismissed? How many more single fathers must Woda be allowed to illegally evict due to family status in effort to steal their children because the failures of the courts, state and federal agencies failed to protect us single fathers has opened the door for Woda to continue their illegal practices without consequences? When will I no longer be an example and the joke for Woda and their false witnesses due to the failures of the courts and state agencies? When can I expect to be treated fairly and not like a second-class citizen? When will us single fathers have access to Fair Housing?

## LIST OF PARTIES

- [ ] All parties appear in the caption of the case on the cover page.
- [ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

SUPREME COURT OF KENTUCKY  
COMMONWEALTH OF KENTUCKY  
2023-SC-0014  
KENTUCKY COURT OF APPEALS  
NO. 2021-CA-0149  
JOHNSON CIRCUIT COURT  
JOHN DAVID PRESTON, JUDGE  
NO. 20-C1-00153  
McKenzie V. Kentucky Commission on  
Human Rights

KENTUCKY COURT OF APPEALS  
NO.2021-CA-1037  
JOHNSON CIRCUIT COURT  
JOHN DAVID PRESTON, JUDGE  
NO. 21-XX-00001  
JOHNSON DISTRICT COURT  
NO. 20-C-235  
McKenzie V. Paintlick Station

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### STATUTES AND RULES

KRS 344.360 Unlawful housing practices – Design and construction requirements.  
It is an unlawful housing practice for a real estate operator, or for a real estate broker, real estate salesman, or any person employed by or acting on behalf of any of these:

- (1) To refuse to sell, exchange, rent, or lease, or otherwise deny to or withhold, real property from any person because of race, color, religion, sex, familial status, disability, or national origin;
- (2) To discriminate against any person because of race, color, religion, sex, familial status, disability, or national origin in the terms, conditions, or privileges of the sale, exchange, rental, or lease of real property or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from any person because of race, color, religion, sex, familial status, disability, or national origin;
- (4) To refuse to negotiate for the sale, rental, or lease of real property to any person because of race, color, religion, sex, familial status, disability, or national origin;
- (10) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such housing accommodation, because of a disability of:
  - (a) That person; or
  - (b) A person residing in or intending to reside in that housing accommodation after it is sold, rented, or made available; or
  - (c) Any person associated with that person.
- (11) For purposes of this section, discrimination includes:
  - (a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by a person, if the modifications may be necessary to afford the person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
  - (b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a housing accommodation; or

SCR 4.300 Code of Judicial Conduct Canon 2 that states that "a judge should avoid impropriety and the appearance of impropriety in all of his (of the judge's) activities." Canon 2.A. further provides that "a judge should respect and comply with the law and should conduct himself (or herself) at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

### OTHER

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

☐ reported at \_\_\_\_\_; 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 \_\_\_\_\_; 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 C 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 Kentucky Court of Appeals court appears at Appendix A 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 \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (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 03/15/2023.  
A copy of that decision appears at Appendix C.

☐ 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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 U.S. Code § 3604 - Discrimination in the sale or rental of housing and other prohibited practices

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

Sec. 818. [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title.

The guarantee of due process for all persons requires the government to respect all rights, guarantees, and protections afforded by the U.S. Constitution and all applicable statutes before the government can deprive any person of life, liberty, or property. Due process essentially guarantees that a party will receive a fundamentally fair, orderly, and just judicial proceeding. While the Fifth Amendment only applies to the federal government, the identical text in the Fourteenth Amendment explicitly applies this due process requirement to the states as well.

"Civil right to counsel", sometimes called "Civil Gideon", refers to the idea that people who are unable to afford lawyers in legal matters involving basic human needs - such as shelter, sustenance, safety, health, and child custody - should have access to a lawyer at no charge. "American Bar Association"



## STATEMENT OF THE CASE

With the Petitioner having exhausted his request for reconsideration and no motions open regarding motions or petitions has been filed by the Movant in the Kentucky Court of Appeals and the Petitioner isn't aware if any other party has any filings open at this time regarding this case. The Petitioner in this case is Toby Ray A. McKenzie, current address is 99 Williams Branch, Apt. 4A Wittenville, KY 41274-9037 (mail is delayed as notice for corrections wasn't received till 1/17/2023) and has been denied proper legal representation in both cases regarding the matter of violations of Mr. McKenzie's Civil Rights in an attempt to take his child from him (McKenzie V. KCHR 2021-CA-0149 and McKenzie V. Paintlick Station 2021-CA-1037) through discrimination, retaliation, harassment, threats, perjury, slander, fraud, gaslighting, judicial misconduct, a coverup (as the overwhelming evidence has shown and ignored by the courts and the Respondent) and cannot afford an attorney. Though not an attorney and forced under duress to protect his housing rights and his child Mr. McKenzie, without much knowledge of how the court proceedings work (the courts and the respondent has taken full advantage) is representing himself and learning as he goes. The Respondent is Kentucky Commission on Human Rights (KCHR) represented by Colt C. Sells located at 332 W. BROADWAY 14TH FLOOR LOUISVILLE, KY 40202.

No Bond was requested or motioned to the court by the Respondent in accordance with Rule 73.06

The Petitioner's Civil Rights have been violated and ignored while his right to a fair trial and proper legal counsel has been denied since day 1. "Civil right to counsel", sometimes called "Civil Gideon", refers to the idea that people who are unable to afford lawyers in legal matters involving basic human needs - such as shelter, sustenance, safety, health, and child custody - should have access to a lawyer at no charge. "American Bar Association" The Kentucky Court of Appeals had no intention of protecting the Petitioner's Civil or Constitutional Rights as they rushed the illegal eviction McKenzie V. Paintlick Station Case No. 2021-CA-1037 that is tied directly to this case through the courts while this case lingered in the courts. This case was used to silence and gaslight the Petitioner along with his community while attempting to take Movant's child from him by violating his rights as defined under U.S. Fair Housing ACT Sec. 804, [42 U.S.C. 3604] and Act Sec. 818, [42 U.S.C. 3617] with full support of the Respondent. As of the last DCFS false report 11/14/2022 (made by Veronica Francis the same single mother who got a certified electrician when her Apartment caught fire unlike the Petitioner, was allowed to wear marked SECURITY clothing when the Petitioner was evicted for it, block and interfere with school bus traffic while the Petitioner was falsely accused and evicted for this, took photos of the Petitioner and his children/grandkids while the Movant was falsely accused of this and evicted for this, and make false 911 calls/ reports against the Petitioner without consequences from Woda) there had been 37 false reports made by Woda/Paintlick Station and their false witnesses.

Under U.S. Fair Housing ACT the Court of Appeals has jurisdiction under Section 2342 of the U.S. Fair Housing ACT- Jurisdiction of court of appeals The court of appeals (other than the United States Court of Appeals for the Federal Circuit) has exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of- (6) all final orders under section 812 of the Fair Housing Act. KRS 344.240 also gives this court jurisdiction over this matter. It is also stated on the Respondent's website that an appeal has to made through the courts which the Petitioner has done, but Respondent argues the courts has no jurisdiction in this matter! Since this Court of Appeals brought up Teen Challenge of Kentucky, Inc. v. Kentucky Commission on Human Rights let's discuss that...

Here the Respondent argues that the evidence that was submitted to the lower courts that showed ongoing and past discrimination by Movant's previous landlord, neighbors, and the Respondent that was ignored by the Court of Appeals wasn't a legal argument which is violation of SCR 4.300 Code of Judicial Conduct Canon 2 that states that "a judge should avoid impropriety and the appearance of impropriety in all of his (of the judge's) activities." Canon 2.A. further provides that "a judge should respect and comply with the law and should conduct himself (or herself) at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Housing discrimination is illegal and the Petitioner provided more than enough physical evidence in this case and his illegal eviction McKenzie V. Paintlick Station NO.2021-CA-1037 that provided more than enough for a legal argument to overturn the Respondent's decision. The legal definition of a legal argument means arguments on the jurisdiction of the director to hear the contested case, the constitutionality of a statute or rule or the application of a constitutional requirement to the director, and the application of court precedent to the facts of the particular contested case hearing. What are the 3 main components of an argument? A typical argument contains three primary elements: a claim or thesis, statement(s) of reason(s), evidence / support / proofs / counterarguments. Unlike the Respondent's the Movant though not being a professional lawyer and dyslexia his Briefs and Motions contained all three points to which the lower courts ignored.

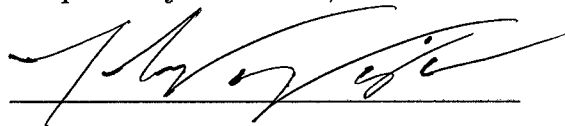
If the lower courts want to go by Teen V. KCHR then the Respondent didn't even come close to doing what the job entails in that case. The Petitioner filed his claim on September 30, 2019 after he was denied a certified electrician when his female single mother neighbor received one for her repairs for a similar fire, and the Respondent didn't respond to the complaint filed on September 30, 2019 till January 13, 2020 and wasn't completed till May 21, 2022 (233 days) by Cedric L. Irvin when the repairs from the discrimination complaint were finally completed by order of the Commonwealth of Kentucky Electric Inspector. In Teen V. KCHR "The Commission shall commence an investigation of the alleged discriminatory housing practice within thirty (30) days of filing the complaint and complete the investigation within one hundred (100) days after the filing of the complaint, unless it is impracticable to do so." KRS 344.600(1)(b)4. Also in Teen V. KCHR it says Following its investigation, "[t]he [C]ommission shall determine, based on the facts, whether probable cause exists to believe that a discriminatory housing practice made unlawful under this chapter has occurred or is about to occur." KRS 344.625(1). The Commission "shall make its probable cause determination "not later than the one hundredth day after the date a complaint is filed. How can the Respondent make a determination based on the facts when the evidence provided by the Petitioner's landlord was fabricated and Cedric Irvin refused to look at any evidence provided by the Petitioner as the lower courts had because he claimed there was too much and he didn't have the time. For example in the evidence provided to the lower courts in both cases if Cedric Irvin had looked at the evidence provided by the Petitioner he would have seen that the many complaints provided by the Petitioner's landlord were fabricated and slander, but he refused to do so as he had in previous investigations. Some examples of the evidence submitted to the lower courts shows that one of the so called complaints was submitted by one of the Petitioner's neighbor who had parked illegally on a handicap crosswalk (the blue cross lines between the handicap parking spaces) and the Petitioner was parked legally with a handicap sticker in a handicap space, the complaint was that the Petitioner was parked too close to their truck and was used against the Petitioner in this case. The Petitioner filed a claim regarding this exact case the year before because the Petitioner's landlord tried to illegally tow the Petitioner's truck though legally parked while ignoring the illegally parked truck. When the Petitioner complained of discrimination to his landlord he was told "if you don't like how your being treated pack your shit and get out" despite the pictures and videos of the incident Cedric Irvin of KCHR said there was no discrimination in that investigation and that discriminatory complaint was used against the Petitioner in this complaint under appeal. If the Respondent had done their job as the lower courts falsely claim and compared to in Teen V. KCHR then Cedric Irvin would have gotten the fire report and talked with the fire marshal realizing that no one needed to tell the Petitioner's landlord that a certified electrician was needed to conduct repairs by law even though one was ordered by WRCFD as seen in the Fire Report submitted to the lower courts as evidence. Cedric Irvin said "the state FIRE MARSHAL had no jurisdiction in this matter" yet they did. Woda/Paintlick didn't complete repairs till April 27, 2020 with a certified electrician by the order of the State Electrical Inspections Office after they tried to kill the Petitioner with faulty repairs and then proceed to discriminate more by forcing the Petitioner to do by weekly inspections something the single mother who got a certified electrician the first go around never had to do Exhibit 8. When this discrimination was reported to the Respondent it was claimed by Mary Ann Taylor that it was part of this investigation and had already been investigated and unfounded. If the Respondent had done their job as defined in Teen V. KCHR they would have seen that Movant's landlord violated the lease by giving no reason for the eviction and none was given till the Respondent finally decided to open an investigation 1/13/2020 (105 days) that gave them more than enough time to come up with discriminatory excuses like the Petitioner wasn't allowed to wear Security clothing yet females are allowed to, the Petitioner was falsely accused of doing what his females neighbors and landlord was doing by taking pictures of the Petitioner's kids and posting them online, falsely accusing the Petitioner of blocking and interfering with school bus when it was the female neighbors doing it without consequences, or how Jennifer Ann Music stuck a threatening note in the Petitioner's door stating that the outcome of the case before it was finished without consequences yet the Petitioner was written up for sticking a copy of the Ky state driver's manual in Music's door after she had several times nearly ran over kids at the bus stop. Jennifer Music is also one of the females who took photos of the Petitioner's children with his landlord slanderously calling him a pedophile and even broke into to Petitioner's home while armed yet no eviction for her while the Petitioner was written up for taking pictures of his own kids and grandkids and false 911 calls made by his landlord and their false witnesses, the Petitioner's landlord even admitted on court documents that the eviction was in fact in retaliation for the Movant's past and current complaints of discrimination and then forced the Petitioner to sign a paper to keep silent about past discrimination a clear violation of the U.S. Fair Housing Act Sec. 818, [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title, and these are just some of the examples from the evidence provided to the lower courts and to the Respondent that for whatever has been ignored or lost because the evidence being a legal argument for housing discrimination in itself. If the court is having a hard time following the evidence the Petitioner submits the following in evidence as exhibit Fair Housing to save time because it is in all one place [www.facebook.com/FAIRHOUSIN4ALL](https://www.facebook.com/FAIRHOUSIN4ALL). Another example of the Respondent not investigating or refusing to investigate, Rachel Jude best friends of the Paintlick Property manager owned by Woda Cooper Companies and a single mother at the time committed perjury like Jennifer Music during the illegal eviction in court and submitted false complaints to the Respondent for Woda that Petitioner had strobe lights on his truck and it caused her daughter to have seizures was another cause for eviction for the Petitioner in court yet no evidence could be provided of these imaginary strobe lights, yet when the Petitioner's daughter had a seizure due to his neighbor smoking and the same woman putting up flashing Christmas strobe lights up on her porch without any consequences from Woda yet when a complaint was filed with the Respondent the reply from Mary Ann Taylor of KCHR was that it already been investigated and unfounded as part of this case. Rachel Jude and her husband would go on to bar the Petitioner from entering his home while making threats to sodomize him while the landlord took photos of him and his daughter.

Since the lower courts held this case in limbo while the Petitioner's illegal eviction moved through the courts without fail or a proper lawyer, Paintlick/Woda used that as means to continue to violate the Movant's Fair Housing/Civil Rights by forcing him under duress when he was evicted by the JCISO with his eviction still under appeal in the Supreme court and a social worker there to take his child because his landlord and neighbors had taken photos of him and his child posting them online (something he was falsely accused of and one of the other false complaints given to Respondent) slanderously calling him a pedophile so he would lose custody of his child to sign a contract (this court has a copy of the contract from the eviction case) to shut up and stay silent about Fair Housing Violations a clear violation of the U.S. Fair Housing Act Sec. 818, [42 U.S.C. 3617] which the Respondent refused to investigate by claiming it was already investigated with this case when it wasn't like they do with any new claim made by the Movant. Paintlick not the Movant would violate that illegal contract that the Respondent refused to investigate and go after the Movant for twenty thousand for no nothing, and I mean nothing there was no reason given to the debt collector other non rent because thanks to the Respondent's actions then and now they Paintlick/Woda think they are above the law and act accordingly. It took the Petitioner to file complaints with the National Credit System and after two months of investigating the debt was removed and deemed invalid!

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 Tobey Ray McKenzie

Date: 5-3-2023