

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

---

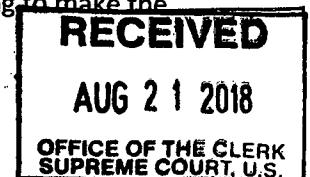
ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

---

**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 10<sup>th</sup> 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).

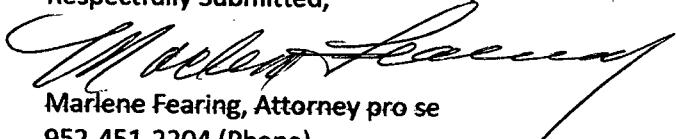
(b) Therefore, Fearing had to rely on the court dockets as well as her Pacer account to determine which documents, if any were missing, which further delayed the process and caused a voluminous filing of appendices to this court. Fearing is not certain what is missing from the court files. However, what 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 – 3<sup>rd</sup> 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,



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

# **EXHIBIT**

**1**

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**

Ilene 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**

**2**

CUSTOMER USE ONLY

ROM: (PLEASE PRINT)

PHONE 952-451-2204

Markene Leering  
P.O. Box 387  
Wildeerce, MN. 55090



EM 019979465 US



**PRIORITY  
★ MAIL ★  
EXPRESS™**

## PAYMENT BY ACCOUNT (if applicable)

IPS® Corporate Acct. No.  Federal Agency Acct. No. or Postal Service™ Acct. No.

## DELIVERY OPTIONS (Customer Use Only)

**SIGNATURE REQUIRED** Note: The mailer must check the "Signature Required" box if the mailer: 1) requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) chooses Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's or recipient's other secure location without attempting to obtain the addressee's signature on delivery.

## Delivery Options

No Saturday Delivery (delivered next business day)  
 Sunday/Holiday Delivery Required (additional fee, where available)\*  
 10:30 AM Delivery Required (additional fee, where available)\*  
 \*Refer to USPS.com® or local Post Office® for availability.

D: (PLEASE PRINT)

PHONE 

Check's Office  
U.S. Supreme Court  
First St. N.E.  
Washington, D.C.  
20543

P: (U.S. ADDRESSES ONLY)

For pickup or USPS Tracking®, visit USPS.com or call 800-222-1811.  
\$100.00 insurance included.

## ORIGIN (POSTAL SERVICE USE ONLY)

<input checked="" type="checkbox"/> 1-Day	<input type="checkbox"/> 2-Day	<input type="checkbox"/> Military	<input type="checkbox"/> DPO
PO/ZIP Code 55110	Scheduled Delivery Date 8/10	Postage \$ 190.30	
Date Accepted (MM/DD/YY) 8/9	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input checked="" type="checkbox"/> 12 NOON	Insurance Fee \$ -	COD Fee \$ -
Time Accepted 2:22	10:30 AM Delivery Fee \$ -	Return Receipt Fee \$ -	Live Animal Transportation Fee \$ -
Special Handling/Fragile \$ -	Sunday/Holiday Premium Fee \$ -	Total Postage & Fees 190.30	
Weight 35.4 ozs.	Acceptance Employee Initials CL		

## DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time	Employee Signature
	<input type="checkbox"/> AM <input type="checkbox"/> PM	

LABEL 11-B OCTOBER 2016 PSN 7690-02-000-9996

2-CUSTOMER/C

WHITE BEAR LAKE  
2223 5TH ST  
SAINT PAUL  
MN  
55110-3024  
2683550023

08/09/2018 (800)275-8777 2:30 PM

Product Sale  
Description Qty Final  
Price

BB1 C1P 16" x 9" 1 \$3.29

(Unit Price:\$3.29)  
PM Exp 1-Day 1 \$190.30

(Domestic)  
(WASHINGTON, DC 20543)  
(Weight:35 Lb 3.4 02)

(Signature Waiver)  
(Scheduled Delivery Date)  
(Friday 08/10/2018 12:00 PM)  
(Money Back Guarantee)  
(USPS Tracking #)  
(EM019979465US)

PM Exp 1  
Insurance \$0.00  
(Up to \$100.00 included)

Total \$193.59

Debit Card Rent'd  
(Card Name:MasterCard)  
(Account #:XXXXXXKX3785)

(Approval #:  
(Transaction #:768)  
(Receipt #:005499)  
(Debit Card Purchase:\$193.59)  
(Cash Back:\$0.00)  
(Entry Mode:Chip)  
(AID: A000000042203)

(Application Preferred Name:Debit)  
(Application Label:Debit)  
(PIN: Verified by PIN)  
(Cryptogram:70133D007DDC576)  
(ARC:00)  
(CVR:420300)  
(ID:01105010012208000000000000000000)

# **EXHIBIT**

**3**

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

# USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

**Track Another Package +**

**Tracking Number:** EM019979465US

**Remove X**

**Scheduled Delivery by**

**FRIDAY**

**10** AUGUST  
2018 (i) by  
**12:00pm** (i)

 **Delivered**

August 10, 2018 at 11:02 am  
Delivered  
WASHINGTON, DC 20543

**Get Updates** ▼

---

**Text & Email Updates** ▼

---

**Proof of Delivery** ▼

---

**Tracking History** ▼

---

**Product Information** ▼

**See Less** ^

# **EXHIBIT**

**4**

**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

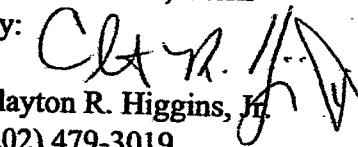
Dear Ms. Fearing:

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**

**5**

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**

**6**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

MAY 3 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

ORDER

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**

**7**

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.**