

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LOUIS REED, JR. — PETITIONER
(Your Name)

vs.

HARTFORD SUPER 8 MOTEL, ET AL. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr. Louis Reed, Jr. I.D.#364012
(Your Name)

Jefferson Correctional Institution
1050 Big Joe Road
(Address)

Monticello, Florida 32344
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

ISSUE # (ONE)

WHETHER ALLEGATIONS BY PLAINTIFF FOUND IN THE ORIGINAL CIVIL TORT COMPLAINT FILED INTO THE UNITED STATES DISTRICT COURT AND THE SAME ALLEGATIONS, RENEWED TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT IN THAT FACTS PROVE THAT PLAINTIFF/PETITIONER HAS BEEN A STATE OF FLORIDA PRISONER HELD IN CUSTODY "ONGOINGLY" FOR THE PAST "20" TO "25" YEARS QUALIFIED LOUIS REED, JR., D.C. #364012 PRISONER/PLAINTIFF TO BE BONA FIDE RESIDENT PERMANENT CITIZEN OF THE STATE OF FLORIDA AT THE TIME FRAME PLAINTIFF/PETITIONER FILED "HIS" CIVIL LAWSUIT COMPLAINT IN U.S. DISTRICT COURT CIVIL CASE NUMBER #16-CV-1830 DISTRICT OF CONNECTICUT MET THE REQUIREMENTS TO PROVE DIVERSITY JURISDICTION AND SUBJECT MATTER JURISDICTION UNDER 28 U.S.C. § 1332?

ISSUE # (TWO)

WHETHER THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT OPINION RULING ORDER IN CASE NUMBER #17-2489 DISMISSING PETITIONER/PLAINTIFF CASE DATED ON MARCH 9TH 2018 CONFLICTS WITH DECISION OF ANOTHER U.S. COURT OF APPEALS ON THE SAME IMPORTANT MATTER PETITIONER SATISFIED REQUIREMENTS TO INVOKE THE FEDERAL FORUM SYSTEM DIVERSITY JURISDICTION PURSUANTLY TO WILLIAMS VS. FAULKNER, 837 F.2d 304 (7TH Cir. 1988) AND BRANDON VS. DISTRICT OF COLUMBIA BOARD OF PAROLE, 734 F.2d 56, 59 (D.C. Cir. 1994) Cert. denied, 469 U.S. 1127, 105 S. Ct. 811, 93 L. Ed. 2d 804 (1985)?

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:

Mr. Steven Gorss, Defendant

The Hartford Super 8 Motel- Defendant

Mr. Louis Reed, Jr., Plaintiff

Re: U.S. District Court Case No. # 16-Civil-1830

U.S. Court of Appeals No. # 17-2489

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, *Exhibit A*

APPENDIX B, *Exhibit B*

APPENDIX C, *Exhibit C*

APPENDIX D, *Exhibit D*

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Anderson News, L.L.C. vs. American media, 680 F.3d 162, 185 (2d Cir. 2012)	17
Brandon v. District of Columbia Board of Parole, 734 F.2d 56, 59 (D.C. Cir. 1984)	8, 16
Conley v. Gibson, 355 U.S. 41, 42, 78 S.Ct. 99, 100, 2 L.Ed.2d 80 (1957)	16
Foman v. Davis, 371 U.S. 178, 182, 83 S.Ct. 227, 9 L.Ed.2d 222 (1962)	8, 17
Williams v. Faulkner, 837 F.2d 304 (7th Cir. 1988)	8, 17
Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30, 48 (1989)	14

STATUTES AND RULES

28 U.S.C. § 1915 (e)	8, 16
28 U.S.C. § 1332	14, 15, 16

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 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 United States district 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.

☐ 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 MARCH 9th 2018.

☒ 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

28 U.S.C. § 1332 (a). The Matter in Controversy in this instant Case on Appeal exceeds the Sum or Value of \$75,000.00's exclusive of interest and costs, and is between (Citizens that resides in two different States) Citizens of different States. (See Appendix-Exhibits, A, B, C, and Ex.D).

The petitioner's preincarceration were:

105 N.W. 17th street, Bradenton, Florida 34205

And: 1901 - 5th street, N.W., Apt. B2, Bradenton, Florida 34205

The petitioner indicates in the original Tort Civil Real Estate Complaint that he is A Citizen of the State of Florida and that he is A prisoner of the state of Florida. And he is both present and intends to remain for the indefinite future in the state of Florida. The petitioner Also states that these defendants are Citizens of Connecticut. See: Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30, 48 (1989).

The decision of the U.S. District Court is Erroneous dated on July 20, 2017 in which Dismissed the Complaint. (see Exhibit A, and D). But the National importance of having the Supreme Court decide the Question - 14 - involved.

STATEMENT OF THE CASE

The Plaintiff/petitioner herein Louis Reed Jr. Remains A prisoner in the State of Florida. The defendants-Respondents Steven Gorss and the Hartford Super 8 Motel Are domiciled In the State of Connecticut. The United States District Court in Case No. # 16-CV-1830 and the United States Court of Appeals for the Second Circuit Allowed the Defendants Steven Gorss and The Hartford Super 8 Motel to prevail to Dismiss the Case Completely in "error" depriving petitioner of his Constitutional Rights to Access the federal Court System to Seek Redress involving A viable Claim:

Diversity Jurisdiction is proven overwhelmingly when petitioner had been held outside of the State of Connecticut for the past (25) years at the time he filed the initial Civil TORT Complaint, As for proof, Being A State of Florida prisoner on Record in this instant Case. Re: 28 U.S.C.A. § 1332, (Exhibits A, B, C, and D).

REASONS FOR GRANTING THE PETITION

The district court and the U.S. Court of Appeal issued its orders on July 20, 2017 and on March 9th, 2018 by erroneously dismissing plaintiff's pro-se Complaint as frivolous pursuant to 28 U.S.C. § 1915 (e) and denying petitioner/plaintiff leave to proceed in forma pauperis; because petitioner had no money or income to pay filing fees. The U.S. Court of Appeals made an incorrect finding that the Complaint fail to state a claim upon which relief could be granted. The petitioner asserts that the U.S. District Court and the U.S. Court of Appeals for the Second Circuit Applied An incorrect standard for determining when a sua sponte dismissal of pro-se Complaint is appropriate under 28 U.S.C. § 1915 (e), denied plaintiff access to the Federal Court system, in violation to the 14th Amendment to the U.S. Constitution, 28 U.S.C. § 1332. The petitioner's Complaint makes a Rational Argument in Law or fact which entitle him to relief. (See the original Civil Tort Complaint pp. 2-5). See: *Brandon v. District of Columbia Board of Parks*, 734 F.2d 56, 59 (D.C. Cir. 1984) cert. denied, 469 U.S. 1127, 105 S.Ct. 811, 83 L.Ed.2d 804 (1985). *Conley v. Gibson*, 355 U.S. 41, 42, 78 S.Ct. 99, 100, 2 L.Ed.2d 80 (1957). The Brandon Court held that "A Complaint need not indisputably state a cause of action to survive sua sponte dismissal; instead if the Complaint has at least an arguable basis in Law and fact if the Complaint is viable - it CANNOT be frivolous. 734 F.2d 56, at 59.

The petitioner Alleges that this Honorable U.S. Court of Appeals Opinion dated March 9th, 2018 should be VACATED. And the U.S. District Court's order Dismissing the Tort Civil Complaint should be Remanded, the order dated July 20, 2017. And this Case should be Remanded with instruction that petitioner be given leave to Replead because, "it is possible that petitioner could remedy the inadequacies identified by the U.S. District Court." See: *Foman vs. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 9 L.Ed. 2d 222 (1962); *Anderson News, L.L.C. vs. American Media, Inc.*, 680 F.3d 162, 185 (2d Cir. 2012). (Leave to Amend, should be granted freely in the interest of justice.)

CONCLUSION

The petition for a writ of certiorari should be granted. This Case should be Remanded to the district Court for further proceedings. See: *Williams v. Faulkner*, 837 F.2d 304 (7th Cir. 1988).

Respectfully submitted,

X Louis Reed Jr.

Date: April 30, 2018

Mr. Louis Reed, Jr. D.C. #364012
Jefferson Correctional Institution
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Monticello, Florida 32344