

No. 23-7422

FILED
MAR 19 2024
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SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Charles Tailey, Jr., et. al.

— PETITIONER

(Your Name)

45

The Housing Authority of Cook County, et al. — RESPONDENT(S)

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

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

PETITION FOR WRIT OF CERTIORARI

Charles Talley, Jr.

(Your Name)

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(Address)

Bettendorf, IA 52722

(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

1. Did the court's violate the Preemption Doctrine of the Supremacy Clause of the U.S. Constitution, in thier failure to rule on disable Appellant's "MOTION TO RECALL MANDATE OF February 17, 2023 AND MOTION TO VACATE VOID ORDER UNDER 735 ILCS 5/2 - 1401 (F)." Where if void order were vacated, defendants Lee and Hart would have had to follow the rules prescribed by HUD in eviction of Appellants, which was required by law (C.F.R.). Thereby affording Appellants their constitutional rights to due process.
2. Was disable Appellants' right to trial by jury violated, where the 7th Circuit Court of Appeals overlooked Appellant's Original Brief and Appendix B-49 to B-53, which refuted the U.S. District Court's finding of documents attached to Appellant's Original Complaint, purporting the defendants had given Appellants moving papers, even though they had been vacated by defendant-Ford's letter of September 30, 2021. That is to say leaving a question of fact to be decided by a jury. (See Appendix R and S)
3. Did the 7th Circuits Court of Appeals denial of liberal construance of disabled Appellant's proceedings, couple with abandonment of their attorney appointed to represent Appellants in the U.S. District Court, render the proceedings so fundamentally unfair, that it would warrant a vacation of the order, remand for appointment of attorney and further proceedings.

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:

Solicitor General of the United States
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United States Senate
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Christopher J. Bonds
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Attorney General of the United States
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Alice Lee
315 Cotton Gin Rd.
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Cook County Housing Authority
10 S. LaSalle Street, Ste. 220
Chicago, Illinois 60603

RELATED CASES

Alice Lee v. Charles Talley and All Unknown Occupants,
Circuit Court of Cook County, 3rd District of Illinois,
Case No. 2021 M3 005866

Alice Lee v. Charles Talley and All Unknown Occupants,
In The Appellate Court Of The State Of Illinois For The First
Judicial District, Case No. 1-22-0713

Charles Talley, Jr. and Christopher J. Bonds v. Housing Authority
of Cook County, et al., United States District Court, Northern
District of Illinois, Eastern Division, Case No. 1:21-cv-05425

Charles Talley, Jr. and Christopher J. Bonds v. Housing Authority of
Cook County, et al., United States Court of Appeal For The 7th Circuit,
Case No. 23-1097, 23-1167

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

Supremacy Clause of the Constitution,
U.S. Const. art. VI., section 2

Federal Rules of Civil Procedure 60

Appellate Rule of Civil Procedure 40

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 B 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 C 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 D 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 Illinois Appellate First District court appears at Appendix D 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 November 27, 2023.

[] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 20, 2023, and a copy of the order denying rehearing appears at Appendix A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[N] For cases from state courts:

The date on which the highest state court decided my case was December 27, 2022. A copy of that decision appears at Appendix D.

[] 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. _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

When state law and federal law conflict, federal law displaces, or preempts, state law, due to the Supremacy Clause of the Constitution. U.S. Const. art. VI, section 2. Preemption applies regardless of whether the conflicting laws come from legislatures, Courts, administrative agencies, or constitutions.

The Housing Choice Voucher Program regulations are codified by 24 U.S.C. part 982 and administered by Public Housing Authorities (PHAs) 24 C.F.R. section 982.1(a)

Plaintiff brings this action against all defendants pursuant to the The Fair Housing Act 42 U.S.C sections 3601 et seq. and against HACC for violations under Title II of the Americans with Disabilities Act, 42 U.S.C 1201 et seq ("ADA"), the Rehabilitation Act of 1973, 29 U.S.C. section 701 et seq. ("Rehabilitation Act") and for violations of Plaintiff's rights under the Due Process Clause of the 14th Amendment actionable through 42 U.S.C. section 1982 an 1983. Plaintiff bring supplemental jurisdiction state law claims against Lee and Hart for breach of lease, breach of warranty of habitability, unjust enrichment and intentional and negligent infliction of emotional distress.

STATEMENT OF THE CASE

My son and I are Housing Choice Voucher, Section-8 housing participants. We are both disabled. Our housing unit became uninhabitable, and we reported it to the Housing Authority of Cook County. Hoffman Estates. Illinois Inspectors came out first and wrote up eleven violations, including Flooding (a Life-threatening violation according to Housing Authority of Cook County policies). The Housing Authorities came out with their own contracted inspector and found a "Sparking Light fixture" (another life-threatening violation according to Section-8 policies). They also wrote up ten other violations, mostly different from those of Hoffman Estate City Inspectors. However, many of them are also were potential life threatening violations. I have a positive Mole report for the unit. The City fined the landlord at their court hearing. They were continually in violation of inspections by the City. (See Appendix J and I attached hereto)

The Housing Unit is under HUD Federal rules and regulations, being Section 8 contracted. However, the landlords filed eviction against us in Cook County Circuit Court. The day after We had filed in the U.S. Federal Court under violations of various Fair Housing Acts violations. We objected to the jurisdiction of the state court proceeding, and the Court proceeded anyway with an eviction, and the appellate Court was affirmed. (They never informed us that they had affirmed) We filed a Motion To Vacate Judgment in The State Appellate Court. The Court stated that our "Motion To Recall Mandate of February 17, 2023, and Motion To Vacate Void Order is not Considered For Lack of this Court's jurisdiction." However, they found jurisdiction to affirm Judge Agran's Cook County Circuit Court's jurisdiction decision, which was addressed in this motion. They filed the Appellate decision as "Unpublished." (See Appendix K attached hereto)

The U.S. District Court dismissed my Fair Housing Complaint for Failure To State a Claim. Even though I stated policies that Cook County Housing Authority had failed to follow in their Administrative Policy Manual. Further, I allege the violation of racially based and disability base class invidious discrimination. We had asked for accommodation for my son (extra bedroom, he has one leg and wears a prosthetic' ambulate with crutches and wheelchair); they would have been required to give us 2 bedrooms, if they had given us the moving papers on time. They did not, and HACC's codefendants evicted us without jurisdiction. (See Appendix L and M attached)

Now, when they finally approved the accommodation, they, began steering us to one-bedroom apartments with one bedroom and to places far away from our doctors, who waited on us for nineteen years at the Hoffman Estates address and with a higher percentage of the black population.

The U.S. 7th Circuit Court of Appeals Affirmed the District Court's decision with another unpublished decision. After we were evicted, we went to a hotel in Hoffman Estate about a mile from the old house and, low and behold, evicted from there also due to an ordinance that allowed only 28-day stays, never related to us in the beginning even though we registered into a disability-accommodated room. We left the hotel and moved to Iowa, appealing the circuit court eviction decision.

The bottom line we were systematically evicted from our house and state. The four court-appointed attorneys did very little except withdraw. I have had to file bankruptcy due to moving expenses, among other things. The Seven Circuit Court of Appeals asked the last attorney appointed-William J. McMahon to show cause for his actions in representation, after affirming the district court's decision. He said his wife was sick. (See Appendix G)

The U.S. District Court dismissed our Fair Housing Complaint for Failure To State a Claim. Even though I stated policies that Cook County Housing Authority had failed to follow in their Administrative Policy Manual. Further, I allege the violation of racially based and disability base class invidious discrimination. We had asked for accommodation for my son (extra bedroom, has one leg, wears a prosthetic, and ambulates with crutches and/or a wheelchair); they would have been required to give us 2 bedrooms if they had given us the moving papers on time. They did not and we were evicted by HACC's codefendants, Alice Fen Lee and David Hart without jurisdiction. (See Appendix P)

(a) The Cook County Circuit Court did not have subject matter Jurisdiction of the case, this case involved [Federal Questions] Federal Code of Regulations, established for HUD to follow and administer to Public Housing Authorities to follow. (See our Motion To Recall Mandate of February 17, 2023, And Motion To Vacate Void Order Under 735 ILCS 5/2-1401 (f) (Appendix K)

(b) The Housing Authority Codefendants (Alice Lee and David Hart) are being allowed unjust enrichment.

(c) That Plaintiffs are both disabled and with all the prima facia evidence submitted with certified letters, return receipts, video, transcripts, briefs, photos and exhibits, that is to say, Plaintiffs were never given a hearing or trial in district court after contacting HUD and going through four courts.

(d) That in the end, the plaintiffs have filed with the 7th Circuit Court a Petition For Rehearing, in which they say one of our attorneys filed a 1st amended complaint, so we were not entitled to liberally construed pleadings. Our last appointed attorney should show cause as to why he did not respond appropriately to the defendant's motion to dismiss and/or file a 2nd Amended Complaint on our behalf. At over 9,000 pages of documents being filed in both of these court cases, plaintiffs filed 8,800.

(e) That the discrimination and violation of due process enumerated in Plaintiff's Complaint is believed to have occurred before, during, and after the dismissal of their complaint and involved very vulnerable participants like us in the Housing Choice Voucher Program. However, we were scheduled for discovery in the District Court when the original judge handling the case retired. The new judge dismissed the case summarily. (See Appendix C)

(f) The defendants are required to have a certain percentage of their funds allocated to disability-accommodated housing, and we believe they don't. (See "Housing Authority of Cook County Housing Choice Voucher Administrative Plan and HACC's 2022 Agency Plan" submitted in U.S. District Court proceedings)

(g) With all due respect, plaintiff-appellants were knowingly and wilfully subjected to coercion and pressured by the Cook County Circuit Court (Judge-Agram, Alice Lee, David Hart) without subject matter jurisdiction to be evicted from their residence without due process and systematically given the option to accept a one-bedroom apartment from the Housing Authority of Cook County or move to another state after again being evicted from the hotel of which they sought refuge near Hoffman Estates. (See Plaintiff-Appellants briefs filed before the 7th Circuit Court of Appeals # 23-1097 and 23-1167)(See Appendix N and O attached hereto)

(h) That plaintiff-Appellants have sent grievance letters, videos, reports, and exhibits to all the Housing Authority of Cook County and their codefendants; however, they were ignored even though they were all mailed certified with return receipts. Codefendant Alice Lee's certified mail with return receipts (four of them) concerning the housing violations were returned undelivered from their Texas residence on file with the Housing Authority. (Plaintiff managed to retain these receipts, reports, letters, exhibits, and video even though we lost the majority of our property with the evictions from House and Hotel)

REASONS FOR GRANTING THE PETITION

Public Housing

Public housing is one of the nation's three main rental assistance programs, along with Housing Choice Vouchers and Project-Based Rental Assistance. Public housing developments provide affordable homes to 1.8 million low-income Americans.

Where Is Public Housing Located?

The nation's 958,000 public housing units are located in all 50 states and several territories, with 1 in 5 of them in rural areas. As of 2019, only 47 percent of public housing homes were in low- or moderate-poverty areas, or where less than 30 percent of people had low incomes. Public housing is concentrated in racially segregated, under-resourced neighborhoods, due in part to a long history of racial bias in siting decisions and other discriminatory public policies.

What Are the Benefits of Public Housing?

Public housing helps families afford housing and avoid homelessness or other kinds of housing instability. Some developments provide access to neighborhoods with well-resourced schools and more job opportunities, where it might otherwise be difficult for low-income families to rent homes. By limiting housing costs, public housing leaves families with more resources for other expenses like food, health-related services, child care, and transportation. Public housing can also allow older adults and people with disabilities to remain in their home communities.

Who Is Eligible for Public Housing?

A family must have a "low income" — defined as less than 80 percent of the local median income — in order to move into public housing. At least 40 percent of the new families that a housing agency admits each year must have "extremely low incomes" that are no greater than 30 percent of the local median or the poverty line, whichever is higher; on average, agencies exceed this requirement by a large margin.

What The Future Brings

Families with an immigrant whose status makes them ineligible for public housing can receive prorated assistance based on the number of household members who are eligible. However with these statistics Cook County Housing are only required to allocate five percent of their government assisted income toward disability housing projects, out of a U.S. population of over three hundred million people.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles Tallec, Jr.

Date: March 19, 2024