

24-5020 No. ORIGINAL

In the
SUPREME COURT OF THE UNITED STATES

A rectangular filing stamp with a double-line border. The word "FILED" is stamped in large, bold, capital letters at the top. Below it, the date "JUL 01 2024" is stamped in a slightly smaller font. At the bottom, the text "OFFICE OF THE CLERK" and "SUPREME COURT, U.S." is stamped in a smaller font.

VELINA M JOHNSON

PETITIONER,
v.

INLAND RESIDENTIAL REAL ESTATE SERVICES, LLC, ET. AL.,

RESPONDENTS,

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- (1) Whether a motion to vacate the court of appeals Judgment pursuant to Federal Rules of Civil Procedure 60(b)(3), 60(b)(6), 60(d) and 28 USC 144 is proper when the court of appeals defies its decision in Inform Inc. v. Google LLC. et. al (11th Cir. Aug 26, 2022) on the court's connotation of a "shotgun pleading" but affirmed the district court's decision to dismiss petitioner's case citing a "shotgun pleading" when petitioner's clarified allegations along with documented evidence were pled in (3) lower courts previous to the Court of Appeals and clearly detailed respondents' twice 'willful' violation of petitioner's 'Automatic Stay', and respondents filing then prevailing in an eviction lawsuit entirely during an open federal housing 'retaliation' investigation conducted by the U.S. Department of Housing and Urban Development while using illicit business names to do so, constitutes complicit bias and "extraordinary circumstances".
- (2) Whether acts carried out by respondents to evict a fifty-eight-year-old tenant comprised of employing an illegal business names to twice petition and lift her bankruptcy 'Automatic Stay' to 'pursue' eviction, file an unlawful detainer lawsuit, and granted an 'Unlawful Detainer and Writ of Possession Order' also under the guise of unlawful business designations during an open federal housing investigation conducted by the U.S. Department of Housing and Urban Development are considered 'willful acts of malice' and whether the U.S. Department of Housing and Urban Development can be held liable for 'gross negligence' exclusive any effort to 'proactively adhere and apply' all federal and state housing laws to guard a tenant upon 'notification' from that tenant of landlord retaliatory acts and eviction after a tenant has filed a federal housing complaint but also during an open federal housing investigation and are violations of the *4th Amendment* (U.S. Const. amend. IV), considered negligence, 'fraud on the court' and violation of the, *5th Amendment* (U.S. Const. amend. V), 11 USC 362(a)(3), 11 USC 362(k)(1), *Fair Housing Act of 1968*, 42 USC 3610(e)(1), 42 USC 3613 Section 813(c)(1)(2), 24 CFR 100.400(c)(5)(6), 24 CFR 100.6.00(a)(2)(i)(b), 24 CFR 103.500(a)(b), 24 CFR 115.2049b)(1)(i), and the Uniform Residential Landlord and Tenant Act Section 35-9A-142.
- (3) Whether the lower court(s) abused its discretion on decisions in favor of the respondents, demonstrated "grave injustice" and (complicit) judicial bias prior to petitioner's eviction date and federal housing investigation closure date by denying petitioner relief permissible under "Due Process" (U.S. Const. amend. XIV), 42 USC 3610(e)(1), and in violation of the *Fair Housing Act of 1968* and 28 USC 144.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Petitioner is Velina M Johnson. Petitioner is the Appellant in the Eleventh Circuit Court of Appeals. Respondents are Inland Residential Real Estate Services, LLC, The Inland Real Estate Group of Companies, Inc., Montgomery Multifamily LLC, Montgomery Multifamily Exchange LLC, Montgomery Multifamily Leaseco, LLC, Bonnie Burris in Her Official Capacity as Regional Property Manager with Inland Residential Real Estate Services, LLC, Ashley Stoddart in Her Official Capacity as Property Manager, Brand Ambassador with Inland Residential Real Estate Services, LLC, LaQuinta King in Her Official Capacity as Regional Trainer, with Inland Residential Real Estate Services, LLC, and U.S. Department of Housing and Urban Development. Respondents are the appellees in the Eleventh Circuit Court of Appeals.

RELATED CASES

Montgomery Multifamily Exchange LLC v. Velina M Johnson, No. 20-31859, United States Bankruptcy Court for the Middle District of Alabama. Judgements entered Dec. 6, 2021, Jan. 10, 2022, Feb. 9, 2022, Feb. 10, 2022, Apr. 11, 2022

Verandas at Taylor Oaks OBO Montgomery Multifamily Exchange, LLC v. Velina M Johnson, No. 03-DV-2021-902633, District Court of Montgomery County Alabama. Judgements entered Mar. 3, 2022, Apr. 12, 2022

Velina M Johnson v. Inland Residential Real Estate Services, LLC, et. al., No. 21-cv-493, United States District Court for the Middle District of Alabama Northern Division. Judgement entered Jul. 11, 2023.

Velina M Johnson v. Inland Residential Real Estate Services, LLC, et. al, No. 23-12449. U.S. Court of Appeals for the Eleventh Circuit. Judgments entered Apr. 3, 2024, Jun. 21, 2024

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The Opinion and Order of the United States Eleventh Circuit Court of Appeals appears at Appendix A to the petition and is unpublished. The Order and Final Judgment of the United States District Court for the Middle District of Alabama appears at Appendix B to the petition and is unpublished.

STATEMENT OF JURISDICTION

The date on which the United States Court of Appeals decided my case was on April 3, 2024. A timely petition for reconsideration (Motion to Vacate Judgment) was filed within twenty-one days on April 22, 2024, also with a Motion to Supplement the Record on Appeal. A timely amended petition for reconsideration (Amended Motion to Vacate Judgment) was filed on April 23, 2024. A copy of the Order denying petition to vacate judgment dated July 21, 2024, by the United States Court of Appeals appears at Appendix A to the petition.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The **Fourth Amendment** to the United States Constitution provides in relevant part: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures...U.S. Const. amend. IV.

The **Fifth Amendment** to the United States Constitution provides in relevant part: No person shall be... be deprived of life, liberty, or property, without due

process of law; nor shall private property be taken for public use, without just compensation.

The **Fourteenth Amendment** to the United States Constitution provides in relevant part: All persons born or naturalized in the United States... are citizens of the United States... No state shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

11 U.S.C § 362 – Automatic Stay - 11 U.S.C § 362(a)(1)(3)(4) states in relevant part: (a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title....operates as a stay, applicable to all entities, of—... (3)any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;...

11 U.S.C § 362 (k)(1)

Except as provided in paragraph (2), an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages.

28 U.S. Code § 144 - Bias or prejudice of judge states:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such

judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

42 U.S. Code § 3610 - Administrative enforcement; preliminary matters

(e) Prompt judicial action- states in relevant part: If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary... ,the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section...Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure...

Sec. 813. [42 U.S.C. 3613] Enforcement by Private Persons states in relevant part: (c) Relief Which May Be Granted. -- (1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate). (2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on Certain Sales, Encumbrances, and Rentals. -- Relief granted under this section shall not affect any.... lease consummated before the granting of such relief and involving a...tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

24 CFR § 100.400 - Prohibited interference, coercion or intimidation

states in relevant part: (c) Conduct made unlawful under this section includes, but is not limited to, the following: (5) Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Housing Act. (6) Retaliating against any person because that person reported a discriminatory housing practice to a housing provider or other authority.

24 CFR § 100.600 - Quid pro quo and hostile environment harassment

states in relevant part: a) General. Quid pro quo and hostile environment harassment...may violate sections 804, 805, 806 or 818 of the Act, depending on the conduct...(2) Hostile environment harassment. Hostile environment harassment refers to unwelcome conduct that is sufficiently severe or pervasive as to interfere with: ...rental or use or enjoyment of a dwelling; (i) Totality of the circumstances. Whether hostile environment harassment exists depends upon the totality of the circumstances. (A) Factors to be considered to determine whether hostile environment harassment exists include, but are not limited to, the nature of the conduct, the context in which the incident(s) occurred, the severity, scope, frequency, duration, and location of the conduct, and the relationships of the

persons involved. (B) Neither psychological nor physical harm must be demonstrated to prove that a hostile environment exists. (b) Type of conduct. Harassment can be written, verbal, or other conduct..

24 CFR § 115.204 - Criteria for adequacy of law states in relevant part: (b) In addition to the factors described in paragraph (a) of this section, the provisions of the state or local law must afford administrative and judicial protection and enforcement of the rights embodied in the law. (1) The agency must have the authority to: (i) Grant or seek prompt judicial action for appropriate temporary or preliminary relief pending final disposition of a complaint, if such action is necessary to carry out the purposes of the law;

Fair Housing Act of 1968 in relevant part: ...prohibits discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex (and as amended) handicap and family status.

Uniform Residential Landlord and Tenant Act –

Section 35-9A-142 Obligation of good faith states: Every agreement and duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

STATEMENT OF THE CASE

This case involves principal tenant landlord housing topics surrounding federal agency U.S. Department of Housing and Urban Development noncompliance of federal, state housing, and civil rights laws, “error in rulings” by lower courts that contributed to landlord abuse, retaliation, unlawful prosecution, and eviction of a tenant. Respondents’ exertions to evict the petitioner ensued exclusive of any effort by the U.S. Department of Housing and Urban Development federal agency application of all federal and State of Alabama housing laws to protect a tenant and stay any retaliatory eviction during its ongoing housing investigation. Petitioner ‘clearly’ stated her unlawful eviction during an ongoing federal housing investigation violated her constitutional rights under the *“Fifth and Fourteenth Amendments”* (U.S. Const. amend. V, XIV.) right to “Due Process”, and the *Fair Housing Act of 1968*.

28 USC 1657(a) states in relevant part: ... “good cause” is shown if a right under the Constitution of the United States or a Federal Statute....would be maintained in a factual context that indicates that a request for expedited consideration has merit.

The U.S. District Court, on July 11, 2023, dismissed petitioner’s case complaint citing the amended complaint was a “shotgun pleading”. Petitioner timely filed an motion for consideration with supporting documents as exhibits and again clearly stated all allegations brought against the nine respondents.

Petitioner timely filed a Notice of Appeal in the district court. The Eleventh Circuit Court of Appeals affirmed the district court's decision to dismiss the case citing "shotgun pleading" on April 3, 2024. Although the court's opinion and ruling in the case Inform Inc. v. Google LLC, (11th Cir. Aug 26, 2022) and connotation of a "shotgun pleading" was contrary to that of the district court, the Eleventh Circuit Court Appeals denied petitioner's Amended Motion to Vacate Judgment (motion for reconsideration) timely filed on April 23, 2024, and the Motion to Supplement the Record on Appeal, filed on April 22, 2024, on June 21, 2024.

REASONS FOR GRANTING THE PETITION

I. A MOTION TO VACATE A COURT OF APPEALS JUDGMENT PURSUANT TO RULE 60(B)(3), 60(B)(6), AND 60(D) IS PROPER WHERE EVIDENCE CLEARLY ESTABLISHES THAT RESPONDENTS' WILLFUL ACTS OF MALICE AND REPEATED INSTANCES OF FRAUD ON THE COURT TO INCLUDE USE OF ILLEGAL BUSINESS NAMES AND VIOLATION OF THE AUTOMATIC STAY TO PURSUE AND PREVAIL IN THE EVICTION OF A TENANT DURING AN ONGOING FEDERAL HOUSING RETALIATION INVESTIGATION INCLUSIVE OF LOWER COURT(S) AND THE FEDERAL AGENCY DENYING PETITIONER'S REQUESTS FOR PRELIMINARY INJUNCTION CONSTITUTES EXTRAORDINARY CIRCUMSTANCES

Federal Rules of Civil Procedure Rule 60(b) states in relevant part: the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: ... (3) fraud..., misrepresentation, or misconduct by an opposing party... (6) any other reason that justifies relief. Rule 60(d) states in relevant part: ... This rule does not limit a court's power to: ... (1)

entertain an independent action to relieve a party from a judgment, order, or proceeding... (3) set aside a judgment for fraud on the court. 28 U.S. Code § 144 states: Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such a judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The Eleventh Circuit Court of Appeals opinion to uphold the district court's dismissal of petitioner's case citing a "shotgun pleading" is contrary to the court's final ruling in Inform Inc v. Google LLC, (11th Cir. Aug 26, 2022) resulting in reversal of a district court's decision citing the complaint was not a "shotgun pleading". The court ruled the plaintiff's (Inform Inc.) amended complaint "although lengthy and perhaps unclear, the defendants were sufficiently put on notice of their violations" and that the amended complaint was not a "shotgun pleading" in violation of FRCP 8(a)(2) or FRCP 10(b) and that dismissal on shotgun pleading grounds in appropriate when "it is virtually impossible to know which allegations of fact are intended to support which claim(s) for relief". The court also noted that while the complaint "is certainly long and may not be a paragon of clarity", it did not prevent defendants from understanding the basis of plaintiff's core claims and ruled that Inform Inc.'s amended complaint in Inform Inc v. Google LLC, (11th Cir. Aug 26, 2022) does not fail to give defendants notice of the claims against them and the grounds on which each claim rests.

Petitioner filed a ‘retaliation and hostile environment’ federal housing complaint with the U. S. Department of Housing and Urban Development (hereafter Dept of HUD)(Pet. App. M. Pg. 35a) that exceeded the agency’s one-hundred-day time frame and policy established to investigate tenant housing complaints. Montgomery Multifamily Leaseco, LLC, Inland Residential Real Estate Services, LLC, and LaQuinta King as respondent parties named in the housing complaint. Respondent Montgomery Multifamily Exchange LLC petitioned and was granted an Order (Pet. App. J. Pg. 28a) to lift petitioner’s automatic stay with “intent” to pursue eviction in November of 2021 (Bonnie Burris also filed a notarized affidavit included with the motion to lift petitioner’s automatic stay (Pet. App. J. Pg. 29a)), filed and was granted an Unlawful Detainer and Writ of Possession Order in the District Court for Montgomery County Alabama as the plaintiff although not a party of interest listed on petitioner’s apartment lease agreement and in violation of the *Fair Housing Act of 1968*. (Pet. App. I, G, K, L). Respondent Montgomery Multifamily Exchange alternating between names Montgomery Multifamily LLC (also in violation of the *Fair Housing Act of 1968*) and Montgomery Multifamily Exchange as plaintiff on the court’s docket in the District Court for Montgomery County Alabama, “pretended” to dismiss the case after petitioner alerted the bankruptcy court of respondents’ fraud for ongoing “switching” of business names (Pet. App. H). The order was vacated, the case was ineffectively dismissed, and Montgomery Multifamily Exchange falsely stated to the court “defendant reopened her bankruptcy” was rationale for dismissal of the case. Respondent Montgomery

Multifamily Leasco LLC made petition a second time to lift petitioner's automatic stay and reopened the "so called" dismissed eviction case with plaintiff names as Montgomery Multifamily Exchange LLC and prevailed in the Unlawful Detainer hearing on March 3, 2022 (Pet. App. G); thus twice "willfully" violating petitioner's automatic stay, 11 USC 362(a)(3), and 11 USC 363(k)(1).

During the ongoing lawsuit to evict Ms. Johnson after, petitioner's federal housing investigation was also open and ongoing. Although petitioner notified the U.S. Dept of HUD of every unlawful and retaliatory action taken against her (Pet. App. M. Pg. 36a-38a). Petitioner requested Temporary Restraining Order intervention citing information located on the Dept of HUD website (Pet. App. N. Pg. 41a-44a), but the investigator during a phone call replied that she would consult with the respondents on their thoughts about my request for a TRO. Petitioner was evicted on April 20, 2022, exclusively any intervention from the U.S. Dept of HUD. Petitioner forwarded a final email to the Dept of HUD on May 1, 2022, to convey disappointment and restate all actions taken against her by the respondents in this case and informed the investigator she had been evicted. The U.S. Dept of HUD confirmed that the agency's investigation concluded on April 29, 2022.

The U.S. Department of Housing and Urban Development federal agency was added as defendant in the district court (Doc. 34) for failure to uphold and adhere to the *Fair Housing Act of 1968*, constitutional and civil rights that protect a tenant from landlord retaliation after filing a federal housing complaint but also during an open

A. THE COURT OF APPEALS CONNOTATION OF A SHOTGUN PLEADING IS CONTRARY TO THAT OF THE DISTRICT COURT

The Eleventh Circuit Court of Appeals opinion to uphold the district court's dismissal of petitioner's case citing a "shotgun pleading" is contrary to the court's final ruling in Inform Inc v. Google LLC, (11th Cir. Aug 26, 2022) resulting in reversal of a district court's decision citing the complaint in was a "shotgun pleading". The court ruled the plaintiff's (Inform Inc.) amended complaint "although lengthy and perhaps unclear, the defendants were sufficiently put on notice of their violations" stated the amended complaint was not a "shotgun pleading" in violation of FRCP 8(a)(2) or FRCP 10(b) and elaborated that dismissal on shotgun pleading grounds in appropriate when "it is virtually impossible to know which allegations of fact are intended to support which claim(s) for relief". The court also noted that while the complaint "is certainly long and may not be a paragon of clarity", it did not prevent defendants from understanding the basis of plaintiff's core claims and ruled that Inform Inc.'s amended complaint in Inform Inc v. Google LLC, (11th Cir. Aug 26, 2022) does not fail to give defendants notice of the claims against them and the grounds on which each claim rests.

B. PETITIONER HAS SUFFICIENTLY PLED ALLEGATIONS IN (3) LOWER COURTS PUTTING RESPONDENTS ON NOTICE OF THEIR WRONGDOINGS PRIOR TO FILING AN APPEAL WITH THE ELEVENTH CIRCUIT COURT OF APPEALS

Respondents in this case have been served countless times in related lower courts related cases on identical allegations of violation of the Fair Housing Act,

retaliatory, eviction, fraud, violation of bankruptcy court, bad faith, landlord noncompliance, a addressed in the court of appeals and now in this Court exclusive of any lower court granting appearance on motion for emergency hearing(s), a preliminary injunction, stay of an eviction and violation of petitioner's rights and protections under the *14th Amendment* (U.S. Const. amend. XIV).

II. RESPONDENTS' GROSS MISCONDUCT AND EVICTION OF THE PETITIONER AFTER FILING A LANDLORD RETALIATION HOUSING COMPLAINT WITH FEDERAL AGENCY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ARE CONSIDERED WILLFUL ACTS OF MALICE PUNISHABLE UNDER THE FOURTH AMENDMENT

Petitioner filed a 'retaliation and hostile environment' federal housing complaint with the U. S. Department of Housing and Urban Development (hereafter Dept of HUD) (Pet. App. M. Pg. 35a) that exceeded the agency's one-hundred-day time frame and policy established to investigate tenant housing complaints. Montgomery Multifamily Leaseco, LLC, Inland Residential Real Estate Services, LLC, and LaQuinta King as respondent parties named in the housing complaint. Respondent Montgomery Multifamily Exchange LLC petitioned and was granted an Order (Pet. App. J. Pg. 28a) to lift petitioner's automatic stay with "intent" to pursue eviction in November of 2021 (Bonnie Burris also filed a notarized affidavit included with the motion to lift petitioner's automatic stay (Pet. App. J. Pg. 29a)), filed and was granted an Unlawful Detainer and Writ of Possession Order in the District Court for Montgomery County Alabama as the plaintiff although not a party of interest listed on petitioner's apartment lease agreement and in violation of

the *Fair Housing Act of 1968*. (Pet. App. I, G, K, L). Respondent Montgomery Multifamily Exchange alternating between names Montgomery Multifamily LLC (also in violation of the *Fair Housing Act of 1968*) and Montgomery Multifamily Exchange as plaintiff on the court's docket in the District Court for Montgomery County Alabama, "pretended" to dismiss the case after petitioner alerted the bankruptcy court of respondents' fraud for ongoing "switching" of business names (Pet. App. H). The order was vacated, the case was ineffectively dismissed, and Montgomery Multifamily Exchange falsely stated to the court "defendant reopened her bankruptcy" was rationale for dismissal of the case. During the ongoing lawsuit to evict Ms. Johnson after, petitioner's federal housing investigation was also open and ongoing. Respondents are in violation of 11 USC 362(a)(3) and 11 362(k)(1) and The *Fourth Amendment* as stated in the case Thompson v. Clark, 596 U.S. (2022)

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GROSS NEGLIGENCE DURING THE AGENCY'S OPEN FEDERAL HOUSING INVESTIGATION

During the onset and ongoing eviction lawsuit, petitioner's federal housing investigation was also still ongoing. Petitioner notified the U.S. Dept of HUD every unlawful and retaliatory action taken against her by the respondents by email and left voicemail messages with request for a return call. (Pet. App. M. Pg. 36a-38a). Petitioner requested Temporary Restraining Order intervention citing information located on the U.S. Dept of HUD website (Pet. App. N. Pg. 41a-44a) explaining the U.S. Dept of HUD's authority to do so, but the investigator during a phone call, replied that she would consult with the respondents on their thoughts about

petitioner's request for a TRO. 28 USC 1657(a) states in relevant part: ... "good cause" is shown if a right under the Constitution of the United States or a Federal Statute....would be maintained in a factual context that indicates that a request for expedited consideration has merit. Petitioner was unlawfully evicted on April 20, 2022, exclusively any intervention from the U.S. Dept of HUD. Petitioner forwarded a final email to the Dept of HUD on May 1, 2022, to convey disappointment and restate all actions taken against her by the respondents, prior completion of their housing complaint. Petitioner also informed the investigator she was evicted by a Montgomery County (AL) sheriff (Pet. App. E). The U.S. Dept of HUD confirmed that the agency's investigation concluded on April 29, 2022 (Pet. App. D), and as a result, petitioner is eligible for compensation also under 42 USC 3613 Section 813(c)(1) and Section 813(d).

The U.S. Department of Housing and Urban Development federal agency was added as a defendant in the district court case (District Court, Doc.34) for failure to uphold the *Fair Housing Act of 1968*, 42 USC 3610(e)(1), 24 CFR 100.400(c)(5)(6), 24 CFR 100.600(a)(2)(i)(b), 24 CFR 103.500(a)(b), and 24 CFR 115.205(b)(1)(i) (Pet. App. O, Pg. 45a-47a).

III. LOWER COURT(S) DISREGARDED FEDERAL LAWS ABUSED ITS DISCRETION AND DEMONSTRATED GRAVE INJUSTICE ON DECISIONS IN FAVOR OF THE RESPONDENTS PRIOR TO PETITIONER'S EVICTION

The district court Magistrate Judge's recommendation to dismiss petitioner's case stated in part: ... "Failure to file a written objection ...shall waive the right of

the party to challenge on appeal any subsequent order...*except upon grounds of plain error or manifest injustice.*" Petitioner clearly restated her allegations along with exhibits as evidence of their offenses in her Motion for Reconsideration and reminded the court the respondents were served clarified allegations and stated respondents violated the *Fair Housing Act of 1968*, the 5th Amendment and the 14th Amendment (U.S. Const. amend. V, XIV), the court denied motions for an expedited and emergency hearing and allowed the respondents to violate bankruptcy law during an ongoing federal housing investigation. As stated in 42 USC 144, Judges must recuse themselves when judicial bias is relevant. Petitioner's Motion to Recuse was denied in the district court (District Court, Doc. 17)

IV. THIS CASE INVOLVES IMPORTANT QUESTIONS AND ISSUES OF NATIONAL IMPORTANCE

Petitioners' case is laden with important topics of national interest that involves landlord tenant federal and state law housing compliance, civil rights, U.S. Department of Housing and Urban Development negligence for failure to protect tenants from landlord retaliation and eviction during an ongoing federal housing investigation conducted by the agency inclusive of abuse of a bankruptcy and federal fair housing laws to evict a tenant.

V. THE COURT OF APPEALS DECISION SHOULD BE VACATED BECAUSE PETITIONER'S AMENDED COMPLAINT ALIGNs WITH THE COURTS CONNOTATION OF A SHOTGUN PLEADING AND CLEARLY ESTABLISHES RESPONDENTS WERE PUT ON NOTICE IN (3) LOWER COURTS AND FURTHER SUPPORTS EXTRAORDINARY CIRCUMSTANCES EXIST IN THIS CASE

Petitioner now supports her standing in this Court as her pleadings with the lower courts contained clarified statements of all allegations accompanied with substantial documented evidence as exhibits filed in two additional lower courts to support misconduct by the respondents. Petitioner has been subject to “plain error and manifest injustice” by the lower courts in denying petitioner’s constitutional rights and defense under “*Fourteenth Amendment’s*” U.S. Const. amend. XIV., guarantee of “Due Process”, 11 USC 362(a)(3), 11 USC 3629(k)(1), the *Fair Housing Act of 1968*, 42 USC 3610(e)(1), 24 CFR 103.500(a)(b), and 24 CFR 115.204(b)(1)(i).

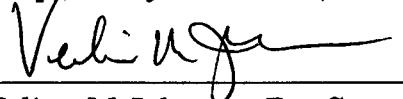
Petitioner’s amended complaint aligns with the court of appeal’s connotation of a “shotgun pleading” and all respondents were sufficiently “put on notice for their illegal behavior” in (3) lower courts prior to the court of appeals ruling. The Eleventh Circuit Court of Appeals opinion and judgment to affirm the district court decision to dismiss petitioner’s case citing a “shotgun pleading” should be vacated.

CONCLUSION

The petition for a writ of certiorari should be granted.

Date: July 1, 2024

Respectfully submitted,



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