

No: 18-7225

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE, ETC, PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, RESPONDENT

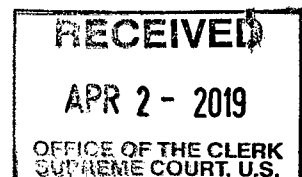
RULE 44.1 PETITION FOR REHEARING

IN USSC NO. 18-7225

March 29, 2019

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

An indigent, disabled, Older American, nonlawyer, appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

vs.

REVERSE MORTGAGE SOLUTIONS, INC., 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

Parties Not Sued

Penelope M. Gillespie, Borrower, Died September 16, 2009
Estate of Penelope M. Gillespie, Closed with Notice of Trust June 24, 2014
Gillespie Family Living Trust Agreement dated February 10, 1997, Terminated February 2, 2015

Other Parties

13CA000115AX	DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA (Default)
13CA000115AX	ELIZABETH BAUERLE* (Consent to Judgment)
13CA000115AX	JOETTA GILLESPIE* (Consent to Judgment)
13CA000115AX	MARK GILLESPIE* (Consent to Judgment)
13CA000115AX	OAK RUN HOMEOWNERS ASSOCIATION INC (Default)
13CA000115AX	UNITED STATES OF AMERICA (Disclaimer)

*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
NOTE: Consent to Judgment was filed by and through Kaufman, Englett & Lynd PLLC.

Fake Parties

- Neil J. Gillespie and Mark Gillespie as Co-Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997
- Unknown Parties, including the Unknown Settlers/Beneficiaries of The Gillespie Family Living Trust Agreement dated February 10, 1997

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OPINIONS BELOW

On March 4, 2019 the Court entered the following order in Petition No. 18-7225:

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

The Clerk's letter dated March 4, 2019 in Petition No. 18-7225 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

March 4, 2019

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

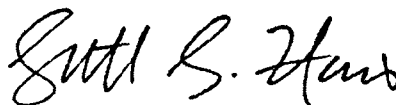
Re: Neil Gillespie
v. Reverse Mortgage Solutions, Inc.
No. 18-7225

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Sincerely,



Scott S. Harris, Clerk

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Preamble to the Constitution of the United States - Re: "establish Justice"

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Amend. I, U.S. Const., "to petition the Government for a redress of grievances."

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amend. IV, U.S. Const., right of the people to be secure in their homes, and their property against unreasonable searches and seizures by the government.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amend. V, U.S. Const.; Amend. XIV, U.S. Const.
DUE PROCESS, Legal Information Institute
WEX article Author: Peter Strauss

"The Constitution states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures."

https://www.law.cornell.edu/wex/due_process

Amend. V, U.S. Const., due process

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amend. VII, U.S. Const, trial by jury

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amend. XIV, sec 1, U.S. Const., due process

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Home Equity Conversion Mortgage [12 USC § 1715z-20; 24 CFR Part 206] also called a HECM reverse mortgage

- President Donald J. Trump signed an executive memorandum Wednesday [March 27, 2019] initiating the process of reforming the United States housing system, which includes an objective to examine the “financial viability” of the Home Equity Conversion Mortgage (HECM) program. (Reverse Mortgage Today online, March 27, 2019).

Paragraph 10 of the Gillespie HECM Reverse Mortgage:

10. No Deficiency Judgments. Borrower shall have no personal liability for payment of the debt secured by this Security Instrument. Lender may enforce the debt only through sale of the Property. Lender shall not be permitted to obtain a deficiency judgment against Borrower if the Security Instrument is foreclosed. If this Security Instrument is assigned to the Secretary upon demand by the Secretary, Borrower shall not be liable for any difference between the mortgage insurance benefits paid to Lender and the outstanding indebtedness, including accrued interest, owed by Borrower at the time of the assignment.

From my MOTION TO RECONSIDER, VACATE OR MODIFY ORDER
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
APPEAL NO.: 13-11585-B; District Court: 5:13-cv-58-Oc-WTH-PRL

Disputed foreclosure of a HECM “reverse” mortgage
12 U.S.C. § 1715-z20(j) Safeguard to prevent displacement of homeowner.

The Secretary has administrative authority, 12 U.S.C. § 1715-z20(h)
The Secretary approved mortgage originators, 12 U.S.C. § 1715z-20(n)
Counseling not adequate, 12 U.S.C. 1715z-20(d)(2)(B), and 1715z-20(f)

Material alteration voids the instrument-unenforceable, Bland v. Fidelity Trust Co., 71 Fla. 499, 71 So. 630 (1916). HECM is a non-recourse loan.

Liberty Reverse Mortgage sold a nonexistent HECM to Bank of America.

Borrower Lacked Capacity to Make a HECM due to Alzheimer's dementia. HECM foreclosure must commence within 6 months. 24 C.F.R. § 206.125(d)(1).

Santos rejected definition of borrower as only natural persons acting individually. Isabel Santos, individually & trustee, et al. v RMS, 12-3296-SC, USDC, ND Cal.

HUD Complaint, Reverse Mortgage Handbook 7610.01, Section 4-19
Consumer Financial Protection Bureau, Complaint No. 120914-000082

Fed. R. Civ. Pro. 5.1 Constitutional Challenge to HECM - 12 U.S.C. § 1715z20
Terms "homeowner", "borrower" and "mortgagor" are void for vagueness.

Reverse mortgage void for borrower's incapacity. Matter of Doar (Brunson)
2009 NY Slip Op 29549 [28 Misc 3d 759]

Counseling not adequate, 12 U.S.C. 1715z-20(d)(2)(B), and 1715z-20(f)
Recorded HECM counseling sessions shows borrower lacked capacity

HECM financial projections beyond optimistic; fraudulent, off by \$81,144
[void under section 10(b) of the Securities Exchange Act of 1934]

Statutory relief from HUD - Bennett v. Donovan 11-5288 D.C. Cir.
12 USC § 1715z-20(i) Protection of homeowner and lender

Fla. Const., Art. I, Sec. 2, Basic Rights - All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Fla. Const., Art. I, Sec. 9. Due process. - No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

Fla. Const., Art. I, Sec. 21. Access to courts. - The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Fla. Const., Art. I, Sec. 22. Trial by jury. - The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

Fla. Const., Art. V, Sec. 10(b)(1) "The election of circuit judges shall be preserved";

Fla. Const., Art. VI, Sec. 1. Regulation of elections. "All elections by the people shall be by direct and secret vote".

Older Americans Act, 42 U.S.C. Chapter 35 - PROGRAMS FOR OLDER AMERICANS.

- The Older Americans Act (OAA) 42 U.S.C. 3001 et seq., as amended, provides for legal services under **Title III B** Services or Activities for persons age 60 and over.
- In Florida, the OAA is administered under Chapter 430, Florida Statutes, by the Department of Elder Affairs, section 430.101, Administration of federal aging programs.
- The Department of Elder Affairs was established by Section 20.41, Florida Statutes.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR REHEARING USSC 18-7225

Neil J. Gillespie, age 62, an indigent, disabled, nonlawyer appearing *pro se*, henceforth in the first person, submits his Rule 44.1 Petition for Rehearing Petition No. 18-7225 for a writ of certiorari to the U.S. Supreme Court (FSC No. SC18-343), and states:

PART 1 - CERT POOL

1. On March 4, 2019 the Court entered the following order in Petition No. 18-7225:

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

2. Regarding the Court's demand that I pay the docketing fee required by Rule 38(a), currently I am in Chapter 13 bankruptcy, Case 3:19-bk-00808-JAF, U.S. Bankruptcy Court, Middle District of Florida, the Honorable Jerry A. Funk presiding.

3. This Court has not shown where I have "repeatedly abused this Court's process". Furthermore, the Court's citation to *Martin v. District of Columbia Court of Appeals* is not supported by the facts. A search for my name on the USSC website shows "10 items found" for Neil Gillespie, for my lifetime (I am age 63), and pertain to the years 2012-2019:

Docket for 18-7225 (Denied IFP; Petition Dismissed)
Docket for 18A352 (Application Granted by Justice Thomas)
Docket for 17-8689 (Denied IFP; Petition Dismissed)
Docket for 17-8682 (Denied IFP; Petition Dismissed)
Docket for 17A878 (Application Granted by Justice Thomas)
Docket for 17-7054 (Petition/Rehearing Denied)
Docket for 17-7053 (Petition/Rehearing Denied)
Docket for 13-7280 (Petition/Rehearing Denied)

Docket for 12A215 (Application Granted by Justice Thomas)
Docket for 12-7747 (Petition/Rehearing Denied)

4. Three of the ten dockets were GRANTED by Justice Thomas:

Application No. 18A352 to extend time to file Petition No. 18-7225: GRANTED
Application No. 17A878 to extend time to file Petition No. 17-8689: GRANTED
Application No. 12A215 to extend time to file Petition No. 12-7747: GRANTED

5. My motion to appear *in forma pauperis* (IFP) was granted in the following petitions.

Subsequently the petitions were denied, with rehearing denied.

Docket for 17-7054 (Petition/Rehearing Denied)
Docket for 17-7053 (Petition/Rehearing Denied)
Docket for 13-7280 (Petition/Rehearing Denied)
Docket for 12-7747 (Petition/Rehearing Denied)

6. The Court only grants and hears argument in only about 1% of the cases that are filed each Term." See paragraph II. *Nature of Supreme Court Review, Guide for Prospective Indigent Petitioners For Writs of Certiorari, October 2018*. Therefore a denial is not a judgment on the merits. Chief Justice John Roberts' 2018 Year-End Report on the Federal Judiciary noted:

"The total number of cases filed in the Supreme Court was nearly even, increasing from 6,305 filings in the 2016 Term to 6,315 filings in the 2017 Term. The number of cases filed in the Court's *in forma pauperis* docket decreased three percent from 4,755 filings in the 2016 Term to 4,595 filings in the 2017 Term. The number of cases filed in the Court's paid docket increased 11 percent from 1,550 filings in the 2016 Term to 1,720 filings in the 2017 Term. During the 2017 Term, 69 cases were argued and 63 were disposed of in 59 signed opinions, compared to 71 cases argued and 68 disposed of in 61 signed opinions in the 2016 Term. The Court also issued six *per curiam* decisions during the 2017 Term."

7. Only two of my prior motions to proceed IFP were denied, and the petitions dismissed:

Docket for 17-8689 (Denied IFP; Petition Dismissed)
Docket for 17-8682 (Denied IFP; Petition Dismissed)

8. The Court cited to *Martin v. District of Columbia Court of Appeals* as proof that I have "repeatedly abused this Court's process". The decision in *Martin* states in part:

"Martin is a notorious abuser of this Court's certiorari process. We first invoked Rule 39.8 to deny Martin *in forma pauperis* status last November. See *Zatko v. California*, 502 U. S. 16 (1991) (*per curiam*). At that time, we noted that Martin had filed 45 petitions in the past 10 years, and 15 in the preceding 2 years alone."

9. Two of the Applications Granted by Justice Thomas, No. 18A352 and No. 17A878, pertain to Reverse Mortgage Solutions, Inc. and the instant case. So the Court's reliance on *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) is demonstrably wrong. As shown in my Supplemental Brief filed Feb 25 2019, the Florida Supreme Court was unable to provide a single public record supporting its decisions. The FSC orders are gratuitous assertions.

10. All signs point to a failure of the cert pool. "The cert pool is a mechanism by which the Supreme Court of the United States manages the influx of petitions for certiorari ("cert") to the court. It was instituted in 1973, as one of the institutional reforms of Chief Justice Warren E. Burger." https://en.wikipedia.org/wiki/Cert_pool

11. Cert pool, Purpose and operation (Wikipedia)

"Each year, the Supreme Court receives thousands of petitions for certiorari; in 2001 the number stood at approximately 7,500,[1] and had risen to 8,241 by October Term 2007.[2] The court will ultimately grant approximately 80 to 100 of these petitions,[a] in accordance with the rule of four. The workload of the court would make it difficult for each justice to read each petition; instead, in days gone by, each justice's law clerks would read the petitions and surrounding materials, and provide a short summary of the case, including a recommendation as to whether the justice should vote to hear the case.[3]"

"This situation changed in the early 1970s, at the instigation of Chief Justice Warren E. Burger. In Burger's view, particularly in light of the increasing caseload, it was redundant to have nine separate memoranda prepared for each petition and thus (over objections from Justice William Brennan) Burger and Associate Justices Byron White, Harry Blackmun, Lewis Powell, and William Rehnquist created the cert pool.[b] Today, all justices except Justices Samuel Alito and Neil Gorsuch[4] participate in the cert pool.[5][6][7] Alito withdrew from the pool procedure late in 2008,[5] and Gorsuch has declined to participate since joining the court in 2017.[4]"

"The operation of the cert pool is as follows: Each participating justice places his or her clerks in the pool. A copy of each petition received by the court goes to the pool, is assigned to a random clerk from the pool, and that clerk then prepares and circulates a memo for all of the justices participating in the pool. The writing law clerk may ask his

or her justice to call for a response to the petition, or any justice may call for a response after the petition is circulated.[8]”

“It tends to fall to the Chief Justice to "maintain" the pool when its workings go awry. Rehnquist chastised clerks for a number of practices, including memos that were tardy, too long, biased, left in unsecure locations, or swapped between chambers.[9][10]”

12. A story in Above The Law by Staci Zaretsky Aug-22-2017 reports, <https://abovethelaw.com/2017/08/supreme-court-clerk-bonuses-hit-an-incredible-new-high/>

Supreme Court Clerk Bonuses Hit An Incredible New High
These signing bonuses are GIGANTIC! [\$350,000]

“...Name partner Sean Eskovitz of trial boutique Wilkinson Walsh + Eskovitz, commenting on the firm’s decision to offer \$350,000 signing bonuses to former Supreme Court clerks. Until now, the market rate for SCOTUS clerkship bonuses has been somewhere in the range of \$300,000 to \$330,000.”

“Although Wilkinson Walsh was first founded in 2016, the firm is no stranger to paying its associates big salaries and even bigger bonuses. The lucky Supreme Court clerks who will receive this enormous signing bonus are Elizabeth “Betsy” Henthorne (who clerked for Justice Kagan) and John James “JJ” Snidow (who clerked for Justice Kennedy).”

13. Palmer, Barbara, "The "Bermuda Triangle?" the Cert Pool and Its Influence Over the Supreme Court's Agenda" (2001). *Constitutional Commentary*. 73. <https://scholarship.law.umn.edu/concomm/73>

It has been called a "monopoly," a "swamp," a "Leviathan," and even "the Bermuda Triangle." The culprit: the Supreme Court's cert pool, the system of randomly assigning petitions for review to a single clerk for a recommendation regarding acceptance or denial of a case. Former Supreme Court clerk and solicitor general, Kenneth Starr, recently lamented that Supreme Court justices have abdicated their responsibility in screening cases for review and have ceded too much power to their clerks; cases worthy of the justices attention go into the cert pool, but they never come out. According to Starr, the cert pool "is at war with Justice Louis Brandeis' proud proclamation that the justices, unlike high government officials from the other branches, do their own work." Moreover, the cert pool "squander[s] a precious national resource-the time and energy of the justices themselves." Others agree that the cert pool is a "very dangerous proposition."2 In 1998, USA Today conducted a five month study on the "effect and growing influence of law clerks," with

several stories devoted to the influence of the cert pool

14. Currently the only Justices to “opt out” of the cert pool are Justice Samuel A. Alito Jr. and Justice Neil Gorsuch. The Clerk’s letter of March 4, 2019 does not indicate how its decision was reached, or by whom it was reached. However, several parts of this matter are certain:

a. Mr. Clayton R. Higgins, Jr. my usual Case Analyst, would not docket my petition unless it conformed with the rules, see for example, *Guide for Prospective Indigent Petitioners For Writs of Certiorari, October 2018*.

b. Ms. Lisa Nesbitt, Case Analyst who filled-in for Mr. Higgins during his recent absence, would not docket my petition unless it conformed with the rules. Ms. Nesbitt docketed my petition as described in her letter January 3, 2019, that stated in part,

Dear Mr. Gillespie:

The petition for a writ of certiorari in the above entitled case was filed on December 10,2018 and placed on the docket January 3,2019 as No. 18-7225. A form is enclosed for notifying opposing counsel that the case was docketed.

c. As noted above, three of the ten dockets were GRANTED by Justice Thomas:

Application No. 18A352 to extend time to file Petition No. 18-7225: GRANTED
Application No. 17A878 to extend time to file Petition No. 17-8689: GRANTED
Application No. 12A215 to extend time to file Petition No. 12-7747: GRANTED

15. Therefore I conclude the problem lies with the cert pool. I have not “repeatedly abused this Court’s process”. the Court’s reliance on *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) is demonstrably wrong.

PART 2

President Donald J. Trump signed an executive memorandum Wednesday [March 27, 2019] initiating the process of reforming the United States housing system, which includes an objective to examine the “financial viability” of the Home Equity Conversion Mortgage (HECM) program. (Reverse Mortgage Today)

16. A HECM foreclosure must commence within 6 months. 24 C.F.R. § 206.125(d)(1).

Borrower Penelope Gillespie died September 16, 2009. The Plaintiff did not commence this foreclosure until January 9, 2013.

17. Because the Plaintiff missed the time to bring a foreclosure, it has relied on false documents showing Penelope Gillespie is still alive, including its notice of foreclosure, and routine correspondence addressed to “Penelope Gillespie”.

18. The Florida courts have refused to acknowledge my First Amended Answer specifically, the Plaintiff is NOT entitled to enforce the Note and Mortgage pursuant to F.S. § 673.3011. Penelope Gillespie was not competent due to Alzheimer’s disease. Section 673.3051 of the Florida Statutes provides for defenses and claims in recoupment. Subpart (1)(a)2. provides a defense for "lack of legal capacity, or illegality of the transaction which, under other law, nullifies the obligation of the obligor;" and extinguished all equities of redemption.

19. The HECM financial projections I received were beyond optimistic; they were fraudulent, off by \$81,144. [void under section 10(b) of the Securities Exchange Act of 1934]. I agreed to this reverse mortgage as an investment that would return sufficient cash to purchase another property. Instead I am in Chapter 13 bankruptcy.

20. Paragraph 10 of the Gillespie HECM Reverse Mortgage:

10. No Deficiency Judgments. Borrower shall have no personal liability for payment of the debt secured by this Security Instrument. Lender may enforce the debt only through sale of the Property. Lender shall not be permitted to obtain a deficiency judgment against Borrower if the Security Instrument is foreclosed. If this Security Instrument is

assigned to the Secretary upon demand by the Secretary, Borrower shall not be liable for any difference between the mortgage insurance benefits paid to Lender and the outstanding indebtedness, including accrued interest, owed by Borrower at the time of the assignment.

21. Notwithstanding paragraph 10 and "No Deficiency Judgments", Judge Craggs ruled that the Plaintiff can collect a deficiency judgement.

REASONS FOR GRANTING THE PETITION FOR REHEARING

For a man's house is his castle*

—Sir Edward Coke
Third Institute (1644)

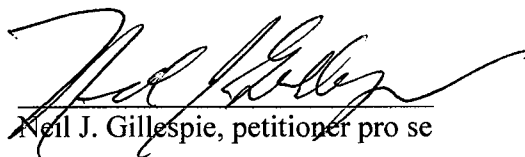
The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence. It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the 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. 18-7225 for writ of certiorari should be granted, together with such other and further relief as the Supreme Court deems just and equitable.

Respectfully submitted, March 29, 2019



Neil J. Gillespie, petitioner pro se

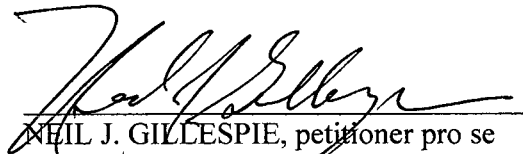
CERTIFICATE OF GOOD FAITH

USSC No. 18-7225

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 March 29, 2019.



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