

**IN THE
SUPREME COURT OF THE UNITED STATES**

INGLEWOOD WOMAN'S CLUB

Debtor

MARLENE FEARING/CEO AND CREDITOR,

Appellant

Vs.

UNITED STATES DEPARTMENT OF JUSTICE

**Ilene J. Lashinsky, United States Trustee
District of Arizona**

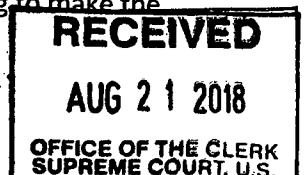
**Jennings, Haug & Cunningham, LLP
(Lawyer for Stoney Canyon HOA)
Benjamin Wright (Lawyer for Debtor)
Snell & Wilmer (Lawyer for Debtor)
Barry Rorex (Lawyer for Debtor)**

Appellees

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

**A MOTION TO DIRECT THE CLERK TO FILE THE PETITION OUT OF TIME
TO ALL HONORABLE JUSTICES OF THE UNITED STATES SUPREME COURT:**

Petitioner, Marlene Fearing respectfully requests the court to direct the Clerk to File the Petition out of time. Fearing, a pro se litigant is filing this motion, not only for "Good Cause", but due to "Extraordinary Circumstances" in this case. At this point Fearing is not certain as to what the correct due date is to file the Petition for a Writ of Certiorari. Attached Certificate of Mailing (Ex. "1") shows that the Petition and Appendices were taken to the USPS on August 8, 2018, but not sent out until August 9, 2018, and delivered to the court at 11:02 A.M. on August 10, 2018. (Ex. "2" and "3") A letter from the Clerk of Court, however (Ex. "4") states the due date was August 1, 2018 and documents were received on August 13, 2018, which is clearly a contradiction to the date stated on USPS delivery ticket. Whatever the number of days (9 or 10) considered to be late, is what is being requested by Fearing to make the Writ of Certiorari timely.



Fearing was assured by legal counsel, as well as the Supreme Court processors that the brief was not due until the 10th of August, 2018. Despite the numerous delays Fearing experienced in preparation of the Petition for Writ of Certiorari (as explained below) Fearing would have asked the court for an extension of time if she had any reason to not trust advise of her legal counsel.

“Most importantly, however, is this, the Petition for a Writ of Certiorari would have arrived at this court two weeks early, in the middle of July, if not for all the other issues that Fearing encountered.”

There were a multitude of issues regarding delays in the preparation of the Writ of Certiorari; from health issues requiring surgery, to denial of Fearing’s right to “Due Process” by lower courts. (a) Fearing repeatedly attempted to get information from the Ninth Circuit BAP as well as the Ninth Circuit Appeals Court in preparation for the Writ of Certiorari, relative to the missing court documents, as referenced to by a Bankruptcy Appellate Panel Judge. **“We have scoured the Bankruptcy Court record, and the majority of your supplemental papers are not there”**. (Ex. “5” Transcript). Fearing was told that the whereabouts of the “missing documents are unknown” and “No further filings” will be entertained in this closed case: (Ex. “6” and “7”) Order of May 3, 2018 and Mandate of May 11, 2018, pursuant to Rule 41 (a).

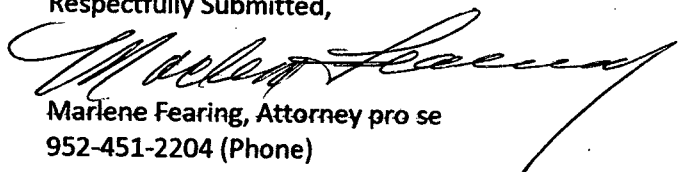
(b) Therefore, Fearing had to rely on the court dockets as well as her Pacer account to determine which documents, if any were missing, which further delayed the process and caused a voluminous filing of appendices to this court. Fearing is not certain what is missing from the court files. However, what is certain, is the fraud and corruption committed upon the court at the bankruptcy court and the BAP by its aiding in sanitizing the crimes committed by government actors; theft of over \$550,000.00 dollars of debtors (veteran money) over a disputed \$1,200 HOA Fee. (c) The bill of rights – The Constitution is absolutely clear as to the rights guaranteed to every U.S. Citizen. (d) The United States Supreme Court was also quite clear in its ruling on *Millbrook v. United States*, 569 U.S. (2013); and Congress equally so in removing government’s immunity for injuries resulting from the negligence, and in some case, intentional wrongful conduct of federal agencies, federal offices, and other federal employees.

It is crucial that Fearing be given the requested amount of time needed to file the Writ of Certiorari to enable this Court to review the orders issued by the lower courts in this case. The conduct by these government actors is so shocking, it puts into question the integrity of the entire judiciary and in need of

the Supreme Court to decide if the courts are self-governing and functioning as an independent – 3rd Branch of the U.S. Government.

Fearing has resubmitted the entire brief and the appendices with this Motion. Therefore, Fearing respectfully requests that this court give Fearing the addition 9 days needed to make this case timely.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Marlene Fearing", written in black ink.

Marlene Fearing, Attorney pro se
952-451-2204 (Phone)
P.O. Box 387
Willernie, MN 55090

EXHIBIT

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NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MARLENE FEARING - PETITIONER

VS.

U. S. DEPARTMENT OF JUSTICE, (et al). RESPONDENT(S)

PROOF OF SERVICE

I, Tom Nelson, do swear or declare that on this date, August 8 2018, as required by Supreme Court Rule 29 I have served the enclosed *MOTION FOR INFORMA PAUPERIS/ PETITION FOR A WRIT OF CERTIORARI* on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States

Room 5614

United States Department of Justice

950 Pennsylvania Avenue N.W.

Washington DC 20530-0001

United States Department of Justice

Irene J. Lashinsky, United States Trustee

District of Arizona

230 North First Avenue – Suite 204

Phoenix, Arizona 85003

Telephone 602-682-2613

Jennings, Haug & Cunningham, LLP

Lawyer for Stoney Canyon (HOA)

2800 North First Avenue – Suite 1800

Phoenix, Arizona 85004

Telephone: 602-234-7800

Benjamin Wright (Lawyer for Debtor)

1418 Scottsdale Road – Suite 222

Scottsdale, Arizona 85257

Telephone: 602-685-1063

Snell & Wilmer (Lawyer for Debtor)

One South Church Avenue – Suite 1500

Tucson, Arizona 85701

Telephone: 520-882-1200

Barry Rorex (Lawyer for Debtor)

177 North Church Avenue

Tucson, Arizona 85701

Telephone: 520-495-7596

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2018

Thomas C. Nelson

Signature

EXHIBIT

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EXHIBIT

3

ALERT: DUE TO WILDFIRES IN CALIFORNIA, USPS SERVICES ARE IMPACTED IN THOSE ARE...

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EXHIBIT

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**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

August 13, 2018

Marlene Fearing
PO Box 387
Willernie, MN 55090

RE: Fearing v. Inglewood Woman's Clun, Inc.
USAP9 No. 17-60053

Dear Ms. Fearing:

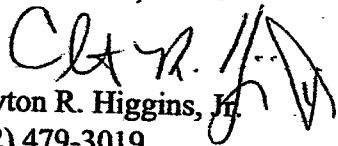
The above-entitled petition for a writ of certiorari was postmarked August 9, 2018 and received August 13, 2018. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was May 3, 2018. Therefore, the petition was due on or before August 1, 2018. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

The time for filing a petition for a writ of certiorari is not controlled by the date of the issuance of the mandate. Rule 13.3.

Sincerely,
Scott S. Harris, Clerk

By:


Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

EXHIBIT

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1 THE CLERK: In re: Inglewood Woman's Club,
2 Incorporated. Marlene Fearing, Appellant, pro se. No Appellee
3 to this appeal.

4 MS. FEARING: Good morning, Your Honors. I've --

5 JUDGE JURY: You have 15 minutes, and you don't get
6 to reserve time because you have no opponent.

7 MS. FEARING: Well, isn't that wonderful. Nobody's
8 going to even oppose me on this?

9 Anyhow, to begin with, I think, before we get
10 started, I would like to have a clarification on one of the
11 orders, the last order, indicating that there were documents
12 that were missing. They would not be accepted. And I sent
13 back a letter, basically, asking which documents those were.
14 Because everything that is in this brief is ~~thwarted~~ with
15 evidence. *Supported*

16 JUDGE JURY: It is not in the Bankruptcy Court's
17 record, which is why those documents cannot be considered by
18 us. For us to consider a matter on appeal, the Bankruptcy
19 Court, when it made its ruling, had to have those documents
20 before it. We have scoured the Bankruptcy Court record, and
21 the majority of your supplemental papers are not there. So we
22 cannot consider them. That is why they were rejected.

23 MS. FEARING: Well, I -- with all due respect, Judge,
24 then that tells me what I suspected for a long, long time, that
25 documents were being sabotaged and removed illegally.

EXHIBIT

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UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAY 3 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: INGLEWOOD WOMAN'S CLUB,
INC.,

No. 17-60053

Debtor.

BAP No. 16-1084

MARLENE FEARING,

ORDER

Appellant.

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Fearing's petition for rehearing en banc (Docket Entry No. 10) is denied.

No further filings will be entertained in this closed case.

EXHIBIT

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 11 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: INGLEWOOD WOMAN'S
CLUB, INC.,

Debtor,

MARLENE FEARING,

Appellant.

No. 17-60053

BAP No. 16-1084

BAP, Tucson Bankruptcy Court

MANDATE

The judgment of this Court, entered December 26, 2017, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Rhonda Roberts
Deputy Clerk
Ninth Circuit Rule 27-7

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