

20-6493
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

SEP 14 2020

OFFICE OF THE CLERK

In the
Supreme Court of the United States

NEELAM T. UPPAL,
Petitioner,

v.

NATIONSTAR, ,
Respondents.

**PETITION FOR A WRIT OF CERTIORARI
FROM THE SUPREME COURT AND SECOND DISTRICT COURT OF
APPEAL OF FLORIDA**

Case No.: SC2020-983

NEELAM T. UPPAL
Petitioner Pro Se
P.O BOX 1002.
LARGO, FL 33779

QUESTIONS PRESENTED

1. Whether a litigant is deprived of due process of law when a judge issues an order to the filing clerk in a pending case that the clerk stamps and signs the orders and not to allow any hearings on the application from the litigant and issues Stamped orders or illegible signed order which even though denied by the lower tribunal Judge are upheld by the second District Court of Appeals without an opinion or give the litigant the ability to challenge the factual basis for such an order.
2. Whether a judge who issues such an order is abuse of authority and biased.
3. Whether the Florida Appellate court exercised its function to work in the interest of public and Justice or supported Conspiracy, corruption, Fraud and Civil theft for the financial or other gains of the fellow attorneys, government, banks or any wealthy individual, corporations or any other entities rather than upholding the law in the interest of the public.
4. Whether the Florida courts violated the the Judicial Code and the following federal laws and rules under the Hobbs Act.
A) Infringement of the 5th and 14 th Amendments of the Petitioner by denying her a fair evidentiary hearing and taking her home and her equity for her retirement.
5. Whether the Florida courts violated the following federal laws and rules by:
Violating Moratorium by the U.S. President and the Florida Governor by doing hearings for final judgment on pending Foreclosure cases during COVID-19 pandemic.

PARTIES:

NATIONSTAR,

NEELAM UPPAL

JUDGES OF THE SECONDCA OF FLORIDA

NORTHCUTT,
MORRIS, and
SLEET JJ.,

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Petitioner, NEELAM T. UPPAL, respectfully petitions this Court for a writ of common law certiorari to review a final order of parties in a . The order is attached hereto as exhibit "A" in the appendix to the Petition. to review the decision of the Second District Court of Appeals and Supreme Court of Florida which dismissed her application to review litigant order, thus, deprived her of due process of law. When a judge issues an order to the filing clerk in a pending case and the clerk stamps and signs the orders and does not allow any hearings on the applications from the litigant and issues Stamped orders or

illegible signed order, which even though, denied by the lower tribunal Judge, are upheld by the second District Court of Appeals without an opinion or give the litigant the ability to challenge the factual basis for such an order of a lower tribunal. In support thereof petitioner shows:

Opinions Below

Neither Court below issued an opinion. The Orders of the Circuit Court and the District Court of Appeal dismissing the appeal are contained in the Appendix.

Jurisdiction

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. The decision of the District Court of Appeal was rendered on July 14, 2020. (A-1) Since the decision of the District Court of Appeal was rendered without opinion, the Florida Supreme Court did not have jurisdiction to entertain it. See *Palmore v. Sidoti*, 466 U.S. 429, 431 (1984) citing Fla. Const., Art. V, § 3(b)(3); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980)).

Relevant Constitution

Amendment V:

This is a prejudice to the Appellant's Fifth amendment of her constitutional rights which states

“ no loss of life , liberty or property without due process “

Amendment XIV:

Section 1

“ . . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Civil Rights violation
Acts of 1964, 1968

Statement of the Case

The underlying action was brought by

Nationstar, to foreclose a mortgage on certain real property located in Reddington Shores, Florida. On or about June 22, 2016,(A-4) the trial court issued a final judgment of foreclosure, The petitioner contested that the bank obtained the Foreclosure Order by fraud in court, by having the clerk stamp the order that was never ordered by the Judge and later tricked the Judge into signing it.(App. A-4) The Judge admitted to making this error and dismissed the sale(App. A-3)

The Bank had further escalated the loan amount by deceptively auctioning and selling the property to themselves as willful violation of Automatic Stay of the Bankruptcy. The Bankruptcy Judge returned the property to

the Petitioner. Petitioner had already filed the appeal on the Final Judgement to the second District Court of Appeals.

A notice of appeal was duly filed on or about July 19, 2016, and a related writ of prohibition, as directed by the Court of Appeal, and filed on or about August 10, 2016. A 'Stay' order was entered by the Appellate Court On August 16, 2016.

On July 19, 2016, the Clerk of the Circuit Court filed the Record on Appeal with the Court of Appeal. On September 22, 2017 this case was fully briefed and on September 25, 2017 request for Oral argument was filed.

Petitioner filed for bankruptcy and on or about January 22, 2015, the Court of Appeal stayed all proceedings pending any relief from stay issued by the bankruptcy court. On or about December 9, 2017, the the Petitioner filed an appeal to US District court for Bankruptcy appellate review. The Jurisdiction is of Bankruptcy Court under 28 USC 1334 (a) and (e), so no enforcement action could be taken.

Petitioner timely filed her brief on appeal, but Respondent Nationstar continued to make applications

for an extension of time to do so, The Court finally denied Nationstar any further extensions and directed it to file an Appellee brief on or before October 17, 2017. On November 1, 2017 the Petitioner filed a 'Motion to Strike ' the Respondent's Brief at it was based on False statements and mis-representations of the documented legal and procedural facts. The Appellate court Judges struck the Reply of the Petitioner on November 1, 2017 and denied the Motion to strike the False brief of the Respondent on November 9, 2017

Notwithstanding the pendency of the Bankruptcy with the 'Stay Order' in effect; the bank auctioned her home the foreclosure. Judge vacated the sale on August 27, 2016 and and declared that she had signed the sale order in error, for unlawfully transfer Title of the property to the Respondent and returned the property to the Petitioner.(A-3)

The Appellate Court heard the Appeal on April 13, 2016 and ordered "Affirmed", signed by the clerk of the court. The Chief Justice ordered a mandate for the explanation of the order but that was not done:

REASONS WHY THE WRIT SHOULD BE GRANTED

The petitioner requests this motion be granted as why would the highest court in the

Country allow:

- 1) Judicial Corruption

2) Fraud on Court

- 3) Fraud in court
- 4) Violation of constitutional and civil rights of the petitioner by allowing lower court Judge to enter ex-parte orders for Foreclosure on false and fraudulent pre-typed orders, clearly in violation of 8th and 11th amendments of her Constitutional rights.
- 5) Civil Rights violation Act of 1964, 1968
- 6) Lack of Jurisdiction of the Trial court

THE SCHEME

1. Failing to Hold a Hearing.
2. Entering ex-parte orders for foreclosure
3. It is an Abuse of Discretion and authority. By the second DCA to not give a detailed opinion to hide their corruption and in violation of due process of the citizens of Florida, such that there is no Record for order to review or there is as there is no signed order by a Judge.
4. The Appellate Court Abused Its Discretion in Denying a Continuance.
4. Denial of detailed Opinion , re-hearing or re-consideration by the Judge.
5. The Appellate court abuses its discretion and authority by entering a decision of 'Affirmed' and allowing foreclosure on a fraudulent fake order entered by fraud in the court. This was in violation of the Florida constitution Art. V, section 3 (1) (b)
6. The Florida Supreme court clerk rendered and signed orders (Attached to writ), quoting case laws, without any mention of a Judge. The clerks orders constitute unlicensed activity as per FL Statute. Thus violating appellant's due process rights.

5. Honest Services Fraud

See 18 U.S.C § 1346

("For purposes of this chapter, the term 'scheme or artifice to defraud' includes a scheme or artifice to deprive another of the intangible right of honest services."). See *McNally v. U.S.*, 483 U.S. 350, 355 (1987).

6. Fraud on court

Additionally, this is an extreme case of Corruption,

- a) influence of a court member or official
- b) Judicial fraud.
- c) The respondent has done "Unconscionable" schemes to deceive or make mis-representations through the court system, to obtain Fraudulent Foreclosure Sale Judgements orders.

ARGUMENT

The Judgement is for review in the federal Court under *False Statements Accountability Act of 1996, P.L. 104-292, H.R. 3166, Oct. 11, 1996*

Order- 2
Supreme Court of Florida

WEDNESDAY, JULY 14, 2020

CASE NO.: SC2020-983 Lower Tribunal No(s).: 2D18-4772;
522013CA010045XXCICI

NEELAM UPPAL

vs.

NATIONSTAR MORTGAGE, LLC

Petitioner(s) Respondent(s) This case is hereby dismissed. This Court's jurisdiction to issue extraordinary writs may not be used to seek review of an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See Foley v. State, 969 So. 2d 283 (Fla. 2007); Persaud v. State, 838 So. 2d 529 (Fla. 2003); Stallworth v. Moore, 827 So. 2d 974 (Fla. 2002); Grate v. State, 750 So. 2d 625 (Fla. 1999). No motion for rehearing or reinstatement will be entertained by the Court.

John A. Tomasino
Clerk of the Court

A True Copy Test:

td Served:

NANCY M. WALLACE WILLIAM P. HELLER DAVID ARNOLD KARP
RYAN D. O'CONNOR NEELAM UPPAL HON. KEN BURKE, CLERK HON.
MARY BETH KUENZEL,
CLERK

A-2

Order-1

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327
April, 2020 CASE NO.: 2D18-4772 L.T. No.: 2013-CA-010045XXCICI

NEELAM UPPAL v. NATIONSTAR MORTGAGE, L L C Appellant /

Petitioner(s), Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellant's request for oral argument is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served: Nancy M. Wallace, Esq. David A. Karp, Esq. Ken Burke, Clerk

William P. Heller, Esq. McCalla Raymer Pierce, L L C

Ryan D. O' Connor, Esq. Neelam Uppal

s/ Mary Elizabeth Kuenzel
MARY BETH KUENZEL, CLERK

Order-2

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327
April 08, 2020 CASE NO.: 2D18-4772 L.T. No.: 2013-CA-010045XXCICI
NEELAM UPPAL v. NATIONSTAR MORTGAGE, L L C Appellant /
Petitioner(s), Appellee / Respondent(s).

BY ORDER OF THE COURT:

With this order, Appellant's motion for continuance is granted, solely to the extent that the case is removed from the oral argument docket of April 17, 2018, and will be decided on the briefs and without oral argument.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.
Served: Nancy M. Wallace, Esq. David A. Karp, Esq. Ken Burke, Clerk
William P. Heller, Esq. McCalla Raymer Pierce, L L C
Ryan D. O'Connor, Esq. Neelam Uppal

s/ Mary Elizabeth Kuenzel
MARY BETH KUENZEL, CLERK

Order -3

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND,
IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT

NEELAM T. UPPAL,)) Appellant,)) v.)) Case No.
2D18-4772)) NATIONSTAR MORTGAGE, LLC,)) Appellee.))

Opinion filed April 27, 2018. Appeal from the Circuit Court for Pinellas County;
Cynthia Newton, Judge. Neelam T. Uppal, pro se. Nancy M. Wallace and Ryan D.
O'Connor of Akerman LLP, Tallahassee; and William P. Heller of Akerman LLP,
Fort Lauderdale; and David A. Karp of Akerman LLP, Tampa for Appellee.

PER CURIAM.

Affirmed.

SILBERMAN, CRENSHAW, and ATKINSON, JJ., Concur.

s/ Mary Elizabeth Kuenzel
MARY BETH KUENZEL, CLERK

Order-4

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327
August 10, 2018 CASE NO.: 2D16-3310 L.T. No.: 2013-CA-010045XXCICI
NEELAM UPPAL v. NATIONSTAR MORTGAGE, L L C Appellant /
Petitioner(s), Appellee / Respondent(s).
BY ORDER OF THE COURT:

Appellant's motion for rehearing and rehearing en banc is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.
Served: Nancy M. Wallace, Esq. David A. Karp, Esq. Ken Burke, Clerk
William P. Heller, Esq. Mc Calla Raymer Pierce, L L C
Ryan D. O' Connor, Esq. Neelam Uppal

s/ Mary Elizabeth Kuenzal
MARY BETH KUENZEL, CLERK

A-3

Order from related Appeal 16-3830
IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327
September 7, 2016 CASE NO.: 2D16-3830 L.T. No. : 2013CA010045XXCICI
Neelam Uppal v. Nationstar Mortgage L L C Appellant / Petitioner(s), Appellee /
Respondent(s).

BY ORDER OF THE COURT: This proceeding is initiated as one in prohibition
to review the order denying a motion to disqualify the trial judge. The provision
in the order, which denied a stay, was approved in case 2D16-3310. The
summary judgment order is not final because it only grants a motion for summary
judgment. Petitioner may seek review of that order once judgment is entered.
Petitioner shall submit a petition with appendix within twenty days or risk
dismissal.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.
Served: Mc Calla Raymer Pierce, L L C Neelam Uppal Ken Burke, Clerk

s/ Mary Elizabeth Kuenzal
MARY BETH KUENZEL, CLERK

A-4

(Unable to format)

INTHE CIRCUITCOÚRTFORTHE SIXTH JUDICIALCIRCUITINANDFOR .
PASCO/PINELLASCOUNTY,FLORIDA CIVILDIVISION
NATIONSTAR MORTGAGE LLC,

Plaintiff(s) . . RER UCN 13-010045-CI ..v.

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