

Supreme Court, U.S.
FILED

MAR 23 2020

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No. 19-1171

In The
Supreme Court of the United States

REED MCDONALD,

Petitioner,

v.

CITIBANK, MARK C. WILLIS,
AND KELLY KILGORE,

Respondents.

**On Petition For Writ Of Certiorari
To Colorado Court Of Appeals**

PETITION FOR WRIT OF CERTIORARI

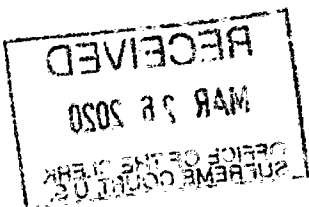
REED MCDONALD, pro se
4059 W. Hillside Pl.
Littleton, Colorado 80123
KirkmcDonald56@gmail.com

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QUESTIONS PRESENTED FOR REVIEW

This Court is asked to decide:

- (1) Whether Mr. McDonald held any cognizable claim under TILA, RESPA, TRA, and Dodd-Frank against Citibank.
- (2) Whether lack of service to McDonald from the lower-court without jurisdiction violated the Due Process Clauses of the United States Constitution and Colorado law § 13-40-112(1) & (2) C.R.S.
- (3) Whether a clerk of court without jurisdiction, can act as judge and jury issuing writ of ejection without notice to Mr. McDonald.



STATEMENT OF RELATED CASES

McDonald v. Citibank N.A., Mark C. Willis, Kelly Kilgore No. 2015cv515, Arapahoe County District Court. Judgment entered June 19, 2018

McDonald v. Citibank N.A., Mark C. Willis, Kelly Kilgore No. 2018ca1507 Colorado Court of Appeals. Judgment entered August 15, 2019

McDonald v. Citibank N.A., Mark C. Willis, Kelly Kilgore No. Colorado Supreme Court. Cert. denied December 23, 2019

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PETITION FOR WRIT OF CERTIORARI

I, Reed McDonald, respectfully petition for a writ of certiorari to review the judgment of the Colorado Court of Appeals.

OPINIONS BELOW

The Colorado Court of Appeals opinion is reported at 18ca1507. The Arapahoe County District Court opinion is reported at 15cv515.

STATEMENT OF JURISDICTION

A petition for Cert. was denied by the Colorado Supreme Court on December 23, 2019. Thus, 12 U.S.C. § 1257 confers jurisdiction on this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Due Process Clause of the Fourteenth Amendment provides that no State shall “deprive any person of life, liberty, or property without due process of law.”

The Equal Protection of the Law of the Fourteenth Amendment provides that no State shall “any State deny to any person within its jurisdiction the equal protection of the laws.”

Colorado Revised Statute § 13-40-117(2) C.R.S. provides that while a lower court case is on appeal the case is stayed and the only court to issue needful writs is the Colorado Court of Appeals.

§ 13-40-112(1) & (2) C.R.S. (1) provides service of writ must be personal service. (2) provides service must be two-fold; USPS mail and posting in conspicuous place on premises.

§ 13-40-119 C.R.S. provides that Colorado's Supreme Court Black Letter Rules are enacted into law.

§ 13-40-115(3) writ of restitution automatically expires in forty-nine days, thereafter, no effect.

121 § 1-15(8) requires opposing counsel to confer prior to engaging in motions practice.

◆

STATEMENT OF THE CASE

I. BRIEF FACTUAL BACKGROUND

This case involves an illegal home ejection and mortgage ownership dispute. Reed McDonald (McDonald) owner of the subject real property for thirty years (30) was ejected without notice after Citibank N.A. filed a secret and concealed writ of ejection to a lower-court without jurisdiction in violation of the Due Process Clauses of the Constitution and Colorado law.

Citibank representing a real estate trust violated the Due Process Clauses of the Constitution; federal Truth in Lending Act, Section 131(g) (TILA); Real

Estate Settlement Procedures Act, Regulation Z Section 226.39 (RESPA); the Wall Street Reform and Consumer Protection Act, Section § 6(k)(1)(D) (Dodd-Frank); Tax Reform Act of 1986, Sections § 860D(a)(4), § 860G(a)(3)(A)(i); § 860G(a)(3)(A)(ii) (TRA); New York Estates, Powers and Trusts Law, Sections § 7-1.18, § 7-2.4 and violated the rule of law by attempting to purchase McDonalds mortgage on April 6, 2012 after Citibank's trust closed forever in 2002.

Although, federal law is crystal clear, Citibank, without fear of prosecution violated federal law because Colorado courts refuse to enforce TILA, RESPA, TRA, Dodd-Frank and written instruments for real estate trusts. Thereafter, the state-court dismissed McDonalds action on the basis he was without an actionable claim under federal law, New York law or Constitution.

Material evidence in the record establishes, Citibank while their FED case was stayed pursuant to § 13-40-117(2) Colorado Revises Statute (C.R.S) in violation of Colorado Supreme Court Black Letter Rule (C.R.C.P.) 121 § 1-15(8), filed a concealed motion requesting McDonalds' ejection in a lower court without jurisdiction while the case was stayed in the appellant court pursuant to Colorado law § 13-40-117(2) C.R.S.

Thereafter, the clerk of court acting a judge and jury ruled upon Citibank's illegal motion for writ in violation of Colorado law and the Constitution.

Thereafter, Citibank failed to serve notice of their concealed writ of ejection to McDonald in violation of

the Constitution and Colorado law, § 13-40-112(1) & (2) C.R.S.

The Colorado Court of Appeals knowledgeable in the material fact, a clerk of court not the sitting judge ruled on Citibank's writ of ejection within minutes of reception; without due process, without jurisdiction, without adjudication and without service of concealed writ to McDonald, dismissed his appeal.

The Court of Appeals ruled McDonald did not cite documents that do not exist. The documents Court of Appeals says McDonald did not cite are the lack of signed notice of service for the concealed writ of ejection pursuant to Colorado law, 13-40-112(2) C.R.S. No return of service document exists in the record from Citibank; a clear violation of 13-40-112(1) & (2) and the Constitution; thus, it was impossible to cite.

Additionally, the Court of Appeals erroneously stated in contradiction to evidence in the record Citibank owned McDonalds mortgage. Clearly, the appellate court failed in its duty of due diligence. More to the point, contrary to the appellate court's statements, Citibank has never been and can never be the owner of McDonald mortgage as it violated federal law in its acquisition. In addition, McDonald did cite his brief numerous times on appeal. An appellant's brief under Colorado law consists of both an opening brief and reply brief.

Citibank on April 6, 2012 endeavored to illegally purchase McDonalds mortgage loan thereby concealing

they were not the owner or representing an owner in their wrongful foreclosure.

To conceal their illegal activities Citibank violated TILA Section 131(g) which requires Citibank to serve notice to McDonald for their attempted purchase of his mortgage loan. Section 131(g) of TILA requires notice to the borrower when a of a mortgage purchase is performed.

When McDonald discovered Citibank's foreclosure action, he served Qualified Written Request (QWR) to Citibank requesting information on its purchase. Citibank admitted they refused to respond to McDonald's QWR. Furthermore, Citibank admits it violated federal law in its acquisition of McDonalds' mortgage loan; violating federal law § 860D(a)(4); § 860G(a)(3)(A)(i) and § 860G(a)(3)(A)(ii). Again, McDonald could not site Citibank's refusal to answer QWR because no answer exists.

In essence, Colorado courts refuse to enforce laws passed by Congress protecting a mortgage borrower. Therein allowing national banks to falsify purchase of mortgage loans in violation of laws passed by Congress. This is nothing new as the National banks brought down the economy during 2007-2008.

The Colorado Court of Appeals is prejudice against McDonald because in a series of cases, the outcomes have led to the dismissal of six (6) district court judges for violating McDonald's civil rights.

II. RELEVANT PROCEEDINGS BELOW

Currently, several cases from this specific state-court jurisdiction lie in the record of this Court. First, 18-895, where a state-court judge from the same jurisdiction deliberately lied in the record attempting to prevent McDonalds removal of a state case to federal court; that case is currently distributed for conference in this Court.

Second 18-1290 which was dismissed based under *Rooper-Feldman*. That case has led to dismissal of the presiding state-judge for violating McDonalds civil rights and Colorado law.

III. ADDITIONAL FACTS

A federal action was filed before this Court because Colorado courts refuse to enforce TILA, RESPA, TRA, and Dodd-Frank. Although clear Constitutional violations were demonstrated in that case 18-1290; Cert was denied. Thus, McDonald filed a provisional document with the Colorado Supreme Court. Thereafter, the Colorado district court judge in that case was removed sixty (60) days later, in the middle of his elected term for violating McDonalds civil rights.



ARGUMENT

I. MCDONALDS DUE PROCESS RIGHTS WERE VIOLATED

Citibank, has never owned McDonalds mortgage and can never own his mortgage, because Citibank's trust was formed under federal law 860D(a)(4); 860G(a)(3)(A)(i) and 860G(a)(3)(A)(ii). The above federal law requires a subject trust can only purchase qualified mortgage assets 90 days after its start-up day. See Chase Funding Mortgage Loan Asset-Backed Certificate Series 2002-4. With start-up day of November 1, 2002.

On April 6, 2012, Citibank attempted to acquire McDonalds loan through a fraudulent assignment; although Citibank's trust closed forever as a matter of federal law in 2002. See App. 21. Because Colorado courts refuse to enforce TILA, RESPA, TRA, and Dodd-Frank they allowed Citibank to foreclose on McDonald. See this Court's case 18-1290.

Consequently, Citibank's foreclosure action moved forward. Citibank then filed a forcible entry & detainer (FED) action. The state-court granted the FED action. Thus, McDonald filed an immediate appeal. That appeal was accepted and the case went forth before Colorado Court of Appeals.

While Citibank's FED action on appeal at the Colorado Court of Appeals, the case was stayed pursuant to Colorado law, § 13-40-117(2) Colorado Revised Statute (C.R.S.) and cash bond paid by McDonald. App. 25. As

a matter of law while the case on appeal the only court allowed to issue needful writ was a Colorado Appellant Court.

§ 13-40-117(2) C.R.S. provides the following: “Upon the court’s taking such appeal, all further proceedings in the case shall be stayed, and the appellate court shall thereafter issue all needful writs and process to carry out any judgment which may be rendered thereon in the appellate court.”

While Citibank’s FED action was on appeal, Citibank in violation of Colorado Supreme Court Black Letter Rule, “duty to confer” 121 § 1-15(8) and § 13-40-117(2) C.R.S. filed a concealed motion for ejection to the lower court who at the time was without jurisdiction because the case was stayed. See App. 26.

Colorado Supreme Court Rule 121 § 1-15(8) provides the following: **Duty to Confer**. Unless a statute or rule governing the motion provides that it may be filed without notice, moving counsel shall confer with opposing counsel before filing a motion. The motion shall, at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel about the motion. If the relief sought by the motion has been agreed to by the parties or will not be opposed, the court shall be so advised in the motion. If no conference has occurred, the reason why shall be stated.

Citibank on **January 5, 2017 on 11:27 a.m.** in violation of Colorado Supreme Court Rule 121 § 1-15(8) refused to confer with McDonald prior to filing a

concealed request for ejection to a lower court without jurisdiction. See App. 26. Clearly, Citibank's concealed motion for ejection did not and does not contain a certification of conferral under rule. Therefore, Citibank refused to obey Colorado law staying the case in the lower-court under § 13-40-117(2) C.R.S.

Without notice to McDonald, the clerk of court who is without authority acted as judge and jury in violation of the fact the case was on appeal on **January 5, 2017 at 1:06 p.m.** the clerk of court ruled on Citibank's illegal motion and issued a writ of ejection without notice to McDonald; thus, violating his due process rights secured under Constitution. See App. 28.

Thereafter, both Citibank and the state-court concealed the illegal writ from McDonald in violation of Constitutional procedures for due process and Colorado law §§ 13-40-112(1) & (2) C.R.S. McDonald only learning of the writ of ejection when Arapahoe County, Colorado aided Citibank cutting open McDonalds front door. No service of writ of ejection pursuant to §§ 13-40-112(1) & (2) is present in the record.

§ 13-40-112(2) C.R.S. provides the following: (2) If personal service cannot be had upon the defendant by a person qualified under the Colorado rules of civil procedure to serve process, after having made diligent effort to make such personal service, such person may make service by posting a copy of the summons and the complaint in some conspicuous place upon the premises. In addition thereto, the plaintiff shall mail, no later than the next business day following the day on

which he or she files the complaint, a copy of the summons, or, in the event that an alias summons is issued, a copy of the alias summons, and a copy of the complaint to the defendant at the premises by postage prepaid, first-class mail.

Simply, neither the state-court nor Citibank served McDonald notice of the illegally obtained writ of ejection from the lower court who was without jurisdiction.

Neither, did Citibank or the state-court without jurisdiction obey Colorado law § 13-40-117(2) staying the case or obey Colorado law § 13-40-119 C.R.S. which enacted C.R.C.P. into law.

During Citibank's illegal ejection they seized McDonald business property consisting in part of the following: 1971 Porsche 911E valued at \$72,000; 1993 Porsche RS America valued at \$95,000; 1964 Triumph TR4 valued at \$7,000; 2004 Chevrolet Silverado 3500 dully valued at \$10,000; 1968 Jeep Wagoneer valued at \$4,000; 1971 Jeep Wagoneer valued at \$4,000; building materials worth \$150,000; Photography equipment valued at \$85,000 and personal property valued at \$100,000.

Secret and concealed writs are without authority as they violate Supreme Court precedent, See *Lugar v. Edmondson Oil Company, Inc.*, 457 U.S. 922 (1982).

State-court proceedings without jurisdiction and authority lie nullity. The 10th Circuit has adjudged, courts that act without personam jurisdiction, result in nullity. *Misco Leasing, Inc. v. Vaughn*, 450 F.2d 257, 260

(10th Cir.1971); *Taft v. Donellan Jerome, Inc.*, 407 F.2d 807, 808 (7th Cir.1969).

Undoubtedly, Citibank's writ of ejection was obtained illegally in violation of Colorado law and Constitution from a court without jurisdiction. Failure of Citibank to serve notice of the writ to McDonald resulted in due process violations.

Moreover, Citibank's illegal writ of ejection was never served to McDonald, a clear and present violation of this Court's Black Letter Law and McDonalds rights for Due Process and Equal Protections Under Law secured by the Constitution.

Cleary, McDonalds due process rights were violated by Citibank and the state-court: McDonald has sustained damages.

II. CITIBANK VIOLATED TRUTH IN LENDING ACT

On September 24, 2010, the Federal Reserve Board (FRB) published in the Federal Register (75 FR 58489) a final rule amending Regulation Z by revising § 226.39. The final rule implements Section 131(g) of the Truth in Lending Act (TILA), which was enacted on May 20, 2009, as Section 404(a) of the "Helping Families Save Their Homes Act." (See our July 30, 2009 memorandum discussing Section 131(g) of TILA.)

Section 131(g) of TILA became effective immediately (i.e., May 20, 2009) and established a new requirement

for notifying consumers of the sale or transfer of their mortgage loans.

Consistent with Section 131(g), the final rule requires a person who acquires a mortgage loan to provide disclosures in writing notifying the consumer of the sale or transfer of the consumer's mortgage loan no later than 30 days after the date on which the loan was sold, transferred or assigned. The final rule's revision of § 226.39 is substantially similar to the interim rule published by the FRB on November 20, 2009, which initially implemented Section 131(g) of TILA by adding § 226.39.

Citibank to conceal their illegal acquisition of McDonalds mortgage refused to disclose their illegal procurement of his loan; Citibank failed to comply with TILA Section 131(g) refusing to disclose their illegal purchase of McDonald mortgage. Citibank feared not because Colorado courts refuse to enforce consumer protections afforded under federal law. McDonald could not cite Citibank's nonexistent 131(g) document on appeal because he was never served Citibank's fraudulent notice of assignment on April 6, 2012.

Citibank's trust closed forever during 2002 and thus, was barred from acquiring additional mortgage assets under federal law, §§ 860G(a)(3)(A)(i) and (ii). The rule of law is clear, Citibank's trust was only permitted as a matter of law to acquire mortgage assets that are in good standing (see § 860D(a)(4)) and those assets must be acquired within 90 days of the start-up day of the trust. The start-up-date of Citibank's trust

was November 1, 2002. Thus, Citibank attempted acquisition of April 6, 2012 is nullity.

Citibank making the false claim McDonalds mortgage was in default also points to the material fact that banks/trust are barred from acquiring mortgages that are in default. Citibank in their foreclosure claimed McDonald was in default. McDonald was not in default as Citibank was not his lender. See 860D(a)(4).

Its crystal clear, the state court was in error; ruling McDonald held no cognizable claim under TILA and its Section 131(g).

McDonalds damages are clear under TILA, Section 130, outlines that McDonald has a right to actual damages sustained from Citibank's illegal conduct. Clearly, McDonald held affirmative defenses regarding Citibank's illegal conduct under TILA, Section 131(g).

After McDonald filed Supreme Court Case 18-1290 the sitting judge in the state case above was removed from the bench half-way through his elected term because he refused to enforce TILA, RESPA, TRA, Dodd-Frank and the Constitution.

III. CITIBANK VIOLATED REAL ESTATE SETTLEMENT PROCEDURES ACT

After McDonald learned of Citibank's involvement in his mortgage, he filed a Qualified Written Request (QWR) with Citibank requesting information on how it had become the servicer/owner of his mortgage. Citibank did not respond. Thereafter, McDonald met

face-to-face with a Citibank representative. In the meeting with Citibank they refused to provide any information and details about their acquisition.

Failure to respond to a QWR is a violation of the Real Estate Settlement Procedures Act (RESPA). Under 12 U.S.C. § 2605(b)(1) federal law makes clear.

Congress published the purpose of RESPA as the following: "The Congress finds that significant reforms in the real estate settlement process are needed to insure that consumers throughout the Nation are provided with greater and more timely information on the nature and costs of the settlement process and are protected from unnecessarily high settlement charges caused by certain abusive practices that have developed in some areas of the country."

First, upon Citibank's acquisition of McDonalds mortgage they were required by federal law 12 U.S.C. § 2605(c) to provide notice in change of servicing in writing; Citibank refused to provide written notice to McDonald.

Second, Citibank refused to respond to McDonald's QWR regarding questions of ownership. QWR requirements have been defined in U.S. District Courts. See *Cole v. JP Morgan Chase*, the district court ruled letters were QWRs because they qualified as notices of error. McDonald sent several letters requesting information on servicing and ownership of his mortgage; again, Citibank refused to provide written notice to McDonald.

Clearly, McDonald has cognizable claims against Citibank for failure to respond to his QWR. Again, McDonald could not cite to the record during appeal because Citibank's response does not exist.

IV. CITIBANK VIOLATED COLORADO SUPREME COURT BLACK LETTER RULES

Citibank as a matter of Colorado Supreme Court Black Letter Rule 121 § 1-15(8) was required to confer with McDonald prior to filing its concealed and illegal motion for ejection to the lower-court who was without jurisdiction.

Thus, there are two separate rules in the Colorado justice system; one for Colorado Bar Attorneys (COBAR) and for self-represented parties.

This case centers on the material fact that although Citibank and its attorneys clearly knew they were required by Colorado Supreme Court Rule to confer prior filing their motion for writ of ejection, Citibank, refused to confer with McDonald prior to their filing.

It would appear on its face Citibank and its attorney are allowed under Colorado Appellate Law to violate Colorado Supreme Court Rules. While McDonald who did cite to the record on appeal had his case dismissed. It appears on its face there are two legal standards.

The Colorado legal system has a history of prejudice against pro se parties. McDonald, in Eagle County

case 2009cv604 had five (5) judges of Eagle County, Colorado (Eagle) dismissed because they refused to obey the Colorado Court of Appeals order and judgment in Appellate Case 2011ca1537 and judgments issued on October 5, and November 2, 2011.

The Colorado Appellate Court ruled in 2011ca1537 Eagle County was violating Mr. McDonald's civil rights, was refusing to serve court orders and other documents to McDonald during that case. Eagle ordered to restore McDonald rights secured under Constitution; refused and continues refusing to restore Mr. McDonald civil rights. Currently, that case has been removed to the District of Colorado and the 10th Circuit Court of Appeals. See 19-1101.

In this Court's case 19-895, Arapahoe County's Judge lied on the record attempting to prevent removal of the State-case to federal court. Currently, that case has been distributed for conference before this Court.

In Arapahoe County, Colorado (Arapahoe) case 2012cv158, the judge in the subject case violated Mr. McDonald's right secured under constitution and refused to uphold and enforce federal consumer protection law. See Supreme Court of the United States Case 18-1290. Since that time the sitting judge from Arapahoe County has been removed for violating Colorado law, the Constitution and Mr. McDonald rights secured under Constitution; that case is currently on its way back to state-court.

Simply, the State of Colorado has lost control of its elected judges.

V. THE CASE IS ABOUT JURISDICTION

Lower-Court Jurisdiction:

The salient facts of this case are; Citibank in violation of Colorado Supreme Court Black Letter Rule 121 § 1-15(8) refused to confer with McDonald prior to filing its motion for writ of ejection in the lower-court without jurisdiction.

Thereafter, the clerk of court violated its authority because both McDonald and the sitting judge were never aware of Citibank's illegal motion.

The ruling on Citibank's illegal motion to the lower-court without jurisdiction was performed by the clerk of court who acted without authority as judge and jury to make rulings on writs.

Clearly, the only judicial body under law pursuant to § 13-40-117(2) C.R.S. allowed as a matter of law to issue writ was the Colorado Court of Appeals. Undoubtedly, the issued writ by the lower-court without jurisdiction was nullity, because the issuing court was without personam jurisdiction. The 10th and 7th Circuit has adjudged, courts that act without, personam jurisdiction result in nullity. *Misco Leasing, Inc. v. Vaughn*, 450 F.2d 257, 260 (10th Cir.1971); *Taft v. Donellan Jerome, Inc.*, 407 F.2d 807, 808 (7th Cir.1969).

Its axiomatic, the clerk of court acting as judge and jury who issued writ ejecting McDonald was unlawful, was issued without jurisdiction and lies nullity. The Colorado Court of Appeals to escape review of the

criminal activity dismissed McDonalds appeal because he could not cite documents that do not exist.

VI. UNDISPUTED FACTS OF THE CASE

It is undisputed and irrefutable that Citibank filed its motion for writ of ejection while the case at bar was on appeal. See § 13-40-117(2) C.R.S.

It is also undisputed and irrefutable that Citibank knowingly filed its motion without conferring to a court without jurisdiction to decide the issue, instead relying on the clerk of court to violate McDonalds due process rights. See 121 § 1-15(8) C.R.C.P.

Its undisputed and irrefutable that the sitting judge and McDonald were never aware of Citibank's motion because the clerk of court acted as judge and jury on Citibank's motion within minutes. See App. 28.

Additionally, it's also undisputed and irrefutable that Citibank nor the state-court served notice of the illegal writ to McDonald pursuant to § 13-40-112(1) or (2) C.R.S.



REASONS FOR GRANTING THE PETITION

It's clear the lower-court who issued writ was without jurisdiction, because the case was on appeal and stayed pursuant to § 13-40-117(2) C.R.S.

It's also crystal clear the sitting judge in the lower-court without jurisdiction did not even know the clerk of court acted as judge and jury and issued illegal writ.

Moreover, it crystal clear, McDonald was not notified of the Citibank's illegal motion in the lower-court without jurisdiction, and that the lower-court without jurisdiction, and Citibank concealed the illegal writ from McDonald. McDonald only learning of the illegal writ when Arapahoe County, Colorado aided Citibank by cutting open McDonalds front door.

Therefore, the lower-court exceeded its jurisdiction and violated McDonalds rights secured under federal law and the United States Constitution.

CONCLUSION

Simply, a state clerk of court acted illegally as judge and jury. Although that lower-court was without jurisdiction the clerk of court issued illegal writ.

Once the illegal writ was issued, both Citibank and the state-court concealed the illegal writ from McDonald.

This Court must stand to confront the clerk of court who act as judge and jury and who violated McDonalds rights secured under Constitution of due process and equal protection under law. The clerk of court's illegal activities regardless of their intent, are criminal activities.

THEREFORE, I ask this Court to reverse and remand the state of Colorado case, as the lower-court and the clerk of court who acted as judge and jury was without jurisdiction. As a result, any action by the state-court lies nullity as it was without jurisdiction.

Respectfully submitted,

REED McDONALD, pro se
4059 W. Hillside Pl.
Littleton, Colorado 80123
KirkmcDonald56@gmail.com

App. 1

18CA1507 McDonald v Citibank 08-15-2019

COLORADO COURT OF APPEALS DATE FILED:
August 15, 2019

Court of Appeals No. 18CA1507
Arapahoe County District Court No. 15CV515
Honorable Elizabeth A. Weishaupl, Judge

R. Kirk McDonald,
Plaintiff-Appellant,

v.

Citibank N.A., Kelly Kilgore, and Mark C. Willis,
Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI

Opinion by JUDGE WELLING
Fox and Freyre, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced August 15, 2019

R. Kirk McDonald, Pro Se

Bryan Cave Leighton Paisner LLP, Cynthia Lowery-
Graber, Denver, Colorado, for Defendant-Appellee,
Citibank, N.A.

Peters Law Firm LLC, Stephen C. Peters, Denver, Col-
orado, for Defendants-Appellees Kelly Kilgore and Mark
C. Willis

¶ 1 Appellant R. Kirk McDonald submits this ap-
peal following the district court's dismissal of his