

IN THE SUPREME COURT OF THE UNITED STATES

1 First Street, NE
Washington, DC 20543

Petitioner's Reply to Respondent's Brief in Opposition to Petition

NO. 18-8257

IRIS MCCLAIN, PRO SE

PETITIONER

V

WELLS FARGO BANK, N.A. et al

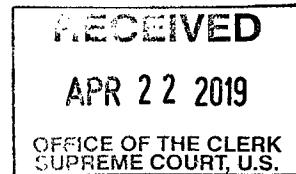
RESPONDENTS

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I stand by my Petition as submitted; however, to address some of the Respondent's untruths or misconceptions, I reply to their "Brief in Opposition" as follows:

Respondents' Conclusion: "This case simply does not present a novel or pressing issue worthy of this Court's consideration". (page 17) There is nothing more "worthy of this Court's consideration" than a person's constitutional right to be heard and due process. Every decision made by the Supreme Court is because those rights have been exercised. The public wants to be confident that when their matters come before the court they will be treated fairly and afforded due process, with or without an attorney.

Page 3: Respondents' statement, "...claim objections, including expressly her Amended Objection, were 'WITHDRAWN WITH PREJUDICE'" presents a one-sided view of the consent order. Judge Chuang's Order "McClain, who was represented by counsel in those bankruptcy proceedings, later withdrew her objection with prejudice", presents a one-sided view of the consent order-favoring Wells Fargo and led to an inaccurate conclusion, dismissing the case.

Judge Mannes and my competent attorney left the door open for me to bring the issues before the court at any time, in the event Wells Fargo did not obey the order. The order provides that, "the Creditor should...reduce the pre-petition arrears...by \$3933.62", "**in consideration** for the reduction of the arrears..., the Debtor agrees that her Amended Objection (Docket No. 95)...are... withdrawn with prejudice...the Creditor and Debtor have agreed that **after** reduction by the Creditor...UPON CONSIDERATION...the Objections...are WITHDRAWN WITH PREJUDICE..."

"After" is a future, indefinite time period, the order is not final until AFTER Wells Fargo reduces the arrears by \$3933.62. As page 2 states: "In her objection, she asserted the same allegations regarding the accounting of her Loan and her fixed interest rate under the LMA,

which are the gravamen of her Amended Complaint in the underlying appealed action..." In 2011, I settled my dispute with Wells Fargo predicated on them reducing the arrears by \$3933.62 forfeiting my right to litigate further.

According to exhibits 4, 6, 8A entered in the October 17, 2017 bankruptcy hearing by Wells Fargo, the arrears has not been reduced per the consent order. As a result of their failure to make the reduction, and lie about it, the order is now fraudulent, Wells Fargo has knowingly filed (3) false claims in bankruptcy court, each and every mortgage statement, monthly payment and m.i.p. is inaccurate-a trail of fraud that covers more than 7 years.

The operative word "After" gives me the right to bring the related issues before a court at any timeTherefore, I am not barred by statute of limitations or res judicata.

Page 16: Respondents state: "The District Court's opinion reflects that it considered the arguments of each party, construed in a light most favorable to the Petitioner, but was bound by Ms. McClain's own damaging admissions in her Amended Complaint, as well as the Consent Order in her 2009 Bankruptcy...to determine that Ms. McClain's claims were not timely raised, were barred by res judicata...Such findings do not reflect bias or judicial misconduct, but rather a clear and consistent application of state and federal law." Judge Chuang "bound" by the consent order, failed to apply the terms of the order "consistent" with "state and federal law", thus robbing me of due process and my constitutional right to be heard.

Page 17 untruthfully states, "Notably, the Order on which the District Court bases its finding as to when the Petitioner had notice of her claims was a Consent Order..." The findings were based on the Amended Objection.

"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all circumstances, afford them an

opportunity to present their objections.” When I asked to file a sur-reply to address information provided by the Respondent, it was denied.

March 12, 2019: Wells Fargo’s then CEO, Mr. Sloan, who spoke in behalf of Wells Fargo, the Respondents, testified under oath before Congress stating, “... We went back more than 15 years to make sure we captured all of the potential customers that were harmed... We are dedicated to compensating every customer who suffered harm because of our mistakes”. Clearly, beyond any doubt, as a result of Wells Fargo’s failure to reduce the arrears by \$3933.62 the way is paved for the court to hear my timely filed complaint.

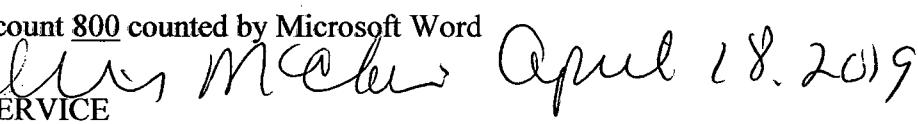
Conclusion

It surprises me that the Respondents continue to promote the consent order as though they have obeyed it, in an attempt to deceive this Court, just like the two lower courts. Judge Chuang’s conduct is “...so far [depart] from the accepted and usual course of judicial proceedings...” (p 9) that my constitutional rights and justice were denied. Therefore, it is prayed that the Petition be Granted and the dismissal Reversed.

Respectfully Submitted,


Iris McClain April 18, 2019

Certification of word count 800 counted by Microsoft Word


Iris McClain April 18, 2019

CERTIFICATE OF SERVICE

I, Iris McClain, hereby certify that a copy of this reply to opposition was mailed the 18th day of April, 2019 via first class mail postage paid to:

Atty. Virginia Barnhart


Iris McClain April 18, 2019