

24-7492

No.

ORIGINAL

In the Supreme Court of the United States

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

TONY CHANEY,
PETITIONER/APPELLANT

VERSUS

CHICAGO HOUSING AUTHORITY,
[A Governmental Agency Operating under the Laws of the State of
Illinois and the United States Constitution]
DEFENDANT/APPELLEE

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

PETITION FOR WRIT OF CERITORARI

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THE QUESTION PRESENTED FOR REVIEW

This case is of national importance

Whether [H]ousing agencies that receives funding from the Department of Housing and Urban Affairs has the authority to unilaterally deny residents the right to a fair hearing pursuant to Title 5 U.S. Code § 702 of the Administrative Procedure Act, Right of Review which complies with 24 C.F.R. Part 6 Subpart B § 6.13 Hearings and Appeals section (a) and (b) which was adopted to comply with the due process clause of the 14th Amendment to the United States Constitution.

PARTIES TO THE PROCEEDING

Petitioner: Tony Chaney

Respondent: Chicago Housing Authority
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CORPORATE DISCLOSURE STATEMENT

Out of an abundance of caution, there are no corporate disclosure matters related to this case.

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 and to issue such orders as this court deems necessary under the circumstances

OPINION BELOW

The decisions from the Illinois State Courts:

- I. The opinion of the United States District Court For the Northern District of Illinois on January 23, 2024. (Appendix-I)
- II. The opinion of the United States Court of Appeals For The Seventh Circuit issued November 12, 2024 with Dissenting Opinion (Appendix-I)
- III. Copy of letter issued by Clerk of Court providing instructions for the correct format for submission of 'Writ of Certiorari' to this Court. (Appendix-II)

JURISDICTIONAL STATEMENT

The date on which the United States District Court is January 23, 2024 and the United States Court of Appeals is November 12, 2024. Petitioner files this present 'Petition For Writ of Certiorari' within the 90 days. The Clerk of The Supreme Court issued a 60 day time period with instructions for redoing same 'Writ' within rules 33.1 and 28 U.S.C. section 1254 (1) and proof of service as required by rule 29.

STATEMENT OF THE CASE

A. BACKGROUND:

Petitioner a qualifying individual under the 'American Disabilities Act of 1990' is a former resident at the 5225 North Kenmore Plaza housing complex, Apt. 10M, Chicago, Il. The defendant (Chicago Housing Authority) receives funding from the Department of Housing and Urban Affairs located in Washington, D.C. under the 'Choice Housing Program'.

1. Petitioner while residing at the 5225 North Kenmore Plaza, apartment was burglarized at least seven (7) times by unknown persons.
2. A significant amount of his property was stolen including his valuable coin collection, cash money, abstract art and new towels, family tape and other valuables.
3. Jake Caputo's a resident at same was also burglarized.

4. Neither the manager, Candace Harrell and her assistant (Ms. Dash) were very much aware of the criminal activities that was occurring within the building and refused to address the problems or attempt to identify and/or prevent any and all burglaries to his apartment or the other residents.
5. Only the manager and staff has keys and access to the individual resident(s) apartments.
6. Petitioner was eventually able to identify who was responsible for the burglaries being committed.
7. One of the staff members intervened and physically threatened the petitioner with bodily harm in the lobby of the building with physical harm threat to bring his all his family and neighborhood friends to do battle with the petitioner.
8. Petitioner informed management of the criminal activities to his apartment but they refused to intervene or attempt to identify the persons who were committing the criminal acts.
9. Petitioner armed himself with the intent to defend himself against any potential aggression that was asserted against him by the complex employee.
10. The manager (Candace Harrell) directed law enforcement to take the petitioner to Weiss Memorial Hospital for mental evaluation and if same refused he was to be transported to Cook County jail.
11. Ms. G. Candace Harrell served petitioner with a 'Notice To Terminate Tenancy' further same manager submitted a notice to have same remove from the list of eligibility for future housing.
12. Petitioner submitted a request for a hearing consistent with the requirements under the Administrative Procedure Act.
13. An employee with CHA, (Ms. Jakyra Nelson) called and informed him after a period of 90 days had elapsed that he (Petitioner) was not going to receive any hearing. Petitioner then initiated this legal action. ¹

^a Petitioner who was partially disable at the time of his residency is now permanently disable-(see appendix #3)

³ See appendix -1

REASONS FOR GRANTING THE PETITION

Before a federal court can consider the merits of a legal claim, the person seeking to invoke the court's jurisdiction must establish the requisite standing to sue. To do so, he must prove the existence of an Art. III case or controversy by clearly demonstrating that he has suffered an "injury in fact," which is concrete in both a qualitative and temporal sense. He must show that the injury "fairly can be traced to the challenged action," and "is likely to be redressed by a favorable decision." *Simon v. Eastern Kentucky Welfare Rights Org.*, 426 U. S. 26, 426 U. S. 38, 426 U. S. 41. Pp. 495 U. S. 154-156.

First: the plaintiff must have suffered an "injury in fact" -an invasion of a legally protected interest which is (a) concrete and particularized, see *id.*, at 756; *Warth v. Seldin*, 422 U. S. 490, 508 (1975); *Sierra Club v. Morton*, 405 U. S. 727, 740-741, n. 16 (1972); 1 and (b) "actual or imminent, not 'conjectural' or 'hypothetical,'" *Whitmore*, *supra*, at 155 (quoting *Los Angeles v. Lyons*, 461 U. S. 95, 102 (1983));

Second: there must be a causal connection between the injury and the conduct complained of-the injury has to be "fairly ... trace[able] to the challenged action of the defendant, and not ... the result [of] the independent action of some third party not before the court." *Simon v. Eastern Ky. Welfare*;

Third: the injury must affect the plaintiff in a personal and individual way.

Petitioner's apartment was burglarized at least seven (7) times by unknown individuals. The management refused to aid in the identity of who was committing the criminal acts or correct the ineffective security in the building(s) security. Petitioner has met the three-point criteria established by Justice Scalia opinion developed in the *Lujan*, decision.

Petitioner cited the following section(s) in his initial complaint which the requirements of the 'Administrative Procedure Act' CFR Part 6 Subpart B § section (a) and (b) which states specifically:

(a) When a recipient requests an opportunity for a hearing, in accordance with § 6.12 (b)(3), the General Counsel will follow the notification procedures set forth in 24 CFR 180.415. The hearing, and any petition for review will be conducted in accordance in 24 CFR part 180.

(b) After a hearing is held and a final agency decision is rendered under 24 CFR part 180, the Recipient may seek judicial review in accordance with section 111(c) of the Act.

The defendant has asserted the courts ruling of *Monell v. Department of Social Services*, 436 US. 658 (1978) applies. This court under §1983 that natural persons sued in their official capacities as officers of a local government enjoy the immunity conferred by their local government. This decision overruled *Monroe v. Pape*, 365

U.S. 167 which held that local governments are wholly immune from suit under §1983. Monell, *supra*, overruled Monroe which held that local official can be sued in their official capacity §1983 for monetary, declaratory, and injunctive relief where their action is alleged to be unconstitutional or implements or executes a policy statement, ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy.

Additionally, local governments, like every other §1983 "person," may be sued for constitutional deprivations visited pursuant to governmental "custom" even though such custom has not received formal approval through the government's decision making channels. Monell, 436 U.S. 690-691.

ARGUMENT

It is well established, however, that before a federal court can consider the merits of a legal claim, the person seeking to invoke the jurisdiction of the court must establish the requisite Article III standing to sue. The federal courts jurisdiction over only "cases and controversies," and the doctrine of standing serves to identify those disputes which are appropriately resolved through the judicial process. See *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U. S. 464, 454 U. S. 471-476 (1982). Our threshold inquiry into standing "in no way depends on the merits of the [petitioner's] contention that particular conduct is illegal," *Warth v. Seldin*, 422 U. S. 490, 422 U. S. 500 (1975).

The court has acknowledged before that "the concept of Art. III standing' has not been defined with complete consistency in all of the various cases decided by this Court which have discussed it, "Valley Forge, *supra*, 454 U.S. at 454 U. S. 475, certain basic principles have been distilled from our decisions. To establish an Art. III case or controversy, a litigant first must clearly demonstrate that he has suffered an "injury in fact."

- a. That injury, we have emphasized repeatedly, must be concrete in both a qualitative and temporal sense. The complainant must allege an injury to himself that is "distinct and palpable," *Warth, supra*, 422 U.S. at 422 U. S. 501, as opposed to merely "[a]bstract," *O'Shea v. Littleton*, 414 U. S. 488, 414 U. S. 494 (1974), and
- b. the alleged harm must be actual or imminent, not "conjectural" or "hypothetical." *Los Angeles v. Lyons*, 461 U. S. 95, 461 U. S. 101-102 (1983).
- c. Further, the litigant must satisfy the "causation" and "redressability" prongs of the Art. III minima by showing that the injury "fairly can be traced to the challenged action," and "is likely to be redressed by a favorable decision." *Simon v. Eastern Kentucky Welfare Rights Org.*, 426 U. S. 26, 426 U. S. 38, 426 U. S. 41 (1976); *Valley Forge, supra*, 454 U.S. at 472. The litigant must clearly and specifically set forth facts sufficient to satisfy these

Art. III standing requirements. A federal court is powerless to create its own *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

The Administrative Procedures Act establishes requirements, standards and criteria for a grievance procedure to be implemented by public housing agencies (PHAs) to assure that a PHA tenant is afforded an opportunity for a hearing if the tenant disputes within a reasonable time any PHA action or failure to act involving the tenant's lease with the PHA or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

5 of the U.S. Code § 702 States as follow:

“A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: Provided, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.

CONCLUSION

As a matter of law, ‘The Administrative Procedure Act’ mandates that each housing agency that receives funding from the Department of Housing develop and utilize an establish set grievance procedures that is to be employed when an individual has been harm by circumstances outside of that person(s) control.

The 14th Amendment to the U.S. Constitution requires that all persons should be entitled to ‘due process’ when unfairly harm. The petitioner comes within the ambit of protection of those people who are entitle to the specific relief that the law is trusted to protect.

I am,

A handwritten signature in black ink that reads "Tony Chaney". The signature is written in a cursive style with a large, looping "T" and a long, sweeping underline.

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CERTIFICATE OF COMPLIANCE

I certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 6 pages.

A handwritten signature in black ink that reads "Tony Chaney". The signature is written in a cursive, flowing style with a large, stylized 'T' and 'C'.

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