

In The  
**Supreme Court of the United States**

Case No.: \_\_\_\_\_

**Joseph L. Worrell,**

*Petitioner,*

v.

**Emigrant Mortgage Company, Inc., et al,**

*Respondents*

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On Appeal from:

The Eleventh Circuit Court of Appeals (Case:18-10415);

The United States District Court for the Southern District of Florida;

The United States Bankruptcy Court for the Southern District of Florida

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**APPLICATION FOR EXTENSION OF TIME TO PETITION FOR  
WRIT OF CERTIORARI**

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To the **Honorable Clarence Thomas**, Justice of the United States:

1. Pursuant to Rules 13.5 and 30.2 of this Court, Petitioner Joseph L. Worrell, respectfully request an extension in the time to file a petition for writ of certiorari review of the Eleventh Circuit Court of Appeals Per Curiam Affirmance (PCA) decision on April 15, 2019. (See attached Appendix; case: 18-10415). Jurisdiction of the Court would be invoked pursuant to 28 U.S.C. § 1254(1).

In support of this request, Petitioner states as follows:

2. An extension is needed in this instance to read the Court's Rules, attend medical work-ups, and meet pending military and nonmilitary obligations. The

extension requested is until and including, August 30, 2019, when petitioner expects to return to active duty status.

3. Unless extended, the time for filing a petition for writ of certiorari would normally expire on, or about, July 28, 2019, as further tolled by applicable period(s) of active duty, pursuant to 50 U.S.C. § 3936(a); 28 U.S.C. § 2101(c); and Rule. 13.1. (See Appendix; title 10 recent period of active duty).

***Background and Essence of the Case***

4. The order(s) on appeal, or likely to be appealed, in the instant matter essential affirms imposition of unusually though deterrent and punitive sanctions -- including permanent summary dismissal and high fines, against otherwise lawful attempts to prosecute several willful violations of constitutional guarantees, and specific federal rights, including provisions of the Service-members Civil Relief Act (SCRA, 2003), as amended, and the Bankruptcy Code.
5. The Petitioner is proceeding Pro Se, after searching diligently, but unsuccessfully, for affordable qualified counsel. Petitioner is a U.S. Navy reservist combat veteran with over seventeen years of honorable military service, who in September 1999, had bought land in Palm Beach County, Florida, and by mid-2005 had built a home valued at \$1,000,000.00 (by Appellee EMIGRANT).
6. In 2009, on March 30, and on August 31, while Petitioner was known to be serving in the U.S. Navy overseas in the Middle east / Persian Gulf theater with

boots-on-the ground prosecuting the Global War on Terror (GWOT), Florida officials acting under the direction of Appellee EMIGRANT purport to have “foreclosed and sold” the subject SCRA-protected homestead property -- despite an active pending Chapter 13 bankruptcy case, and notwithstanding specific federal laws expressly outlawing (and criminalizing) such actions.

7. None of the *unapproved* post Chapter 13 petition sales supposedly held under Florida law (Fla. Sta. 45.0315) were ever properly cancelled nor rescinded – even after a *preconfirmation dismissal* of the bankruptcy case following Petitioner’s military redeployment, on November 19, 2010. And even though the *bankruptcy dismissal statute* normally operates naturally to immediately reset the “prepetition status quo ante”, thus extinguishing the attempted sales; See 11 U.S.C. § 349(b)(3).
8. Current federal law further seeks to guarantee that persons serving on Active Duty do not suddenly find themselves homeless, after returning home. Therefore, the SCRA §§ 3936(b) and 3953(c) expressly forbids any person from taking or terminating protected *redemption rights* to service-member-owned real property, while the owner is on Active Duty -- unless a very specific waiver is executed *after* the period of Active Duty begins, or under strict court supervision; See 50 U.S.C. § 3918. No such written waiver or court approval is involved, nor was even mentioned in this case.

### ***Main Questions Presented***

9. Several key questions raised by this significant and unusual case, were altogether avoided and / or answered incorrectly by the courts below. Therefore, the case is fairly similar in that regard to the 1940s Supreme Court landmark case in Kalb, establishing the rule of voidness for actions taken in violation of the Bankruptcy automatic stay, [see in *Re Kalb v. Feuerstein*, 308 U.S. 433, 443, 60 S. Ct. 343, 348, 84 L. Ed. 370 (1940)]. Since it, also involves a purported mortgage foreclosure done under state law (Fla. Sta. 45.0315).

10. This SCRA-Bankruptcy appeal presents several significant issues of first impression, not previously unexamined in this particular context concerning: Constitutional Due Process; Equal Protection; Bankruptcy Jurisdiction, and the Supremacy Clause related to federal laws and state statutes; and actions by state (and federal) officials to essentially nullify a federal statute, or regulation.

11. The key applicable federal law here, the SCRA, 2003 and its related statutes, was enacted to provide military members and their legal dependents important civil protections to help safeguard their financial interest and Civil Rights, to allow them to devote their entire energy to defending the United States, without the added burden or harassment of defending themselves in civil proceedings, while simultaneously fighting terrorists; a burden Congress believes would be unfair and distracting. Accordingly, its provisions are mainly intended to safeguard the

property and civil rights of persons away from home performing service under title 10 active duty orders, and during a hiatus of three to twelve months, after discharge from the rigors of active duty.

12. Over seventy-five years ago the Supreme Court held that the law should be read with an eye friendly to those who dropped their affairs to answer their country's call; *Le Maistre v. Leffers*, 333 U.S. 1, 6 (1948); and that the Act "is always to be liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the nation," *Id. Boone v. Lightner*, 319 U.S. 561, 575, 63 S. Ct. 1223, 1231 (1943). In other words, the SCRA should be read in favor of the men and women it is intended to protect, not their opponents.

13. This appeal thus poses important questions about when, in the United States, is it equitable and lawful under current law to seize service-member-owned protected property in state residential foreclosure proceedings, while the owner is known to deployed overseas with an active bankruptcy case pending; as here in case 09-15332. The appeal therefore presents important questions concerning the operation of 11 U.S.C. § 362(a); § 349 (b)(3); and 50 U.S.C. §§ 3936(b) & 3953(c), and other pertinent federal laws.

#### *Novel Questions Posed by this Case*

14. Additionally, because the alleged mortgagee in this case, Appellee EMIGRANT, routinely practices *reverse redlining* and other preplanned equity

stripping schemes targeted intentionally towards the property of certain minority home-owners, and uses false "lost note" claims and other sophisticated mortgage bifurcation techniques to deliberately separate its residential mortgage liens from the underlying promissory notes in order to engage in overly convoluted and elaborate financial transactions including faulty securitization, involving trillions of dollars in defective mortgages eventually deceptively sold to investors on Wall Street, while posing as a traditional "mortgage lender".

15. This appeal further asks what reasonable level of legal proof is required from such a party who is falsely claiming that it has "lost the note", and is suing to foreclose on a mortgage it also dubiously claims to have standing to enforce -- even though a legitimate predicate note clearly never existed, *ab initio*.
16. Accordingly, this case challenges whether a valid uniform residential mortgage lien instrument, that is subject to a host of national and local accurate disclosure laws, may legally **predate** the promissory note it is **predicated** on, and purports to secure.
17. Additionally, the due process violation(s) self-evident from the bankruptcy court's docket itself [DE # 28, case: 09-15332] and immediate dismissal, absent the statutory "Notice and hearing", and its determinative effects on the decisions in this case, still is at issue; See 11 U.S.C. § 1307(c).

### ***Constitutional Questions, And Other Issues Raised***

18. Besides the important SCRA-Bankruptcy related issues mentioned previously and apparent nullification of federal law, this appeal turns also on the rule of voidness for (official) actions and orders rendered in violation of due process, and without competent jurisdiction. See also *In re: Krueger* 88 B.R. 238, 241-42 (B.A.P. 9<sup>th</sup> Cir. 1988); holding that a bankruptcy dismissal, without the required statutory "Notice and hearing" of §1307(c), violates due process and is void.

19. Furthermore, no mortgage default can be shown in this case. In fact, EMIGRANT'S own proffered evidence and false sworn statement are legally untenable and clearly contradict any dates it claims a default occurred. Therefore, the summary judgments sought and entered in its favor purely to steal SCRA-protected property and to avoid the scrutiny of a trial, also represent a material failure of due process, and is constitutionally void, *de novo*.

20. In this instance, the alleged mortgagee also further demonstrates bad faith and unfair dealings by, over five months post summary judgment and on the day after it purportedly sold the home, suddenly presenting - out of thin air, so-called, "original documents" with several serious facial discrepancies as its evidence of legal standing.

***Additional Risk to Military Families, Military Service, and National Defense***

21. Congress expressly stated its intent and purpose in passing the SCRA is to -- “strengthen and expedite national defense” by allowing persons serving on active duty to devote their entire energy to the defense need of the Country. *Id* at 50 U.S.C. § 3902. Therefore, to the extent the law is being wantonly disregarded or nullified here, the issues presented by this appeal, are related to the national defense and security of the United States.

22. This case therefore raises issues of significant public importance, especially for military families, since it concerns protecting important property rights when deployed overseas, and could directly affect adverse enforcement of federal laws intended to protect persons called to put on the uniform and serve the United States.

23. Left unchallenged, the decisions in this case clearly create bad legal precedence, wrongly rewards anti-military animus, erodes the rights of persons deployed abroad with the U.S. Military, and abridges their constitutionally guarantees and due process protections. Including the right to appear in court, and to defend oneself and property from improper sale or seizure, without a trial.

***Special Consideration is Requested and Warranted***

24. Pursuant to Rule 40 and other relevant exemptions, Petitioner attest and certify to his Military Veteran status, and respectfully request to proceed with this

appeal without a court docket fee, as permitted by applicable regulations, not limited to 28 U.S.C. § 1916, and § 1746; 38 U.S.C. § 4301-4335.

WHEREFORE, an extension in time is needed, and Petitioner request at least an additional 30 days to finish legal search, research, and to prepare an appropriate petition in this important matter, also of relevance and of special importance to other members of the United States Military.

Done, and dated: July 15, 2019.

Respectfully Submitted,



Joseph L. Worrell, Pro Se.

C/O P O BOX 30071

WEST PALM BEACH, FLORIDA 33420-0071

Email: [joworr@yahoo.com](mailto:joworr@yahoo.com)

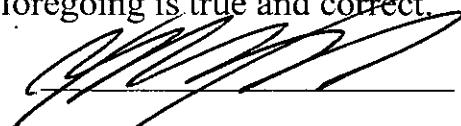
### **CERTIFICATE OF SERVICE**

I, Joseph Worrell, HEREBY CERTIFY that a true and accurate copy of this application for extension of time to file for writ of certiorari in this case was sent via regular U.S. mail on July 15, 2019 to attorney for Respondent, and other interested parties listed below—

1. Steven M. Davis, Esq. Attorneys for Respondent,  
C/o Becker & Poliakoff, P. A.,  
Alhambra Towers, 121 Alhambra Plaza, 10<sup>th</sup> Floor,  
Coral Gables, FL 33134

I further certify that, in accordance with Rule 29 of this Court, all parties required to be served have been served, or may be noticed via CM / ECF

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



Joseph L. Worrell

Case No.: 19 \_\_\_\_\_

**In the  
Supreme Court of the United States**



Joseph L. Worrell,  
*Petitioner,*

vs.

Emigrant Mortgage Company Inc., et al,  
*Respondents.*

On Petition for a Writ of Certiorari  
To the Eleventh Circuit Court of Appeals

Re: USCA11 No. 18-10415

**CERTIFICATION STATEMENT**

I, Joseph L. Worrell, under penalty of perjury testify that an Application for Extension was timely filed in this case on or about July 15, 2019, and to the best information and belief, the representations therein are true and correct.

A handwritten signature in black ink.

Joseph L. Worrell.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was provided via CM/ECF system, and or, by U. S. Mail to attorney for Respondents listed herein, and other interested parties:

Steven M. Davis, Esq.,  
Becker & Poliakoff, P. A., Attorneys for Respondents,  
Alhambra Towers, 121 Alhambra Plaza, 10<sup>th</sup> Floor,  
Coral Gables, Florida 33134

Done, and dated: October 21, 2019.

A handwritten signature in black ink.

Joseph L. Worrell, pro se.  
P.O. Box 30071  
West Palm Beach  
Florida, 33420

Case No.: 19 \_\_\_\_\_

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**In the**  
**Supreme Court of the United States**

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Joseph L. Worrell,

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**On Petition for a Writ of Certiorari  
To the Eleventh Circuit Court of Appeals**

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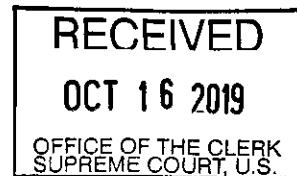
**CORRECTION REQUEST**

Re: USCA11 No. 18-10415

Dear Mr. Harris:

On Thursday, October 3, 2019, I received directly from the hand of the postman, your notice dated Tuesday, September 10, 2019, sent via U.S. Postal Service First Class Mail.

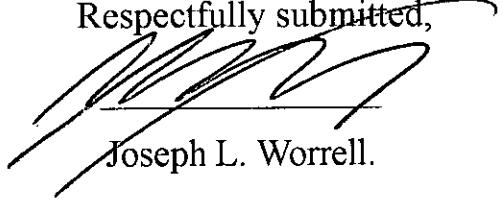
The notice states in error that an out-of-time petition for writ of certiorari in this case was received in the U.S. Supreme Court after (Sunday) July 14, 2019. It however, did not mention my June 2019 unacknowledged timely extension application to Justice Thomas. It furthermore fails to properly toll the filing deadline; a mandatory legal requirement under 50 U.S.C. 3936(b). See also: *Small v. Kulesa*, Court of Appeals of Arkansas (2005); citing *Hedrick v. Bigby*, 228 Ark. 40, 305 S.W.2d 674 (1957).



Pursuant to our conversation, please find enclosed an additional copy of the still unacknowledged application<sup>1</sup> to extend time, along with copies of recent title 10 orders evidencing fifteen (15) days of applicable Active Duty, from June 11, 2019, effectively tolling the July 15, 2019 deadline referenced by the Notice.

Accordingly, I respectfully request correction of the omission, and retroactive grant of the properly requested extension. Please let me know if there is anything else needed from me relevant to this issue.

Respectfully submitted,



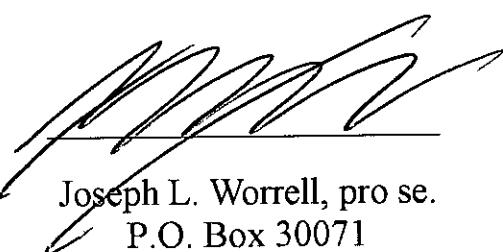
Joseph L. Worrell.

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was provided via CM/ECF system, and or, by U. S. Mail to attorney for Respondents listed herein, and other interested parties:

Steven M. Davis, Esq.,  
Becker & Poliakoff, P. A., Attorneys for Respondents,  
Alhambra Towers, 121 Alhambra Plaza, 10<sup>th</sup> Floor,  
Coral Gables, Florida 33134

Done, and dated: October 4, 2019.



Joseph L. Worrell, pro se.  
P.O. Box 30071  
West Palm Beach  
Florida, 33420

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<sup>1</sup> Copy of extension application & title 10 military orders attached hereto are intentionally reproduced two-sided to help distinguish from originals, now presumed lost.