

17-7168

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

DEC 07 2017

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Michael B. Dorsey ^{pro se} — PETITIONER
(Your Name)

vs.

SHERMAN LANKFORD — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District of Columbia^{US} Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael B. Dorsey, pro se
(Your Name)

1039 49th Street, N.E., Apt. #1
(Address)

Washington, D.C. 20019
(City, State, Zip Code)

(202) 250-0597
(Phone Number)

QUESTION(S) PRESENTED

I

Whether the D.C. Superior Court (Landlord and Tenant Branch) erred when it denied me a jury trial because I did not pay a monthly rent payment (\$950) into the court registry, according to Rule ____ of the court rules?

II

Whether the judge in the Landlord and Tenant Branch (Judge Brian Holman) erred when he eschewed me because I, a senior citizen did not wait in a freezing apartment until the landlord located a heating unit expert -- which required a two-day wait?

III

Whether the lower court judge erred when he refused to award me moneys (paid by the landlord) for hotel bill?

IV

Whether the lower court erred when it refused to provide credit for failed repairs to the property?

V

Whether the D.C. Court of Appeals erred when it allowed the lower court to allow to do as its rulings allowed

VI

Whether the D.C. Court of Appeals erred when it did not address the issues above when it exercised its duty to oversee the lower court?

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:

Michael B. Dorsey, Pro Se
Petitioner

Sherman^y Lankford
Respondent

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

DRAYTON v. PORETSKY Management, 462 A 2d 1115 (1983)
2d 1115/1564

DORSEY v. DISTRICT of Columbia, 917 A 2d 639 (D.C. 2007).

DANO Resource Recovery, INC. v. DISTRICT of Columbia, 566 A. 2d 482, 485 (D.C. 1989). The trial court refused to allow me to exercise the Administrative Process when it denied my timely request for a Drayton stay. The Office of Administrative Hearings did the same, basically, when I appeared before it and explained that the landlord withdrew a demand for a rent increase -- when the agency declared that the rent increase was permissible.

STATUTES AND RULES

Rule 12-1, (g)(1) -- Protective Order

(g) Sanctions for Untimely, Partial, or Missed Payments
"[Sanction for not paying into the court registry]... including but not to striking the defendant's jury demand or counterclaim..."
The right to a jury is from the U.S. Constitution and not from Rule 12 of the D.C. Superior Court.

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 ^{for D.C.} 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 ^{for D.C.} 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.

☐ For cases from **state courts:**

^{D.C. COURT OF APPEALS}
The opinion of the highest state court to review the merits 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 _____ 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 _____. *N/A*

[] 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: *Court of Appeals for the District of Columbia* September 22, 2017, and a copy of the order denying rehearing appears at Appendix _____. *This applies below as this case did not appear in the federal court.*

[] 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 _____. *N/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 September 22, 2017.
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 _____. *9/22/17*

[] 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 _____. *9/22/17*

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The seventh Amendment to the United States Constitution provides a right to a trial by jury. It was denied by the Landlord and Tenant Branch of the Superior Court.

STATEMENT OF THE CASE

This case is the result of a landlord and tenant rent issue, resulting from the mere unfortunate anomaly of the senior citizen who forgot to pay rent one month. It had never occurred during the three years of the residency -- and the rent was never late.

The matter was aggravated when the landlord rushed the matter into court, as he was an employee of the court and might have wanted to show-off before his co-workers.

The matter became when the landlord vowed to rid me from the property by increasing the rent and entering the property without my consent -- from which a temporary restraining order was issued against the landlord.

Another issued occurred when the jury trial was denied because I did not pay the rent into the court registry -- according to a court rule. It is my belief that the court lacks authority to deny me a jury trial because the U.S. Constitution guarantees it, a trial by jury.

This case was later resolved by payment of all rents due, without a trial by jury or bench. A new case came and is active as the landlord vows to remove me from the premises merely because he does not desire seeing me or contact with me on the premises.

REASONS FOR GRANTING THE PETITION

This Petition should be granted because:

A

The United States Constitution allows a trial by a jury of this Petitioner's peers. The District of Columbia Court at any level should not deny it because this Petitioner did not pay rent either directly to the landlord or to the Registry of the D.C. Superior Court, Landlord and Tenant Branch.

B

This Petitioner should not have been required to pay rent as required when housing code violations occurred, as the Housing Department Inspection Reports indicate.

C

The lower court erred when it and the appeals court were inhumane when they required me to endure staying in a freezing apartment until a heating expert came, two days later, and no rent abatement or reimbursement of hotel bill was allowed.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael B. Darby

Date: December 6, 2017