

CASE NO. 23-5825

In the Supreme Court of the United States

SAVVY VENTURES, L.L.C., c/o GREGORY REAL ESTATE, INC., *doing business as* GREGORY PROPERTY MANAGEMENT,

PLAINTIFF - RESPONDENT

v.

ROBERT ROBINSON, and All Occupants,
DEFENDANT - PETITIONER

Brief in Opposition to Petition for Writ of Certiorari

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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CORPORATE DISCLOSURE STATEMENT

Pursuant to SUP. CT. R. 29.6, Respondent hereby represents that it has no parent company nor any publicly held company that owns 10% or more of its stock.

SUMMARY OF THE ARGUMENT

This is a Justice Court eviction matter wherein Petitioner failed to pay rent, and upon his eviction following an arbitration, removed the case to Federal Court claiming alleged constitutional violations.

In his Petition for Writ of Certiorari (“Petition”), Petitioner identifies no reason as to why this Court should grant certiorari that falls even remotely within the scope of Rule 10 of the SUPREME COURT RULES. More specifically, Petitioner makes no attempt to identify any conflict amongst the lower courts on any legal issue of importance, or any legal issue at all. Rather, Petitioner merely reiterates the same substantive arguments made to the lower courts by (1) making an unsubstantiated request that this Court overturn long-standing precedent, and (2) suggesting that this Court impliedly overruled itself in a previous decision entirely unrelated to removal or 28 U.S.C § 1443. Petitioner further fails to explain how a favorable finding on either issue would impact the outcome of this case.

As such, the Court should deny certiorari.

REASONS FOR DENYING THE WRIT

Petitioner is asking this Court to consider an inapplicable interpretation of the 14th Amendment to the United States Constitution, along with an entirely unsubstantiated theory that this Court impliedly overruled itself. There are no splits of authority on either of the questions presented, nor are there any other reasons this Court should entertain the Petitioner’s claims.

Accordingly, this Court should deny certiorari.

I. Petitioner does not identify any conflict amongst the lower courts on any legal issue.

Petitioner failed to identify any division or confusion amongst the lower courts on any legal issue that would require resolution by this Court. Rule 10 of the Supreme Court Rules provides that a petition for a writ of certiorari will be granted “only for compelling reasons[.]” SUP. CT. R. 10. Generally, Rule 10 provides that when considering petitions for certiorari, this Court looks for conflicting decisions amongst the lower courts involving important issue(s). *See* SUP. CT. R. 10. Neither of the questions presented by Petitioner even remotely satisfies such criteria.

The first question presented poses a completely novel, expansive interpretation of the 14th Amendment to the United States Constitution. Other than a few news articles, Petitioner cites no authority in support of his argument. More importantly, he also fails to identify any lower court decision discussing, supporting, or in any way referencing his proposed interpretation of the 14th Amendment. He further fails to identify any commentary, publication, law review article, or any other non-judicial source even tangentially addressing such interpretation. Petitioner’s first question presented, therefore, is a far-fetched request that this Court fundamentally re-interpret the 14th Amendment in connection with a non-existent issue amongst the lower courts. In essence, Petitioner is asking this Court to consider an interpretation that has been considered by no other court, nor by any other legal commentator or publication. The first question presented by the Petitioner does not warrant this Court’s intervention.

Similarly, Petitioner’s second question presented poses an entirely novel and unsubstantiated claim that this Court impliedly overruled itself in *Bostock v. Clayton County*, 140 S. Ct. 1731, 207 L. Ed. 2d 218 (2020). The first problem with this argument is that in *Bostock*, this Court made no mention of *Georgia v. Rachel*, 384 U.S. 780 (1966), nor did either decision substantively relate in any way. *Bostock v. Clayton County*, 140 S. Ct. 1731, 207 L. Ed. 2d 218 (2020).

Bostock, for example, was an employment discrimination case arising under Title VII wherein an “employer fired a long-time employee shortly after the employee revealed that he or she is homosexual or transgender – and allegedly for no reason other than the employee’s homosexuality or transgender status.” *Bostock v. Clayton County*, 140 S. Ct. 1731, 1737, 207 L. Ed. 2d 218, 230 (2020). *Georgia v. Rachel*, on the other hand, exclusively addressed the scope of removal under 28 U.S.C. § 1443. *Georgia v. Rachel*, 384 U.S. 780 (1966). While Petitioner loosely asserts to the contrary, this Court in *Bostock* did not address, discuss, or in any way opine on removal or 28 U.S.C. § 1443, whatsoever. *Bostock v. Clayton County*, 140 S. Ct. 1731, 207 L. Ed. 2d 218 (2020). Moreover, Petitioner in support of his second question presented fails to cite any other lower court decision, or any non-judicial source discussing, supporting, or in any way referencing his contention(s). Thus, like the first question presented, Petitioner here is asking the Court to entertain a non-existent issue amongst the lower courts.

Accordingly, in both questions presented, Petitioner failed to raise any conflict or inconsistencies between the lower courts that require this Court’s intervention.

Because the Petitioner's issues do not remotely satisfy the criteria set forth in Rule 10, this Court should accordingly deny certiorari.

II. This case does not present the legal issues that Petitioner claims it does, as both questions presented by Petitioner are irrelevant to this case.

Even if Petitioner's questions presented were matters that this Court would otherwise be interested in addressing, granting certiorari in this case would nonetheless be futile as Petitioner's questions presented are irrelevant to this case. Such is true because Petitioner fails to explain how a favorable finding by this Court regarding either argument would have any impact whatsoever on the ultimate outcome of this litigation.

For instance, in his first question presented, Petitioner broadly highlights various tidbits of American history that may or may not loosely relate to "insurrection," but fails to explain how such anecdotes relate to this case in any way or have any impact on its outcome. In fact, Petitioner even fails to tie such historical anecdotes into any broader argument at all.

The same is true for Petitioner's second question presented. Petitioner provides no explanation as to how a favorable finding would affect this case. Instead, Petitioner aimlessly suggests that this Court in *Bostock* impliedly overruled *Georgia v. Rachel*, without providing any explanation as to how such finding would affect the outcome in any way. Presumably, Petitioner is asking this Court to adopt a standard for 28 U.S.C. § 1443 different than the one set forth in *Georgia v. Rachel*. But Petitioner offers no alternative test or standard, or any other basis for which a finding of an

implied overruling would help him in this case.

Another reason the Petitioner's questions presented are irrelevant to this case is that the issues were never addressed by the 5th Circuit Court of Appeals. In its decision, the appellate court exclusively addressed the merits of Petitioner's removal pursuant to 28 U.S.C. § 1443. Neither of Petitioner's questions presented concern removal or 28 U.S.C. § 1443 in any way. Rather, the issues raised by Petitioner deal with disqualification, insurrection, and an allegedly implied overruling of *Georgia v. Rachel*. While Petitioner's arguments are not entirely clear, what is clear is that he fails to make any case that he meets the test necessary for removal under 28 U.S.C. § 1443. Accordingly, this Court is in no position to grant certiorari on issues that were not even considered or decided on by the appellate court.

The bottom line is this: Petitioner advances no argument that colorably falls within the strict tests necessary for removal under 28 U.S.C. § 1443, nor does he make any such argument at all. *See Texas v. Gulf Water Benefaction Co.*, 679 F.2d 85 (5th Cir. 1982). The 5th Circuit Court of Appeals only addressed whether or not Petitioner had a viable basis for removal under 28 U.S.C. § 1443, and Petitioner in his Petition ignored that matter altogether. Accordingly, this case does not present the legal issues that Petitioner claims it does, and this Court should therefore deny certiorari.

CONCLUSION

Because (1) Petitioner does not identify any conflict amongst the lower courts on any legal issue, and (2) this case does not present the legal issues that Petitioner claims it does, this Court should deny certiorari.

Dated: November 9, 2023

Respectfully submitted,

By: 

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