

IN THE SUPREME COURT OF THE UNITED STATES

NO. 17-6924

Brenda Joyce Haynes , Plaintiff-Petitioner

v.

Mike Acquino, ET AL. ,Defendants

On Writ Of Certiorari

To The United States Court of Appeals

For The Second Circuit

Petition For Rehearing

BRENDA JOYCE HAYNES

PRO SE

11 NORTHUMBERLAND AVE

BUFFALO, NEW YORK 14215

(716) 768-4813

original

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Pursuant to Rule 44 of this Court, the plaintiff-petitioner, hereby respectfully petitions for rehearing of this case before a full nine member court.

1. This case involves a challenge to acts, actions and policies of state municipalities and agents of the state of New York as unconstitutional by an indigent, Pro se, black female petitioner filed under 42 USC 1983 et seq. 1986.

2. Where two justices of District Court have dismissed the plaintiff-petitioner's claims against the City of Buffalo and the County of Erie in a way that is in direct conflict with the decision of this court reached in 'Leatherman', and where a three judge panel of the Second Circuit Court of Appeals have acted in acquiesce with District Court 's dismissal of the plaintiff-petitioner's municipality claims against the City of Buffalo and the County of Erie which was made in direct conflict with the decision reached in this court in "Leatherman".

3. This Court's decision reached in "Leatherman" allows an indigent pro se litigant to name a municipality as a defendant in a 1983 civil rights action without the burden of unnecessary heightened pleadings as sometimes demanded by District Court.

4. On 4/29 , 2010, the plaintiff-petitioner was then a 51 year old black indigent female, filed a pro se 1983 civil rights complaint alleging the deprivation of her civil rights by the City of Buffalo and the County of Erie through the implementation of an unconstitutional custom, practice or policy, plaintiff-petitioner also complained of physical and emotional injuries as a result of a false arrest, police brutality and malicious prosecution.

5. On 7/6/10 and 4/6/2011, District Court dismissed the plaintiff-petitioner's claims directed at the city of Buffalo and the County of Erie, for her failure to satisfy District Court's demand for heightened pleadings. The plaintiff-petitioner appealed District Court's dismissal of her municipal claims on 5/4/2011, to the Second Circuit Court of Appeals who dismissed said appeal on 8/24/2011, appeal is dismissed as it lacks jurisdiction because a final order has not been issued by district court.

6. Now after almost 10 years of delay and conjecture District Court's final judgment against plaintiff-petitioner was appealed on 7 /19/2016, this time the Second Circuit remanded the case back down to District Court because of an erroneous evidentiary ruling , but failed to consider or even mention the plaintiff-petitioner's renewed appeal of District Court's dismissal of plaintiff-petitioner's claims against the City of Buffalo and the County of Erie.

7. On 7/19/2017, plaintiff-petitioner, petitioned Second Circuit for an en banc partial review of two of plaintiff-petitioner's issues raised on appeal because the actions taken by the Second Circuit on those issues were in direct conflict with the decisions of this Court in "Leatherman" and in "Allen" the two issues referred to above deals with the heighten pleading requirement for municipal claims abolished by this Court in "Leatherman" and the applicability of section 1738 to a New State Court final judgment in Federal court as established in "Allen".

8. On 8/17/2017, Second Circuit Court of Appeals denied the plaintiff-petitioner's petition for an en banc review, wherefore the plaintiff-petitioner petitioned this Court for a writ of Certiorari because this was the last and only venue by which the plaintiff- petitioner could challenge the Second Circuit silent acquiesce to District Court's sua sponte dismissal of plaintiff-petitioner's 1983 civil rights claims against the municipalities the City of Buffalo and the County of Erie where said dismissal was in direct conflict with Court in "Leatherman"

9. On 2-20-18, this Court denied the plaintiff-petitioner's writ for certiorari despite the fact that it is undisputed that the plaintiff-petitioner did name the City of Buffalo and the County of Erie as defendants for implementing an unconstitutional custom, practice or policy, which led to the deprivation of the plaintiff-petitioner civil rights in her 1983 civil rights complaint filed in 2010.

10. It is also undisputed that the plaintiff-petitioner has stated at least one claim upon which relief can be granted against the defendants remaining in her original complaint and amended complaint which also alleges a conspiracy under 1986.

11. Therefore, the only thing to be decided in this matter is whether a black indigent pro se litigant is entitled to the same treatment in federal court as the defendants in "Leatherman" when it comes to naming municipalities in a 1983 civil rights complaint.

FOR THE FORGOING REASONS, THE PETITION FOR REHEARING SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED

Brenda J. Haynes Pro'se
BRENDA JOYCE HAYNES, PRO SE

Petitioner

11 Northumberland Ave.

Buffalo, New York 14215

(716) 768-4813

March 16, 2018

CERTIFICATE OF COUNSEL

Rule 44.2

I Brenda Joyce Haynes , the pro' se, in forma pauperis , petitioner certify, that this court's Decision, not to grant the petitioner's petition for rehearing, will have a chilling and unexpected Adverse effect of forever foreclosing an, in forma pauperis , pro' se litigant's chance and right under 42 USC 1983 et seq. 1986, to name a municipality defendant in a civil rights complaint filed in a district Court regulated by the second circuit without the extra burden of "heighten pleadings" which is in direct Conflict with this court's rulings reached in "LEATHERMAN".

Brenda J. Haynes, Pro'se

Brenda Joyce Haynes pro' se

Dated April 5th, 2018

original

CERTIFICATE OF COUNSEL

Rule 44.2

I Brenda Joyce Haynes , the pro' se, in forma pauperis , petitioner , certify that after being
Forced by district court , and second circuit, to wait for almost ten years because of their departure
from The normal course of judicial proceedings, for the opportunity to redress

My grievances against the municipality defendants named in my 1983 et seq.1986 civil rights compliant,

That this petition for rehearing is presented in good faith and not for delay.

Brenda J. Haynes, Pro'se

Brenda Joyce Haynes Pro se

Dated April 5th, 2018

original

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

March 26, 2018

Brenda Joyce Haynes
11 Northumberland Avenue
Buffalo, NY 14215

RE: Haynes v. Acquino, et al.
No: 17-6924

Dear Ms. Haynes:

The petition for rehearing in the above-entitled case was postmarked March 17, 2018 and received March 26, 2018 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk
By:

Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures