

NO. 20-820

IN THE

SUPREME COURT OF THE UNITED STATES

DENISE JACKSON,
PETITIONER, PRO SE

v.

WELLS FARGO HOME MORTGAGE,
RESPONDENT.

ON THE MATTER OF PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS OF THE SECOND CIRCUIT

PETITION FOR REHEARING
CORRECTION FOR CERTIFICATION

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PARTIES TO THE PROCEEDINGS

1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK
HONORABLE JUDGE: PAMELA CHEN
HONORABLE MAGISTRATE JUDGE: STEVEN TISCIONE

2 UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
HONORABLE JUDGE: DENNY CHIN
HONORABLE JUDGE: RICHARD J. SULLIVAN
HONORABLE JUDGE: WILLIAM J. NARDINI

3 WELLS FARGO HOME MORTGAGE:
ATTORNEY: C. NEIL GARY, PARTNER: % REED SMITH

4 HOGAN LOVELLS US LLP:
ATTORNEY: ROBIN L. MUIR, ASSOCIATE
ATTORNEY: LISA FRIED

INTRODUCTION FOR MERITS

HONORABLE CHIEF JUSTICE, JOHN ROBERTS, HONORABLE JUSTICES, OF THE UNITED STATES SUPREME COURT,

I DENISE JACKSON PLAINTIFF PRO SE , RESPECTFULLY REQUEST YOUR INTERVENTION EXAMINATION, REVIEW FOR A REHEARING ON THE MERITS OF MY CASE. TO ENSURE THE PROPER APPLICATION OF LAW IN THE DISMISSAL OF MY CASE , AND THE RULE OF LAW CONCERNING THE PREPONDERANCE OF IRREFUTABLE EVIDENCE SUBMITTED TO THE DISTRICT COURT ON THE RECORD.

THIS IS A CASE OF DISCRIMINATION IN FEDERALLY FUNDED PROGRAMS, AND HOUSING RELATED ACTIVITIES BY WELLS FARGO HOME MORTGAGE IN VIOLATION OF FEDERAL LAWS AND GUIDELINES THAT GOVERN F.H.A/ HUD.

MERITS OF A CASE: BLACK'S DICTIONARY:

- 1) THE ELEMENTS OR GROUNDS OF A CLAIM OR DEFENSE; THE SUBSTANTIVE CONSIDERATIONS TO BE TAKEN INTO ACCOUNT IN DECIDING A CASE.
- 2) A JUDGEMENT BASED ON THE EVIDENCE RATHER THAN TECHNICAL OR PROCEDURAL GROUNDS.

TABLE OF AUTHORITIES

CASES:

CONLEY V. GIBSON 355 U.S.41 AT 48 (1957)

HAINES V. KERNER 404 U.S. 519 (1972)

BOYD V. UNITED STATES, 116 U.S. 616 AT 635 (1885)

CITY OF OAKLAND V. WELLS FARGO & CO. 972 F,3D 1112 99TH CIR. 2020)

MAY V. SPOKANE CITY NO. 7179-4ILL (WASH. CT APP. FEB 23,2021)

TRINSEY V. PAGLIARO D.C. (1964) 229 F.SUPP 647

PLATSKY V. C.I.A./ F.B.I. 953 F.2D. 25

ANASTASOFF V. UNITED STATES, 223 F.3D 898 (8TH CIR. (2000)

BOSQUE V. WELLS FARGO BANK N.A., F.SUPP.2D (2011)

CITY OF L.A. V. WELLS FARGO & CO. 22 F.SUPP. 3D 1047 (C.D. CAL. 2014)

CITY OF MIAMI GARDENS V. WELLS FARGO 931 F.3D 1274 (11TH CIR. 2019)

MATY V. GRASSELLI CHEMICAL CO., 303 U.S. 197 (1938)

SAINT-JEAN V. EMIGRANT MORTG.CO. 50F.SUPP 3D 300 (E.D.N.Y. 2014)

CITY OF L.A. V. CITIGROUP INC. 24 F.SUPP 3D 940 (C.D. CAL 2014)

BRACEY V. WARDENN, U.S. SUPREME COURT NO. 96-6133 (1997)

NHU THI DO V. PHUONG TRONG NGUYEN NO. A-2039 10T1 (N.J. SUPER. AUG. 24,2012)

BOYKIN V. KEYCORP, 521 F. 3D 202 (2D CIR. 2008)

CONSTITUTIONAL PROVISIONS

14TH AMENDMENT TO THE CONSTITUTION- EQUAL RIGHTS

7TH AMENDMENT UNDER BILL OF RIGHTS- RIGHT TO A JURY TRIAL

STATUTORY PROVISIONS

FRAUD ON THE COURT

42 U.S.1981- EQUAL RIGHTS UNDER THE LAW-

42 U.S.2000d-1 FEDERAL ASSISTED PROGRAM

18 U.S. 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

18 U.S.C. 100-SEC1001- MAKING FALSE STATEMENTS/ CONCEALING INFORMATION

FEDERAL HOUSING ACT LAW- TITLE 8 OF THE CIVIL RIGHTS OF 1968- SECTION 805-REDLINING/ EQUAL CREDIT OPPORTUNITY ACT-3605/ 3602 /3631

RULES

FEDERAL RULE OF CIVIL PROCEDURE # 1 SPEEDY DETERMINATION

FEDERAL RULE OF CIVIL PROCEDURE # 8- PLEADING INSTRUCTIONS/ STANDARD.

FED R. APP. RULE 40- PANEL -REHEARING

LOCAL APP. RULE 40.1-

FED R. OF APP. # 41- ISSUANCE OF MANDATE

DUE PROCESS

IN THE SUPREME COURT OF THE UNITED STATES

DENISE JACKSON, PETITIONER
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v.

WELLS FARGO HOME MORTGAGE,
RESPONDENT

ON THE MATTER OF PETITION FOR REHEARING
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FOR THE 2ND CIRCUIT

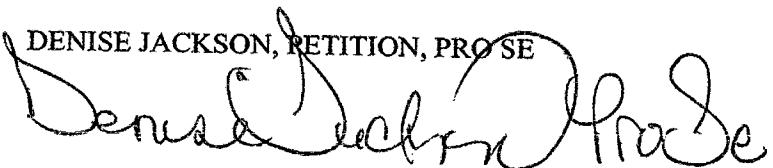
CERTIFICATION PRO SE

I DENISE JACKSON, PETITION, PRO SE, HEREBY CERTIFY THAT THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY AND IS RESTRICTED TO THE GROUNDS SPECIFIED IN RULE 44.2.

IT IS FOR THE PURPOSE TO SHOW THE MERITS OF THE CASE, A COMPARISON TO LIKE CASES, AND NEW EXECUTIVE ORDERS PERTAINING DIRECTLY TO MY CASE IMPLEMENTED BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, HONORABLE, JOSEPH R. BIDEN.

MY PETITION IS BRIEF ON ALL THREE COMPLETED LOAN/MODIFICATION PROCESS FOR THE MERITS. IT IS IN COMPLIANCE OF THE WORD COUNT RESTRICTION AND DISTINCTLY STATE SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED FOR THE MERITS.

DENISE JACKSON, PETITION, PRO SE



THE MERITS OF MY CASE

THIS IS A MERITORIOUS CASE, MY ALLEGATIONS IS NOW TRUTH AND FACTS WHEN YOU EXAMINE AND APPLY MY PREPONDERANCE OF DOCUMENTARY EVIDENCE .

- 1) LOAN APPROVAL COMMITMENT DOCUMENT THAT STATES CONGRATULATIONS YOUR LOAN IS APPROVED", GENERATED BY WELLS FARGO HOME MORTGAGE, FOR THE 2012 FEDERAL STREAMLINE REFINANCE LOAN.
- 2) THE CONDITION TO CLOSE ON THE 2012 FEDERAL STREAMLINE REFINANCE INDICATED AS THE CONDITION TO CLOSE IS CLEAN TITLE . THIS CONDITION WAS SATISFIED AND NO OTHER CONDITIONS WERE NOTED.
- 3) THE GOOD FAITH ESTIMATE FOR THE 2012 FEDERAL STREAMLINE REFINANCE LOAN.
- 4) THE APPROVAL AND ENDORSEMENT OF THE F.H.A./ HUD FOR THE 2012 FEDERAL STREAMLINE REFINANCE LOAN. THE F.H.A. VERIFIED CONFIRMED AND APPROVED THE FINANCIAL DOCUMENTS, AND APPROVED THE LOAN IN AGREEMENT WITH WELLS FARGO'S OWN UNDERWRITERS, AS WELLS AS HUD'S ENDORSEMENT AND APPROVAL TOO.
- 5) FEDERAL TRUTH IN LENDING DISCLOSURE DOCUMENTS FOR THE 2012 FEDERAL STREAMLINE REFINANCE LOAN . FEDERAL TRUTH IN LENDING DISCLOSURE; FEDERAL LAW, MANDATED BY THE TRUTH IN LENDING ACT REQUIRES ALL LENDERS TO GIVE ALL QUALIFIED LOAN CANDIDATES DISCLOSE OF ALL COST ASSOCIATED WITH CONTRACTUAL OBLIGATIONS BEFORE CLOSING ON THE LOAN.

BY LAW YOU ONLY GET THE TRUTH IN LENDING DOCUMENTS IF YOU ARE APPROVED FOR A LOAN. IF YOU ARE NOT APPROVED FOR A LOAN THE LENDER IS OBLIGATED UNDER THE EQUAL CREDIT OPPORTUNITY ACT LAW, TO PROVIDE THE REASON FOR DENIAL IN WRITING WITHIN 30 DAYS. NOTE: WELLS FARGO HOME MORTGAGE DID NOT SUBMIT ANY EVIDENCE TO THE DISTRICT COURT TO OPPOSE THEIR OWN UNDERWRITERS APPROVAL OR DENIAL OF MY LOAN AS THE FRCP#11-B-3 DICTATES.

ALL OF THE ABOVE ARE OFFICIAL BANK DOCUMENTS LISTED 1-5 ARE GENERATED BY WELLS FARGO UNDERWRITERS, AS WELL AS F.H.A/HUD ENDORSEMENT AND APPROVAL. THESE OFFICIAL BANK DOCUMENTS WERE GIVEN TO ME BECAUSE I WAS QUALIFIED AND APPROVED FOR THE 2012 FEDERAL STREAMLINE REFINANCE LOAN, BY WELLS FARGO. WHEN WELLS FARGO REFUSED TO A CLOSE THE LOAN THIS IS A VIOLATION OF THE FAIR HOUSING ACT LAW, TITLE VII OF THE CIVIL RIGHTS ACT OF 1968 AS AMENDED(42 USC 3601, MAKING IT UNLAWFUL TO DENY QUALIFIED APPLICANTS LOANS. WELLS FARGO HAS VIOLATED FEDERAL LAWS.

MERITS OF THE 2014 RESOLUTION LETTER MY EVIDENCE

WELLS FARGO GAVE ME THIS RESOLUTION LETTER AS A RESOLVE TO MY COMLAINTS TO THE CONSUMER PROTECTION BUREAU FOR RACIAL DISCRIMINATION FOR THE 2012 STREAMLINE FEDERAL LOAN PROGRAM, AND THE FEDERAL FULLY FUNDED MODIFICATION PROGRAM THAT WELLS FARGO DEPRIVED ME OF THE RIGHT TO PARTICIPATE IN, AND REFUSED TO CLOSE ON THE 2012 STREAMLINE LOAN PROGRAM. I ALSO WROTE TO THE CEO MR. JOHN STUMP, AND ANOTHER BOARD OF DIRECTOR MEMBER COMPLAINING THAT WELLS FARGO REFUSED TO CLOSE ON THE 2012 LOAN.

COPIES OF THE CPB COMPLAINT AS WELL AS THE BOARD OF DIRECTOR OF WELLS FARGO WAS SUBMITTED TO THE DISTRICT COURT. IT WAS ALSO A RESULT OF MY COMPLAINT TO THE FEDERAL HOUSING ADMINISTRATION FOR THE SAME.

THE RESOLUTION 3 PAGE LETTER, IS A PERSONAL LETTER, IT IS NOT PART OF ANY LOAN PROCESS.

PAGE # 1 WELLS FARGO STATES THE ELIGIBILITIES FOR THE STREAMLINE REFINANCE CITING "YOU MUST BE CURRENT ON YOUR LOAN", YOU CANNOT BE IN DEFAULT ON YOUR LOAN, I WAS NOT IN DEFAULT , AND IT CITES " NO TAX RETURN IS REQUIRED". THEY REQUESTED ALL MY FINANCIAL DOCUMENTS INCLUDING 3 YEARS OF TAX RETURNS. THIS IS A VIOLATION OF THE F.H.A LAW # SEC 805 REDLINING SEE APPENDIX OF EVIDENCE.

PAGE #2 TOP PARAGRAPH OF RESOLUTION LETTER CITES WELLS FARGO ADMIT THEY INADVERTENTLY, INAPPROPRIATELY CANCELED THE 2012 LOAN. THEY ALSO GAVE ME \$1000, INVITED ME TO RE-APPLY FOR THE STREAMLINE LOAN, AS WELL AS PROMISING TO GIVE ME THE DIFFERENCE IN THE INTEREST FROM 2012, TO THE CLOSING OF THE 2014 LOAN IF I QUALIFIED, WHICH I DID, BUT WELLS FARGO AGAIN REFUSE TO CLOSE THE 2014 LOAN. NO FINAL LETTER WAS GIVEN TO ME AFTER REPEATED INQUIRIES TO WELLS FARGO UP UNTIL DECEMBER 2015.

MERITS FOR 2014 STREAMLINE LOAN

I COMPLETED THE LOAN PROCESS FOR THE 2014 LOAN, I SUBMITTED THE TRUTH IN LENDING DISCLOSURE DOCUMENTS FOR 2014, AND THE ESCROW DOCUMENTS TO THE DISTRICT COURT TO PROVE I WAS QUALIFIED, AND MY ESCROW WAS NOT SHORT. SEE APPENDIX OF EVIDENCE FOR ESCROW AND THE 2014 TRUTH IN LENDING DOCUMENTS. THE MAGISTRATE JUDGE, STEVEN TISCIONE, CONCLUDED IN HIS R/R REPORT, MOTION TO DISMISS MY CASE " I WAS NOT QUALIFIED FOR THE 2012 LOAN, AND 2013 MODIFICATION " IN OPPOSITION OF WELLS FARGO'S OWN GENERATED LOAN COMMITMENT APPROVAL DOCUMENT, AND THE U.S. DEPARTMENT OF TREASURY ELIGIBILITY OFFICIAL REPORT, SUBMITTED TO THE DISTRICT COURT AS EVIDENCE I WAS ENTITLED TO THOSE FEDERAL LOAN PROGRAMS. THIS EVIDENCE IS THE MERITS FOR THE 2014 FEDERAL STREAMLINE LOAN.

**I CHALLENGE THE APPELLATE COURT DECISION ON THE MERITS/
THE DISTRICT COURT DECISION TO DISMISS**

I SUBMITTED A PREPONDERANCE OF OFFICIAL BANK DOCUMENTATION THAT WAS GENERATED BY WELLS FARGO, AND DIRECTLY SUPPORTS, AND PROVE I WAS ENTITLED TO THOSE FEDERAL LOAN PROGRAMS, BUT WAS REFUSED, AND DENIED WHILE BEING QUALIFIED FOR THESE FEDERAL LOAN PROGRAMS.

MY IRREFUTABLE EVIDENCE IS AS FOLLOWS:

- 1) 2012 FEDERAL STREAMLINE COMMITMENT LOAN APPROVAL DOCUMENT
- 2) 2012 FEDERAL STREAMLINE ENDORSEMENT, AND APPROVAL FROM FHA/HUD
- 3) GOOD FAITH ESTIMATE 2012 FEDERAL STREAMLINE LOAN
- 4) 2012 TRUTH IN LENDING DISCLOSURE DOCUMENTS
- 5) 2013 OFFICIAL U.S. DEPARTMENT OF TREASURY ELIGIBILITY REPORT- PROOF OF QUALIFICATION FOR PARTICIPATION IN THE FEDERAL MODIFICATION PROGRAM.
- 6) COPY OF 2013 APPLICATION FILED WITH WELLS FARGO AT THE FACE TO FACE N.A.C.A., NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA, THE DREAM TOUR AT THE JACOB JAVIS CENTER FOR THE FEDERAL MODIFICATION PROGRAM. PROOF WELLS FARGO MORTGAGE BANK REPRESENTATIVES, SAW ME FACE TO FACE.
- 7) PERSONAL RESOLUTION LETTER GIVEN TO ME AS A PROMISE TO CORRECT THE 2012 FEDERAL STREAMLINE REFINANCE, WELLS FARGO INADVERTENTLY, AND INAPPROPRIATELY CANCELED, AS THEIR ANSWER FOR NOT CLOSING THE LOAN.
- 8) PERSONAL RESOLUTION LETTER IS NOT PART OF ANY LOAN APPLICATION PROCESS, BUT WELLS FARGO ANSWER TO WHY THEY DEPRIVED ME OF THE RIGHT TO PARTICIPATE IN THE 2013 FEDERAL FULLY FUNDED MODIFICATION PROGRAM. PARAGRAPH 3 PAGE # 2 BY STATING "WE COULDN'T GET IT DOWN TO 40%", WHICH IS NOT A CRITERIA ELIGIBILITY, OR QUALIFICATION TO PARTICIPATE IN THE PROGRAM. THE GUIDELINE FOR QUALIFICATION IS 31% OF YOUR MONTHLY INCOME.- SEE U.S. DEPARTMENT OF TREASURY OFFICIAL REPORT FOR ELIGIBILITY.
- 9) 2014 FEDERAL STREAMLINE REFINANCE TRUTH IN LENDING DISCLOSURE DOCUMENTS. PROOF THAT ALL FINANCIAL DOCUMENTS HAD TO BE SUBMITTED AND APPROVAL FOR CLOSING OF THIS LOAN, AS YOU ONLY GET FEDERAL TRUTH IN LENDING DOCUMENT IF YOU ARE APPROVED FOR THE LOAN.

- 10) 2014 ESCROW REPORT, PROVES NO SHORTAGE GENERATED BY WELLS FARGO OWN UNDERWRITERS. SEE APPENDIX A-161 EVIDENCE SUBMITTED TO THE COURT.

IN THE DISTRICT COURT MY EVIDENCE WAS SPOILED, CONCEALED RESTRICTED ON THE E-FILE SYSTEM. SEE COPY OF DOCUMENT ATTACHED FROM THE DISTRICT COURT RESTRICTING MY EVIDENCE. EXHIBITS- 1-5 WAS SUBMITTED 2/8/2016 THE DOCUMENTS WERE NOT TILTED, AS IT HAS BOLD TITLED ON THE OFFICIAL BANK DOCUMENTS THE COMMITMENT LOAN APPROVAL, AS WELL AS THE TRUTH IN LENDING DOCUMENTS THAT PROVE I WAS QUALIFIED FOR THE LOAN.

NO COURT ORDER ON THE CALENDAR FOR RESTRICTION OF MY EVIDENCE EXHIBIT 1-5 VALIDATES MY COMPLAINT THIS EVIDENCE ARE MERITS LEGAL GROUNDS FOR MY CASE.

THE DISTRICT COURT DISMISSED MY CASE AFTER 3 AND HALF YEARS WITH PREJUDICE. IN THEIR FINDING OF FACTS MY EVIDENCE WAS NOT MENTIONED. MY APPROVALS FROM WELLS FARGO OWN UNDERWRITERS, F.H.A./HUD ENDORSEMENT AND APPROVAL FOR MY LOANS, OR THE FEDERAL TRUTH IN LENDING DISCLOSURE DOCUMENTS I SUBMITTED WAS NOT MENTIONED, OR EXPLAINED HOW THEY DID NOT SUPPORT MY COMPLAINT.

THIS IS MERITS THAT VALIDATES AND SUBSTAINIATES MY COMPLAINT.

MAGISTRATE STEVEN TISCIONE, CONCLUDED I WAS NOT QUALIFIED FOR THE 2012, STREAMLINE FEDERAL LOAN, AND THE 2013 FEDERAL MODIFICATION PROGRAM, BUT DID NOT SHOW ANY EVIDENCE THAT OPPOSES MY APPROVALS, OR ANY BANK DOCUMENTATION THAT SUPPORT HIS CONCLUSION. THIS CONCLUSION IS IN DIRECT CONFLICT WITH WELLS FARGO'S OFFICIAL BANK DOCUMENTARY EVIDENCE AND THE F.H.A./HUD APPROVAL AND ENDORSEMENT FOR THE LOAN, AS WELL AS THE U.S. DEPARTMENT OF TREASURY OFFICIAL REPORT THAT PROVES I WAS ENTITLED TO THE FEDERAL LOAN AND MODIFICATION PROGRAM.

THIS IS VIOLATION OF PROCEDURAL DUE PROCESS 14TH AND THE 5TH AMENDMENTS:

- 1) A RIGHT TO A DECISION BASED ONLY ON THE EVIDENCE.
- 2) A REQUIRED RECORD OF MY EVIDENCE PRESENTED TO THE COURT.
- 3) AN WRITTEN EXPLANATION OF THE COURT'S FINDING OF FACTS.
- 4) MY EVIDENCE APPLIED TO MY COMPLAINT.
- 5) AN UNBIASED COURT
- 6) MY EVIDENCE APPLIED TO MY COMPLAINT.

THE APPELLATE COURT IS OBLIGATED TO REVIEW EVERYTHING ON THE RECORD AND ALL OF MY EVIDENCE TO COME TO A CORRECT FINDING OF THE FACTS. MY ALLIGATIONS IS NO LONGER ALLIGATION WHEN YOU APPLY MY EVIDENCE, IT IS NOW TRUTH AND FACTS. IT CAN ALSO SUPPORT THE PROBABILITY OF A CLAIM OR A CAUSE OF ACTION, EVIDENCE IS PROOF FOR A CAUSE OF ACTION IN A LEGAL PROCEEDING.

EVIDENCE IS THE RULE OF LAW, IT IS CONSTITUTIONAL AND IT IS A PART OF OUR DEMOCRACY.

I LIKE TO INCORPORATE JUDICIAL NOTICE INTO MY COURT DOCUMENTS THAT QUOTES "HAINES V. KERNER 404 U.S. 519, AND PLASKY V. C.I.A. 953 F.2D 25 AND ANASTASOFF V. UNITED STATES, 223F.898 (8TH CIR.2000) WILLY V. COASTAL CORP, 503 U.S. 131, 135(1992).

I SUBMITTED TWO MOTIONS TO THE APPELLATE COURT ADVISING THAT MY EX-LAWYERS ON RECORD REFUSED, AND FAILED TO ADVISE THE COURT THAT MY VITAL SUPPORTIVE EVIDENCE EXISTED, OR PRESENTED AND ARGUED THAT THESE OFFICIAL BANK DOCUMENTS, WELLS FARGO COMMITMENT LOAN APPROVAL, THE ENDORSEMENT AND APPROVAL OF THE F.H.A/ HUD, PROVES I WAS QUALIFIED APPROVED, AND ENTITLED TO THE FEDERAL LOAN PROGRAM.

MY EX- REAL ESTATE ATTORNEY ON RECORD HAD THIS EVIDENCE FOR OVER 1 YEAR. IN MY MOTION TO THE APPELLATE COURT I SUBMITTED IN AN EXHIBIT THE TRUTH IN LENDING DISCLOSURE DOCUMENTS, THE COMMITMENT LOAN APPROVAL, AND 5 VITAL EVERDENTRY PIECES OF EVIDENCE, AS WELL AS WHERE THE EVIDENCE IS LOCATED ON THE CALENDAR IN THAT EXHIBIT ALONG WITH A HARD COPY OF THE TERMINATION LETTER FOR MY EX- LAWYERS, EVIDENCE REQUESTING A REHEARING, BUT WAS DENIED.

MY CASE WAS DISMISSED FOR 12 (B) (6) WRONGFULLY BECAUSE MY PREPONDERANCE OF IRREFUTABLE OFFICIAL BANK DOCUMENTARY EVIDENCE GENERATED BY WELLS FARGO HOME MORTGAGE WAS NOT APPLIED TO MY COMPLAINT.

IF YOU DON'T APPLY MY EVIDENCE TO MY CLAIMS THEN THE CLAIM HAS NO GROUNDS AND 12 (B) (6) WOULD APPLY, BUT IF I HAVE A PREPONDERANCE OF OFFICIAL BANK DOCUMENTARY EVIDENCE THAT DIRECTLY SUPPORTS MY CLAIMS VALIDATES AND SUBSTANTIATES MY CLAIMS THE JUDGE SUPPOSE TO RULE IN MY FAVOR 12(B) (6) DONT APPLY.

IN THE INTEREST OF FAIRNESS AND IMPARTIALITY ASK THAT THIS COURT EXAMINE AND REVIEW THE MERITS OF MY CASE APPLING MY EVIDENCE TO MY CLAIMS AND REMAND MY CASE BACK TO THE DISTRICT COURT FOR TRIAL.

BOYKIN V. KEYCORP COMPARISON MERITS

THE 2ND CIRCUIT APPELLATE COURT JUDGE HONORABLE, SONIA SOTOMAYOR WHO'S OPINION WAS INSTRUMENTAL IN REMANDING BOYKIN'S CASE BACK TO THE DISTRICT IS NOW THE HONORABLE JUSTICE, SONIA SOTOMAYOR IN THIS U.S. SUPREME COURT.

BOYKIN V. KEYCORP 521 F.3D 202-COURT OF APPEALS 2ND CIRCUIT, 2008 BOYKIN WHO REPRESENTED HERSELF PRO SE ALLEGED DISPARATE TREATMENT AND DISCRIMINATION UNDER PROVISION OF THE F.H.A. AND CIVIL RIGHTS STATUES. SHE ALLEGED THAT KEYBANK DISCRIMINATED AGAINST HER BASED ON HER RACE, SEX, AND PROPERTY BEING IN A BLACK NEIGHBORHOOD.

HER COMPLAINT CONTAINED NO SPECIFIC FACTS SUPPORTING HER CLAIMS. THE ONLY SPECIFIC ACTS ALLEGED IN THE COMPLAINT WERE SHE WAS DENIED AFTER HAVING BEEN CONDITIONALLY PRE APPROVED AND THE BANK FAILED TO OFFER OTHER LOANS PRODUCTS AS SHE BELIEVED OTHER MEMBERS OF A NON PROTECTED CLASS WERE PRIVILEGED TO. ALL THOUGH SHE FILED HER CLAIM AFTER TWO YEARS FROM DENIAL HER SAVING GRACE WAS NOT RECEIVING AN OFFICIAL FINAL LETTER FROM F.H.A. AND HAD AN UNDERSTANDING, GRACIOUS, AND JUST JUDGMENT WHO SENT HER CASE BACK TO HER DISTRICT COURT.

I EXPERIENCED DISPARATE TREATMENT AND DISCRIMINATION BY WELLS FARGO AT THE JACOB JAVIS CENTER WHEN I APPLIED FOR THE FEDERAL MODIFICATION PROGRAM IN 2013. I WAS A WITH A COMPANION, WHO ACCOMPANIED ME IN APPLYING FOR THE 2013 MODIFICATION FACE TO FACE WITH WELLS FARGO MORTGAGE SPECIALIST. THIS WAS THE N.A.C.A. DREAM TOUR DESIGNED TO GIVE LOAN APPROVAL OR DENIAL ON THE SPOT. I WITNESSED OTHER SIMILARLY SUITED APPLICANTS APPROVED ON THE SPOT BY THE RINGING THE APPROVAL BELL. I WAS SENT HOME AFTER COMPLETING MY LOAN PROCESS WITH NO ANSWER. ABOUT TWO WEEKS LATER I RECEIVED A CALL FROM WELL FARGO MORTGAGE DEPARTMENT CLAIMING I DID NOT QUALIFY BECAUSE I COULD NOT AFFORD MY HOUSE. I NEVER RECEIVED ANYTHING IN WRITING FROM WELLS FARGO STATING I WAS NOT QUALIFIED FOR THE MODIFICATION. WELLS FARGO NEVER SENT ANYTHING IN WRITING. I NEVER RECEIVED CLOSURE FOR THE FEDERAL MODIFICATION REQUEST. THIS IS IN VIOLATION OF CIVIL RIGHTS ACT OF 1968 (42 USC 3601 et seq).

THE U.S. DEPARTMENT OF TREASURY OFFICIAL ELIGIBILITY REPORT, SUBMITTED TO THE DISTRICT COURT PROVES I MET THE REQUIREMENTS FOR THE MODIFICATION:

- 1) I PURCHASED MY HOME PRIOR PRIOR TO 2009
- 2) IT IS MY PRIMARY RESIDENCE
- 3) MY MORTGAGE EXCEEDS 31% OF MY INCOME.

NEWLY APPOINTED U. S. ATTORNEY GENERAL HONORABLE, MERRICK GARLAND

STATES: " AS I SAID AT THE ANNOUNCEMENT OF MY NOMINATION, THOSE NORMS REQUIRE THAT LIKE CASES BE TREATED ALIKE. THAT THEY ARE NOT BEING ONE RULE FOR DEMOCRATS AND ANOTHER FOR REPUBLICANS.... ONE RULE FOR THE POWERFUL AND ANOTHER FOR THE POWERLESS. ONE RULE FOR THE RICH AND ANOTHER FOR THE POOR". OR DIFFERENT RULES DEPENDING ONE'S RACE OR ETHNICITY"...ALL OF US UNITED BY OUR COMMITMENT TO THE RULE OF LAW AND TO SEEKING EQUAL JUSTICE UNDER THE LAW".

LIKE BOYKIN V. KEYCORP, I ALSO NEVER RECEIVED A FINAL LETTER FROM WELLS FARGO EXPLAINING WHY THEY REFUSED ME A CLOSING DATE FOR THE 2014 FEDERAL STREAMLINE REFINANCE LOAN. LIKE BOYKINS,

- 1) AS A BLACK WOMEN I AM A MEMBER OF A PROTECTED CLASS
- 2) THE OFFICIAL U.S. DEPT OF TREASURY REPORT VERIFIED I WAS QUALIFIED
- 3) I WAS DENIED AND DEPRIVED OF THE MODIFICATION AS WELL AS ALL THREE OF THE FEDERALLY FUNDED PROGRAMS WHICH MY OFFICIAL BANK ENDORSEMENT AND APPROVALS FROM F.H.A./HUD AS WELL AS WELLS FARGO OWN UNDERWRITERS APPROVAL.
- 4) MEMBERS OF THE NON PROTECTED CLASS SIMULARY SUITED FINANCIALLY AND QUALIFIED WERE GRANTED THE FEDERAL MODIFICATION AND FEDERAL STREAMLINE LOAN.

LIKE BOYKINS, I STRONGLY BELIEVE MEMBERS OF THE NON PROTECTED CLASS WERE PROVIDED COUNSELING GUIDANCE AND OTHER FAVORABLE FEDERAL FINANCIAL ASSISTANCE WHICH WAS NOT OFFERED TO ME, AND I WAS NOT TREATED AS IF I WAS QUALIFIED FOR THE LOAN PROGRAMS, BUT I WAS TREATED LIKE I WAS NOT QUALIFIED. 14TH AMENDMENT TO THE U.S. CONSTITUTION.

WELL FARGO NEVER SUBMITTED ANY DOCUMENTS TO THE DISTRICT COURT EXPLAINING WHY THEY REFUSED TO CLOSE ON THE 2014 FEDERAL REFINANCE LOAN, NOR DID THE MAGISTRATE MENTION THE 2014 LOAN IN HIS CONCLUSION, PAGE 29, OF THE 2018 R/R . HE FURTHER DIDN'T MENTION THE 2014 FEDERAL TRUTH IN LENDING DISCLOSURE DOCUMENT THAT WAS GIVEN TO ME FOR THE EXPECTATION OF CLOSING ON THE 2014 LOAN. THIS IS IN CONFLICT WITH MY EVIDENCE AND THE DISMISSAL BASED ON 12 B(B) 6. THE MAGISTRATE JUDGE DID NOT CONCLUDE I WAS NOT QUALIFIED FOR THE 2014 FEDERAL STREAMLINE LOAN, AND HE DID NOT EXPLAIN IT IN HIS FINDING OF FACTS UPON DISMISSING MY CASE ENTITY WITH PREJUDICE.

THIS IS IN VIOLATION OF THE PROCEDURAL DUE PROCESS CLAUSE. 14TH AND THE

5TH AMENDMENT TO THE CONSTITUTION. IT IS ALSO VIOLATES TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968 (42 USC 3601 et seq), EQUAL CREDIT OPPORTUNITY ACT.

UNLIKE THE BOYKIN V. KEYCORP, MY CASE HAD THREE SEPARATE COMPLETED LOAN AND MODIFICATION REQUEST IN WHICH I WAS QUALIFIED, RECEIVED APPROVAL AND ENDORSEMENT FROM FHA/HUD, WELLS FARGO OWN UNDERWRITERS, BUT WAS STILL DENIED A CLOSING. I WAS QUALIFIED FOR THE MODIFICATION BUT WAS DEPRIVED OF THE OPPORTUNITY TO PARTICIPATE IN THE FEDERAL LOAN PROGRAM.

I HAVE IRREFUTABLE OFFICIAL BANK DOCUMENTARY EVIDENCE THAT GIVES MY CASE LEGAL GROUNDS, LEGAL WORTHINESS, THIS IS A MERITORIOUS CASE. IN THE INTEREST OF EQUAL JUSTICE AND FAIRNESS MY CASE SHOULD BE REMANDED TOO. 14TH AMENDMENT.

IN CONCLUSION

I REQUESTED THIS REHEARING BECAUSE MY REPLY BRIEF WAS NOT CONSIDERED IN FOR MY WRIT OF CERTIORARI ALTHOUGH IT WAS TIMELY SUBMITTED. INCLUDED IN MY REQUEST FOR REHEARING IS ANSWERS TO WELL FARGO'S ATTORNEY REPLY BRIEF. STATING THE FACTS AND THE MERITS OF THE CASE.

HONORABLE PRESIDENT JOSEPH R. BIDEN SIGNED A NEW EXECUTIVE ORDER DIRECTED TO THE DEPARTMENT HOUSING AND DEVELOPMENT ADDRESSING RACIAL BIAS IN HOUSING AND ADVANCING FAIR HOUSING LAWS. DIRECTING HUD TO IMPLEMENT FAIR HOUSING ACT, AND THE DISPARATE IMPACT STANDARD. THIS IS THE DIRECTION THE PRESIDENT WANTS THE COUNTRY TO GO IN TO ENSURE EQUAL JUSTICE FOR ALL PEOPLE.

THE HONORABLE MERRICK GARLAND, U.S. ATTORNEY GENERAL STATED " ALL OF US ARE UNITED BY OUR COMMITMENT TO THE RULE OF LAW AND SEEKING EQUAL JUSTICE UNDER THE LAW. IT WAS FURTHER STATED HE IS COMMITTED TO ENFORCING OUR COUNTRY'S LAWS AND ENSURING THE CIVIL RIGHTS AND CIVIL LIBERTIES OF OUR PEOPLE.

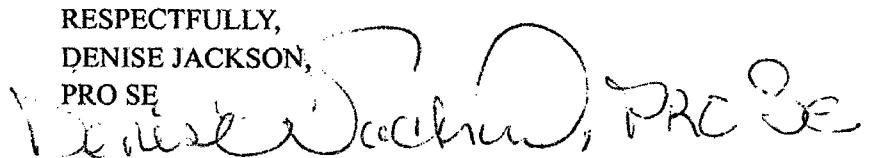
THIS IS A CASE OF DISCRIMINATION IN FEDERALLY FUNDED PROGRAMS AND VIOLATIONS OF FAIR HOUSING LAWS.

IT IS WITH THE PROMISES OF THE PRESIDENT AND THE U.S ATTORNEY GENERAL THAT I ASK THIS COURT FOR A REHEARING FOR MY WRIT CERTIORARI.

IT IS WITH GREAT RESPECT AND HUMILITY THAT I ASK THIS COURT TO THOROUGHLY EXAMINE THE MERITS OF MY CASE PROTECT MY CONSTITUTIONAL RIGHTS TO HAVE MY EVIDENCE PROPERLY AND APPROPRIATELY APPLIED TO MY CLAIMS TO COME WITH FAIRNESS AND IMPARTIALITY TO ENSURE EQUAL JUSTICE AND RELIEF IS ADMINISTERED IN MY CASE.

THANK YOU FOR YOUR ATTENTION AND YOUR CONSIDERATION IN MY REQUEST FOR REHEARING MY CASE.

RESPECTFULLY,
DENISE JACKSON,
PRO SE



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