

No. 18 - \_\_\_\_\_

*In the Supreme Court of the United States*

LEVY GARDENS PARTNERS 2007 LP., HENRY L. KLEIN,  
REGINA B. HEISLER AND  
THE SUCCESSION OF FREDERICK P. HEISLER

*Petitioners*

v.

LEWIS TITLE COMPANY, INC., LISKOW & LEWIS, P.L.C.,  
GIROD LOANCO, LLC., and STEVEN TERNER MNUCHIN,  
SECRETARY OF THE DEPARTMENT OF TREASURY

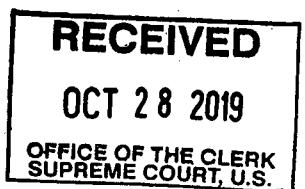
*Respondents*

---

MOTION TO DIRECT THE CLERK TO FILE PETITION FOR  
WRIT OF CERTIORARI OUT-OF-TIME

Henry L. Klein (D.C. Bar LA0003)  
844 Baronne Street  
New Orleans, LA 70113  
504-301-3017  
henryklein44@gmail.com

*Pro se 50% owner of Levy Gardens and  
Counsel for Levy Gardens Partners 2007 LP,  
Regina B. Heisler and the Succession of  
Frederick P. Heisler*



## MOTION TO DIRECT THE CLERK TO FILE PETITION FOR WRIT OF CERTIORARI OUT-OF-TIME

Applicants respectfully move that the Honorable Scott S. Harris, Clerk of the Supreme Court of the United States, be directed or direct his office, as appropriate, to file their Petition for Writ of Certiorari out-of-time for the following reasons:

For all intents and purposes, Applicant Henry Klein should be afforded status as a *pro se* litigant. Undersigned Applicant is a 75-year-old sole practitioner with no staff, no associates, no law clerks and no para-legals who very much *appreciates* the help the Clerk's staff has provided. After several attempts for relief have been rejected because of Applicant's errors and after having expended over \$15,000, this Applicant and his broken clients are unable to survive this fight much longer. Both of the District of Columbia Courts in *Klein v. American Land Title Association*, 12-1061, Judge Reggie B. Walton presiding, and *Klein v. Steven Terner Mnuchin*, 18-0769, Judge James E. Boasberg presiding, have acknowledged that Levy Gardens and its members (Henry Klein and Fred Heisler) lost \$9 million in the title breach which is the subject of this litigation — which is of LANDMARK dimensions nationally.

It also may be better to reduce the "Questions Presented" to just one, less wordy and crystal-clear in this Declaratory Judgment Action:

*ARE OWNER'S AND LENDER'S TITLE POLICIES  
"...CONTRACTS OF INSURANCE..." PER GROUP  
LIFE, 440 U.S. 205 (1979) AND ITS PROGENY?*

The level of corruption we present is astounding. The industry makes a profit of forty-seven million dollars (\$47,000,000) a day for a product that has no value. The Petition establishes the FLEECING OF AMERICA beyond doubt. At acts of sale, Title Agents keep 80% to 85% of the premiums paid without the homeowner being told. No one is protecting the consumer. Treasury Secretary Mnuchin doesn't do his Title V job under *Dodd-Frank*, but nobody seems to care.

For the past 8 years, your *pro se* Applicant has fought the fight *pro bono publico*. By any measure, Separation of Powers principles aren't working when it comes to the only insurance industry which doesn't sell any "...insurance..." James Madison and his Angels must be turning over in their graves (Federalist Paper 51).

At p. viii of our Petition, we state the following truths we are confident the Justices will hold to be self-evident:

*AFTER 74 YEARS OF A FREE RIDE [ON THE MCCARRAN-FERGUSON TRAIN], THE TITLE INDUSTRY PRETENDS TO SELL "...INSURANCE..." TO INNOCENTS, HAS AVOIDED REGULATION BY POWERFUL LOBBIES IN EVERY JURISDICTION SAVE THE ENLIGHTENED STATE OF IOWA AND ENGAGES IN OLIGOPOLISTIC LARCENY WHILE THE WHOLE OF THE EXECUTIVE BRANCH OF GOVERNMENT COVERS ITS REGULATORY EYES.*

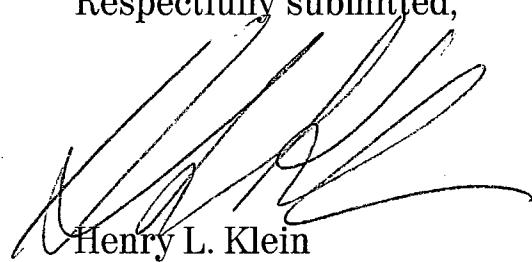
In his opinion dismissing *Klein v. Mnuchin*, Judge Boasberg said this:

In 2008, Levy Gardens paid a total of \$108,761.52 in so-called insurance premiums to . . . Lewis Title. That title company, however, apparently overlooked an old ordinance, which led to the enjoining of Levy Gardens' housing project and a loss of \$9 million. After Levy Gardens obtained an award of only \$605,000, Klein "pledged to God and [to] himself that what happened to Levy Gardens should never happen to anyone again." The carrying out of such oath has precipitated a series of suits against Lewis Title, the American Land Title Association (ALTA) and now the Government.

Mr. Harris: If the Rule selected isn't exactly right or if the wrong procedure has been followed, please nevertheless present our Petition to the Justices, who can "consider it" under the right Rule.

Special thanks to Gentleladies Mara Silver and Lisa Nesbitt for guiding this old lawyer to this point.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H.L.Klein". The signature is fluid and cursive, with the initials "H.L." and the surname "Klein" written in a continuous, flowing motion.

Henry L. Klein

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 19-30359

---



FEDERAL DEPOSIT INSURANCE CORPORATION

Plaintiff

A True Copy  
Certified order issued Jul 08, 2019

v.

LEVY GARDENS PARTNERS 2007, L.P.,

Defendant - Third Party Plaintiff - Appellant

v.

LEWIS TITLE COMPANY, INCORPORATED; LISKOW & LEWIS, P.L.C.,

Third Party Defendants - Appellees

---

Appeal from the United States District Court for the  
Eastern District of Louisiana

---

CLERK'S OFFICE:

Under 5<sup>TH</sup> CIR. R. 42.3, the appeal is dismissed as of July 8, 2019, for want of prosecution. The appellant failed to timely file brief and record excerpts.

LYLE W. CAYCE  
Clerk of the United States Court  
of Appeals for the Fifth Circuit

*Rebecca L. Leto*

By: \_\_\_\_\_  
Rebecca L. Leto, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

**Additional material  
from this filing is  
available in the  
Clerk's Office.**