

24-6314 ORIGINAL  
No. \_\_\_\_\_

FILED  
DEC 17 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

David C. Leffori — PETITIONER  
(Your Name)

City of Binghamton vs.  
Binghamton Code Enforcement  
Binghamton Police — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

David C. Leffori  
(Your Name)

P. O. Box 874  
(Address)

Dyer MA 01432  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

Questions 24-cv-74

1. What is considered "imminte danger?"
2. Is Neitze v Williams, 490 U.S. 319 incorrect?
3. What is constred as a strike?

## 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:

## RELATED CASES

Jackson v Bolton, 2004 U.S. App. LEXIS 1676  
McAlpin v Toney, 375 F.3d 753  
Andrew v Cervantes, 2007 U.S. App. LEXIS 515187

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE.....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A Second circuit 24-1083

APPENDIX B Letter, v. city of Binghamton et al 2024 U.S. Dist. Lexis 64324

APPENDIX C Letter, v. city of Binghamton et al, 2024 U.S. Dist. Lexis 66738

APPENDIX D Jackson v. Bolton 2024 U.S. App. Lexis 1676

APPENDIX E Andrews v. Cervantes, 2007 U.S. App. Lexis 15187

APPENDIX F McAlpin v. Toney, 375 F.3d 753

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Jackson v Bolton, 2021 U.S. App. LEXIS 1676  
Andrews v Cervantes, 2007 U.S. App. LEXIS 15187  
McAlpin v Toney, 325 F.3d 753

### STATUTES AND RULES

7, Title 28 United States Code / 485  
Title 28 United States Code / 415A  
Due process

### OTHER

Imminent danger

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 \_\_\_\_\_; 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 is unpublished.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 B to the petition and is

reported at 2024 U.S. D.37 Lexis 64324; 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 September 14, 2024

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  
24-cv-74

1. Title 28 United States Code 1915
2. Title 28 United States Code 1915A
3. Due Process

Statement of Case  
24-cv-74

This stems from the saving provision of "imminent Danger" in which the merits of not having a house after people had broke into it by authorized by governmental agents. Then had it buried down which the government had not prevented.

So the question becomes does not having a home be considered an "imminent danger:" that is since a person need to have shelter in order to protect from the elements and stay healthy from the cold and not catch a virus like the flu.

Or it doesn't matter on the safety of a person in which the provision of the statute states.

The sixth circuit had came across in the beginning of the year that the district court had misapplied the imminent danger.

In which the sixth circuit had stated that appellate court reviews a denial of the *informa paupris* motion for an abuse of discretion. There was no review by the second circuit just a quick denial of claim its frivolous. The case that the sixth circuit had was *Jackson v Bolton*, 2024 U.S. App. Lexis 1676.

The magistrate judge Miroslav Lovric had in essence claim a bunch of cases that were irrelevant to the determine of the fact-finding of the determine of the *informa paupris* motion, in which in turn would make the appeal court not want to be bother.

A lot has changed on the cases in which the facts of the merits of the reasons is now dissolved to where the *informa paupris* should have been granted in which violates the petitioners rights.

It been claimed that since having filed nearly a year after the indictment that it claims not to be "Imminent Danger," yet the judges don't factor that in fact for example a "Notice of claim," had to be filed when making a claim under New York State law, or it could be dismiss until remedies be exhausted which could trigger Title 42 United States Code 1997(e). Another factor is when release from the unlawfully imprisonment the petitioner doesn't have a home to go to which there is no shelter. It can now be homeless for the petitioner because of the misconduct. The judges only look at the present moment which shows a denial of due process.

"A claim falling within the imminent danger exception to 28 U.S.C. 1915(g) must nonetheless meet the mandatory exhaustion requirements of 42 U.S.C. 1997(e)," *Mcalphin v toney*, 375 F.3d 753.

There is an error in law.

The court construes the allegations in a pro se complaint liberally to determine whether the 'imminent danger' exception to the three-strike rule under 28 U.S.C. 1915(g) is satisfied," *andrews v Cervantes*, 2007 U.S. app. Lexis 15187.

There is an error in law on the consture for the complaint thus review should be made.

Reasons to Grant Petition  
24-cv-74

There has never been any case law from the supreme court of the united states on what "Immident danger" can be used as. It has always been at the discribed of the district and the appeal courts.

Thussan anwser on if having no home can be in the saving provision of "Immident Danger."

It also can determine if the strikes claimed are what are strikes since there has be changes to the cases that were claimed to have, a clafy of the facts is a better way then to have none.

The issue at hand is "Immident Danger."

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: December 6, 2024