25-6880

No._____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

SHARIFF AHMAD JONES, PETITIONER

VS.

JP MORGAN CHASE & CO.,

JP MORGAN CHASE BANK N.A., SUSAN BUZZARD, RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES SECOND CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

SHARIFF AHMAD JONES
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The questions presented:

1. Whether this court must reverse its decision in *Goodman v. Lukens Steel Co.*, 482 U. S. 656 (1987) that places federal court reliance on state personal injury law in determining the statute of limitations in matters of §1981 civil rights.

2. Whether a uniform, national, and broad standard for the bringing of racial discrimination claims in federal court will better protect Americans of color.

3. Whether Jones should be granted a longer limitations period to be heard on his racial discrimination claims.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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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

The Summary Order, Case No. 25-86, of the United States court of appeals appears at Appendix A.

The Memorandum Decision and Order, Case No. 5:23-CV-956, of the United States district court appears at Appendix B.

JURISDICTION

The date on which the United States Court of Appeals decided my case was September 19th, 2025.

I did not file a petition for rehearing in my case.

I invoke this Court's jurisdiction under 28 U. S. C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 U.S.C. §1981 provides: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

The Civil Rights Act of 1991

28 U.S.C. §1658

N.Y. C.P.L.R. §214(5) provides: Actions to be commenced within three years: for non-payment of money collected on execution; for penalty created by statute; to recover chattel; for injury to property; for personal injury; for malpractice other than medical, dental or podiatric malpractice; to annul a marriage on the ground of fraud. The following actions must be commenced within three years:

5. an action to recover damages for a personal injury except as provided in sections 214-b, 214-c, 214-i and 215 ... .

STATEMENT OF THE CASE

This cause arises from a "Banking While Black" civil rights law suit deemed untimely by two federal courts that but for the respondent's obstinate and entrenched racial animus, petitioner Jones served 4 years, 7 months and 24 days in prison only to have his erroneous conviction reversed by New York's Appellate Division Fourth Department and then be acquitted at a criminal retrial.

In a report found at banking.senate.gov in 2013, JPMorgan Chase agreed to pay $13 billion as part of a settlement with the Department of Justice (DOJ) and several states over ... predatory mortgages. In 2014, JPMorgan Chase agreed to pay another $614 million for "fraudulent lending practices." In 2017, DOJ fined the bank another $55 million for charging at least 53,000 Black and Latino borrowers higher rates and fees on mortgage loans than similarly-situated white borrowers. An explosive, in-depth New York Times piece revealed documented accounts of JPMorgan Chase's racist treatment of African American employees and customers.

On July 18th, 2013, Jones visited his local Chase bank to obtain professional assistance to determine whether a traveler's cheque he possessed as a $500 payment for some internet-based work was genuine or fake. A bank representative, respondent Susan Buzzard, was a bank employee for at least twenty-nine (29) years, eighteen (18) years at the branch Jones visited.

Buzzard asserted that Mr. Jones took his place on the teller's line to cash the fake cheque. Then, Buzzard asserted that she took Jones to her office and then, "[W]e started talking about possibly opening an account." Buzzard invited Jones to open an account, and started asking for and entering his personal information into her computer to start that process. Jones remained in the bank for forty-five minutes, never signed the cheque, and provided his identification, a

Jones filed his cross motion to amend his pleadings with a copy of proposed pleadings and opposition to Chase's motion. On December 30th, 2024, the district court dismissed the action.

On January 8th, 2025, Jones filed his notice of appeal to the Second United States Circuit, and the Second Circuit affirmed the dismissal on September 19th, 2025. This writ of certiorari is timely filed.

This application is prepared with the assistance of counsel duly admitted to practice before this court.

REASONS FOR GRANTING THE PETITION

The Second Circuit Decision

The decision articulates the essential facts of Jones's travails through New York's criminal legal system ending with his suit against New York State. The decision moves on to address the limitations period citing to this court's decision in *Lukens*, *supra* that statutes of limitations *must* be based on state personal injury tort equivalents if the civil rights claim predates Congress's 1991 amendments even though this court's precedents state that district courts *should* base limitations periods on state tort equivalents. Jones argues there is an enormous difference between *must* and *should*.

The decision as to which statute of limitations to use rests on whether a civil rights claim either predates Congress's 1991 amendments to civil rights law, imposing a state-based limitations period, or falls within the 1991 amendments (adding a prohibition of discrimination in contracting) hence a four year statute. The circuit court held that because Jones and Chase did not enter into a contract, Jones is denied a four-year limitation, a provision included in the 1991 amendments.

The circuit puts a spin on this distinction. Buzzard invited Jones to open an account (the making of a contract) so as to obtain from Jones his personally identifying information which Jones willingly provided. Jones remained in the bank for an extended period as Buzzard investigated the cheque. Buzzard commenced completing an application to open a bank account. Jones argues this attempt to open an account gives rise to a post-amendment four-year statute thus making his filing in federal court timely. Had Buzzard simply examined the traveler's cheque and kept the cheque, then Jones would be subject to a three-year statute. However, Jones realized something much bigger was involved: how

many African Americans find court house doors closed because of infinitely variable limitations periods?

Begging the Question

The circuit's decision tests whether a four-year or three-year statute applies and Jones loses. The district court refused to allow an amended complaint, and the Second Circuit trivialized Chase's invitation for Jones to open a bank account and deposit his traveler's cheque. Yet, the circuit's decision asserts that Jones expressly disavowed the existence of a contractual relationship with Chase Bank even though Buzzard made every effort to have Jones open an account. The elimination of this contractual effort by Chase meant that recent Congressional amendments to civil rights law granting a four-year statute of limitations fall away, and state based three-year limitations period applies as held by the district court. This means the circuit's decision assumes the truth of the district court's conclusion and limits evidence that is contrary thereto.

The decision seems to infer that Jones's acquittal at criminal re-trial on July 24th, 2019 starts Jones's limitation period though this is unclear. There is no single, specified accrual date in this years-long litigated process. Further, the decision eliminates from consideration the fact that Buzzard was slated to testify in the New York Court of claims in May 8th, 2023 reasoning that Jones cannot stake his §1981 claim on a date *when nothing happened* meaning that a settlement instead of a trial closed the courthouse doors to Jones even though Buzzard was slated to repeat her testimony of both September 16th, 2014 and July 23rd, 2019.

The decision critiques Jones's invocation of the discovery rule because while the state determines the limitations period, federal law determines when a claim accrues. The decisions states when Jones alleged a personal injury to him, another

trivialization by the circuit of Jones's damages, on July 23rd, 2019, but does not state when federal law sets the accrual date. The decision asserts that no later than that date, *Jones knew or had reason to know of the touchstone injury that formed the basis of his complaint*. There are numerous touchstone dates here, but the circuit never defines what a touchstone date is and appears to be argument by gibberish. Nonetheless, Buzzard was readied to repeat her twice rendered criminal testimony on May 8th, 2023. To the contrary, Jones respectfully submits that the period between 2019 and 2023 were all a *touchstone injury* to Jones that formed the basis of his federal claim.

The decision critiques Jones's effort at raising equitable tolling as only a *passing reference to unspecified extraordinary circumstances in a perfunctory manner*. The decision employs another logical fallacy, that of an appeal to ignorance. Even limited by his state pleadings, Jones articulates a cornucopia of extraordinary circumstances: Jones's hearsay-based state conviction was reversed on appeal; without hearsay evidence, Jones was acquitted by a jury of his peers; the Covid-19 pandemic and extensive court closure; and, Jones sued the state of New York and won. The pleading's recitation of Jones's case is not stated in a perfunctory manner. Nothing that happened to Jones was unspecified. Each numbered paragraph of the state pleadings fully develops the argument for the applicability of equitable tolling, but the district and circuit courts expected a pleading about a personal injury like a slip and fall but did not get one. Moreover, Jones is not troubling this court for a ruling that meets with his convenience. Jones brings to this court the plague that each American of color endures when dealing with large corporations in general and Chase Bank specifically.

The Problem with *Lukens*

This court was mistaken when it imposed a statute of limitations on a §1981 action that *should select the most appropriate or analogous state statute of limitations. Lukens at* 660. This court in *Lukens* held that *§1981 speaks ... of ... personal rights to sue, to testify, and to equal rights under all laws for the security of persons and property; and all persons are to be subject to like punishments, taxes, and burdens of every kind. Lukens* at 656. However, shutting the courthouse doors based on a state limitations period is error because the state has a vote to veto a claimant's federal case via its statute of limitations. New York[1] has three years and Pennsylvania[2] has two (42 Pa. Con. Stat. §5524). *Lukens, passim.*

An African American in Maine and North Dakota has the greatest right to access to a federal court for a §1981 claim, six years pursuant to Maine Rev. Stat. Ann. Title 14, Ch. 205, §752, and N.D. Cent. Code §28-01-16 with a less equal African American living in Missouri, five years according to Missouri Ann. Stat. Title 35, §516.120. African Americans in Nebraska have less equality with four years pursuant to Neb. Rev. Stat. §25-207. States that claim to be progressive and inclusive give their African Americans the least rights such as Pennsylvania, New York and many others listed in the footnotes, *infra*. Only one state, Tennessee, has a one-year limitations period according to Tenn. Code Ann. §28-3-104.

This means there are fifty classes of African Americans residing within one nation. Each class is defined by the host state's statute of limitations. An African

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[1] States joining New York with a three-year statute of limitations for §1981 actions are: Arkansas, Colorado, Washington, D.C., Maryland, Massachusetts, Michigan, Mississippi, Montana, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Vermont, Washington, and Wisconsin.

[2] States joining Pennsylvania with a two-year statutes of limitation for §1981 actions are: Alabama, Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Nevada, New Jersey, Ohio, Oklahoma, Oregon, Texas, Virginia, and West Virginia.

American's access to justice pursuant to §1981 is based on the state he lives in, and not on the merits of his case and the damages endured. Stated a different way, an African American has two strikes against him when filing his case: his state's limitations period and the federal court's accrual date[3].

Another factor of circumstance is that *Lukens* does not specify any dates as to when the cause of action accrued and when service of federal process upon the defendants occurred. There is no meaningful discussion of any extending and tolling provisions. What if African Americans in Jones's shoes discovered years later of a racial basis for his travails? The focus of *Lukens* was the placing of a square peg into a round hole: that a civil rights statute written in a time of violence and deception against black people is the equivalent of a modern state personal injury tort, and must have the statute of limitations of that state tort. Arguably, a white American who suffers a slip and fall on an icy sidewalk on a narrowly defined date must sue his defendant within a limitations period, but a lifetime of injury from a broadly spaced deception places African Americans in a worse category of litigant subject to dismissal.

Other Avenues of Redress

Hypocritically, Jones enjoys the protections of civil rights law, but cannot get into court to enforce his rights. People in Jones's shoes have to await action by other resources to be heard as to their damages. For example, the New York Times reported on what racism sounds like in the banking industry[4].

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[3] The third strike is this court's recent ruling that racist motivations must be the "but for" cause of the harm, something a racist is not likely to articulate.

[4] https://www.nytimes.com/2019/12/11/business/jpmorgan-banking-racism.html accessed November 30th, 2025.

On December 20th, 2019, U.S. Senator Sherrod Brown (D-OH), Ranking Member of the Senate Banking, Housing and Urban Affairs Committee, and Senator Bob Menendez (D-NJ), led a letter with Sens. Cortez-Masto (D-NV), Warren (D-MA), and Van Hollen (D-MD) [collectively the "Senators"], demanding answers from JPMorgan Chase for their continued patterns of racial discrimination following an explosive, in-depth New York Times piece, which revealed documented accounts of JPMorgan Chase's racist treatment of African American employees and customers. Jones had no idea this was transpiring as he sat in Auburn's maximum-security Prison in New York. Jones thought this was a mistake about a cheque. Jones did not know that Chase agreed to pay more than $13 billion as part of a settlement over predatory mortgages, fraudulent lending practices and charging black and Latino borrowers higher interest rates for their loans.

As the Department of Justice explained, "Chase's pattern of discrimination has been intentional and willful, and has been implemented with reckless disregard of the rights of African American and Hispanic borrowers." Numerous other cities, states, and private plaintiffs also sued the bank for predatory or discriminatory lending practices."

As part of Chase's thirteen-billion-dollar settlement in 2013, JPMorgan has pledged to fully cooperate in investigations related to the conduct covered by the agreement[5]. Jones had no idea that Chase paid a settlement in 2013 as Chase did not cooperate in Jones's case in 2023; they removed Jones's state case to federal court and moved to dismiss it which the court obliged and affirmed on appeal.

[5] https://www.justice.gov/opa/pr/justice-department-federal-and-state-partners-secure-record-13-billion-global-settlement accessed September 15th, 2023.

Moreover, there is no clear start date Jones can assert as to when his cause of action arose. The Second Circuit did not say when Jones's cause of action accrued. Jones asserted that Buzzard's anticipated testimony on May 8th, 2023 was a subsequent date of accrual. The Second Circuit disagreed saying nothing happened on that date. However, if Jones starts his accrual date with his visit to Chase on July 18th, 2013, then his New York based statute of limitations has run out while Jones was erroneously incarcerated in New York State prison.

Mr. Jones started in two maximum security prisons, first Elmira for two months, and then at Auburn for two and half years. After Auburn, Mr. Jones went to more maximum-security prisons, Downstate and Clinton among other prisons. Had Jones filed a §1981 action while in Auburn, it would have stood to reason that Chase did no wrong because they caught a convicted crook red-handed in 2013. The state Appellate Division reversed Jones's conviction five years later on February 2nd, 2018, well after the limitations period had run according to New York law. Does the cause accrue on criminal retrial? Once acquitted, the New York prosecutor retried Jones and lost. Is that date the commencement of the statute of limitations? It appears the district court could pick and choose whichever date it wanted in effect throttling Jones's right to recovery. This moving target of accrual dates is the law throughout the nation today as each circuit applies its state's tort law setting the duration of its statute of limitations for §1981 federal civil rights enforcement.

This is a notorious example of a right without a remedy. Child sexual abuse victims have the same problem: a short statute of limitations coupled with a vacuous accrual date. Some states including this nation's federal government extended civil limitations to infinite for child sexual abuse victims[6]. The U.S.

[6] 19 states, 2 U.S. territories, and the federal government have eliminated the civil statute of limitations entirely for some or all child sexual abuse claims. These states are: Arkansas, Alaska,

Congress set no limitations period in a §1981 case. What is the difference between an adult suffering from the trauma of child sexual abuse and an African American suffering from the trauma of racial animosity and deception? Nonetheless, an expansion of a remedy is followed by a contraction of that remedy.

The Second Circuit writes in its order, "The Civil Rights Act of 1991 "enlarged the category of conduct that is subject to §1981 liability," *Rivers v. Roadway Express, Inc.*, 511 U.S. 298, 303 (1994). This was an expansion. Then, the circuit court quotes this court that federal courts should apply "the most appropriate or analogous state statute of limitations" to claims based on asserted violations of §1981 which predates the 1991 amendment. *Lukens* at 660. This is the contraction despite 42 U. S. C. §1981 not having a statute of limitations. *Jones v. R. R. Donnelley & Sons Co.*, 541 U.S. 369 (2004). In *Donnely, supra*, this court was concerned that there would be a deluge of litigation if there was no limitations period for civil rights violations.

The slippery slope fallacy is a type of argument that suggests a relatively small first step, in this instance an expansion of a statute of limitations or its elimination, will lead to a chain of related events culminating in a significant and often negative outcome, in this instance an excessive case load, without providing evidence for this progression. It is often used to instill fear or avoid addressing the actual merits of a position. Jones came to court to recover for the economic injury his nearly five-year, erroneous incarceration as triggered by Chase Bank and its branch supervisor. Possibly a deluge of litigation against Chase may compel it to change its banking practices, but there is no evidence whatsoever that a court's

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Arizona, California, Colorado, Connecticut, Delaware, Florida, Illinois, Louisiana, Maine, Maryland, Minnesota, Nebraska, Nevada, New Hampshire, Utah, Vermont, Washington, Federal system, Guam, and Northern Mariana Islands.

caseload will explode because of a change in a limitations period for an action that has no limitations period to begin with.

Jones and most if not all African Americans are not pursuing a tort recovery for a slip and fall and a twisted ankle, but rather a "civil rights" recovery for a lifetime impact. Jones lost his economic vitality, his reputation, his continued education and skill development, his connections to his family and his community. Jones is a convicted felon with a story. The story is an intricate and nuanced reversal of a criminal conviction that was based on hearsay evidence with a subsequent law suit in a court of claims. Listeners that include potential employers hear the part about the criminal conviction, but pay little attention to the story. Jones cannot get a job. He cannot pay child support for his little daughter. Jones resides with and is entirely supported by his mother. He cannot afford the filing fee for this appeal.

Lukens must be reversed as a ruling that arguably furthers this nation's racial segregation along state lines. Section 1981's unlimited statute of limitations must become the law of the land as the U.S. Congress intended. The Second Circuit must also be reversed and the matter remanded for Jones to patch up the ongoing damages he endures because of Chase's racially motivated policies to call police on its Black bank patrons.

CONCLUSION

In recapitulation, Shariff Ahmad Jones is a citizen of New York looking for work. He found a job that paid with a $500 traveler's cheque. He went to a bank to verify whether the traveler's cheque the employer gave to him was genuine. The bank representative examined the traveler's cheque and determined it was a fake. This was in 2013. The bank representative contacted local police, filed a report, and police arrived at Jones's home and arrested him. Jones was confined pre-trial with no bail. A criminal trial led to Jones's conviction for possession of a forged instrument and attempted petty larceny and incarceration for nearly five years. Meanwhile, an appeal to the local appellate court caused a reversal of the conviction in 2018. A retrial yielded an acquittal in 2019.

Jones then sued New York State in its Court of Claims in 2019, and four years later obtained a recovery. Jones then sued Chase Bank in 2023, less than four years later, for racial discrimination arguing he was prosecuted for banking while Black. Jones is an African American. The District Court and the Second Circuit held that Jones's suit against the bank was filed untimely. Neither Covid-19 nor the extended criminal process Jones endured while incarcerated in maximum security prisons in New York did anything to either extend or toll the statute of limitations.

The federal courts limited Jones to New York's three-year statute derived from state personal injury rules for §1981 actions that predate Congressional amendments that included discrimination in contracting and based on a purely arbitrary accrual date. Every U.S. Circuit enforces different state statutory periods

of limitations for federal §1981 court actions. These periods run from one year from commencement to six years based on state personal injury law, and accrual dates are based on federal law. This leaves African Americans like Jones with a federal right without a remedy.

The Second Circuit upheld this deference regarding a federal cause of action and its remedies to New York State law. In doing so, this court maintained the circuit split among the federal circuits as to which statute of limitations to apply, and left accrual dates undefined.

The motion for poor person relief should be granted, and Jones's petition for a writ of certiorari should be granted.

Respectfully submitted,

Dec. 9, 2025
SHARIFF AHMAD JONES

Dated December 1st, 2025
Amended February 12th, 2026

INDEX OF APPENDICES
A – Second Circuit Decision
B – District Court Decision