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19-6300

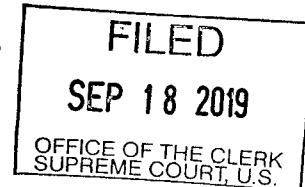
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL
CERTIORARI

JOHN P. STOKES, PAMELA J. STOKES,
PETITIONERS

VS.

LSF8 MASTER PARTICIPATION TRUST, MACKOFF LAW FIRM, et al.,
RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT No. 19-35087

PETITION FOR WRIT OF CERTIORARI

JOHN P. STOKES
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LIST OF PARTIES

[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:

JASON HENDERSON, DANICK REMBLAY, ANDRE COLLIN, JOHN GRAYKEN,
WILLIAM YOUNG, DANIELLE COFFMAN, JOHN AND JANE DOES 1-5

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ACCESS TO STATE COURTS

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

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

✓ The opinion of the United States court of appeals appears at Appendix (B) to the petition and is

[x] is unpublished.

The opinion of the United States district court appears at Appendix (A) to the petition and is

[
[x] is unpublished.

**1.
JURISDICTION**

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

The date on which the United States Court of Appeals decided my case was. _____ FEBUARY 25, 2019

[X] A timely petition for rehearing was denied by the United States Court of Appeals For The Ninth Circuit.

Appeals on the following date: _____

August 29, 2019 and Formal Mandate September 6,2019

and a copy of the order denying rehearing appears at Appendix (C)

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. VIOLATIONS OF 18 U.S. CODE § 1964 CIVIL RICO,
18 U.S.C. 152 (4)
2. FRAUDULENT MORTGAGE ASSIGNMENT AND FRAUD UPON THE COURT.
3. VIOLATION OF 18 USC 362 (A) VIOLATION OF AUTOMATIC STAY
4. 11 USC 362 (H) (K) REMOVING ASSETS FROM THE ESTATE WITHOUT LEAVE OF THE
BANKRUPTCY COURT.
5. FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION. FREEDOM TO
SPEECH AND WRITE
6. THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE
UNITED STATES CONSTITUTION.
7. BANKRUPTCY FRAUD.
8. FELONY PERJURY IN FEDERAL COURT PROCEEDINGS
9. WRONGFUL AND FRAUDULENT FORECLOSURE. ATTORNEY DECEIT UPON THE
COURT,
10. DIVERSITY OF CITIZENSHIP

STATEMENT OF THE CASE

Plaintiff at all times requested this matter come before the federal Courts as State Court has no jurisdiction over the federal issues of ANSWER, AFFIRMATIVE DEFENSE, COUNTER CLAIMS:

VIOLATIONS OF 18 U.S. CODE § 1964 CIVIL RICO,

18 U.S.C. 152 (4) FRAUDULENT MORTGAGE ASSIGNMENT AND FRAUD UPON THE COURT.VIOLATION OF 18 USC 362 (A) VIOLATION OF AUTOMATIC STAY

11 USC 362 (H) (K) REMOVING ASSETS FROM THE ESTATE WITHOUT LEAVE OF THE BANKRUPTCY COURT.THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

BANKRUPTCY FRAUD.FELONY PERJURY IN FEDERAL COURT PROCEEDINGS WRONGFUL AND FRAUDULENT FORECLOSURE.ATTORNEY DECEIT UPON THE COURT, and diversity citizenship. The US District Court is the only court with complete subject matter jurisdiction. The State courts do not.

Count Number One.

LSF 8, Together with Jason Henderson, Mackoff Kellogg law offices, Danick Tremblay, Andre Collins, John Grayken, William Young, and Danielle Coffman of Crowley Fleck conspired together and conducted an unlawful and wrongful foreclosure on 12997 Raven Way, Bigfork, Montana 59911 on August 18, 2016. At all times, the above parties had actual knowledge of the four forged and fabricated assignment of mortgage. LSF 8 gave up any fraudulent claimed interest on 02/15/2015. Each were involved in attempts to extort money and or property from the Stokes, and have used the US Mail services, wire fraud, electronic communication, newspapers, physical threats of removal. All for profit for the enterprise. LSF 8 has a pattern of false assignments for foreclosure. The above named all committed Civil RICO under

VIOLATIONS OF 18 U.S. CODE § 1964 CIVIL RICO,

Count Two

LSF 8 together with their predecessors, HSBC, HFC II, HFC III, acting through their attorney Jason Henderson submitted four separate forged assignments of Note to federal Bankruptcy Court as Proof of Claims and violated 18 U.S.C. 152 (4) FRAUDULENT MORTGAGE ASSIGNMENT AND FRAUD UPON THE COURT. HSBC was the parent company of HFC II and HFC III. HSBC closed them in 2009 for Mortgage Fraud.

Count Three.

ON May 16, 2016, The Court entered Defaults against LSF 8 and other defendants for failing to answer and thus admitting the complaint. The Defaults were valued at \$4,600,000.00

On July 15, 2016 John Stokes filed for Chapter 13, bankruptcy protection. All parties including the court were notified on July 15, 2016. The defaults then became property of the estates of John Stokes and Pamela Stokes.

On July 26, 2016 LSF 8, First American Title Company and US Bank NA as Trustee had ex-parte contact with the court. The Court then issued an Order to appear and set hearing for August 10, 2016 in state Court in violation of 11 USC 362 (a) automatic stay. The purpose of the hearing was to dismiss the Defaults, property of the estates, against LSF 8 and others. LSF 8 and no other did not seek relief from the automatic stay. All actions in state Court after the filing of the petition on July 15, are void ad initio.

Count Four

Plaintiffs Cross Defendants have Wrongfully and falsely made statements to Montana Supreme Court in effort to have Stokes declared a Vexatious Litigant.

Stokes v. First American Title Co. of Montana, Inc. :: 2017. Stokes has only sued one party since 2012, LSF 8 in Lake County DV-14-223. Stokes was represented by counsel. Stokes obtained defaults against LSF 8 and others for approximately \$4,600,000.00. The Plaintiffs stated to the court, there were unaware of the Bankruptcy of John Stokes when they made their appearance and pleadings to dismiss the Defaults in DV-14-223. A complete falsehood. They obtained relief and had Stokes declared a Vexatious litigant. Stokes has only been defending against the RICO enterprise of LSF 8. Here, LSF 8 sued Stokes. A Defendant cannot be a Vexatious litigant. Stokes has now been deprived of his 14th Amendment Rights of Equal Access to the Courts. Through their various counsels LSF 8 has sought to ban and strike their fraudulent assignments, which they and their predecessors submitted to Federal Court, and previous admissions, concealing their criminal activities and deprive Stokes of Property, valued at \$1,446,000.00 for their own gain.

Count Five

LSF 8, through their attorney(s) and predecessors have submitted four fabricated and forged assignments of note as Proof of Claims. Submitting false mortgage assignments is /and fraud upon the court Sustains Civil and Criminal RICO. The scheme at all times used the US Mail, and were intended to be relied upon by the parties and the Court. Further filing is a violation of 851 False Claims, 18 USC 152(4). All elements of the statute have been met. .

Count Six

LSF 8 conducted a Wrongful Fraudulent Foreclosure on 12887 Raven Way, Bigfork, Montana, 59911, with the aid of Jason Henderson, Mackoff Kellogg, Danielle Coffman ~ Crowley Fleck attorneys, on August 18, 2016. At all times LSF 8 and their attorneys and agents had actual knowledge of the forged fabricated assignments. At all times LSF 8 their attorneys and agents knew LSF 8 had no interest in said

note and assigned note back to HFC II on 02/15/2015. A document LSF 8 is now attempting to strike.

However it is part of the Federal Record, and admitted to.

HFC II had no interest to assign to LSF 8. Per POC submitted by Jason Henderson Note was assigned to HFC III. HFC III has made no assignments to anyone. The note HFC II assigned to LSF 8 on September 19, 2013, was the same disallowed “Blank” note HSBC used in BK # 09-60265. HFC II went out of business in 2009.

Count Seven

Any attorney who is guilty of any deceit or collusion or consents to any deceit collusion with intent to deceive the court or a party forfeits to the party injured by the deceit or collusion treble damages. The attorney is also guilty of a misdemeanor. Treble damages are mandatory un M.C.A. 37-61-406. The Stokes have suffered actual damages of \$1,446,000.00 the actual value of the residence, LSF 8 is wrongfully trying evict through their fraudulent foreclosure and now possession. Jason Henderson has admitted to the deception in BK # 18-60681 filed September 5, 2018, Attorney Deception upon the Court. Danielle Coffman apparently now co-counsel, has at all times known of the false and forged documents and now appears herein. By also failing to inform the court, it would appear they have also committed misjoinder of felony.

REASONS FOR GRANTING THE PETITION

Petitioners Constitutional Right, equal access to the courts and denial of civil rights, State court denial of federal jurisdiction. All state courts have been prejudiced against Stokes. Based solely upon Stokes defending his home from a fraudulent foreclosure and bankruptcy fraud. Stokes purchased the home free and clear from the US Trustee under 11 USC 363 (f) action, without objection. The “automatic remand” of the Ninth Circuit conflicts with other United States District Courts that do Grant removal on cases of this nature.

Nothing could be more compelling to grant removal than the latest filing by Lake County District Court, Montana, by Judge Deborah Kim Christopher. Order attached. Stokes is not permitted to defend himself in any and all Montana State Courts. A denial of one of the most basic constitutional rights. All state attorneys have declined representation. LSF 8 obtained the Order by fraud. The fraud has been admitted to by one of LSF 8 previous attorney, who promptly withdrew. The appellant court failed to take Judicial Notice of the admitted fraud and forgeries, to petitioners prejudice.

The state court issued Stokes a Summons and demanded answer, affirmative defenses and counter claims within 20 days. Stokes answered and filed counter claims. The counter claims have already been admitted to in Bankruptcy Case MT # 18-60681, by default. The Cross defendants also admitted by default the counter claims asserted in the cross complaint, that was removed to US District Court. They have also defaulted on Request for Production of Documents and Requests for Admissions.

Now, while this case is pending in United States Ninth Circuit Court, for review, Lake County State Court usurps and ignores exclusive jurisdiction. Lake County Court struck the federal counter claims and barred Stokes from the Courts. It is important to note this court denied LSF 8 motion to Strike Counter Claims. Only Stokes appealed the decision to remand for good cause.

This case clearly fits the exception to maintain removal. It is absolute fact Stokes has been denied equal access to the courts, the right to a fair and impartial tribunal. No party of record has opposed removal.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John G Stokes
Pamela Justokes
Date: 9-18-2019