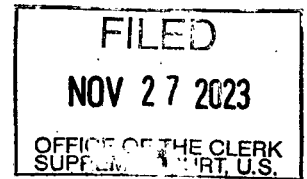


23-6136 ORIGINAL



IN THE  
SUPREME COURT OF THE UNITED STATES

SHAWN C. Leftwich <sup>Pro'se</sup>  
(Your Name) — PETITIONER

VS.

STATE FARM INS Company ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eleventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Shawn C. Leftwich  
(Your Name)

1393 McKinsey Ridge Rd  
(Address)

Logansville GA 30052  
(City, State, Zip Code)

(313) 316-8876  
(Phone Number)

### QUESTION(S) PRESENTED

- 1) Why did honorable Court in the United States District For the Northern District of Georgia Atlanta Division denied Plaintiff, motion for IFP on February 2022.
- 2) Why did Honorable, how did Court determined that Lettwich's Civil Action was time-barred by a suit-limitation provision in applicable insurance policy.
- 3) What day, year did Lettwich, file a claim with STATE FARM Insurance Company
- 4) What day, year did Lettwich, Contact Maintenance to report intense smell/mold, fish
- 5) Why didn't the honorable court in the United States District For the Northern District of Georgia Atlanta Division, fix error.
- 6) Why didn't the honorable Court United States of Appeals for the Eleventh Circuit fix the error that Court made.
- 7) Was the honorable Courts less stringent, with Plaintiff Proceeding Pro'se. than formal pleadings by lawyers.

Huges

New V. Ashcroft 02 CV 6609 (ADS) (CWDW) E.D.N.Y.  
Dec 8, 2003 cited 13 times.

Huges v. Rowe, 499 U.S. 5, 9, 66 L. Ed. 2d 163, 101 S. Ct (1980) quoting Haines v. Kerner, 404 U.S. 519, 520 30 L. Ed 2d 652, 925 Ct. 594 (1972) The court recognize that it must make reasonable allowance so that a pro'se plaintiff does not forfeit rights by virtue of his lack of legal training.

- 8) Did the honorable Courts in the Lettwich's Case erred in selecting Lettwich to Proceed In forma pauperis, All motions, any and regarding this case

## 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:

SHAWN C. LEFTWICH - Plaintiff - Appellant

State Farm Insurance Company, - Defendants - Appellees  
Larry J. WATTS,

## RELATED CASES

In the magistrate Court of Walton County  
State of Georgia Case# 19-2834 DS

In the magistrate Court of Fulton County  
State of Georgia Case# 19 MS 125 249

In the state Court of Fulton County  
State of Georgia Case# 20 EV 003705

In the state Court of Fulton County  
State of Georgia Case# 21 EV 004384

In the State of Georgia  
Superior Court of Fulton County

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Reese v. Park Place Condo Homeowners Ass'n 1-22-CV-02660(CRC) C.D.D.C. Sep 8, 2023	
Lackey v. Pop E. Cas. Ins. Co. of Hartford	
Civil Action No 3:15-CV-238-CHL (W.D. Ky. OCT 17, 2017)	
Price v. Argilogic Ins. Servs., LLC, 2014 U.S. Dist. LEXIS 109448, *5 (E.D. Ky. August 7, 2014). A claim cannot accrue prior to the last event necessary to create the cause of	
citing Combs v. Int'l Ins. Co., 354 F.3d 568, 579 (6th Cir., 2004) (legal rights and obligations vested when the last event necessary to create that cause of actions occurs.) Thus, to be valid under KRS 304.14-370	
STATUTES AND RULES <sup>limitation period under 304.14.370 must provide a party one year to bring suit from the accrual date.</sup>	
The Statute of limitations for FTA Claims is two years, 42 U.S.C. § 3613 (a)(1)(A)(C). An aggrieved person may commence a civil claim action in an appropriate United States district court or state court not later than two years.	
See Sager, Glave Corp v. Atena Ins. Co., 317 F.2d 439, 441 7th Cert. denied, 375 U.S. 921 84 Ct 266, 11 L. Ed 2d 165 (1963)	
Proc. v. Hom Ins. Co., 17 N.Y. 2d 239, 243, 245, 270 N.Y.S 2d.	

## 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 A to the petition and is

☒ reported at Case text: Smarter Legal Research,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at Case text: Smarter Legal Research; 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 08-30-2023.

☒ 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 \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ 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

Fourteenth Amendment, U.S. Constitution  
Civil Rights  
Due Process The Fifth Amendment  
Equal Protection

Statutory Provisions Involved  
28 U.S. Code § 455

Violated Georgia Code Title Article 2 33-6-34 UNFAIR CLAIMS  
Settlement Practices



## **STATEMENT OF THE CASE**

In early part of 2019, plaintiff notices an intense smell like fish, mold in her apartment. There had been no previous ongoing leak prior to my travels and during vacation and doing charity work. Plaintiff, return home knew something had occurred while away from home, although the management of apartment denied any issues. Plaintiff left town again in May 2019, for more charity work, and returned to find additional causes for concern (entry had been made to attempt to remediate damages (that were denied). Plaintiff, called the maintenance to report on May 02, 2019. Maintenance completed a mold inspection and advises that there was no mold and no leaks. Plaintiff, contact Department of Community Affairs and the City of Loganville, since no cooperation from property management company on 05/05/19. On 06/25/2019, City of Loganville came out and completed a moisture check. Plaintiff, was provided with results. Moisture level above acceptable levels. On 07/02/2019, Department of Community Affairs, provided results of mold inspection mold had been found on the previous check, but results had been withheld from plaintiff.

On 07/10/2019, plaintiff filed a claim due living environment not safe and flowing of water coming from ceiling, in master bedroom upstairs. Plaintiff advised defendant Larry Watts (adjuster) about the flowing of water and provided photos, and the water probably came from the roof around pipe boot. Defendant, told plaintiff that the water had to have come from a busted water pipe. Defendant Larry Watts, (adjuster) came to plaintiff, home @ 2430 Alexander Crossing, Loganville, Georgia 30052 on July 16, 2019, he wore a mask because of the intense smell, human feces and human urine combine throughout, plaintiff apartment in 90, degree weather, plaintiff was unable to run air conditioner unit because of spores in the air.

Defendant Larry Watts, (adjuster) submitted additionally living expenses for plaintiff, which plaintiff stayed at Hampton Inn & Suites, in Snellville Atlanta Ga from 7/15/ 19 and cease on Monday July 29, 2019. Defendant Larry Watts, (adjuster), denied plaintiff claim on July 26, 2019. On 10/29/2019 defendant, Larry Watts (adjuster) requested complete set of work orders that may be related to water damage. Plaintiff, insurance agent ( Doneshisa Ricks) fax all requested documents to defendant Larry Watts, including work orders.

Plaintiff, learned in September 2019, at a hearing in Walton County Court, regarding management company, that the plaintiff, subpoena, work orders, and the work orders, showed many water occurrences, from the neighbor home @ 2440 Alexander Crossing, Shalatta K. Dainels. The work orders support early on occurrences, January 2019, May 2019, July 2019, see attach.

Defendant use the work orders that they requested to deny plaintiff, claim related to water damage claim. Defendant, Larry Watts, approve additionally living expense, but when defendant, received work orders, the claim ongoing water issues @ plaintiff, home which, is 2430 Alexander Crossing, Loganville Ga. 30052. Work order states 2440 Alexander Crossing, Loganville, Ga. 30052.

Defendant, State Farm Insurance Company & Larry Watts, violated Georgia Code title Article 2 33-6-34 UNFAIR CLAIMS SETTLEMENT PRACTICES

Plaintiff doesn't know exactly where/when/how the water enter into my home regarding the human feces, and human urine along my base boards, but I can speak about the flowing of water coming from

my ceiling on July 10, 2019. Additionally, it's not up to plaintiff, to diagnoses the source of water, but team work make dream work meaning working together and providing in good faith.

Accidental direct physical loss means loss of possession of, or actual physical damage to, a peril of a covered property which is caused by accident.

Plaintiff, renter's policy, is supposed to be there if there are losses that prevented plaintiff, from living in her home. It's supposed to replace plaintiff personal property if its damage by water, and the plaintiff, townhome did not cause loss, but the neighbor home , cause the loss to plaintiff.

Plaintiff paid her monthly premiums (Auto pay) since 2017 when plaintiff entered into a contract with State Farm Insurance Company.

## REASONS FOR GRANTING THE PETITION

The lower Courts have erred and that there is an issue in this case that the Supreme Court should review. There is a conflict of law and the lower Courts, and this case would make an ideal vehicle to resolve that conflict. The legal questions are of importance even beyond the scope of the present case. The lower court has made an error that is grievous and should be fixed.

I. The lower courts have erred in the opinions below  
II. The lower courts have expressed conflicting views on this issue

III. This issue is of great legal/national significance

Federal Rule of Civil Procedure 60(c)(6) allows a party to seek relief from a final judgment based on among other things, a mistake.

United States v. Bench 82 M.J. 388 (plain errors occurs where (1) there is error, (2) the error was plain or obvious, and (3)

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shawn C. Leftwich

Date: November 25, 2023