

No. 23-6258

Supreme Court, U.S.
FILED

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**In The
Supreme Court of the United States**

LARRY D. FORD

PETITIONER,

v.

AMERICAN HOMES 4 RENT ET AL.

RESPONDENTS,

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE FIFTH CIRCUIT

Respectfully submitted,
/s/ Larry D. Ford

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ORIGINAL

QUESTIONS PRESENTED

This is a case of national and monumental importance affecting the entire United States housing industry. It concerns who can be held liable under the Fair Housing Act (“FHA”), and what conduct is actionable after a dwelling has been leased. In this case, the FHA has held what has proven to be an essential element of a claim under Sections 3604(b) and 3617—discriminatory intent and imposition on senior homeowners dwelling among massive numbers of rental homes in subdivisions. The effect is to dramatically expand the scope of the FHA and allow a new and lawful duty to be imposed on national rental housing providers to guarantee nondiscriminatory living environments, by intervening in known tenant-on-tenant harassment to end the unlawful acts of unrelated third parties over whom the housing provider should have at least knowledge of their prior and liable history. Yet their newly created duty have and should have discernible limits; landlords should be held strictly liable for unlawful conduct by their tenants whom they do participate in or create.

1. By making it unlawful to discriminate because of a protected trait, did Congress require an FHA plaintiff to plead and prove discriminatory intent on the part of the actor sought to be held liable under Sections 3604(b) and 3617?

2. Whether the scope of the FHA can be expanded to impose a duty on housing providers to intervene in and end known discrimination committed by unrelated third-parties after tenants have taken occupancy of their dwellings?

LIST OF PARTIES

Petitioner is: Larry D. Ford Pro Se
Respondents are: American Homes 4 Rent
Blackstone Group
Legend Homes Corporation
Spectrum Association Management
Camillo Properties
Castlerock Communities
Werrington Homeowner's Association Inc.

TABLE OF CONTENTS

QUESTIONS PRESENTED	ii
LIST OF PARTIES	iii
DIRECTLY RELATED CASES	v
TABLE OF AUTHORITIES	vi
OPINIONS BELOW	1
JURISDICTION	1
STATUTORY PROVISION	2
INTRODUCTION	2
STATEMENT	4
REASONS FOR GRANTING THE PETITION	12
CONCLUSION	13
ARGUMENT	14
RELIEF	15
IN FORMA PAUPERIS	21
APPENDIX A 1) Opinion: United States District Court: May 15, 2023	27
2) Opinion: United States District Court June, 20, 2023	
3) Opinion: Fifth Circuit Court: June 13, 2023	
APPENDIX B Order- Judge Lee H. Rosenthal: In Forma Pauperis Granted	36
Order – Judge Andrew S. Hanen: In Forma Pauperis Granted	
APPENDIX C In Forma Pauperis Support Documents	38

APPENDIX D Order and Judgment Proposal	42
APPENDIX E Motion for Leave of Court (Amended Complaint)	44
APPENDIX F Larry D. Ford Peer Reviewed Publications, Textbooks, Literature	90
APPENDIX G (Leave of Court to correct date) April 24, 2023 → May 15, 2023	94
APPENDIX H SIGNED MOTION TO PROCEED IN FORMA PAUPERIS	96

Directly Related Cases

Case 22-cv-0216 April 2, 2023 ORDER Larry D. Ford v. American Homes 4 Rent et al. United States District Court SD Houston, Texas April 2, 2023

Case 4:22-cv-02162 Ford v. American Homes 4 Rent et al. Memorandum and Order Fifth Circuit Court 6/20/2023

Case 23-20197 Judgment June 14, 2023 Fifth Circuit Court
23-20197 Ford v American Homes 4 Rent et al. Fifth Circuit Court June 21, 2023

TABLE OF AUTHORITIES

	Pages
§1983 Richard, 355 F.3d at 352 (citing American Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 50 (1999))	16
28 U.S.C §§ 1331, 1343	4
28 U.S.C. § 1254 (1)	1
28 U.S.C. §1391	viii,40
40 W 67TH ST v. Pullman	90
42U.S.C. §3604(b)	2
42 U.S.C. §3613	2
442 U.S.C. Sections 3604(b) and 3617	2
Abuse Prevention Act	7
Agar v. Judy	92
Albright v. Oliver 510 U.S. 266, 271, (1994)	15
Alvarez v. Prospect Hosp.	90
AMBASSADOR REAL ESTATE INC. v. KASHAY	91
AMG Capital Management v. FTC	5
AMG Capital Mgmt, LLC v. FTC, 593 U.S.; 141 S. Ct 1341 (2021)	7

Amstad v. U.S. Brass Corp., 919 S.W. 2d 644	52
649 (Tex. 1996) 28 U.S.C §1391	
Armendairiz v. Foundation Health Psychcare	90
Arthur Anderson & Co. v. Perry Equip. Corp 945 S.W. 2d 812, 815 (Tex.1997)	53
ANTI-SLAPP (Strategic Litigation Against Public Participation) Antonio v. Horn	91
Armendariz v. Foundation Health Psychcare	90
Arthur Anderson & Co. v. Perry Equip. Corp 945 S.W. 2d 812, 815 (Tex. 1997)	53
AUBURN WOODS I HOMEOWNERS ASSN. v. State Farm Ins. Co	92
Balogh v. Balogh	91
Barr v. Camelot Forest Conservation Ass'n, Inc., 153 Fed. Appx, 860, 861, (3 rd Cir. 2005)	17
Bass v. Parkwood, 180 F. 3d 234, 241-43 (5 th Cir. 1999)	16
Benach v. County of Los Angeles	91
Block v. Tanehaus, 867 F. 3d 585, 589,n.2 (5th Cir. 2017) (Tex. App. - Fort Worth 2013)	53
Bureau of Consumer Protection	6
Celotex v. Catrel, 477 U.S. 317, 323 (1988)	15

CHOODOSH v. PALM BEACH PARK ASSOCIATION	92
City of St. Louis v. Praprotnik, 485 U.S. 112, 117 (1988)	15
City of Thornton v. Bijou Irrigation Co.	92
CIVIC ASS'N v. NEW TOWN	90
Civil Rights Act of 1964, 1968, HR: 3885	44
CL WESTBROOK. JR. v. Penley	90
Consumer Deception (Lanham Act)	54
Consumer Protection Act: Property Code: Title 15: Fair Housing Practices: Chapter 301 DTPA §17.47 (c)(2)	48
Consumers Union of United States, Inc. v. Fisher Dev.	90
Crawford v. Weather Shield Mfg., Inc.	92
Cuba v. Pylant, 814 F. 3d 701, 706 & n.6 (5 th Cir. 2016)	53
Damon v. Ocean Hills Journalism Club	89
De Anza Santa Cruz Mobile Estates Homeowners Ass'n v. De Anza Santa Cruz Mobile Estates	90
De la Cuesta v. Benham	90
DTPA § 17.47 (c)(1) Section 17.47(c)(2)	17
DTPA section 17.46 (a) and (b)	11
DTPA Section §17.47 (a)	11
EGB GROUP, INC. v. FAMILY MORTGAGE OPTIONS, LLC	91
Elder Abuse Act of 2017	44

Elder Abuse Prevention and Prosecution Act	8
Elder Abuse Prevention and Prosecution Act of 2017 Section 101(c)(2)	44
ELDER JUSTICE ACT	46
ENCINO PARK WEST HOMEOWNERS ASSOCIATION, INC. v. Truck Insurance Exchange	90
Erie doctrine, Id. At 168-69; see LA. CODE CIV PROC. Art. 971	53
Fair Credit Reporting Act	7
Fair Housing Act 42 U.S.C. § 3601 et. Seq	46
Fed. R. Civ. P. 15(a)(2)	42
Federal Trade Commission (FTC)	5
Federal Trade Commission Act, 15 U.S.C. §41 et seq.	7
FORT LINCOLN CIVIC ASSOCIATION, INC. v. FORT LINCOLN NEW TOWN CORPORATION	92
FTC FHEO	10
FTC's Bureau of Competition	6
Goldstein v. State	91
Goldstone v. County of Santa Cruz	92
Goodridge v. Department of Public Health	90
GREENFIELD COUNTRY ESTATES TENANTS ASSOCIATION, INC. v. Deep	91

GREENS AT HALF HOLLOW HOME OWNERS ASSN., INC. v. GREENS GOLF CLUB, LLC	91
Grimshaw v. Ford Motor Co.	90
Henry v. Lake Charles American Press, L.L.C., 566 F. 3d 164, 169 (5 th Cir. 2009)	53
Hoffman v. 162 North Wolfe LLC	90
HOMEOWNERS ASSOCIATION OF MEADOWBROOK ESTATES, INC. v. EQUITY LIFESTYLE PROPERTIES, INC.	91
In re Amendments to Fla. Rules Civ. Proc.	92
IN RE MN People v. Lopez	92
Jackson v. Metropolitan Edison Co., 419 U.S. 345, 349 (1974) [citing Civil Rights Case, 109 U.S. 3 (1883)]	16
KURWA v. HARRINGTON, FOXX, DUBROW & CANTER, LLP	91
Larocca v. CREIG NORTHROP TEAM	91
Lucas v. Hamm	90
Lugar v. Edmondson Oil Co., Inc, 457 U.S. 922, 936 (1982) Lugar, 457 U.S. at 936	16
Marler v. EM JOHANSING, LLC	91
Martin v. Lou Puliquin Enterprises, Inc. 696 S.W. 2d 180 (Tex. App-Houston [14 th Dist.] 1985)	52
MARYLAND REAL ESTATE COMMISSION v. Garceau	91
MD. REAL ESTATE COMM. v. Garceau	91
Miner v. SEVEN HILLS DRIVE HOMEOWNERS ASSOCIATION INC.	91

MIRA MAR MOBILE COMMUNITY HOMEOWNERS ASSN. v. KENDALL WEST LLC	92
Mize v. Jefferson City Bd. Of Edoc., 93 F. 3d 739, 742 (11 th Cir. 1996) Rule 5b(e)	14
Moore v. Regents of University of California	91
Natko v. State	92
Nichols v. Howard	92
Park v. Board of Trustees of California State University	89
People v. Culter	92
People v. Nitschke	90
People v. Orin	90
PILAA 400, LLC v. Andrade	92
Pinnacle Museum Tower Assn. v. Pinnacle Market Development (US),LLC	90
PIRAHANCHI v. WOODCREST HILLS HOMEOWNERS ASSN.	91
PLAYERS PLACE II CONDOMINIUM ASSOCIATION, INC. v. KP	92
PRUCHINK v. SALPIETRA	91
R 2 Inus. LDC v Phillips, 401 F. 3d 638, 642 (5 th Cir. 2005)	15
RANCHO MESA RESIDENTS, INC v. MANUFACTURED HOME COMMUNITIES INC.	91
Rehfuss v. Northpoint Homeowner's Ass'n, 1993 U.S. App. 14847 (9 th Cir. 1993)	17
Rendell-Baker v. Kohn, 457 U.S. 830, 838 (1982)	16

Reule v. Sherwood Valley I Council of Co Owners, Inc. No. H-OS-3197, 2005 U.S. Dist. LEXIS 25597, (S.D. Tex. Oct. 19, 2005)	16
Reule v. Sherwood Valley I Council of Co-Owners, Inc., Fed. Appx. 227 (5 th Cir. 2007)	17
Richard v. Hoechst (elanese chem, Inc., 355 F.3d 345, 352 (5 th Cir. 2003), cert denied 543 U.S. 917 (2004)	16
Rivero v. AMERICAN FEDERATION OF STATE	89
Ruiz v. Harbor View Community Ass'n	89
Section 109 of the Housing and Community Development Act of 1974	9
Section 1983 42 U.S.C. §1983	15
Section 504 of the Rehabilitation Act of 1973	9
Senior Citizen Protection Act	44
Senior Protection and Affordable Act (PPACA)	46
Sequoia Park Associates v. County of Sonoma	92
Sharp v. Kay	91
Social Security Act Section 2011 (42 U.S.C. 1397; (5)	6
State of Texas Consumer Protection Act, Deceptive Trade Practices	10
Supreme Court Rule 20	1
T. A. C. Section 70.3, Section 202.006	58

Telemarketing and Consumer Fraudulent	7
Tex. Bus. & Com. Code Ann. §17.41 et seq (DTPA)	10,11
Tex. Civ Prac. & Rem. Code §27.002	52
Tex. Dept of Hous. & Cmty, Affairs v. Inclusive Cmty. Project Inc.	4
Texas Consumer Deception Laws	80
Texas Deceptive Trade Practices	78
Texas Deceptive Trade Practices – Consumer Protection Act,	80
Tex. Bus. & Com. Code Ann §17.41, et seq (“DTPA”)	17
Texas Fair Housing Act	47
Texas Government Code §402.006 (c) R. Civ P. 56(c)	17
Texas Property Code Section 552.0036	55
Texas Property Code TITLE 1.001 Article 5429b-1	61
The Age Discrimination Act of 1975	9
The Architectural Barriers Act of 1968	9
The Fair Housing Act	9,44,46
Title IX of the Education Amendments Act of 1972	10
Title VI of the Civil Rights Act of 1964	9

•Titles II and III of the Americans with Disabilities Act of 1990	9
Todd v. Perry Homes, 156 S.W. 3d 919, 922 (Tex. App.-Dullco 2005, no pet.)	53
Topaz Mutual Co. v. Marsh	91
U.S.C §§ 1331, 1343	46
U.S.C. §1367	40
U.S.C. 42 §3613	40
United States Riley v. St Luke’s Episcopal Hosp., 355 F. 3d 370, 376 (5 th Cir. 2004). 35	15
Valcarce v. Fitzgerald	91
Vendor and Purchaser Risk Act	66
Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) to the Violence Against Women Act of 1994	10
Wellbore v. Sears, Roebuck & Co.	85
West v. Atkins, 487 U.S. 42, 48 (1988)	16
XL SPECIALTY INSURANCE COMPANY v. St. Paul Mercury Insurance Company	92
Yelder v. Walters	89
Zuckerman v. City of NY	90

PETITION FOR A WRIT OF CERTIORARI

Petitioner Larry D. Ford petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit and US District Court.

OPINIONS BELOW

Unpublished ORDER: United States Court of Appeals Fifth Circuit: Case 23-20197.

Document 20-1 Date Filed: 6-13-2023: No. 23-20197: Ford v. American Homes 4 Rent USDC No. 4:22-cv-2162 ; Before Clement, Graves, Ho, Circuit Judges.

ORDER ADOPTING MEMORANDUM and ORDER June 20, 2023,

Judge Andrew S. Hanen; United States District Judge

MEMORANDUM – UNITED STATES DISTRICT COURT – JUDGE Sam Sheldon

JURISDICTION

The date on which the United States Court of Appeals for the Fifth Circuit decided this case was June 16, 2023. No petition for rehearing was filed. The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1). This Court has appellate jurisdiction under Article III § 2 of the US Constitution. This Court has authority to issue writs of mandamus, prohibition, and quo warranto pursuant to 28 US § 1651 and Supreme Ct. Rule 20.

STATUTORY PROVISIONS INVOLVED

The Fair Housing Act provides, in relevant part: As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful— * * * (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin. 42 U.S.C. § 3604(b). It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title. 42 U.S.C. § 3617.

INTRODUCTION

The aim of the Fair Housing Act is to ensure equality in access to housing. Senior Homeowners can not regulate disputes among neighboring home rental tenants or guarantee their acceptable behavior. Yet RESPONDENTS requires Senior Homeowners to do exactly that. The RESPONDENTS holds that Senior Home Owners have a duty to intervene in known harassment perpetrated by others over whom they have little or no control or face liabilities not under the Fair Housing Act. This duty places the task of policing communications among tenants on Senior Homeowners who do not have the means or skill to determine when speech is protected and when it is actionable, placing

senior homeowners in a vicarious state. If action is taken prematurely, Senior Homeowners may be subject to suit or violence by perpetrating tenants. If Senior Homeowners wait too long, they will be subject to physical as well as mental retribution. Senior Homeowners that do intervene but are unable to control the harassers' behavior may nonetheless be subject to more retribution for failing to stop the harassment and violence. A particularly difficult situation arises when a member of a protected class has a personal dispute with home rental tenants and the member of the protected class repeatedly antagonizes and goads the other tenant into arguments, some of which degenerate into foul language and sexual epithets. The Senior Homeowners can take no action against the real antagonist because they are members of a protected class. At the same time, there is not sufficient evidence to evict the home rental tenants who are drawn into disputes time and again. The Senior Homeowners thus may have the appearance of doing nothing when in fact an investigation of the facts reveals otherwise. Like the present case, the Senior Home Owners are prohibited, but yet they are subject to expensive and protracted litigation. If left uncorrected, the decision will have far reaching effects. A cottage industry will spring forth that will inundate the federal court system with complaints alleging all manner of verbal indiscretions because the prize at the end of the day is attorney's fees, not fair housing. Tellingly, Petitioner did not join any of the individuals that committed the harassment, or otherwise seek to directly

enjoin their behavior. To remain viable, Senior Homeowners will need more insurance to cover baseless lawsuits, making insurance companies wealthier, but driving the costs of Home ownership higher for a segment of society that can least absorb the increase. The plaintiff and defense bars will not benefit from increased litigation, and the judicial system will not suffer with backlogs.

STATEMENT

Petitioner Larry D. Ford filed a complaint under Sections 3604(b) and 3617 of the federal Fair Housing Act against Respondents. Subject matter jurisdiction was asserted pursuant to 28 U.S.C. §§ 1331, 1343 and 42 U.S.C. §3613. Although Petitioner does not allege that Respondents acted, or failed to act, with discriminatory animus, Petitioner nonetheless seeks to hold Respondents liable for failing to intervene in arguments with tenants whom he alleges violated HOA bylaws on protected grounds. In order to create a new duty to intervene, the Court of Appeals eliminates discriminatory intent from Petitioner's disparate-treatment claim—an element the Court has long held to be an essential element. *Tex. Dep't of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 135 S. Ct. 2507, 2513 (2015). The court further holds a landlord can be held liable under §3604(b) for harassment that occurs both before and after occupancy begins. The decision widens the split in the circuits on both issues necessitating this Court's intervention and guidance. *Petitioner's Grievances Have Everything To Do With Access*

To Housing. Petitioner's grievances have everything to do with access to HOA Bylaws of safe and pleasant home ownership. Petitioner brought this action primarily to resolve a personal as well as political and broadly United States' dispute he is having with American Homes 4 Rent, Blackstone Group, Legend Homes Corporation, Spectrum Association Management, Camillo Properties, Castlerock Communities, and Werrington Homeowner's Association Inc. The Federal Trade Commission ("FTC" or "Commission") is the nation's primary consumer protection agency and has a broad mandate to protect consumers from unfair and deceptive acts or practices in the marketplace. Protecting older consumers continues to be one of the FTC's top priorities, which it pursues using a multi-pronged approach. First, it files law enforcement actions to stop unlawful practices and, when possible, return money to consumers.

Given the ongoing global health crisis, the FTC continues to focus on schemes that capitalize on the fears and economic uncertainty of the pandemic to deceptively peddle products related to the prevention and treatment of COVID-19. This year the FTC also initiated several important rule makings on topics impacting older adults to bolster its ability to return money to consumers in light of the impact of the Supreme Court's ruling in AMG Capital Management v. FTC. Second, the FTC continues to employ innovative education and outreach campaigns that reach older adults throughout the country. These important efforts help consumers protect themselves against emerging frauds and alert

them to prevalent consumer protection issues. As the population of older adults grows, the FTC's outreach mission to help consumers protect themselves and their communities becomes increasingly important.

This report refers to persons 60 and older when using the terms "older adults" or "older consumers" to be consistent with the requirements in Section 2(1) of the Elder Abuse Prevention and Prosecution Act, which references Section 2011 of the Social Security Act (42 U.S.C. 1397j(5)) (defining "elder" as an individual age 60 or older).

This report focuses on the Bureau of Consumer Protection's work to protect older adults. The FTC's Bureau of Competition also serves older adults through its work in various sectors of the economy, such as health care, consumer products and services, technology, manufacturing, and energy. The primary drafters of this staff report are Michelle Chua, Division of Marketing Practices; Emma Fletcher, Division of Consumer Response and Operations; and Bridget Small, Division of Consumer and Business Education. Additional acknowledgment goes to Kati Daffan, Patti Poss, and Patricia Hsue, Division of Marketing Practices; Karen Mandel and Christine DeLorme, Division of Advertising Practices; Jennifer Leach and Marlena Patterson, Division of Consumer and Business Education; Shiva Koochi and Michel Grosz, Bureau of Economics; and Summer Law Clerk Tyler Ritchie. This report reflects the work of staff throughout the Federal Trade Commission's Bureau of Consumer Protection and its Regional Offices, with much of

the work stemming from the FTC's Every Community Initiative. Lois C. Greisman is the FTC's Elder Justice Coordinator.

The FTC has wide-ranging law enforcement responsibilities under the Federal Trade Commission Act, 15 U.S.C. § 41 et seq. and enforces a variety of other laws ranging from the Telemarketing and Consumer Fraud and Abuse Prevention Act to the Fair Credit Reporting Act. In total, the Commission has enforcement or administrative responsibilities under more than 70 laws. *AMG Capital Mgmt., LLC v. FTC*, 593 U. S. ___; 141 S. Ct. 1341 (2021) (holding that Section 13(b) of the FTC Act does not authorize federal courts to require defendants to refund monies to consumers or give up unjust gains).

FEDERAL TRADE COMMISSION [FTC.GOV](https://www.ftc.gov)

Finally, the FTC conducts research and collaborates with a diverse array of partners, which inform the strategies it employs to help ensure that its efforts achieve the maximum benefits for consumers, including older adults. For example, the FTC's analysis of fraud and other reports filed by consumers nationwide helps the agency understand and respond to patterns and trends related to older adults, including the differences in how older adults in different demographic populations may experience fraud. The FTC submits this fifth annual report to the Committees on the Judiciary of the

United States Senate and the United States House of Representatives to fulfill the reporting requirements of Section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act of 2017.⁶ The report details the FTC's recent comprehensive efforts to protect older consumers.

II. FTC Enforcement Activities Affecting Older Consumers Aggressive law enforcement is a key component in the FTC's efforts to protect older consumers. Nearly all FTC enforcement actions involve numerous consumers of all ages, and while the actual ages of people affected in a given case are not typically known, in the Commission's view, older adults are among those affected in every consumer protection case filed this past fiscal year. Therefore this report lists all new enforcement actions brought by the FTC between October 1, 2021, and September 30, 2022.

The Census Bureau projects that by 2030 all baby boomers will be older than 65 and "one in every five Americans is projected to be [at] retirement age." See Jonathan Vespa, Lauren Medina, and David M. Armstrong, U.S. Dep't of Commerce, U.S. Census Bureau, Demographic Turning Points for the United States: Population Projections for 2020 to 2060 (Mar. 2018, Rev. Feb. 2020), are available.

The law requires the FTC Chair to file a report listing the FTC's enforcement actions "over the preceding fiscal year in each case in which not less than one victim was an

elder or that involved a financial scheme or scam that was either targeted directly toward or largely affected elders.” Given the large number and broad range of consumers affected in FTC actions, this report includes a list of every administrative and federal district court action filed in the one-year period.

8. This list includes cases involving violations of children’s privacy laws. The perpetrators of such schemes may not typically target older adults, but the cases are listed because they involve large and diverse groups of consumers. The affected consumers may include an older parent or grandparent caring for children who go online and wish to protect their privacy.

The laws implemented and enforced by FHEO include:

- The Fair Housing Act
- Title VI of the Civil Rights Act of 1964
- Section 109 of the Housing and Community Development Act of 1974
- Section 504 of the Rehabilitation Act of 1973
- Titles II and III of the Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968

The Age Discrimination Act of 1975

- Title IX of the Education Amendments Act of 1972
- Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) to the Violence Against Women Act of 1994

Some of FHEO's activities include:

- Investigating fair housing complaints
- Conducting compliance reviews
- Ensuring civil rights in HUD programs
- Managing fair housing grants

Petitioner fiercely protested the dismissal (Southern District Court of appeal USDC No. 4:20-CV-01374). Petitioner submitted a motion to retain the case and motions to oppose Defendant's motion to dismiss. There is a complete and unmistakable cycle which not only points to American Homes 4 rent and Blackstone Group as culprits but also Spectrum Management of the Werrington HOA, the management of all Werrington Rental Properties owned by American Homes 4 Rent et al. The Federal Trade Commission and the State of Texas Deceptive Trade Practices – Consumer Protection Act, Tex. Bus. & Com. Code

Ann. §17.41 et seq (DTPA”), alleges that Respondents have engaged in false, misleading, or deceptive acts or practices in the conduct of trade and commerce as defined in and declared unlawful by, DTPA sections 17.46 (a) and (b). Petitioner seeks to enjoin Respondents from further violations of the provisions of the DTPA, pursuant to DTPA §17.47(a). Petitioner should be granted relief in civil penalties for all acts or practices calculated to acquire or deprive money or other property from a consumer in violation of the DTPA, pursuant to DTPA§ 17.47(c)(1). In addition, Petitioner seeks civil penalties for all acts or practices calculated to acquire or deprive money or other property from a consumer aged 60 to 65 years or older when the act or practice occurred, pursuant to section 17.47(c)(2). Petitioner seeks reasonable attorney’s fees and court costs for prosecuting this action, as authorized by the Federal Statutes and Texas Government Code§402.006(c). American Homes 4 Rent et al. (Blackstone Group Subsidiaries – Invitation Homes, Waypoint Homes, SRP SUB LLC, CAH 2015- 1LLC) Respondents’ assets are subject to the equitable remedy of disgorgement. Respondents should be ordered to disgorge all monies fraudulently taken from Petitioner, together with all proceeds, profits, income, interest, and accessions thereto. Such disgorgement should be for Petitioner and other victimized Werrington I Subdivision homeowners. There were several ominous indications

(offensive verbal tones – (May 19, 2020 No. 4:20-CV-1374 – “It appears that Ford filed this new case in order to proceed without prepaying fees and/or costs.” Nevertheless two opposition motions were submitted to no avail amid Petitioner’s ongoing medical contribution as life saver (Pandemic Volunteer as a Board Certified Respiratory Therapist). Case 4:20-CV-01374 was dismissed June 9, 2020. Petitioner motioned to set aside Judgment July 7, 2020. Petitioner submitted a motion for New Trial pleading rights of the US Constitution et. al (July 11, 2020).

REASONS FOR GRANTING THE WRIT

This case satisfies the standard criteria for certiorari: it presents pure legal issues that are the subject of well-recognized, entrenched disagreement, and that are outcome determinative in the case at hand. Therefore this Court should grant review. Squarely at issue is who can be held liable under the FHA, and what kind of post-acquisition conduct is actionable. Discriminatory intent and furthermore disparate-treatment claims have been proven as it is required by the text of FHA provisions.

CONCLUSION

The petition for a writ of certiorari should be granted. The District Court (4:20-CV-01374) did error in not only the atrocities, inherent violence, and tortuous nature of allowing massive settlements of (no-name) renters in Texas Subdivisions but across the nation; more specifically concerning the number of rental homes in the Werrington I Subdivision There are over 250 such rental homes in the Werrington I Subdivision. HOA- Spectrum Management and Werrington HOA, exists for the dual purpose as both an HOA service as well as a management company collecting rent for massive Rental Home Owners (American Homes 4 Rent et al.). Petitioner searched diligently across America for such an aberration of HOAs allowing Rental Homes to coexist abhorrently with single family home owners; there were many found of this magnitude. Notwithstanding this precedence, for senior consumers 60 to 65 years and older relief should be granted under the Federal and State Consumer Protection Laws. In Harris County Court (case number 31 201966470) there is an order of notice to dismiss Petitioner's lawsuit against American Homes 4 Rent et al. for lack of jurisdiction. Citation was filed September 3, 2019. Petitioner entered a motion to retain. Respondents et al, responded January 7, 2020. Over 118 days past before Responedents' reply to the civil lawsuit (201966470). The lawsuit should have been dismissed with summary judgment. Had Petitioner committed such irresponsible act the case would have been dismissed.

ARGUMENT

The Southern District Court did error regarding response to Petitioner's motion to dismiss. The motion to retain was not submitted in the District Court but in the Harris County Court (American New Homes 4 Rent et al. -201966470 – December 23, 2019 – Document number 8864830) The Petitioner, Larry D. Ford is entitled to a judgment as a matter of Law. Federal Summary judgment is proper if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact of the moving party. R.Civ.P. 56(c). The party moving for summary judgment "always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of [the evidence] which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The movant can meet this burden by presenting evidence showing that there is no genuine dispute of material fact, or by showing that the nonmoving party has failed to present evidence in support of some element of its case on which it bears the ultimate burden of proof. *Celotex*, 477 U.S. at 322-23. In evaluating the arguments of the movant, the court must view the evidence in the light most favorable to the nonmoving party. *Mize v. Jefferson City Bd. of Educ.*, 93 F.3d 739, 742 (11th Cir. 1996). Once the moving party has met his burden, Rule 56(e) "requires the nonmoving party to go beyond the pleadings and by [his] own

affidavits, or by the `depositions, answers to interrogatories, and admissions on file,' designate `specific facts showing that there is a genuine issue for trial.'" Celotex, 477 U.S. at 324 34 (quoting relief. A court may not accept strained inferences, conclusion allegations, unwarranted deductions or legal conclusions. R2 Invs. LDC v. Phillips, 401 F.3d 638, 642 (5th Cir. 2005) (citations omitted). Courts may not evaluate the plaintiffs likelihood of success; instead, they only determine whether the plaintiff has a legally cognizable claim. United States ex rel. Riley v.St. Luke's Episcopal Hosp., 355 F.3d 370, 376 (5th Cir. 2004). 35

RELIEF

Section 1983 creates a cause of action for a plaintiff to enforce federal rights created by the United States Constitution or by other federal statutes. 42 U.S.C. § 1983; see Albright v. Oliver, 510 U.S. 266, 271 (1994). However, Section 1983 does not create or establish a right in and of itself. Section 1983 provides a private right of action against parties acting "under color of any statute, ordinance, regulation, custom, or usage, of any State" to redress the deprivation of rights secured by the United States Constitution or federal law. City of St. Louis v. Praprotnik, 485 U.S. 112, 117 (1988). Therefore, the Petitioner must demonstrate: (1) a violation of the United States Constitution or of federal law; and (2) that the violation was committed by someone acting under color of state law. This case was removed based solely on purported federal question jurisdiction based on Plaintiffs' Section 1983 claim. That claim manifestly passes if it is pressed

against a party that is a state actor. See *West v. Atkins*, 487 U.S. 42, 48 (1988). For this reason, the Court ordered briefing on whether the Respondent Homeowner Association is a “state actor” under applicable law. See *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922, 936 (1982); *Rendell-Baker v. Kohn*, 457 U.S. 830, 838 (1982); *Bass v. Parkwood*, 180 F.3d 234, 241-43 (5th Cir. 1999). Throughout the history of Section 1983, courts have been strongly admonished to make a threshold inquiry whether the Petitioner complains of state action or “private conduct, against which the Fourteenth Amendment offers an inherent shield.” *Lugar*, 457 U.S. at 936 (quoting *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 349 (1974) [citing *Civil Rights Cases*, 109 U.S. 3 (1883)]); *Richard v. Hoechst Celanese Chem. Group, Inc.*, 355 F.3d 345, 352 (5th Cir. 2003), cert. denied 543 U.S. 917 (2004). The law thus requires a focused inquiry into whether “the alleged infringement of federal rights [can be] fairly attributable to the State”. *Rendell-Baker*, 457 U.S. at 838. “[T]he under-color-of-state-law element of § 1983 excludes from its reach merely private conduct, no matter how discriminatory or wrongful.” *Richard*, 355 F.3d at 352 (citing *American Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999)). As to homeowners’ associations, Defendants offer several cases, including authority from within the Fifth Circuit, in which such an expansion was explicitly denied. See *Reule v. Sherwood Valley I Council of CoOwners, Inc.*, No. H-05-3197, 2005 U.S. Dist. LEXIS 25597,*1 (S.D. Tex. Oct. 19, 2005); see also *Barr v.*

Camelot Forest Conservation Ass'n, Inc., 153 Fed.Appx. 860, 861 (3rd Cir. 2005); Reh fuss v. Northpoint Homeowner's Ass'n, 1993 U.S. App.LEXIS 14847 (9th Cir. 1993).As noted by Defendants, the Reule decision was reviewed and affirmed by the Fifth Circuit in an unpublished opinion. Reule v. Sherwood Valley I Council of Co-Owners, Inc., 235 Fed. Appx. 227 (5th Cir. 2007). The Court further notes that the Supreme Court denied certiorari. Reule v. Sherwood Valley I Council of Co-Owners, Inc., 128 S. Ct. 1890 (U.S. 2008).Case 3:09-cv-01413-O Document 18 Filed 12/14/09 Page 5 of 12 Page ID 433. TEXAS DECEPTIVE TRADE PRACTICES - CONSUMER PROTECTION ACT, Tex. Bus. & Com. Code Ann. § 17.41, et seq. ("DTPA"), alleges that Defendant has engaged in false, misleading, or deceptive acts or practices in the conduct of trade and commerce as defined in, and declared unlawful by, DTPA 38 sections 17.46(a) and (b).Petitioner seeks to enjoin Respondents from further violations of the provisions of the DTPA, pursuant to DTPA § 17.47(a). Petitioner seeks civil penalties in the total amount of \$250,000,000.00 for all acts or practice calculated to acquire or deprive money or other property from a consumer in violation of the DTPA, pursuant to DTPA § 17.47(c)(1). In addition, Petitioner seeks civil penalties maximum \$250,000,000.00 for all acts or practices calculated to acquire or deprive money or other property from a consumer aged 65 years or older when the act or practice occurred, pursuant to section 17.47(c)(2).Petitioner seeks reasonable attorney's fees and court costs for prosecuting this action, as authorized by Texas Government Code § 402.006(c).

It is unlawful and fraudulent to receive millions of dollars from one Spectrum AM HOA (Also named Werrington I Subdivision HOA). Spectrum Management which in reality is a 90% home rental subdivision. This may have precedence in that the Petitioner has searched diligently throughout America for such subdivisions. They exists in many Southern and Northern US States. This is an opportunistic and Flagrant miscarriage of the law. Rental Home tenants cannot be labeled 'Home Owners' when there is no legal name or address attached to the occupants (tenants). Respondents' response to the lawsuit was overdue. This Lawsuit was filed September 19, 2019. Respondents responded months later then motioned to transfer to District Court (American Homes 4 Rent et al. -201966470 – December 23, 2019 – Document number 8864830). The Lawsuit should have been dismissed with prejudice and afforded the Petitioner with all relief allowed by Law. Had the Petitioner waited months to respond to Respondents' Lawsuit the case would have been dismissed. In the State Court the lawsuits were in jeopardy of being dismissed for want of prosecution (no response from Respondents). Petitioner's motion to retain followed by a motion to dismiss. Petitioner's motion for summary judgment was denied. Had the Petitioner ignored a lawsuit for several months the case would have been dismissed with prejudice and all penalties would have been invoked. As stated repeatedly Respondents were served complaints in state courts but did not respond 40 in the appropriate time. These lawsuits should have been dismissed for lack of jurisdiction. This is the basis of the Lawsuits and perpetuating what the

HOA's acronym stands for (Home Owners) and not Rental Home Owners. The precedence of Spectrum AM HOA and also labeled an Property Management collects dutifully from tenants of rental homes then transfer millions of dollars to American Homes 4 Rent et. al. False misleading, or deceptive trade or practice is moot against the facts. Many communities and subdivisions in America have violated Senior Home Owners in this manner. Hence the acronym HOA association (HOME OWNERS ASSOCIATION – NOT HOME RENTERS ASSOCIATION). There has been a total disregard for Senior Home Owners. All relief is the Law and not merely a conjecture made by the Petitioner. Precedence against United States seniors and others maintaining single family homes and rental homes, held out as single family property owners. Property owners have names, addresses, and are listed with the city, county, state and 41 federal agencies. Hence (HOA), Home Owners: Renters do not own their rental homes or rental property. Senior Home Owners pay mortgages to banks and other lending institutions. Renters' and Tenants' payments do not proceed directly to banks but to owners of these rental homes such as American Home 4 Rent et al. These corporations are lawless, ruthless, corruptible and practice Deceptive Trade, seeking profit at the peril of Senior Home Owners. Whether Black, White, Asian, Hispanic or other Americans, Senior Home Owners' home depreciation is not a made up epiphany. The Harris County Texas tax assessor reflects the true and substantial home equity decreased value documentation of SENIOR property owners. Real estate and homes in the proximity of

Rental Homes are often difficult to sell especially in a subdivision holding itself out as an HOA subdivision but in reality is a majority rental homes subdivision. Most HOAs and HOA management companies such as Spectrum AM are governed by Federal and State statutes. Federal and State Laws grant relief, full 42 disgorgement of all monies taken deceitfully, deceptively, and fraudulently. Rental Homes owned by American Homes 4 Rent et. al. Texas Statutes and HOA Senior Homeowners Federal Statutes allow for full relief (Federal Trade Commission). Plaintiff has met with and talked with many of the Werrington I Subdivision Senior Home Owners (Black, White, Hispanic and Asians) who were among the first home owners to purchase homes in the Werrington I Subdivision. By 2010, the Werrington I Subdivision was less than five years old there began to be a surge of New Rental Homes built. Suddenly the Senior Home Owners were surrounded by over 90% rental homes. The Seniors began to helplessly chant as they walked by, "There Goes The Neighborhood". Relief and Total Disgorgement is both justified and allowed by both Federal and State Statutes.