

NO _____

IN THE SUPREME COURT OF THE UNITED STATES

ALI YAZDCHI, PETITIONER

VS.

WELLS FARGO BANK N.A., RESPONDENT

ON APPEAL FROM FIFTH CIRCUIT COURT OF APPEALS

19-20082

**MOTION TO DIRECT THE CLERK OF THE COURT TO FILE THE PETITION FOR WRIT
OF CERTIORARI OUT OF TIME.**

PETITIONER FILED HIS PETITION TIMELY ON DEC 26, 2020 BECAUSE THE LAST RULING IN COURT OF APPEAL WAS JULY 29, 2020 THAT COURT MADE A RULING THEREFORE DUE TO COVID-19 AND PER RULE 13. THE LAST RULING WILL COUNT PLEASE SEE CLERK OF COURT OF APPEAL CLEARLY STATED AND CONFIRMING ON 07/10/2020 THE MOTION TO FILE FOR REHEARING OUT OF TIME FILED BY APPELLANT ALI YADCHI HAS BEEN MADE SUFFICIENT. SUFFICIENT DEADLINE SATISFIED ON 07/10/2020 PLEASE SEE ATTACHED. PETITIONER HAS BEEN EXTREMELY SICK DUE TO COVID-19 AND ASKING THE HONORABLE COURT AND CLERK TO FILE THIS CASE BECAUSE PETITIONER LOST HIS LIFE SAVING AND RETIREMENT MONEY IN WELLS FARGO BANK MORE THAN 20 YEARS OF SAVING AND LOSS OF OVER MILLION DOLLARS WITH INTEREST), RESPONDENT WELLS FARGO WHO HAS COMMITTED FRAUD ON MORE THAN 2 MILLION CUSTOMERS AND PAID ABOUT \$500 MILLION DOLLARS FINES TO CONSUMER PROTECTION AGENCY AND OTHERS PER NEWS.

VERIFICATION

I AM OVER 21 YEARS OLD AND MY ADDRESS IS 2100 TANGLEWILDE ST. 662
HOUSTON, TEXAS UNDER PENALTY OF PERJURY ALL STATEMENT IN THIS CASE IS
TRUE AND CORRECT.

PRAYER

PETITIONER PRAYS THAT HONORABLE COURT AND CLERK OF COURT TO FILE MY
PETITION FOR WRIT CERTIORARI FOR INTEREST OF JUSTICE.



RESPECTFULLY SUBMITTED,

ALI YAZDCHI, PETITIONER

2100 TANGLEWILDE #662

HOUSTON, TEXAS 77063

TEL 346-775-5913

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON JAN 21, 2020, I SERVED RESPONDENT ATTORNEY BY
US MAIL OR/FAX A COPY OF THIS MOTION.



If you view the you will be charged for 4 Pages \$0.40

General Docket
United States Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 19-20082
Nature of Suit: 3150 Ovrpmnts & Enforcement of Judgments
Yazdchi v. Wells Fargo Bank
Appeal From: Southern District of Texas, Houston
Fee Status: Fee Due

Docketed: 02/04/2019
Termed: 03/31/2020









Case Type Information:

- 1) Private Civil Federal
- 2) Private
- 3)

Originating Court Information:

District: 0541-4 : 4:15-CV-568
Court Reporter: Nichole Forrest, Court Reporter
Originating Judge: David Hittner, U.S. District Judge
Date Filed: 02/26/2015
Date NOA Filed:
02/01/2019

Date Rec'd COA:
02/01/2019

- 04/14/2020  DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the motion for reconsideration received from Appellant Mr. Ali Yazdchi because this is not a proper challenge of the court's opinion and it was improperly filed as a brief [19-20082] (ABT) [Entered: 04/15/2020 07:30 AM]
- 04/15/2020 THIS ENTRY HAS BEEN DELETED FROM THE PUBLIC DOCKET AND RE-FILED 4/16/2020.
CORRECTED MOTION filed by Appellant Mr. Ali Yazdchi for reconsideration of the Order dated 04/15/2020 [9293432-2]. Replaces the motion filed 04/14/2020 Date of Service: 04/15/2020 via email - Attorney for Appellees: Hampton, Herzog; Attorney for Appellant: O'Connor [19-20082] (Michael C. O'Connor) [Entered: 04/15/2020 09:21 AM]
- 04/16/2020  PETITION for rehearing [9295110-2] Number of Copies: 0. Mandate issue date canceled.. Date of Service: 04/14/2020 [19-20082]
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: CORRECTED MOTION filed by Appellant Mr. Ali Yazdchi for rehearing [9295110-2]. Replaces the motion filed 04/14/2020 Date of Service: 04/16/2020 via email - Attorney for Appellees: Hampton, Herzog; Attorney for Appellant: O'Connor [19-20082] (Michael C. O'Connor) [Entered: 04/16/2020 04:24 PM]
- 05/07/2020  COURT ORDER denying Petition for rehearing filed by Appellant Mr. Ali Yazdchi [9295110-2] Mandate issue date is 05/15/2020 [19-20082] (ABT) [Entered: 05/07/2020 03:16 PM]
- 05/15/2020  MANDATE ISSUED. Mandate issue date satisfied. [19-20082] (NFD) [Entered: 05/15/2020 09:46 AM]
- 05/27/2020  MOTION filed by Appellant Mr. Ali Yazdchi for leave to file rehearing out of time [9337173-2]. Sufficient Mtn/Resp/Reply due on 06/29/2020 for Appellant Ali Yazdchi (proposed rehearing is insufficient) [19-20082] (ABT) [Entered: 06/18/2020 08:58 PM]
- 07/10/2020 The Motion to file rehearing out of time filed by Appellant Mr. Ali Yazdchi in 19-20082 [9337173-2] has been made sufficient. Sufficient Mtn/Resp/Rpl deadline satisfied. [19-20082] (SDH) [Entered: 07/10/2020 10:20 AM]
- 07/10/2020  COURT ORDER denying Motion to file rehearing out of time filed by Appellant Mr. Ali Yazdchi [9337173-2] [19-20082] (SDH) [Entered: 07/10/2020 11:41 AM]
- 07/24/2020  MOTION filed by Appellant Mr. Ali Yazdchi for reconsideration of the 07/10/2020 court order denying Motion to file rehearing out of time filed by Appellant Mr. Ali Yazdchi in 19-20082 [9337173-2] [9364423-2]. Date of service: 07/24/2020 [19-20082] (CAG) [Entered: 07/28/2020 08:37 AM]
- 07/29/2020  COURT ORDER denying Motion for reconsideration of the court's order denying motion for leave to file petitions out of time filed by Appellant Mr. Ali Yazdchi [9364423-2] [19-20082] (ABT) [Entered: 07/29/2020 01:17 PM]

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Transaction Receipt			
5th Circuit - Appellate - 01/10/2021 14:27:49			
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Description:	Case Summary	Search Criteria:	19-20082
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-20082
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
March 31, 2020

Lyle W. Cayce
Clerk

ALI YAZDCHI,

Plaintiff-Appellant

v.

WELLS FARGO BANK, N.A.,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-568

Before HAYNES, GRAVES, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Ali Yazdchi, former Texas prisoner # 1940831, moves for leave to proceed in forma pauperis (IFP) on appeal from the district court's partial grant of summary judgment and jury verdict in favor of Wells Fargo Bank, N.A. Yazdchi argues that the district court's grant of partial summary judgment in favor of Wells Fargo based on the preclusive effect of a prior case between Yazdchi and JP Morgan Chase Bank, N.A. was incorrect.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 19-20082

By moving to proceed IFP on appeal, Yazdchi challenges the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). The district court concluded that Yazdchi was collaterally estopped from asserting that the December 3, 2010 power of attorney was fraudulent in light of the prior grant of summary judgment to Chase. Citing *Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 n.9 (1982), the district court noted that it need not address Yazdchi's argument that the Chase judgment was void because the court in that case had lacked jurisdiction, as that argument had been considered and rejected by the district court, this court, and the United States Supreme Court during the Chase litigation. Yazdchi now contends that the district court's reliance on *Insurance Corp. of Ireland* was misplaced, as the case dealt with res judicata not, as here, with collateral estoppel.

Yazdchi is correct that there is no identity of parties in this case and that *Insurance Corp. of Ireland* specifically refers to res judicata rather than collateral estoppel. *See* 456 U.S. at 702 n.9 ("A party that has had an opportunity to litigate the question of subject-matter jurisdiction may not, however, reopen that question in a collateral attack upon an adverse judgment. It has long been the rule that principles of res judicata apply to jurisdictional determinations—both subject matter and personal."). However, nothing in *Insurance Corp. of Ireland* limits this statement to cases with identity of the parties; rather, the full quotation emphasizes the importance that the party in question has had the opportunity to litigate the jurisdictional issue. *See id.* Here, Yazdchi had the opportunity to litigate the jurisdictional issue regarding the judgment against Chase, doing so at length and unsuccessfully.

As he has not shown he can raise a nonfrivolous issue regarding the denial of his motion, Yazdchi's motion for leave to proceed IFP is DENIED and

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his appeal is DISMISSED AS FRIVOLOUS. *See Baugh*, 117 F.3d at 202 n.24;
5TH CIR. R. 42.2.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-20082

ALI YAZDCHI,

Plaintiff - Appellant

v.

WELLS FARGO BANK, N.A.,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Texas

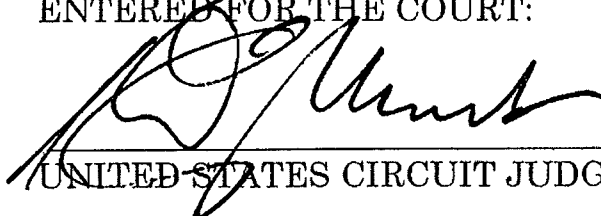
ON PETITION FOR REHEARING

Before HAYNES, GRAVES, and ENGELHARDT, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is **DENIED**.

ENTERED FOR THE COURT:



UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-20082

ALI YAZDCHI,

Plaintiff - Appellant

v.

WELLS FARGO BANK, N.A.,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Texas

O R D E R :

IT IS ORDERED that appellant's motion for leave to file petition panel rehearing and petition for rehearing en banc out of time is DENIED.



KURT D. ENGELHARDT
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals
for the Fifth Circuit

No. 19-20082

ALI YAZDCHI,

Plaintiff—Appellant,

versus

WELLS FARGO BANK, N.A.,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-568

Before HAYNES, GRAVES, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

A member of this panel previously denied appellant's motion for leave to file his pro se petitions for panel rehearing and rehearing en banc out of time. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.

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