

No. 18-

**In The
SUPREME COURT OF THE UNITED STATES**

JOHN A. DAVIS,

Petitioner,

v.

**DEUTSCHE BANK TRUST COMPANY OF AMERICAS
(aka DEUTSCHE BANK NATIONAL TRUST COMPANY),
AS TRUSTEE FOR GSAA HOME EQUITY TRUST, ASSET-BACKED CERTIFICATES,
SERIES 2007-5**

CYNTHIA D. MARES, ARAPAHOE COUNTY PUBLIC TRUSTEE (NOMINAL DEFENDANT)

JUDGE ELIZABETH WEISHAUPL

**LAWRENCE E. CASTLE in his corporate capacity
LAWRENCE E. CASTLE in his individual capacity**

**ROBERT J. HOPP in his corporate capacity
ROBERT J. HOPP in his individual capacity**

**CHRISTINA WHITMER, PUBLIC TRUSTEE OF GRAND COUNTY
(NOMINAL DEFENDANT)**

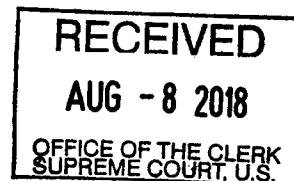
and DOES 1 – 10

Respondents.

**On Petition For a Writ of Certiorari to the United States
Court of Appeals For the Tenth Circuit**

**APPLICATION TO EXTEND TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT**

**JOHN A. DAVIS
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TELE: (303) 941-7422**



To the Honorable Justice Sonya Sotomayor of the Tenth Circuit.

Petitioner JOHN A. DAVIS, pro se hereby request an extension of time to file for a Petition for a Writ of Certiorari to the Supreme Court of the United States.

Petitioner is in the process of negotiating with a Supreme Court Attorney to represent petitioner at the Supreme Court.

I have recently spoken with an attorney Jon D. Pels, THE PELS LAW FIRM, LLC, 4845 Rugby Avenue Third Floor Bethesda, MD 20814 (301) 986-5570; jpels@pallaw.com. And, Attorney Daniel L. Geyser, One Energy Square 4925 Greenville Ave., Suite 200 Dallas, Texas 75206 (214) 800-2660, daniel.geyser@geyserpc.com

The unpublished Opinion of the 10th Circuit issued on 06/05/2018 in DAVIS vs DEUTSCHE BANK AS TRUSTEE et. al., 17-1362 .

The Petition for Certiorari is due by September 02, 2018. Petitioner JOHN A. DAVIS hereby requests a 60 day extension to November 01,2018, which would allow attorneys Jon D. Pel and Daniel A. Geyser, time to review and decide whether they can represent petitioner.

The time would also be necessary to prepare the petition.

This application is being filed 32 days prior to that due date.

Attached, is a copy of the Tenth Circuit Order and Judgment dated June 05, 2018. (EXHIBIT A).

The jurisdiction of this Court rests on 28 U.S.C. § 1254(1). The Constitutional and Statutory Provisions involves **Section 1 of the 14th Amendment and § 42 US 1983**: Deprivation of Rights Under Color of Law.

The Supreme Court held in **Fuentes vs Shevin**, 407 U. S. 67,85, that the challenged Pennsylvania and Florida Statutes allowing recovery provisions after a temporary, non-final deprivation

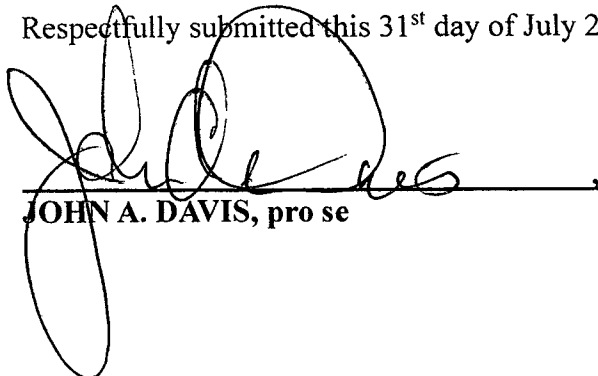
of non-essential personal property, were nonetheless “deprivations” in terms of the Fourteenth Amendment, and firmly believed that before a state takes a person's property, it must be preceded by a fair hearing.

Unlike **Fuentes Id.**, which involved personal property, which was not a necessity, the dispute in this case involves Real Property which is a necessity. And, by statute becomes a permanent and final deprivation prior to a fair hearing. The homeowner may dispute the creditor's entitlement to foreclose as holder in due course under Rule 120 (c), which was effectively disabled by conclusive presumptions embedded in 2006 legislation affecting Real Property.

Mortgage Trusts can now “allege” acquisition of promissory notes after the Trusts' closing date without having to show they paid value and without fear of being rebutted.

A judge issues a non-final Order Authorizing Sale in the Rule 120 “non-judicial” foreclosure limited to **reasonable probability** of a default and whether the homeowner is subject to the Service Members' Civil Relief Act. The judge then compels a public trustee to auction the property with a confirmation deed followed by an eviction limited to possession, where a judge issues a writ compelling the sheriff to remove the homeowner. All before a fair hearing in “a court of competent jurisdiction” authorized under Rule 120 (d).

Respectfully submitted this 31st day of July 2018.



JOHN A. DAVIS, pro se