

19-5250
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUL 02 2019

OFFICE OF THE CLERK

Cynthia M. Yoder, POA — PETITIONER
(Your Name)

vs.

Wells Fargo BANK, NA — RESPONDENT(S)
et al

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Cynthia M. Yoder, POA
(Your Name)

1319 Ellis Woods Rd
(Address)

Pottstown, PA 19465
(City, State, Zip Code)

610-495-8519 or 610-495-0836
(Phone Number)

QUESTION(S) PRESENTED

Has the Appellant, an appointed and authorized power of attorney and her elderly parents, as the Agent is equal to the Principal(s), been conspired against by Appellees and others for practicing law without a license, on the docket sheet in the Court of Common Pleas of Chester County 2011-11974 (as this is about the time when the power of attorney was sent to the Court November 30 2011), by an officer of the State Court violating Appellant's 5th, 6th, 8th (Indigent party having cost assessed against me on more than one occasion in the Appeals Court.) and 14th Amendment Rights, the judge or judges have not performed his/her judicial duties, violating the power of attorney contract in error (or for their own unjust enrichment?) for over seven (7) years abusing the Appellant and her elderly parents due to illegal in rem mortgage foreclosure, now facing Ejectment, in the Court of Common Pleas of Chester County, docket 2019-03202, previous docket 2018-12661 was withdrawn (Appellant has notified the Sheriff's Office and included the Recorded Official Deed in April 2019 and asked Deputy Sheriff Clifton to be honest and take the official deed to the Court per 53 Pa.C.S. § 1141 and now on July 1, 2019 posted by Deputy Sheriff Kimberly Dellaney (sp) and discovered approximately 11:30 am. SEE APPENDIX G, which includes the "UNOFFICIAL COPY" of deed, in violation of *Conspiracy Against Rights Title 18 U.S.C. § 241, Deprivation of Rights Title 18 U.S.C. § 242, 42 U.S.C. § 1983, 18 U.S.C. § 3771, Uniform Power of Attorney Act 2006, and the Filial Responsibility Law of Pennsylvania as there is a sibling (Jr.).*

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

See Attached

LIST OF PARTIES

Hladik Onoarato & Federman
298 Wissahickon Avenue
North Wales, PA 19454

STEVENS & LEE
A Stevens & Lee/Griffin Company
STEVENS & LEE LAWYERS AND CONSULTANTS
111 N. Sixth Street
Reading, PA 19601
Ms. Stacey Scrivani
Mr. Craig A. Hirneisen

Numerous Attorneys
PHELAN HALLINAN & SCHMIEG, L.L.P.
1617 JFK BLVD STE 1400
PHILADELPHIA, PA 19103

Numerous Representatives and more have been rec'd via mail and on answering machines.

Wells Fargo Bank, N.A.
P.O. Box 10335
Des Moines, IA 50306-0335

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	1
LIST OF PARTIES	1
TABLE OF AUTHORITIES	ii
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	iii
STATEMENT OF THE CASE.....	2
REASONS FOR GRANTING THE WRIT.....	4
CONCLUSION.....	14

INDEX TO APPENDICES

APPENDIX A - Decision of the United States Court of Appeals 3rd Circuit, Rehearing
Costs Assessed Against Indigent Appellant

APPENDIX B - Decision of the United States Court of Appeals 3rd Circuit
Costs Assessed Against Indigent Appellant

APPENDIX C - RECORDED OFFICIAL DEED OF STRUNK'S PROPERTY

APPENDIX D - NOTICE OF REMOVALS 2011 AND 2013

APPENDIX E - BANKRUPTCY ORDER 2014

APPENDIX F - ACCEPTANCE OF POA

APPENDIX G - PRAECIPE TO REINSTATE CIVIL ACTION/EJECTMENT
Utilizing "UNOFFICIAL DEED"

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Power of Attorney Contract Violation resulting in liability per 20 Pa. C.S. § 5608.1 and 5th, 6th, 8th and 14th Amendments</u>	
<i>Mary Lou Frazier Estate vs. Wells Fargo Bank No. 2014-01991</i>	7
<i>Jonathan FOLEY, Plaintiff, Appellant, v. WELLS FARGO BANK, N.A., Defendant, Appellee, No. 13-2527, United States Court of Appeals, First Circuit, Decided: November 14, 2014</i>	7
<i>Wells Fargo Home Mortgage and Agents v. Rance M. Strunk, Sr. and Darlene Strunk, in Chester County Court of Common Pleas, 2011-11974</i>	4
<i>Rance M. Strunk, Sr. and Darlene Strunk, Cynthia M. Yoder, POA v. Wells Fargo Home Mortgage Company in Chester County Court of Common Pleas, 2011-12148</i>	7
<i>Yoder et al v. Wells Fargo Bank, NA, United States Court of Appeals 2013-4339 3rd Circ.</i>	4
<i>Rance Strunk, Sr., et al v. Wells Fargo Bank NA United States Court of Appeals 16-cv-01812 3rd Circ.</i>	4
<i>Yoder et al v. Wells Fargo Bank, NA United States Court of Appeals 2016-3885 3rd Circ.</i>	4
<u><i>U.S. Supreme Court Chastleton Corp. v. Sinclair, 264 U.S. 543 (1924) 256 U.S. 256 U. S. 154</i></u>	7
<u><i>Chas. Wolff Packing Co. v. Court of Industrial Relations, 262 U. S. 522, 262 U. S. 536</i></u>	7
<u>UNJUST ENRICHMENT</u>	
<i>Bullock v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985) See Bullock v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985) (fraud upon the court exists "where the judge has not performed his judicial duties")</i>	7
<u>TILA AND RESPA (Stated by Ms. Stacey Scrivani in December 2011 Notice of Removal)</u>	
<u>UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES – GENERAL 'O' Case No. 2:17-cv-7354-CAS(ASx) Date March 5, 2018</u>	
<u>Title WALTER H. HACKETT, III ET AL. v. WELLS FARGO BANK, N.A.</u>	7

TABLE OF AUTHORITIES CITED (cont'd)

CASES	PAGE NUMBER
TRACY HUA v. WELLS FARGO BANK, N.A. Civil Action No. 17-2365, United States District Court, E.D. Pennsylvania (140 Contract: Negotiable Instrument)	7
CANNON v. WELLS FARGO BANK N.A. No. C-12-1376 EMC United States District Court, N.D. California	7
<u>BREACH OF CONTRACT, FEDERAL CLAIMS ACT, FRCP RULE 9 AND 12(b)(6), 18 USC § 1001, 1005, 1006, 1007, 1014, 1001, 1341, 1343, 1344, 3293, and 657.</u>	7
TRACY HUA v. WELLS FARGO BANK, N.A. Civil Action No. 17-2365, United States District Court, E.D. Pennsylvania (140 Contract: Negotiable Instrument).....	7
Ashcroft v. Iqbal, 556 U.S. 662, 129 S. Ct.1937, 173 L. Ed. 2d 868, 2009 U.S. LEXIS 3472 (2009)91 U.S. 29, 34 (1875)	7
Bell Atlantic Corp v. Twombly, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007).....	7
U.S. v. WELLS FARGO BANK, N.A. No. 12 Civ. 7527(JMF) United States District Court, S.D. New York	7
 <u>RICO Act 18 USC 1962, WRONGFUL FORECLOSURE, SLANDER OF TITLE</u>	
CEREZO V. WELLS FARGO BANK, NA, UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION Case No.: 13-1540 PSG (N.D. Cal. Aug. 6, 2013)	8
 <u>WRONGFUL CONDUCT AND RICO ACT</u>	
WPD CITY OF MIAMI, a Florida municipal corporation, Plaintiff - Appellant v. WELLS FARGO & CO., WELLS FARGO BANK, N.A., Defendants - Appellees, Docket No. 1:13-cv-24508 IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT	
U.S. v. Jannotti, 673 F.2d 578, 614 (3d Cir. 1982)	13

<u>STATUTES AND RULES</u>	<u>PAGE NUMBER</u>
42 U.S.C. § 1983	5
18 U.S.C. § 3771.....	8
Article V Section 17(b) of the Pennsylvania Constitution-oath, ethics	5
<u>National Conference of Commissioners on Uniform State Laws (Uniform Power of Attorney Act (2006), Sections 5608.1, 5608.2</u>	6
Filial Responsibility Law of Pennsylvania	5
<u>Elder Justice Act 2009 - Civil Elder Abuse 35 P.S. §§ 10225.101 through 10225.5102</u>	4
American Disabilities Act (ADA)	5
Pennsylvania Code Title 55 Pa.C.S. § 5501, and an incapacitated individual ...	5
<u>TILA AND RESPA, WRONGFUL CONDUCT AND RICO ACT</u> (By Ms. Scrivani if given the opportunity-18 U.S.C. § 3293, 18 U.S. Code Chapter 96 § 1965, Fair Debt Collections Act, 15 U.S.C. § 1692(a)(6), e(8), <u>15 U.S.C. § 1692(e)(2)(A), (4), (5), (7), (9),(10), (14), 15 U.S.C. § 1692f (1),(6)(A)(C)</u> , Fair Credit Reporting Act, 15 U.S.C. § 1681(a), Truth In Lending Act (<u>31 U.S.C. § 3729(a)(1)(A)</u> False Claims Act, <u>Real Estate Procedures Act</u> (18 U.S.C. § 656, 18 U.S.C. § 657,18 U.S.C. § 1005, 18 U.S.C. § 1006, 18 U.S.C. § 1007, 18 U.S.C. § 1014, 18 U.S.C. § 1033, 18 U.S.C. § 1344, 18 U.S.C. § 1341, 18 U.S.C. § 1343, 42 U.S.C. § 5122, 18 U.S.C. § 1963, 18 U.S.C. § 1962, 26 U.S.C. § 6531, 18 U.S.C. § 241, 18 U.S.C. § 242?)	7
049 Pa. Code § 45.104 As used in section 10(6) of the act (63 P. S. § 1710(6)) <i>FRAUD</i>	6
<u>Chester County Rules of Civil Procedure</u> - C.C.C.R.P. 200.1, 206.4(c)(2)(3), C.C.C.R.P. 205.2(b), 231 Pa.R.C.P. No. 1028(a)(5), 231 Pa.R.C.P. No. 1030-fraud 237 Pa.R.C.P.No. 345, 231 Pa.R.C.P. No. 2054, 18 Pa.C.S. Section 4904	8
<u>Pennsylvania Bar Association/American Bar Association</u>	
204 Pa.Code Rule 3.3, 18 Pa.C.S. Section 4904	8
9 Pa.B. 2523 CHAPTER 68.CONTRACT COMPLIANCE § 68.2	4
35 P.S. § 10225.103 (2017).....	4

STATUTES AND RULES cont'd

	PAGE NUMBER
18 Pa.C.S. § 2709(a), (3)	4
7 Pa. Stat. 6101 et seq.	9
F.R.C.P. Rule 19	11
F.R.C.P Rule 12(b)(6).....	4
Pa. R.E. 803.6	6
OTHER	
Article V Section 17(b) of the Pennsylvania Constitution-oath, ethics	5
53 Pa.C.S. § 1141	10
Whistleblower Act	8

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is Rehearing, En Banc B

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 2, 2014.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix B.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

	PAGE NUMBER
42 U.S.C. § 1983
18 U.S.C. § 3771
Elder Justice Act 2010.....
Older Adults Protective Services Act (2016, 2017)
Fraud on the Court (oath and ethics).....
Uniform Power of Attorney Act 2006
U.S. Const. amend. V, cl. 3 & 4
U.S. Const. amend. XIV, §1, cl. 2.....
U.S. Const. Article III, § 2, cl. 1.....
28 U.S.C. § 1345 2

STATEMENT OF THE CASE

It is my hope, as I have utilized the Court Forms that all would provide a liberal review. As an unjust act has been committed against myself, the elderly homeowners in various Courts. Therefore, my duties as their appointed Power of Attorney are hindered due to all parties failing to abide by the laws of the Commonwealth of Pennsylvania, Violation(s) of the National Conference of Commissioners on Uniform State Laws, (Uniform Power of Attorney Act (2006) or my United States Constitutional Rights, my character defamed and it has hindered justice for myself and other family members in other civil complaints. I also reside in the home and a future heiress.

Therefore, not only have my pleadings at the State level been ignored, I was admonished for practicing law without a license without a hearing by a judge in the Court of Common Pleas of Chester County violating my 5th, 6th, 8th and 14th Amendment Rights, my power of attorney contract with the elderly homeowners. It should be noted any pleading by the elderly homeowners was also ignored.

Reference: In the Court of Common Pleas of Chester County, Wells Fargo Bank, NA v. Strunk et al docket 2011-11974, November 30, 2011. It is my right to trial if being accused of a crime, it is my contractual duty to advocate per the power of attorney contract per the laws of the Commonwealth of Pennsylvania, all who violate the power of attorney are civilly liable per 20 Pa. C.S. § 5608.1. The Appellees rather than abide by the power of attorney contract, correct the State judge's errors have made a conscious choice to commit the following acts 1.) Conspiracy Against Rights Title 18

U.S.C. § 241; 2.) Deprivation of Rights Title 18 U.S.C. § 242; 3.) 42 U.S.C. § 1983; 4.) 18 U.S.C. § 3771; 5.) Obstruction of Justice, Fraud on/of the Court; 6.) Title 42, U.S.C. Section 3631; 7.) Uniform Power of Attorney Act 2006; 8.) American's with Disabilities Act (ADA); and 9.) the Elder Justice Act, plus for a period of more than seven (7) years.

As it appears officer(s) of the Court have failed to be honest and Phelan Hallinan & Schmeig, have filed, a judge signed an all be it illegal in rem mortgage foreclosure in March 2013 after the mortgage was satisfied in May 2006 in an effort to support Appellees conspiracy for their own unjust enrichment. I as the power of attorney for the elderly homeowners oversaw an annexation of a small parcel which was recorded in June 2012 and I received the 'OFFICIAL RECORDED DEED' from the Chester County Recorder of Deeds from the attorney. It should be presumed this lingering unnecessary litigation is an act of fraud. FRAUD costs everyone their hard earned money. It is my hope that my pleadings are heard and that all would support and correct the clear legal errors. See Appendix C.

REASONS FOR GRANTING THE PETITION

Appellant's United States Constitutional Rights have been violated and in doing so an act of FRAUD has occurred on the COURT. A power of attorney contract has been accepted by Appellee Wells Fargo Home Mortgage Company (now aka Wells Fargo Bank, NA) in 2009 and violated, anticipatory breach of contract has been demonstrated even after the Court told the Appellees of an appointed power of attorney contract in 2016. Reference: 9 Pa.B. 2523

CHAPTER 68.CONTRACT COMPLIANCE § 68.2, 35 P.S. § 10225.103 (2017), 18 Pa.C.S. § 2709(a), (3) and more to follow. Appellant, the Agent which is equal to the Principal per the power of attorney contract am only doing my due diligence as I was appointed to do on March 13, 2009. Therefore, by the Uniform Power of Attorney Act 2006 and Wells Fargo Home Mortgage acceptance of the power of attorney in July 2009, I am not practicing law.

Reference: *Yoder v. Wells Fargo Bank, NA in the Third Circuit Court of Appeals, 2016-3885 and 2013-4339. Appellee's, Wells Fargo Home Mortgage and Agents complaint against Mr. Rance M. Strunk, Sr. and Darlene Strunk, in Chester County Court of Common Pleas, docket 2011-11974 failed to join a necessary party. Appellant was never included in the action per the accepted power of attorney, for the Strunk's even during Notice of Removals per F.R.C.P. 7 and F.R.C.P. 19. The Court improperly dismissed numerous cases stating Appellant failed to state a claim per F.R.C.P. 12(b)(6) as the Appellant has utilized the pro se court forms. See Appendix A, B, and F.*

It appears Wells Fargo Home Mortgage and Agents never intended to abide by the power of attorney contract, this is anticipatory breach of contract, deliberate breach of contract further violating, the rights of the elderly, a disable American per the American's with Disabilities Act, (January 2016 an incapacitated individual, residing in long term care facility.) the rules of Common Pleas Court and the United States District Court for the Eastern District of Pennsylvania as Notice of Removals were performed by Appellee's attorneys. **See Appendix D and F.**

The officers of the Court(s) failed to correct the admonishment for practicing law against the Appellant, Strunk's power of attorney. As the lower Court erred and the rest have followed in an act of conspiracy against the Appellant and the elderly Strunk's. In violation of 42 U.S.C. § 1983, *Title 18 U.S.C. § 241 and Title 18 U.S.C. § 242.*

It should be noted The judicial process for foreclosure is 185 days in the Commonwealth. The foreclosure action was issued beyond 185 days allowed by law in error. Beginning on October 28, 2011 and foreclosure action issued by Order of the Court on March 13, 2013 is a total of 502 days. As well as one cannot assign a mortgage which was satisfied, 2006, ten years later in 2016 as these are false recordings in the Chester County Recorder of Deeds. The recorded Official Deed in Chester County is attached. **See Appendix C.**

Furthermore, the following have been violated for over seven (7) years: Uniform Power of Attorney Act 2006, American's with Disabilities Act (ADA), the Elder Justice Act 2010, American Bar Association Model Rules of Conduct, and Article V Section 17(b) of the Pennsylvania Constitution, oath and ethics, the Filial

Responsibility Law of Pennsylvania as there is a sibling (Jr.). Failure to abide by Chester County Rules of Procedure and Federal Rules of Procedure, Conspiracy Against Rights Title 18 U.S.C. § 241, Deprivation of Rights Title 18 U.S.C. § 242, 42 U.S.C. § 1983, Obstruction of Justice, Fraud on/of the Court. 18 U.S.C. § 1005, 42, U.S.C. § 3631, the Federal Trade Commission (Appellant filed a complaint in 2019). TILA, RESPA, were stated in Ms. Stacey Scrivani's Notice of Removal on December 6, 2011, and only she can testify to what other violations she intended to be included. Was the Appellant and Ms. Scrivani denied the presenting of evidence per Pa. R.E. 803.6? Suggested Answer: YES!

Here is a partial list: 18 U.S.C. § 3293, 18 U.S. Code Chapter 96 § 1965, Fair Debt Collections Act, 15 U.S.C. § 1692(a)(6), e(8), 15 U.S.C. § 1692(e)(2)(A), (4), (5), (7), (9), (10), (14), 15 U.S.C. § 1692f (1), (6)(A)(C), Fair Credit Reporting Act, 15 U.S.C. § 1681(a), Truth In Lending Act (31 U.S.C. § 3729(a)(1)(A)) False Claims Act, Real Estate Procedures Act (18 U.S.C. § 656, 18 U.S.C. § 657, 18 U.S.C. § 1005, 18 U.S.C. § 1006, 18 U.S.C. § 1007, 18 U.S.C. § 1014, 18 U.S.C. § 1033, 18 U.S.C. § 1344, 18 U.S.C. § 1341, 18 U.S.C. § 1343, 42 U.S.C. § 5122, 18 U.S.C. § 1963, 18 U.S.C. § 1962, 26 U.S.C. § 6531, 18 U.S.C. § 241, 18 U.S.C. § 242.

Appellant seeks review of the following cases for Power of Attorney Contract Violation resulting in liability per 20 Pa. C.S. § 5608.1 - *Wells Fargo Home Mortgage and Agents v. Rance M. Strunk, Sr. and Darlene Strunk, in Chester County Court of Common Pleas, 2011-11974, Cynthia M. Yoder, POA v. Wells Fargo Home Mortgage Company in Chester County Court of Common Pleas, 2011-12148, YODER v. WELLS FARGO BANK, N.A.*

*et al United States Court of Appeals 2016-3885 where the Court declared me daughter and power of attorney for the Strunk's. Reference: The following case histories of power of attorney violations - Wells Fargo Bank, NA, *Mary Lou Frazier Estate vs. Wells Fargo Bank No. 2014-01991, Jonathan FOLEY, Plaintiff, Appellant, v. WELLS FARGO BANK, N.A., Defendant, Appellee, No. 13-2527, United States Court of Appeals, First Circuit, Decided: November 14, 2014, U.S. Supreme Court Chastleton Corp. v. Sinclair, 264 U.S. 543 (1924) 256 U.S. 256 U. S. 154 and Chas. Wolff Packing Co. v. Court of Industrial Relations, 262 U. S. 522, 262 U. S. 536;**

Reference the following cases for UNJUST ENRICHMENT case histories - *Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985) See Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985) (fraud upon the court exists "where the judge has not performed his judicial duties"); TILA AND RESPA - UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL 'O' Case No. 2:17-cv-7354-CAS(ASx) Date March 5, 2018 Title WALTER H. HACKETT, III ET AL. v. WELLS FARGO BANK, N.A., TRACY HUA v. WELLS FARGO BANK, N.A. Civil Action No. 17-2365, United States District Court, E.D. Pennsylvania (140 Contract: Negotiable Instrument), CANNON v. WELLS FARGO BANK N.A. No. C-12-1376 EMC United States District Court, N.D. California, BREACH OF CONTRACT, FEDERAL CLAIMS ACT, FRCP RULE 9 AND 12(b)(6), 18 USC § 1001, 1005, 1006, 1007, 1014, 1001, 1341, 1343, 1344, 3293, and 657 - *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 173 L. Ed. 2d 868, 2009 U.S. LEXIS 3472 (2009) 91 U.S. 29, 34 (1875), *Bell Atlantic Corp v. Twombly*, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007) and U.S. v. WELLS FARGO BANK, N.A.*

No. 12 Civ. 7527(JMF) United States District Court, S.D. New York, RICO Act 18 USC

1962, WRONGFUL FORECLOSURE, SLANDER OF TITLE - CEREZO V. WELLS FARGO BANK, NA, UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION *Case No.: 13-1540 PSG (N.D. Cal. Aug. 6, 2013).* These violations no doubt prove the Appellant and Strunk's are a victim of crime per 18 U.S.C. § 3771 as was stated by Mr. Craig Hirneisen in 2013's Notice of Removal and no officer of the Court followed his pleadings and the same was done in 2011 when Ms. Scrivani's Notice of Removal, her pleadings of TILA and RESPA.

Did attorneys, Ms. Scrivani and Mr. Hirneisen violate 204 Pa.Code Rule 3.3, and 18 Pa.C.S. Section 4904 as they never told the truth failing to utilize the Whistleblower Act?

How many entities and people have conspired against the Appellant violating a power of attorney contract, anticipatory breach of contract, breach of contract, Filial Responsibility Law of Pennsylvania as there is a sibling (Jr.) and (Appellant's brother's rights are also violated), failure to abide by *Chester County Rules of Procedure and Federal Rules of Procedure, Article V Section 17(b) of the Pennsylvania Constitution, oath and ethics, Conspiracy Against Rights Title 18 U.S.C. § 241, Deprivation of Rights Title 18 U.S.C. § 242, 42 U.S.C. § 1983 and 18 U.S.C. § 3771, Obstruction of Justice, Fraud on/of the Court 18 U.S.C. § 1341 and 1005, Title 42, U.S.C. Section 3631, Uniform Power of Attorney Act 2006, American's with Disabilities Act (ADA) the Elder Justice Act, Older Adults Protective Services Act (2016, 2017), the Federal Trade Commission*(Appellant filed complaint), TILA, RESPA, The Fair Credit Reporting Act, The Fair Debt Collections

Practices Act and *RICO Act* 18 USC § 1962 these are presumed included in Ms. Stacey Scrivani's Notice of Removal on December 6, 2011, (where Ms. Scrivani failed to tell the Court that there was an open docket in State Court, the Court of Common Pleas of Chester County docket 2011-11974 or it was ignored), and that she had harassed and threatened the Appellant at her private residence in Berks County, Pennsylvania by sending threatening letter, December 2011, via courier, noting she was not the attorney of record until December 9, 2011, harassment violating 18 Pa.C.S. § 2709(a), (3), all making the Appellant victims of a crime per 18 U.S.C. § 3771 as stated in Notice of Removal of docket performed by Mr. Craig Hirneisen, Esq. ID number 209108, dated March 15, 2013, 13-cv-01377, the Bankruptcy Court of Philadelphia docket Bankruptcy as the judge issued an Order to sue Wells Fargo Bank, NA again in State Court See Appendix E. (The bankruptcy court trustee requested I sign papers as "Next Friend" accepting the power of attorney. The bankruptcy was never dismissed for non-payment and all monies were returned by the Trustee as many other officers of the Court have stated since 2014, please review the Order.).

Should the Bankruptcy judge have stopped all actions against the Appellant (her elderly parents) who have had a satisfied mortgage per the Recorder of Deeds since 2006 as it was only discovered the satisfactions/deed on June 15, 2012 after having a small parcel on land annexed and the attorney brought us the recorded Official Deed for my/our house. There is a mortgage licensing act violation per 7 Pa. Stat. 6101 et seq.

Appellant respectfully requests the Court to seek Forensic Review by the Foreclosure Law Center in numerous dockets in State Court or the United States Court of Appeals for the Third Circuit, as it has been submitted and ignored continuously.

Appellant has notified the Sheriff's Office in April 2019 and included the Recorded Official Deed in April 2019 and asked Deputy Sheriff Clifton to be honest and take the official deed to the Court per 53 Pa.C.S. § 1141. On July 1, 2019 posted by Deputy Sheriff Kimberly Dellaney (sp) and discovered approximately 11:30 am SEE APPENDIX G which includes the "UNOFFICIAL COPY" of deed. Therefore, the Actions of the Appellees is false.

Appellant was contacted by a Real Estate Broker, Mr. Al Ronderos of Independent Reo in March 2019, by posting on the door, attempting to pay Appellant and family to leave the residence but upon contacting East Coventry Township, Chief of Police William Mossman and him calling Mr. Ronderos, then calling Appellant back to tell me to call Mr. Ronderos, which Appellant did and sent him an email of the power of attorney contract of 2009, the recorded Official Deed as well as the Notice of Removal(s) in 2013 which state 18 U.S.C. § 3771 and told him my elderly parents were a victim of a crime. He has never contacted me again or trespassed on private posted property of my elderly parents.

Appellant on her own has recently contacted Mr. John Rafferty, Esq. for assistance and paid for his contact information through a referral by the Chester County Bar Association, at the expense of the elderly yet again. Mr. Rafferty has

declined through email representation to this matter. As the years have ticked by no one is willing to help the Appellant to assist her elderly parents and not one has utilized the Whistleblower Act including Ms. Staci Scrivani or Mr. Craig Hineirsen who informed the Court of the TILA, RESPA and 42 U.S.C. § 1983 and 18 U.S.C. § 3771.

See Appendix D.

The Appellant would greatly appreciate the Court's assistance so that the elderly, the Appellant and others do not become homeless, the elderly can retain their rightfully owned property and Appellant can continue to care for her elderly parents without having to find time to continuously type up legal documents which apparently are not read or cared about in the lower Courts as all pleadings are dismissed and costs assessed against indigent Appellant as the Court always grants IFP status.

The Appellant respectfully requests the Court to review and seek the truth as no other Court will permit the attorneys to present their case as they stated *TILA, RESPA, 42 U.S.C. § 1983 and 18 U.S.C. § 3771* or Appellant's testimony, continually denying my/our rights, due process. (Is this a lingering case from 2008, when robo signing was prevalent during the time of the Mortgage Bubble in 2008 as it was found to be a practice amongst the Appellees, Wells Fargo and numerous others?)

Appellant with the above stated respectfully seeks a liberal review, honoring and enforcing the power of attorney contract, an ORDER joining US Bank, NA and Rushmore Loan Management Services, her good name cleared and all clear legal errors, more if the Court can determine them, corrected per U.S. Const. amend. V, cl.

3 & 4, state: "...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Accordingly, U.S. Const. amend. XIV, §1, cl. 2, provides in part: "nor shall any State deprive any person of life, liberty, or property, without due process of law." And U.S. Const. Article III, § 2, cl. 1: "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.., to Controversies to which the United States shall be a Party...". Concurring, 28 U.S.C. § 1345 2 states: "the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress." (June 25, 1948, ch. 646, 62 Stat. 933.).

Alternatively, a denial of certiorari does not limit this Supreme Court's power to right the numerous wrongs against the Appellant and her family by voiding/vacating the judgments for fraud, herein and therein the state RICO action by ordering a stay on the state proceedings and allowing the federal Court to proceed with a district judge unconnected to Wells Fargo Bank, NA or US Bank, NA and with prior claim experience. Additionally, ordering the voiding/vacating of the wrongful foreclosure judgement and dismissing with prejudice as sanctions for Wells Fargo Bank, NA's numerous acts of Fraud on the Court which have had a catastrophic impact on those who were also victimized by the illegal practices of Wells Fargo Bank, NA. which seems to be a habit. The Appellant and her family pray for relief.

"There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice ..." - U.S. v. Jannotti, 673 F.2d 578, 614 (3d Cir. 1982).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cynthia M. Yoder, P.D.A.

Date: July 2, 2019