

No. 21-117

IN THE
Supreme Court of the United States

Vernon Deck,
Petitioner,

v.

Wells Fargo Bank, N.A., et al,
Respondents,

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR REHEARING

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October 28, 2021

Petitioner in Pro se

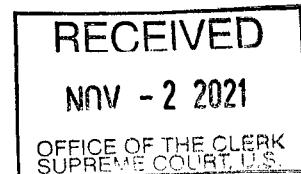


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BACKGROUND

In short, the Eastern District Court (EDC) in Sacramento only scheduled the preliminary Evidentiary Hearing, and ruled against Plaintiff as having “no standing”, which the Ninth circuit Reversed and Remanded. The EDC then gave no opportunity for Plaintiff Deck to be heard, and then dismissed it for Deck’s “gamesmanship.” Make no mistake, it was the Magistrate who gave NO OPPORTUNITY for Pro se Plaintiff to be heard on any merits, after REMAND, and dismissed the case with prejudice, never looking to reach any merits. The 14th Amendment gives the fundamental right to be heard by the court, which this Appellant has not properly been afforded. The NINTH refused to entertain the case, as it cannot hear the merits. Therefore, a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of petitioner’s rights, and is not entitled to respect in any other tribunal. *Sabariego v Maverik*, 124 US 261, 31 L Ed 430, 8 S Ct 461. Moreover, It is a fundamental doctrine of law that a party to be effected by a personal judgment must have his day in court, and an opportunity to be heard. *Reuaud v. Abbott*, 116 US 277, 129 L Ed 629, 6 S Ct 1194. In fact, the validity of a judgment may be affected by a failure to give the constitutionally required due process notice and an opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398.

opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398.

PETITION FOR REHEARING

Pursuant to Rule 44.2, Petitioner Vernon Deck, sincerely requests the court's reconsideration of its October 4, 2021 Order, denying his Petition for a Writ of Certiorari. The basis of this request is truly federal and constitutional in scope, filed within the 25 days stated in Rule 44.2. This request relies heavily on two national grounds, first on *Substantial Intervening Circumstances* (*needed from this body*), and secondly, founded on the *Significant Grounds of Retaliation* and *Frauds* peculating through the Respondents and their successors against Deck, his property, the State of California, and the courts.

THIS IS A SIGNIFICANT CASE AND REQUEST.
Given the continued violations by Defendants, which won't stop on their own, together with Defendants' disdainful pursuit against homeowner's rights, Appellant urgently requests reconsideration of his Writ of Certiorari which will vividly vent the merits, and expose the violations by Respondents against the national economic interests of the American public.

FIRST, the order appealed from. Mr. Deck's Constitutional Right to be heard by the court procedurally on the merits, was never attempted by the Eastern District court and unable to be addressed in the NINTH Circuit, as a matter of law. The EDC failed to acknowledge this Appellant upon Remand from the Ninth Circuit. The *Substantial Intervening Circumstances* now, are for SCOTUS, by the procedure of law, to allow the merits to be fully presented; and for justice to be swift and effective against all entities cooperatively bent on stealing homes, mortgages, and collecting what is NOT rightfully theirs. We are not a third word country and this is unconscionable.

SECOND, after receiving the fraudulent assignment from WFB during Deck's bankruptcy stay, US Bank, N.A. allegedly sold the property to Redwood Holdings, LLC and passing the torch of retaliation against Deck's home, after they had failed to collect upon it. "Retaliation" was bi-passed in the Writ of Certiorari, due to the focused intention to explain the procedural reasons the EDC erred to reach the core of merits, upon which the case is founded. However, whereas good cause for this rehearing appears, the court *does have* discretion to consider it here. (Hunt v. County of Shasta (1990) 225 Cal. App.3d 432,446, fn. 12.)

ARGUMENT

Appellant reverently approaches this court with the humble resolve to be heard; stop the fraud; and keep his home from being stolen by unlawful practices. The prior federal courts mentioned, are in violation of Appellant's Constitutional Rights to "Life, Liberty, and the ownership of property" per the 14th amendment and his right to be heard

The court certainly remembers the 49 Attorney Generals and the National Mortgage Settlement of \$3 Billion. However, that has not stopped the frauds against my property in any way, which continue even now. Furthermore, Decisions by the EDC and NINTH have not stopped the progress of these predators either.

Specifically in appellant's state case, the evidences of Title Fraud; Fraud upon the court; and the filing of Fraudulent documents in Placer County California, exemplify the national need to stop this scheme against homeowners by all arrogant lenders, title companies, mortgage servicers, and attorneys alike.

Relentlessly, the Petitioner has been unable to stop the predatory practices by Respondents and their successors, who continue actively to fraudulently evict Petitioner as an aversion to collecting a debt discharged in his 2016 Bankruptcy.

The retaliatory taking of his home, after Deck paid nearly \$380,000 against a \$ 306,000 Promissory Note, is only one aspect. Since US Bank could not legally assign the discharged debt for collection against Deck, and yet refused to collect it from Summerby still claiming it was her sole liability (following MTGLQ's assignment back to USB), US Bank then *allegedly* sold it to Redwood Holdings, LLC for \$539,445.60 in an effort to make the transfer *appear* legitimate and profit on their losses. However, in reality respondents clearly continued the *retaliation* by attempting to steal Deck's home; and fraudulently interrupt this cry to be heard by (SCOTUS) simultaneously. The illegal eviction scheme intends to leave Mr. Deck destitute after taking everything he has financially worked for in the past twenty-two (22) years, and cause him to scramble even more with disabilities and no place to stay organized. This is loathsome! The eviction would not only unfairly prejudice appellant's rights in the eviction process while its appeal is pending; it also prejudices this court's full consideration of the frauds denying the merits. Thus strategically, and intentionally, interrupting this appellant during the already short window to respond in a timely manner, without an office or home to work from as a disabled person. Here again, the words of the bankruptcy judge uncannily speak of the same arrogant practices

Wells Fargo Bank was called out for in appellant's 2016 bankruptcy: "*Wells Fargo Bank is going to do it the Wells Fargo Bank way, hang any rules of the court*" (Cert. Exh #1). Currently, Redwood Holdings, LLC seeks the illegitimate possession of Deck's primary residence (his home) through frauds on the court; fraud on the county recorder's office; and frauds against Deck and his rightful property. .

This Appellant recognizes that SCOTUS is not presiding in the CA Superior Court case, and solely describes it here to demonstrate the pattern is directly relevant, by connection as a successor to WFB's fraudulent transfer within the bankruptcy stay; and verifies that these practices continue despite all the efforts to reform the industry. Here it connects the unending violations Appellant earnestly asks SCOTUS to *Substantially Intervene* upon for; and asking on behalf of all Americans facing these Predatory Practices by banks and each of their affiliate accomplices. THERE IS NATIONAL INTEREST IN HEARING THE DECK CASE.

RELIEF SOUGHT

Until the predators lose their homes, businesses, law practices, and licenses.... this coordinated business incentive will corruptly continue, because it is profitable; disregards the current guidelines;

meanders through the process of complicated regulations; and moreover, overwhelms homeowners, even with counsel. The old adage: “Do unto others as you’d have them do unto you”, reasonably applies here, and perhaps it would be a deterring factor for all predators, if the SCOTUS, the state, and federal courts would coordinate substantial penalties similar to what they have perpetrated against their victims. By this standard.... “Turn-about is fair play.”

Even after the \$3 Billion dollar National Mortgage Settlement against these and other banks, the practices shamefully and arrogantly continue. Apparently, those damages were not harsh enough to harness the industry, or curb its appetite of dislodging rightful homeowners through coordinated frauds. This case, likewise, has a diversity of federal jurisdiction. The unlawful attacks against individual homeowners nationwide are putrid and require SCOTUS to intervene with notable significance! Therefore this Petition for Rehearing is appropriately founded on both: *Intervening Circumstances*’ by SCOTUS; and also upon the ‘Constitutionally Substantial Grounds’ of Retaliation and Frauds. Appellant seeks to be heard in order to disenfranchise these predators’ frauds against the American public; and retaliation against homeowners with the wherewithal to challenge these injustices!

CONCLUSION

The national, impact regarding this court's ruling will affect myriads across the country as well as resolve Appellant's unending nightmare. The current attack against Deck is the successive result at the end of the chain from Wells Fargo Bank's violation of the Stay in Deck's 2016 Bankruptcy. Currently, the Unlawful Detainer (to evict) filed by the Law Offices of Sam Chandra, represents the unlawful *alleged purchasers* (Redwood Holdings, LLC) further boasts of the firm's 10,000+ previous Unlawful Detainer Cases, which exposes the prevalence by corrupt incentives to hastily destroy families, steal homes and profit from the destruction of our nation's fabric, which the founders so diligently sought to protect with their own signatures.

THE CONSTITUTION REMAINS THE VOICE OF THE FOUNDING FATHERS, AND EQUAL JUSTICE FOR ALL PEOPLE OF THE UNITED STATES REMAINS ITS CORE INTENT!

The coordinated chain of Retaliation by successors of the DOT, through WFB, found in the Placer County Recorder's Docket culminates with Redwood Holdings, LLC. Thereby, Redwood Holdings, LLC makes the latest attempt to evict Appellant Deck on 5-Days Notice, brings into focus the actively sinister

business practice of the twenty-two year (22 yr.) *continual plot* to steal Deck's home and wrongfully leave him destitute, during the window of waiting-to-be-heard in the state appellate court, and also by SCOTUS.

The official documents on record in Placer County, CA, demonstrate the repeated maneuvers to hide the ruthless process of obtaining homes and equity from the unexpected, and elderly alike.

Furthermore, it is now seven and a half (7.5 mo) months after the Restricted Unlawful Detainer case was filed (restricted for 60 days) perpetuating this retaliation against the California Homeowner; one bench officer in the case is suddenly "no-longer here" (per the court clerk). The timing is uncanny while a State Appeal is underway and likely waiting to learn of this high court's invitation to be heard in this matter.

While these unlawful practices against homeowners continue, the issues will remain "*of national importance.*" Appellant urgently asks the court to undertake the rehearing of his case for appellant's benefit, relief, and aid to others as well.

Justice under the law here cries out for the consideration to rehear appellant's writ of certiorari.

Legitimate businesses focus on profits; so does corruption. This case asks The Supreme Court to

make a distinction of *National Significance* regarding
Homeowner's Rights.

* * * * *

For the foregoing reasons, this Court should grant the petition for rehearing, vacate the order dismissing the writ of certiorari, and restore this case to its merit docket.

Submitted respectfully for rehearing,

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October 28, 2021