

23-5884

ORIGINAL

CASE NO. 23-10445

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IN THE SUPREME COURT OF THE UNITED STATES

FILED  
OCT 17 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**GREGORY IFESINACHI EZEANI, Plaintiff - Appellant**

V.

**MELINDA H. REAGAN**

**President of Amberton University**

**RESPONDENT**

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**ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATE  
COURT OF APPEALS FOR THE 3<sup>rd</sup> CIRCUIT**

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**PETITION FOR WRIT OF CERTIORARI**

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**Mr. GREGORY IFESINACHI EZEANI**

**80 VAN NES TERRACE**

**MAPLEWOOD, NJ 07040**

**PHONE: 8624529390**

**Plaintiff/Appellant**

## **CIVIL LAWSUIT 14<sup>th</sup> AMENDMENT CONSTITUTIONAL RIGHT CASE**

### **QUESTION PRESENTED**

Briefly, the case originates from a case of Gregory ifesinachi Ezeani v. Melinda H. Reagan of the Amberton university who is the president of the institution. The pro se was a former student of the Amberton university that completed master's degree in Agile project management. The student after completion of his master's degree applied for second master's admission based on the Amberton university advertisement signed into law by the president of the university that any former Amberton university student who completed master's in Agile project management will only require to complete 12 credits to earn second master's in master's in managerial science because previous credit from the former studies in master's of Agile project management will be transferred into the new master's degree in managerial science. The master in managerial science requires 36 credits to complete in Amberton university so the graduate student will complete 12 credits and 18 credits from the previous studies from Amberton university will be transferred into the program because it is the same classes already completed with the university. The student was admitted to the second program and provided with 12 course requirement to complete and the pro se completed the 12 credit course requirement and the university issue paper showing that the classes have been completed then the student applied for graduation to obtain the second master degree in master's in managerial science then the university president ordered for the certificate not to be issued because the student was a black man which violates the student 14<sup>th</sup> amendment constitutional right as New Jersey resident studying online in Texas. The student filed a lawsuit in the Texas district for racial

discrimination that violates pro se constitutional rights. The district court verified the factual allegation and supporting documents then issued a summons to the Amberton university president to defend the allegation level by the pro se on racial discrimination along with the pro se submitted evidence issued by the institution that all the required credit for the award of second masters have been completed. However, instead of the defense attorney of the defendant to answer to summons issued by the court but deviated to file for dismissal of the case that the plaintiff did not state claim and the defendant did not under the color of the state law. The magistrate judge made the decision for the judge to dismiss the case by affirming the claim of the defense lawyer without following due process to hold defendant accountable to answer to court summons because the claim of the defense lawyer violates rule 8 and 14<sup>th</sup> amendment right of the pro se. The district judge adopted the magistrate judge decision and dismissed the case. The pro se filed appeal in 5<sup>th</sup> circuit court and the appeal was denied on the grounds of not stating a claim and the Amberton university president not acting under the color of the state of Texas which did not conform to 14<sup>th</sup> amendment right to equal protection right from racial discrimination. The decision of the 5<sup>th</sup> circuit appeal court violated due process right of the pro se by failure to determine if the pro se completed the academic requirement of 12 credit or not which is the basis of the argument because a white man receives 2<sup>nd</sup> master degree certificate on completion of 12 credits and a black man who completed the same 12 credit requirement as stated in the Amberton university law will be denied to 2<sup>nd</sup> master degree certificate. This is racial discrimination that violates pro se 14<sup>th</sup> amendment right which the supreme need to review to save the effort of this nation in stopping the presence of racial discrimination in our community.

## THE FOLLOWING QUESTION ARE PRESENTED FOR REVIEW

1. The Pro se presents that the decision of the fifth circuit court of appeal violates due process right of 14<sup>th</sup> amend right of the pro se for failure to honor its duty of care to determine the racism claims alleged by the pro se against the defendant because the pro se completed the second master degree requirement of 12 credit which the Amberton university refuse to answer when summon was issued to defendant to state which portion of the credit that the pro se did not complete (**See Exhibit 1 showing that the pro se completed the 12 credit which was issued by the Amberton university; see exhibit 2 of the university law that 12 credit is required to obtain second master's in managerial science which was signed into law by the university president. See email communication with the student advisor stated that additional 12 credit is required to get the 12 credit**). The 14<sup>th</sup> amendment is superior to the argument of the defendant attorney that his client did not act under the color of the state to refuse issue 2<sup>nd</sup> master certificate to the pro se because Amberton university is private university not obligated by state law of Texas, which violates federal constitutional law of 14<sup>th</sup> amendment right because state of Texas is obligated by federal law to protect all/any form of racial discrimination against any resident from New Jersey or other state.
2. The pro se also present that the decision of fifth circuit court of appeal violates due process right of the pro se for failure to use supreme court standard in determination of failure to state claim as used by the defendant which violates rule 8 of the federal civil procedure. The defendant filed a motion to dismiss the case for failure to state but never refuted any portion of factual claim of the pro se that he completed the 12 credit

requirements for the award of second master's degree as stated in Amberton university law signed by the president of the university. The supreme court rule 8 test stated that a case cannot be dismissed for failure to state claim unless there is no portion of the case claim that will afford the pro se a relief. See *Conley v. Gibson* states 255 U.S. 41, 45-46(1957). Therefore, the 5<sup>th</sup> circuit court did not prove beyond reasonable doubt that pro se did not complete the 12-credit requirement.

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## **I. PETITION FOR WRIT OF CERTIORARI**

I, Gregory Ifesinachi Ezeani petitions the court for a writ of certiorari to review the judgement of the united state court of appeal for the fifth circuit court of appeal.

## **II. OPINIONS BELOW**

The opinion of the district court denied the pro se lawsuit against the president of Amberton university on racial discrimination for refusal to award second master's degree to the pro se after completion of the 12-credit requirement. The fifth circuit affirmed the decision of the judge which violated due process right of the pro se. The basis of the denial violates the due process right of the pro se on proper application of the federal of civil procedure of rule 8 and federal constitutional right of 14<sup>th</sup> amendment right that have supremacy over state law of Texas because the defendant refuse to answer the summon issued by the court but filed dismissal that the pro se failed to state claim and the defendant did not act under the color of the state because it is a private university. The federal constitutional right of 14<sup>th</sup> amendment has supremacy over state law of not acting under the color of the state because the state of Texas is required by federal law to protect citizen of New Jersey state from all forms of racial discrimination.

## **III. JURISDICTION**

The 5th circuit appeal court enter decision on August 8th, 2023. **See Appendix A representing 5<sup>th</sup> circuit court of appeal decision affirming district court judge decision, Appendix B of the Texas district court judge final decision and Appendix c of the magistrate judge recommendation for denial adopted by the judge.** This petition is timely filed in pursuant to supreme court Rule 13.1. this court has jurisdiction under U.S.C 1254(1).

**IV.****STATUTORY PROVISION INVOLVED**

This case involves “review of supremacy of the supreme court previous test on rule 8 for dismissing a case for failure to state a claim as argued by defendant without proven beyond reasonable doubt that there is no portion of the pro se lawsuit that will grant relief. See *Conley v. Gibson* 255 U.S., 41-46 (1957). Moreover, the second statutory provision involved the supremacy of federal constitutional right of 14<sup>th</sup> amendment constitutional law on defendant claim that the president of Amberton university did not act under the color of the Texas state because Amberton university is a private university and for that he is not obligated to observe equal right to all student regardless of white or black. The federal constitutional law mandatorily requires the state of Texas to comply with federal law of equal protection right of 14<sup>th</sup> amendment right so the argument of not acting under the color of the state is irrelevant under 14<sup>th</sup> amendment constitutional law.

**STATEMENT OF THE CASE**

Concisely, the case is a racial discrimination matter of a student because he is a black man attending graduate school at Amberton University located in Texas. The student previously graduated from the university with masters of Agile project management in 2021. The pro se applied for second master’s degree in Master’s in managerial science because the university president made a law that former student who previously completed Masters in Agile project management from Amberton university will only complete 12 additional credit and 18 credits from former degree from Amberton university will be transferred into the second master’s degree in Managerial science. The pro se was admitted and issued a study plan on 12 credits to complete. The

student completed the 12 credits as required and filed for graduation for the second master's degree in managerial science. The president issued order to stop the award of the certificate because the student was a black man which is clear racial discrimination, but white students are awarded the same degree after completing 12 credits which is due process right violation. The fifth circuit court of appeal in their decision determination held that the university did not award the second degree, maintaining he did not satisfy the requirements but never request to further find out why the university failed to award the certificate if there is evidence showing the student completed the 12-credit work and the defendant never refute any portion of the evidence provided by the student. The appeal court failed to remand the case to the district court because the university issued study plan on 12 credit classes to complete to the pro se and the university again issued document showing that the 12 credit have been completed. The university never refute any of this document submitted to the district court by the pro se which is the basis of the summon issued by the district court to the President of Amberton University. The defendant, instead of answering the summons, filed a motion for dismissal that the pro se failed to state claim and the Amberton university is private university who did not act under the color of the state. The fifth circuit court can not rely on false statement of the defendant that the pro se did not satisfy requirement without the university proving beyond reasonable doubt that the pro se did not satisfy requirement for the award of second masters in managerial science since the evidence submitted by the pro se are verifiable claims against the university president false statement used which is a vehicle of racial discrimination.

## **REASON FOR GRANTING THE WRIT**

This case is about racial discrimination and injustice in state of Texas private Christian university that violates 14<sup>th</sup> amendment right of a New Jersey residence who is a black man and deserve to be treated with the university rule in the same way a white man was treated. The united state federal constitution affirmed that all human being created by God are equal before the law so the supreme court is the only court that can remind the Amberton university president that racism to a black has been abolish by the united state constitution regardless of whether you are a private university or not. The idea of racial discrimination is violation of fundamental right of 14<sup>th</sup> amendment that all humans are equal before the law regards of their background or color. The defendant act of unlawfulness to avoid answering the summon by filing dismissal that the pro se did not state claim to avoid defending racial discrimination coming from Christian university need to be review by the supreme court.

## **CONCOLUSION AND PRAYERS FOR RELIEF**

The plaintiff prays that this petition for review by the supreme court will be accepted because the pro se have received the greatest racial discrimination of his life in state of Texas because he is a black man from New Jersey state studying in Texas Christian private university. The act of racial discrimination violates pro se 14<sup>th</sup> amendment due process. The supreme court is the only institution that can stop this racial discrimination activity in the state of Texas.