

No. 21-

In the
Supreme Court of the United States

Nicholas L. Triantos,

Petitioner

v

Deutsche Bank National Trust Company, as
Trustee for Morgan Stanley ABS Capital I Inc.,
Trust 2004-E4, Mortgage Pass-Through
Certificates, Series 2004-HE4, New Century
Mortgage Corporation, Bank of America, N. A.,
Select Portfolio Servicing, Inc., Countrywide
Home Loans, Inc., Guaetta & Benson, LLC.,
Audrey G. Benson, Peter V. Guaetta, and Sarah
T. Fitzpatrick

Respondents

APPENDIX

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Pro-Se Petitioner,

February 15, 2021

United States Court of Appeals For the First Circuit

No. 17-1938

NICHOLAS L. TRIANTOS,

Plaintiff - Appellant,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2004-HE4, Mortgage Pass-Through Certificates, Series 2004-HE4;
SELECT PORTFOLIO SERVICING, INC.; BANK OF AMERICA, N.A., ;
GUAETTA & BENSON, LLC; AUDREY G. BENSON; PETER V. GUAETTA;
SARAH T. FITZPATRICK; COUNTRYWIDE HOME LOANS, INC.,

Defendants - Appellees,

NEW CENTURY MORTGAGE CORPORATION,

Defendant.

Before

Howard, Chief Judge,
Thompson and Kayatta, Circuit Judges.

JUDGMENT

Entered: September 16, 2020

Appellant Nicholas Triantos ("Triantos") challenges the district court's decisions denying his motion to remand to state court and granting the defendants' motions to dismiss. After careful consideration of the parties' arguments on appeal and the record, we affirm.

The single federal claim presented in the underlying complaint sufficed to anchor federal-question jurisdiction, as the district court properly concluded. We are unpersuaded by the appellant's remaining jurisdictional arguments on appeal.

We likewise affirm the district court's decision dismissing the claims. To the extent that we do not deem the appellant's various challenges to the validity of the 2014 foreclosure waived for lack of development, see United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990), we conclude

that they are either squarely foreclosed by precedent or that they lack merit. See, e.g., Hayden v. HSBC Bank USA, Nat'l Ass'n, as Tr. for Wells Fargo Asset Sec. Corp. Mortg. Asset-Backed Pass Through Certificates Series 2007-PA3, 956 F.3d 69, 71 (1st Cir. 2020) (per curiam) (rejecting assertion "that the acceleration of the maturity date of a note affects the five-year limitations period for the related mortgage") (emphasis in original); Harry v. Countrywide Home Loans, Inc., 902 F.3d 16, 19 (1st Cir. 2018) (acceleration of note has no impact on the limitations period for a mortgagee's right to foreclose); Nims v. Bank of New York Mellon, 97 Mass. App. Ct. 123, 124, 142 N.E.3d 1124, 1126 (concluding that acceleration of a note secured by a mortgage does not accelerate the "'maturity date' of the mortgage for purposes of the obsolete mortgage statute"), rev. denied, 485 Mass. 1105, 150 N.E.3d 1121 (2020) (table).

Affirmed. See 1st Cir. Loc. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Nicholas L. Triantos
Peter Francis Carr II
Michael P. Robinson
Connie Flores Jones
Peter V. Guaetta

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action
No: 1:17-cv-10550-WGY

TRIANTOS
Plaintiff

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY
Defendant

ORDER OF DISMISSAL

YOUNG, D.J.

After a hearing held on September 14, 2017, this Court Orders the above entitled action be and hereby is Dismissed for the reasons stated on the record.

Robert M. Farrell
Clerk

By: /s/ Jennifer Gaudet
Deputy Clerk

September 21, 2017

A-88

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Clerk's Office.**