

No: 17-8689

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE, ETC, PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, RESPONDENT

RULE 44.1 PETITION FOR REHEARING

IN USSC NO. 17-8689

July 20, 2018

by

Neil J. Gillespie, *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

LIST OF PARTIES

NEIL J. GILLESPIE, PETITIONER
A disabled non-lawyer appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

vs.

REVERSE MORTGAGE SOLUTIONS, RESPONDENT
Represented by: Curtis Alan Wilson, Esq., Florida Bar No. 77669
McCalla Raymer Leibert Pierce, LLC
225 E. Robinson St. Suite 115, Orlando, FL 32801
Phone: 407-674-1850; Fax: 321-248-0420
Email: MRService@mrpllc.com, Email: MRService@mccalla.com

A HECM REVERSE MORTGAGE IS A NON-RECOURSE LOAN

Indispensable Parties Not Sued

PENELOPE M. GILLESPIE, BORROWER, DIED SEPTEMBER 16, 2009
ESTATE OF PENELOPE M. GILLESPIE: CLOSED WITH NOTICE OF TRUST JUNE 24, 2014

Other Parties

13CA000115AX	DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA
13CA000115AX	ELIZABETH BAUERLE*
13CA000115AX	JOETTA GILLESPIE*
13CA000115AX	MARK GILLESPIE*
13CA000115AX	OAK RUN HOMEOWNERS ASSOCIATION INC
13CA000115AX	UNITED STATES OF AMERICA

*Justin R. Infurna, Esq., LL.M, The Infurna Law Firm, P.A.
Attorney for Defendants Mark Gillespie, Joetta Gillespie, Elizabeth Bauerle, Scott Bidgood.
121 South Orange Ave., Ste. 1500, Orlando, Florida 32801
Telephone: (800)-774-1560; Fax: (407)386-3419
Primary Email: justin@infurnalaw.com; Secondary Email: justininfurna@gmail.com

Fake Parties

- Unknown parties
- Neil J. Gillespie and Mark Gillespie as Co-Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997 (the Trust terminated on February 2, 2015)
- Unknown Settlers/Beneficiaries of The Gillespie Family Living Trust Agreement dated February 10, 1997 (NONE)

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Appendix C	<i>Petitioner's Amended Motion For Reinstatement</i> in Florida Supreme Court Case No. SC18-343, Filing # 74489871 E-Filed 07/05/2018 10:13:00 AM
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

On June 25, 2018 the Court entered the following order in Petition No. 17-8689:

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

The Clerk's letter dated June 25, 2018 in Petition No. 17-8689 follows this page.

USSC Rule 39.8. If satisfied that a petition for a writ of certiorari, jurisdictional statement, or petition for an extraordinary writ is frivolous or malicious, the Court may deny leave to proceed *in forma pauperis*.

USSC Rule 44.1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time...

The jurisdiction of this Court is invoked under Rule 44.1 and 28 U.S.C. § 1254(1).

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

June 25, 2018

Mr. Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481

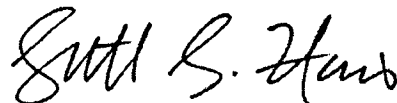
Re: Neil Gillespie
v. Reverse Mortgage Solutions, et al.
No. 17-8689

Dear Mr. Gillespie:

The Court today entered the following order in the above-entitled case:

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

Sincerely,

A handwritten signature in black ink that reads "Scott S. Harris". The signature is written in a cursive, flowing style.

Scott S. Harris, Clerk

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Constitution › Article III, Section 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.
- The Separation of Powers Doctrine
- Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The clause, which took effect in 1868, provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws".
http://en.wikipedia.org/wiki/Equal_Protection_Clause
- Supremacy Clause, the provision in Article Six, Clause 2 of the U.S. Constitution that establishes the U.S. Constitution, federal statutes, and U.S. treaties as "the supreme law of the land". It provides that these are the highest form of law in the U.S. legal system, and mandates that all state judges must follow federal law when a conflict arises between federal law and either the state constitution or state law of any state.
http://en.wikipedia.org/wiki/Supremacy_Clause

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR REHEARING USSC 17-8689

Numerous disruptions to my petitions for writ of certiorari give rise to this petition for rehearing, as well as recent filings in the Florida Supreme Court, and my letter July 16, 2018 to James Duff, Director, Administrative Office of the U.S. Courts. My conclusion? I believe there are two rivals to the U.S. Supreme Court for what Article III calls “the judicial power of the United States”. One rival is The Florida Bar, an unincorporated association, and the so-called discipline arm of the Florida Supreme Court. The other rival is the U.S. Department of Justice.

The U.S. Supreme Court is the only court created by the U.S. Const. art. III, § 1:

“The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.”

But after considering what U.S. Circuit Judge Richard Posner said, as reported by the American Bar Association (ABA)¹, I believe the rivals above are a threat to the U.S. Supreme Court:

"Well, I don't like the Supreme Court," Posner says. "I don't think it's a real court. I think of it as basically ... it's like a House of Lords. It's a quasi-political body. President, Senate, House of Representatives, Supreme Court. It's very political. And they decide which cases to hear, which doesn't strike me as something judges should do. You should take what comes. When you decide which case to hear it means you've decided the cases ahead of time."

My name is Neil J. Gillespie. I like the Supreme Court. I also understand Judge Posner's position, here, and as set forth in my letter to AO Director Duff. I am an indigent nonlawyer

¹ Posner has 'absolutely no desire' to join SCOTUS, which 'isn't a real court', By Debra Cassens Weiss, Posted November 11, 2013, 11:44 am CST, American Bar Association Daily News.
http://www.abajournal.com/news/article/posner_has_absolutely_no_desire_to_join_scotus_which_isnt_a_real_court

appearing appearing pro se. I am unable to obtain adequate counsel. I am a consumer of legal and court services affecting interstate commerce, and a consumer of personal, family and household goods and services, consumer transactions in interstate commerce.

I am a person with disabilities, a vulnerable adult age 62 suffering the infirmities of aging, henceforth in the first person. I am reluctantly appearing *pro se* to save my Florida residential homestead from wrongful foreclosure on a *Home Equity Conversion Mortgage*, or HECM, a Federal Housing Administration (FHA) "reverse" mortgage program administered by the Secretary, United States Department of Housing and Urban Development (Secretary or HUD) to enable home owners over 62 years old access the subject home's equity. 12 U.S.C. § 1715z20 et seq. and 24 C.F.R. Part 206.

As of today, HUD still has my HECM reverse mortgage complaint pending on referral from CFPB case 140304-000750 and U.S. Senator Rubio. HUD has had jurisdiction since August 9, 2012 with my original complaint under HUD Handbook 7610.01, Section 4-19.

HUD is a Cabinet department in the Executive branch of the United States federal government. Currently Ben Carson is HUD's Secretary. Under the Separation of Powers Doctrine, the judicial branch cannot usurp HUD's jurisdiction because HUD is a Cabinet department in the Executive branch of government.

HUD also has jurisdiction under the **Equal Protection Clause** of the Fourteenth Amendment to the United States Constitution. The clause, which took effect in 1868, provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws". http://en.wikipedia.org/wiki/Equal_Protection_Clause

HUD also has jurisdiction under the **Supremacy Clause**, the provision in Article Six, Clause 2 of the U.S. Constitution that establishes the U.S. Constitution,

federal statutes, and U.S. treaties as "the supreme law of the land". It provides that these are the highest form of law in the U.S. legal system, and mandates that all state judges must follow federal law when a conflict arises between federal law and either the state constitution or state law of any state. http://en.wikipedia.org/wiki/Supremacy_Clause

The foregoing is more fully described in Appendix A, *Petitioner's Amended Motion For Reinstatement* in Florida Supreme Court Case No. SC18-343 filed July 5, 2018, beginning with Paragraph 21 (page 10) through Paragraph 28 (page 15) and Exhibits 12 through 16.

Appendix C *Petitioner's Amended Motion For Reinstatement* in Florida Supreme Court Case No. SC18-343, Filing # 74489871 E-Filed 07/05/2018 10:13:00 AM

Appendix D *Petitioner Gillespie's Verified Rule 1.540 Motion To Vacate Final Order* in Florida Supreme Court Case No. SC17-1321
Filing # 75228735 E-Filed 07/19/2018 04:00:24 PM
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Appendix E Notice of Filing Affidavit of Neil J. Gillespie Non-Jury Trial Jul-18-2017
Exhibit/Appendix in FSC17-1321
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Appendix F Defendant Neil J. Gillespie's Verified Notice to Clerk Ellspermann: The
Clerk's Foreclosure Evidence List is Wrong.
Filing # 75177038 E-Filed 07/18/2018 11:00:08 PM

Due to disability and the infirmities of aging, this is what I can submit today.

REASONS FOR GRANTING THE PETITION FOR REHEARING

For a man's house is his castle*

—Sir Edward Coke
Third Institute (1644)

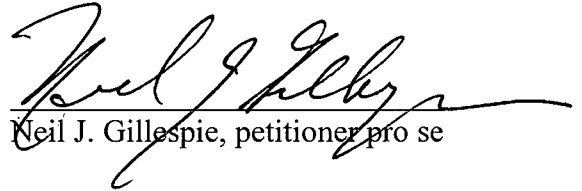
The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence. It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the Fourth Amendment to the Constitution, which protects people, their homes, and their property against unreasonable searches and seizures by the government.

*Citation: Sir Edward Coke, Third Institute of the Laws of England 162 (1644). The complete quotation is: "For a man's house is his castle, *et domus sua cuique tutissimum refugium*." The Latin means: "and his home his safest refuge." See *Semayne's Case* (1603) 77 Eng. Rep. 194 (K.B.) ("[T]he house of every one is to him as his castle and fortress, as well for his defence against injury and violence, as for his repose."), *quoted in* *Wilson v. Layne*, 526 U.S. 603, 609–10 (1999); *Weeks v. United States*, 232 U.S. 383, 390 (1914) ("[E]very man's house is his castle." (quoting Judge Thomas McIntyre Cooley, *A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union* 299 (1868))); William Blackstone, 3 *Commentaries* 288 (1768) ("[E]very man's house is looked upon by the law to be his castle..."); William Blackstone, 4 *Commentaries* 223 (1765–1769) ("[T]he law of England has so particular and tender a regard to the immunity of a man's house, that it stiles it his castle, and will never suffer it to be violated with impunity..."); *Miller v. United States*, 357 U.S. 301, 307 (1958) (quoting William Pitt's 1763 speech in Parliament: "The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the king of England may not enter—all his force dares not cross the threshold of the ruined tenement!").

CONCLUSION

The rehearing of Petition No. 17-8689 for writ of certiorari should be granted, together with such other and further relief as the Supreme Court deems just and equitable.

Respectfully submitted, July 20, 2018.


Neil J. Gillespie, petitioner pro se

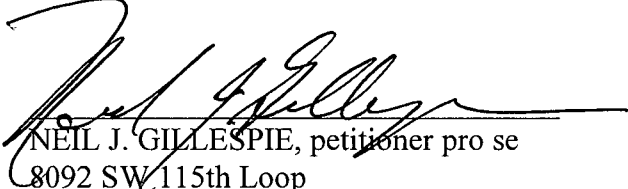
CERTIFICATE OF GOOD FAITH

USSC No. 17-8689

I, NEIL J. GILLESPIE appearing pro se, CERTIFY in accordance with Rule 44.1 that this rehearing is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

I solemnly swear, under penalty of perjury, that the foregoing facts, upon information and belief, are true, correct, and complete, so help me God.

Respectfully submitted July 20, 2018.



NEIL J. GILLESPIE, petitioner pro se
8092 SW 115th Loop
Ocala Florida 34481
Telephone: 352-854-7807
Email: neilgillespie@mfi.net

**Additional material
from this filing is
available in the
Clerk's Office.**