

25-7558

No. _____

ORIGINAL

FILED

MAR 11 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In Re LINDA ANNETTE KPAKA, PETITIONER

ON PETITION FOR ALL WRITS ACT – 28 U.S.C § 1651(a)

For Writ Of Mandamus And Prohibition Under Rule 20

TO ISSUE MANDAMUS DIRECTING TO VACATE AN EVICTION JUDGEMENT

TO ISSUE PROHIBITION FROM FURTHER STATE ACTIONS

TO PRESERVE FEDERAL RIGHTS FOR INVESTIGATION INTO COVID-19

FUNDS RELATED DEATHS UNDER THE RULES OF UNITED STATES SUPREME
COURT RULE 20

A PETITION FOR EXTRAORDINARY RELIEF UNDER RULE 20 OF THE

RULES OF THE SUPREME COURT OF THE UNITED STATES

TO ISSUE MANDAMUS/PROHIBITION FOR:

Petitioner Mrs. Linda Annette Kpaka
5 Stuyvesant Pl. Apt 5D [MAILING ONLY]
Staten Island, NY 10301
347-463-0381

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JUN 09 2026

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SUPREME COURT, U.S.

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amended June 5, 2026

I. QUESTION(S) PRESENTED

- II. Whether a state court may enter and enforce an eviction judgement where the landlord lacked legal authority under state and federal housing regulations, where the judgement was obtained in violation of federal due-process rights, where the state received and administered federal EARP funds subject to federal statutes providing appropriate use of federal COVID-19 funds and related tenant deaths such that relief under all WRITS ACT is necessary to protect this court's jurisdiction.
- III. Whether a state court may enter and enforce an eviction judgement against Black Indigenous residents where the landlord lacked legal authority, where the judgement was obtained in violation of federal due-process and equal-protections rights, where the state courts actions disproportionately harmed black indigenous residents including two deaths and multiple injuries and where the judgement obstructs the petitioner's ability to pursue federal investigations into misuse of federal funds such that relief under the ALL Writs Act is necessary to protect this court's jurisdiction
- IV. Whether state courts and state housing agencies may lawfully permit the disbursement and acceptance of federal Emergency Rental Assistance Program (ERAP) funds while simultaneously allowing landlords to maintain uninhabitable conditions that violate federal housing standards and statutes attached to funding
- V. Whether this Court may vacate a state-court eviction judgment under its authority in 28 U.S.C. § 1651(a) and Supreme Court Rule 20 where the record demonstrates unresolved federal questions, structural due-process violations, and abuse of discretion — including the reassignment of judges with prior prosecutorial involvement against the petitioner, in closed or inaccessible proceedings, and the state court's refusal to adjudicate federal statutory and constitutional claims.
- VI. Whether the Supreme Court may exercise its authority under 28 U.S.C. § 1651(a), the Fourteenth Amendment, and Supreme Court Rule 20 to preserve Petitioners' federal rights and refer for investigation two COVID-19- wrongful deaths arising from misuse of Covid-19 emergency assistance funds, habitability violations, and the state's failure to enforce the federal CDC eviction moratorium — where the petitioner, a Black Indigenous American, alleges systemic civil-rights violations, discriminatory treatment, and the state courts' refusal to address or remedy these federal harms.

List Of Parties

I. PARTIES TO THE PETITION

A. Petitioner

II. RESPONDENTS

B. Richmond County Civil Court

C. Human Resources Administration Of New York City

D. Housing Preservation And Development Agency

E. New York State Office Of Temporary & Disability Assistance

III. RELATED CASES

I. Saint Regis Mohawk Tribal Court Case NO. 23-CIV-00003 (JUNE 6, 2023)

II. Kevin Oreckinto v. Linda Kpaka LT 302048/23(RICHMOND COUNTY. CIV. CT MAR. 28, 2024)

III. Kevin Oreckinto v Janice Kpaka ET. AL LT-300327-21/RI (RICHMOND COUNTY. CIV.

IV. NO. 16-CV-5205(PKC)(OTW) P. Kevin Castel SEPTEMBER 7, 2018

V. Other Related Cases To Open By Discovery

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APPENDIX D: RACIAL BIAS PETITION TO RECUSE JUDICAIRY BY DEFENDANT
APPENDIX E: COURTROOM HRA DIVERSION UNIT BREACH OF CONTRACT
APPENDIX F: JUDICIAL ORDERS/JUDGMENT CAUSATION FOR MULTIPLE INJURIES

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR A WRIT OF

MANDAMUS AND PROHIBITION UNDER RULE 20,
ALL WRITS ACT -- 28 U.S.C § 1651(a)

Petitioner respectfully prays for a writ of Mandamus and Prohibition to Direct the State Court to Vacate an Eviction Judgement and to Protect Petitioners' Federal Rights Concerning COVID-19 Emergency Housing Protections and Related Deaths Under United States Supreme Court Rule 20 be issued.

OPINIONS BELOW

The Appellate Term of the Supreme Court of New York, Second Department, issued orders similar to the Civil Court of Richmond County without an opinion. The Appellate Term refused review. The Civil Court of Richmond County issued an eviction judgement on October 17, 2024 pending State review. A copy of the State is appended at

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1651(a) and Supreme Court Rule 20, which authorize the issuance of extraordinary writs in aid of this Court's jurisdiction.

Petitioner has no other adequate remedy, as the state courts have refused to docket, hear, or review her federal claims concerning misuse of federal Emergency Rental Assistance Program (ERAP) funds, violations of the federal eviction moratorium, and resulting deaths.

This Application seeks relief in the nature of mandamus and prohibition, not appellate review.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

I. CONSTITUTION OF THE UNITED STATES

- a) Supremacy Clause — U.S. Const. art. VI, cl. 2 (Federal law overrides conflicting state actions.)
- b) Fourteenth Amendment – Due Process Clause

II. FEDERAL STATUTES

- a) AMERICAN RESCUE PLAN ACT OF 2021 (ARPA), Pub. L. 117-2
- b) Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, § 501, 134 Stat. 1182 (2020)
- c) 18 U.S.C. § 641 Theft or misuse of federal funds.
- d) 18 U.S.C. § 666 Theft, fraud, or bribery involving federally funded programs.
- e) 18 U.S.C. § 1001 False statements or concealment in matters involving federal funds.
- f) 42 U.S.C. § 5174 & related federal disaster-relief provisions (Federal protections during declared emergencies.)
- g) 42 U.S.C. § 264 — Public Health Service Act authority for CDC public health orders.
- h) 42 U.S.C. § 271 — Criminal penalties for violations of orders issued under § 264.
- i) CDC ORDER of September 4, 2020, *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*, and subsequent extensions through August 26, 2021.
- j) 18 U.S.C. § 3559 — Classification of offenses.
- k) 18 U.S.C. § 3571 — Authorized fines for federal offenses.
- l) 18 U.S.C. § 1349 (conspiracy)

TABLES OF AUTHORITIES CITED

CASES	PAGE NUMBER
Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)	18
Cheney v. U.S. Dist. Court, 542 U.S. 367 (2004)	18
Howlett v. Rose, 496 U.S. 356 (1990)	18
Michigan v. Long, 463 U.S. 1032 (1983)	18
Testa v. Katt, 330 U.S. 386 (1947)	18

STATUTES AND RULES

28 U.S.C. § 1257
28 U.S.C. § 1651(a)
42 U.S.C. § 1983
42 U.S.C. § 3604
18 U.S.C. § 641
18 U.S.C. § 666
ARPA § 3201
Sup. Ct. R. 20
Sup. Ct. R. 29
Sup. Ct. R. 21
Sup. Ct. R. 29
Sup. Ct. R. 33
CONSOLIDATED APPROPRIATIONS ACT OF 2021, PUB. L. NO. 116-260, § 501

OTHER CONSTITUTIONAL PROVISIONS

U.S. Const. amend. XIV
U.S. Const. art. VI, cl. 2
U.S. Const. amend. VIII
U.S. Const. art. III, § 2

STATEMENT OF THE CASE

The Petitioner's case arises from a series of judicial actions and omissions in the Richmond County Civil Court that placed her health, safety, and family stability at risk, culminating in the destruction of her home, business, and personal assets. Despite the court's supervisory responsibility over the conditions of the premises and the health-related consequences of its orders, the court permitted an eviction to proceed while the Petitioner's daughter was undergoing dialysis treatment and while hazardous, unremedied conditions existed in violation of the Warrant of Habitability.

Throughout the proceedings, the Petitioner repeatedly sought judicial intervention to address health-threatening conditions, including the absence of heat, gas, and safe utilities, as well as structural hazards that had already contributed to illness and family destabilization. The court declined to adjudicate these habitability motions, even though the conditions were directly tied to the health deterioration and eventual deaths of individuals connected to the premises.

On January 16, 2025, the City Marshal, accompanied by NYPD officers, executed a forcible eviction despite the existence of an active HRA rental assistance contract and despite federal and state protections that should have prevented displacement under such conditions. The eviction was carried out with excessive force, resulting in physical harm, hospitalization, and the total loss of the Petitioner's business property, personal assets, and family belongings. The Petitioner's family was left without shelter, medical stability, or access to essential property, causing long-term economic devastation.

Compounding these harms, the court repeatedly credited the landlord's assertions and permitted him to proceed despite documented criminal activity, including prior arrests for cross-state copper wire theft and evidence of related criminal conduct within his family. Rather than scrutinizing these issues or the landlord's misuse of federal ERAP funds administered by

N.Y.S. OTDA, the court treated him as a party entitled to judicial protection while disregarding the Petitioner's federal rights and safety.

The cumulative effect of these judicial decisions was the destruction of the Petitioner's family structure, the loss of her businesses, the deterioration of her health, and the deprivation of her constitutional rights. The lower court's refusal to enforce habitability protections, its disregard of federal housing statutes, and its authorization of an eviction under medically dangerous circumstances I hope present a federal question of exceptional importance. These actions have constituted a breakdown in judicial process that no ordinary appellate remedy can correct.

Petitioner's corporation lost its general manager incorporator to circumstances Petitioner believes were connected to the mishandling of COVID-19 relief funds. This loss directly harmed Petitioner's livelihood and ability to operate the business.

The harm to Petitioner includes the loss of the corporation's general manager, the collapse of business operations, and the inability to obtain government support available to similarly situated businesses.

Petitioner and her family were tenants in a property subject to federal COVID-19 protections, including the CDC eviction moratorium and the Emergency Rental Assistance Program (ERAP), a federally funded program administered by New York State Office of Temporary Disability Assistance (OTDA). Despite receiving federal ERAP funds, the landlord and local housing agencies failed to remedy hazardous conditions, including utility shutoffs and habitability violations. Petitioner's husband, Mahamud S. Kpaka II, died on the premises during these conditions.

Petitioner's son, Jason, died under suspicious circumstances in upstate New York after the landlord demanded \$6,000 or threatened eviction in July 2020. Mr. Johnson moved from the premises on July 3, 2020 leaving behind his brother, mother sister, step-father, and niece and two other estranged roommate occupants of non-payment.

Petitioner sought investigation and relief in state courts and agencies, but her filings were refused, ignored. No court has addressed the federal issues concerning misuse of federal funds, violations of the federal moratorium, or the deaths connected to these failures. Petitioner's son, Jason, died under unexplained circumstances shortly after documented utility shutoffs and threats of eviction. The landlord publicly stated the cause of death as an 'overdose' during a tribal court proceeding, despite the death certificate containing no such finding. Petitioner obtained video evidence showing apparent bloodstains and a puncture hole consistent with forced entry or projectile damage, new delivery truck missing, ripped laptop and cell phone cords left, a 17-thousand-dollar new business stipend was missing all while the landlord refused to allow a change of name on Arlando Johnson Utility accounts into the petitioner's names. When Petitioner contacted Buffalo police regarding Jason's property, she was immediately transferred to the homicide division, but no investigation was conducted and no business property was found or returned. Petitioner asks for an investigation because the state refuses to adjudicate any claims of impropriety

REASONS FOR GRANTING THE WRIT

Extraordinary relief is warranted because the Richmond County Civil Court has knowingly allowed hazardous and life-threatening conditions to persist resulting in eviction, diversion of federal EARP funds, and multiple fatalities, while refusing to adjudicate the petitioner's repeated Warrant of Habitability motions. This ongoing Judicial inaction has eliminated any meaningful state-court remedy and has created a pattern of malfeasance that obstructs federally protected rights. The lower court's refusal to enforce federal housing protections despite clear evidence of danger and federal-fund misuse presents and urgent federal question of constitutional magnitude. Immediate intervention by this Court is necessary to prevent further irreparable harm, to safeguard federal statutory interests, and to address a breakdown in judicial process that threatens the integrity of federal housing programs and due-process guarantees.

State actors and federally funded agencies disregarded federal COVID-19 protections, including the CDC moratorium and ERAP statutory requirements.

Petitioner alleges that misuse of ERAP funds, concealment of habitability violations, and actions resulting in death raise issues under 18 U.S.C. §§ 641, 666, 1001, and related federal statutes. No state court will hear the federal claims. Petitioner's filings were refused or ignored, leaving her without any remedy or record for appellate review. These Extraordinary circumstances justify mandamus and prohibition. Petitioner believes that the wrongful deaths of two immediate family providers, alleged criminal negligence, and the misuse of federal emergency funds present exceptional circumstances warranting this Court's supervisory intervention. Relief is necessary to preserve Petitioner's federal claims. Petitioner does not seek damages from this Court; she seeks preservation of her federal claims and an order compelling investigation and prohibiting further unlawful state action.

GROUND FOR EXTRAORDINARY RELIEF

The lower federally funded courts violated due process and caused irreparable harm, refused to enforce federal rights; Wrecked all federal housing subsidy programs, housing preservation programs that are supposed to provide for Americans et al but diverted public funds for its own foreign constituencies, finer housing construction, new criminal court buildings or new condos for foreign born actors leaving petitioners' family destitute over several decades. The lower courts' agencies convert federal funds structured to maintain buildings in habitable conditions leaving buildings abandoned for years after the court evicts petitioner and children to homeless shelters.

The petitioner respectfully submits that the lower courts actions have created ongoing and irreparable harm that warrants this courts intervention. Petitioner acknowledges the Court's heavy caseload and raises these issues only because the harm continues and sees no other remedy. The lower court's refusal to adjudicate habitability issues, despite known

life-threatening conditions, raises due process concerns comparable to those recognized in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), where this Court held that judicial conduct that undermines fairness violates the Fourteenth Amendment. Extraordinary relief is appropriate where a lower court's actions create irreparable harm and no other remedy exists. *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004). In 2015 Richmond County Civil Court evicted and seized family property. The family never retained another habitable dwelling since. State courts may not disregard federal rights or refuse to enforce federal protections. *Howlett v. Rose*, 496 U.S. 356 (1990); *Testa v. Katt*, 330 U.S. 386 (1947). These housing instability complaints are ignored by the State as well as unfunded by HRA. Where state-court decisions rest on inadequate or unclear state grounds and implicate federal rights, this Court retains authority to intervene. *Michigan v. Long*, 463 U.S. 1032 (1983).

The record presented to this Court must demonstrate that the harm inflicted upon the petitioner did not arise solely from a negligent landlord, but from the judiciary's own exercise of the power of the pen. Through a series of erroneous orders, refusals to adjudicate habitability motions and the continued enforcement of eviction proceedings despite known life-threatening conditions, the lower courts transformed hazardous housing violations into illness, death, homelessness, and economic ruin. These outcomes were not accidental; they were the foreseeable federal protections, disregarded the misuse of Federal EARP funds and failed to safeguard the constitutional rights of the petitioner and her family. So forth the petitioner does not rely on photographs, video, or audio of the deliberate uninhabitable conditions because the most compelling evidence of the systemic failure is contained in the court's own written orders that the judiciaries document errors, omissions, and refusals to enforce federal law that directly contributed to the wrongful deaths connected to the premises, the unlawful diversion of federal housing assistance funds, and the forced displacement of the petitioner during a period of federal prohibition for evictions.

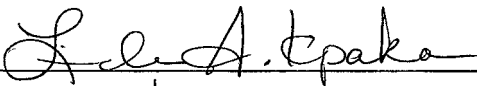
For these reasons the Petitioner respectfully requests that this court exercise its authority under rule 20 to correct the lower courts errors, vacate the decisions that enabled these harms, and order appropriated relief to restore the Petitioner's federal rights.

Petitioner further asks this court to direct an investigation into the deaths associated with the hazardous conditions, the misuse of federal EARP funds, HUD funded programs for supporting housing, maintenance and habitability of Black Indigenous and Native Americans that lower courts rise to cruel and unusual punishment by economic harms. Petitioner requests a review of judicial conduct and ethics that allowed these violations to proceed unchecked. Only this Court's intervention can remedy the constitutional injuries, prevent further irreparable harm and ensure accountability for the breakdown of judicial and administrative processes that should have protected – not destroyed – the lives and stability of the Petitioner and her family. Petitioner prays for relief.

CONCLUSION

The petition for a writ of mandamus/prohibition to vacate state-court eviction judgement, and to preserve petitioner's federal claims for investigation of COVID-19 funds related deaths should be granted.

Respectfully submitted,


Date: May 6, 2020