No. 21-1590

In The

Supreme Court of the United States

Rosemarie Austin,

Petitioner

v.

Nationstar Mortgage LLC;
Federal National Mortgage Ass.,

Respondents

ON PETITION FOR A WRIT OF

CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

ROSEMARIE AUSTIN, in Pro Se

160 Rue De La Blanc
Sparks, Nevada 89434
(702) 232-6489

QUESTION PRESENTED

The District Court disallowed Austin discovery of an undisclosed witness based on the premise that she would be unable to conduct discovery in a proper fashion acceptable to the Court.

Should a litigant be denied their right to Due Process, under the 5th and 14th Amendments, solely on the court's assumption that a litigant, in pro se, is not qualified to properly conduct discovery to the satisfaction of the judge, and consequently would be unable to pose proper questions to a witness and/or be able to illicit additional information of which would alter the Court's perceived outcome of a case.

List of Parties to Proceeding

ROSEMARIE AUSTIN
160 Rue De La Blanc
Sparks, Nevada 89434
(702) 232-6489

Defendant/Petitioner In Pro Se

R. AARON CHASTAIN,
BENJAMIN W. PERRY,
STEPHEN C. PARSLEY,
Bradley Arant Bouly Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL. 35203-2104
Telephone: (205) 521-8339

ARIEL E. STERN, ESQ
JAMIE K. COMBS, ESQ
MELANIE D. MORGAN, ESQ
LILITH V. XARA, ESQ
Akerman LLP
1635 Village Center Circle, # 200
Las Vegas, NV. 89134
Telephone: (702) 634-5000

Counsel for Plaintiffs/Respondents

Table of Contents

Page

QUESTION PRESENTED..... i

LIST OF PARTYS TO PROCEDING ii

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES ..... iv -v

PETITION FOR A WRIT OF CERTIORARI..... 1

DECISION BELOW..... 1

JURISDICTION..... 1

CONSTITUTIONAL PROVISION INVOLVED... 1

STATEMENT OF ISSUES..... 2

STATEMENT OF THE CASE AND BACKGROUND..... 3-10

REASON FOR GRANTING THE WRIT.....10-17

CONCLUSION..... 17

APPENDIX

United States Court of Appeals for the Ninth Circuit. Filed December 22,2021.....App. 1

United States District Court for the District Of Reno. Filed May 8, 2019.....App. 7

United States Court of Appeal for the Ninth Circuit. Petition for Rehearing. Decision Filed January 31, 2022..... App. 18

TABLE OF AUTHORITIES

Page

Mitchell v. Ford Motor Co.
318 Fed. Appx. 821, 824 (11th Cir. 2009)..... 11

Lips v. City of Hollywood,
350 Fed. Appx. 328, 340 (11th Cir. 2009)..... 11

Romeo v. Drummond Co.
552 F.3d. 1303, 1321 (11th Cir. 2008).....11

Perry v. Bakewell Hawthorne LLC.
(2017) 2 Cal. 5th 536..... 12

(Perry, supra, 2 Cal. 5th at p. 543).....12

Reid v. Google, Inc.
(2010) 50 Cal. 4th 512, 528.....12

CF. Smith
2013 IL. App. (1st) 121839 at 27.....13

Jackson
2016 IL. App. (1st) 143045 at 65.....13

Logan v. City of New York
148 AD.2d. 167 [1 Dept. 1989].....13

Sonner v. Schwabe N. Am., Inc.
911 F.3d 989, 992 (9th Cir. 2018).....13

Ellis v. England
432 F.3d 1321, 1325-1326 (11th Cir. 2005)..... 14

Cleveland Bd. Of Educ. v. Loudermill
470 U.S. 532, 542, 105 S. CT. 1487, 1493
L. Ed. 2d 494 (1985).....14

Eldridge v. Block
832 F.2d 1132, 1137 (9t Cir. 1987).....15

RULES

Fed. R. Civ. P. 37 (c)(1) 11,14,16

Fed. R. Civ. P. 37(a)(1).....14

Fed. R. Civ. P. 26(a)(1)(A)(i).....11

Fed. R. Civ. P. 26 (e)(1)(A).....11

STATUTES

12 U.S.C. 4617 (j)(3).....3

CPLR- 3212 (f).....13

OTHER AUTHORITIES

NRS 116.3116.....3

Code of Civ. Proc. Section 437 c.....12

LR IC 2-2(b).....15

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Rosemarie Austin, respectfully requests the issuance of a writ of certiorari to review the judgement of the United States Court of Appeals for the Ninth Circuit.

OPINION BELOW

The Opinion of the United States Court of Appeals for the Ninth Circuit is **not** published and appears at appendix A.

JURISDICTION

The Ninth Circuit entered judgement denying Austin's appeal, on December 22, 2021 as a Memorandum and filed its order denying Austin's petition for panel rehearing on January 31, 2022 and appears at appendix C. The jurisdiction of the U.S. Supreme Court is invoked under 28 U.S.C. 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

Constitutional Provisions **Page**

U.S. Constitution, 5th Amendment.....8,14,15,17
U.S. Constitution, 14th Amendment.....8,14,15,17

STATEMENT OF THE ISSUES

(1) Whether or not the Court should consider damaging or prejudicial evidence from an undisclosed witness.

(2) Whether the Court correctly held that Plaintiffs presented admissible evidence as proof of Fannie Mae's ownership of the deed of trust.

(3) Whether the Court errored when the decision to grant Plaintiff's motion for summary judgement was based on the declaration of an undisclosed expert witness.

(4) Whether a litigant in Pro Se should be afforded the same protection under Due Process as one represented by counsel.

(5) Whether a servicer (in this case Bank of America) should be held responsible for any loss to Fannie Mae caused by the servicer not adhering to the rules as set Fannie Mae and allowing a property to go into foreclosure.

STATEMENT OF THE CASE & BACKGROUND

The dispute arises from the foreclosure sale of a property to satisfy a Homeowners Association Super Priority lien. Under Nevada law, a properly conducted Home Owners Association (HOA) sale can extinguish other liens, including first-priority deeds of trust. *See* NRS 116.3116 (**State Foreclosure Statute**). The case focuses on whether Plaintiffs/Respondents Nationstar Mortgage LLC (Nationstar) and Federal National Mortgage Association (Fannie Mae) continue to own a property interest that is protected under 12 U.S.C. 4617 (j)(3), the Federal Foreclosure Bar (FFB). Where an entity (Fannie Mae), under the conservatorship of the Federal Housing Finance Agency's (FHFA), owns the Deed of Trust ("DOT") on a property, its interest can not be extinguished by any foreclosure process without the consent of FHFA.

1. The District Court Errored when it Granted Plaintiffs' Motion for Summery Judgement.

Petitioner, Rosemarie Austin (**AUSTIN**) does not dispute the protection afforded Fannie Mae by the FFB, but does dispute and question Fannie Mae's ownership of the deed of trust (**DOT**) based on the questionable evidence provided by Nationstar. The District Court was not swayed by Austin's arguments in her Motion (Doc. No. 62) in opposition to Plaintiff's MSJ Doc. No. 59. Additionally, Austin had requested the Court re-open discovery, allowing her discovery of an undisclosed witness of who's declaration and

records were the bases of the Court's decision. (*See* Doc. No.62 p. 11 at 8).

On May 8, 2019 the District Court granted Nationstar's motion for summary judgement, Doc. 59, and granted quiet title based solely on a declaration and records provided by Mr. Graham Babin, an employee of Fannie Mae. (*See* Doc. No. 76 Order of the Court).

Austin filed her Motion to Re-consider, (*See* Doc. No. 78) on May 15, 2019, where she pointed out several areas of contention as to the Declaration and Records provided by Babin, which were not only questionable but also introduced late, after the time for discovery had ended.

On May 08, 2019 the District Court granted Nationstar's MSJ Doc. No. 59, based on the declaration of Mr. Babin, the records he provided, and the FFB. The Court went on to say ..... "Austin has presented no argument or evidence that extracting further information from Fannie Mae's employee would alter the outcome in this case." (*See* Doc. No.76 p. 7 at 2-4).

On May 15, 2019 Austin filed her Motion to Reconsider the District Courts order Doc. No. 76. (*See* Doc. No. 78 and 79, Motion to Reconsider and Motion to Re-open discovery). In her motion, Austin pointed out several facts that did not coincide with Plaintiff's assertions and Mr. Babin's declaration and records he provided. There were several areas of contention that Austin presented to the Court. The Court chose to ignore the evidence that Austin presented and denied

her Motion to re-consider. As the facts of conflicting evidence, presented by Austin, is known to all parties, Austin repeats them here only as necessary for clarification:

1). Babin states that the Servicer & Investor Reporting ("SIR") records he included as proof of Fannie Mae's ownership of the DOT, "shows that the Loan servicer reported certain information to Fannie Mae regarding the Loan ..... on a monthly basis", and went on to state "The information was reported to Fannie Mae because Fannie Mae owns the Loan". He then went on to state, "If Fannie Mae did **NOT** own the Loan, this loan activity information (SIR) would not have been reported to Fannie Mae". (emphasis added). (*See* Declaration of Graham Babin Doc. No. 59 exhibit 4).
Nationstar and Bank of America ("BANA") admitted and acknowledge that there were no such reports filed by them and further, that the lack of such reporting is "irrelevant" to Fannie Mae's ownership. (*See* Doc. No. 68 p. 4 at 4-8).

2). The SIR report shows Nationstar to be the Servicer of the Loan starting 01/01/2009 through 08/01/2018 and it further indicates that there were no Servicer actions taken or reports received from the Servicer during that period of time. (*See* Doc. No. 59-4 Exhibit "A" p. 9-21). Contrary to the SIR report, Nationstar did not actually become the assignee of the DOT, "for the first time", until May 30, 2017. (*See* Doc. No. 59 Exhibit 7; ECF 59 at 5; and ECF 63 at 3). The SIR report, however, indicates that Nationstar was assigned the DOT on March 31, 2013.
The dates do not coincide with one another. (*See* Doc. No. 59 exhibit 4 at p. 22).

3). On July 1, 2011 Bank of America ("BANA") acquired the beneficial interest in the DOT at the time of merger with NationsBanc. According to the SIR records, provided by Babin, Fannie Mae was receiving monthly reports from BANA starting on January 1, 2009, some 30 months before BANA actually acquired the property thru merger. (*See* Doc. No. 59-6 p. 2).

1. **The Court Errored When it Based its Decision on a Declaration of an Undisclosed Witness.**

On May 29, 2019 Plaintiffs filed their Response to Austin's Motion to Re-consider Doc. No. 90, and on June 11, 2019 Austin filed her Reply Doc. No. 81.

On October 7, 2019 the District Court filed its Order denying Austin's motion for re-consideration. The Court reasoned that Austin did "not set forth a valid reason for reconsideration". (*See* Doc. No. 87 p. 1 at 20-22). The Court did not acknowledge the several areas of contention presented by Austin, or address the fact that the evidence used by the Court to grant Plaintiffs MSJ was from an undisclosed witness's declaration. The Court went on to say "These are arguments that could and should have been raised in response to Plaintiffs' motion for summary judgment". Austin did raise these arguments but were ignored by the Court. (*See* Doc. No. 87 p. 2 at 8-10).

////

On October 18, 2019 Austin filed her Motion to Stay the District Court's order, Doc. No.76, pending appellate review. (*See* Doc. No. 88).

On October 23, 2019 the Court denied Austin's Motion to Stay stating "Austin's arguments were unpersuasive" and that her "likelihood of success on the merits is so low that a stay is not warranted" and went on to say "The Court will not allow Austin to further delay resolution of this action".

On January 13, 2020 Austin timely filed her APPELLANT'S INFORMAL OPENING BRIEF, presenting several facts that were contrary to the evidence presented by Plaintiffs, including the fact that the SIR records indicated that reports were submitted by Nationstar and received by Fannie Mae some 30 months before Bana acquired the Property . (*See* p. 6 at 3 above).

On March 19, 2020 Nationstar filed its APPELLANTS' ANSWERING BRIEF addressing opposition to issues presented by Austin. Nationstar neglected to address the subject of an undisclosed witness. The Court may wonder why Nationstar waited until discovery had ended to introduce evidence that Fannie Mae owned the DOT.

On March 26, 2020 the Federal Housing Finance Agency ("FHFA"), conservator of Fannie Mae, filed a brief of Amicus Curiae in support of Appellees. FHFA's brief relied solely on "facts" presented by

Nationstar without including any reference to BANA's participation as a party to this Action, and went on to state, "FHFA notes that although Ms. Austin makes standing arguments that implicate Bank of America, that entity is not a party to this litigation. Accordingly, FHFA's responses only discuss Ms. Austin's allegations regarding Nationstar". (*See* Amicus p. 3 at note 4).

BANA is an integral part of this action: 1) Acquired ownership though merger on 7/01/2011; 2) Owned the property at time of HOA foreclosure; 3) Participated in the required Alternate Dispute Resolution mediation prior to filing its action; 4) BANA assigned Nationstar its beneficial interest in the DOT on May 30, 2017, which allowed BANA to remain insulated from public scrutiny. Nationstar, as BANA's avatar, is in fact BANA's ATTORNEY-IN-FACT and is involved in several of BANA's actions; and 5) BANA is involved in and mentioned by both Plaintiffs and Defendants throughout this action as not only a participant but also as a cause.

Additionally FHFA is asking this Court to ignore the rights guaranteed an individual by the 5th and 14th Amendments in favor of protecting the "health of the Nation's economy" by predicting Armageddon to the housing industry "If this Court concludes that the district court abused its discretion in denying Ms. Austin's request to re-open discovery,.....".(*See* Amicus p. 13-14).

. On April 8, 2020 Austin filed her APPELLANT'S INFORMAL REPLY BREIF pointing out several

areas of contention and misrepresentations presented in Appellees' Answering Brief. Additionally, Austin pointed out that Appellees requested the Court to **not** consider a certain factual matter, that the SIR records showed that Fannie Mae was receiving monthly reports from Nationstar some 2 ½ years before Nationstar or BANA owned the DOT, and went on to state that Austin introduced this as new evidence in her appeal. (*See* AAB p. 27 at note 6). The fact is, Austin did not introduce this as a new argument or evidence, but simply asked the Court to take a closer look at the evidence that Appellees had themselves introduced as EOR 007 (BANA's merger with Nationsbanc.)

3. The 9th Circuit Did Not Address the Issue of an Undisclosed Witness

On December 22, 2021 the 9th Circuit issued its Memorandum denying Austin's appeal. The District Court had errored when it based its decision to grant Nationstar's MSJ on the testimony (Declaration of Mr. Babin) of an undisclosed witness. The 9th Circuit addressed this error, which was the bases of Austin's appeal, by stating ".....it is **unsurprising** that she did not learn the identity of Plaintiffs' authentication declarant until Plaintiffs submitted evidence in connection with their summary judgement motion". When the Court stated that it was **unsurprised** by Austin's lack of judicial process, they may have been referring to Austin's possible lack of knowledge as to the law and further that she was not represented by

counsel. Austin pointed out that it is difficult to question an undisclosed witness until that witness is disclosed. Additionally, the Court allowed Appellees' request to **"not consider"** the evidence that showed that Nationstar or BANA was not the owner of the DOT during the time Fannie Mae's records indicate that they had been receiving monthly reports from them.

On January 4, 2022 Austin filed her Petition for Panel Rehearing and Rehearing in Banc. In her Petition Austin restated many of the areas of contention that the 9th Circuit seemed to ignore or gloss over. The Court was not swayed by Austin's petition and filed its order of denial on January 31, 2022. (*See* Appendix 18).

REASONS FOR GRANTING THE WRIT

1. The Court Should Grant Certiorari to Clarify the Proper Scope and Evidentiary Utility of the Admissibility of evidence Presented by an Undisclosed Witness.

The Court should grant review in this case to provide guidance and uniformity in the lower court's use of an undisclosed witness as a bases for its decision. There are hundreds of cases involving the use of, or disqualification of evidence or statements of an undisclosed witness when deciding a motion for summary judgement.

Rule 37 (c) provides that "..... if a party fails to provide information or identify a witness as required

by Rule 26 (a) or (e) that "party is not allowed to use that information or witness to supply evidence on a Motion.....*unless the failure was substantially justified or is harmless*". Fed. R. Civ. P. 37(c)(1) (emphasis added). *Mitchell v. Ford Motor Co.,* 318 Fed. Appx. 821, 824 (11th Cir. 2009).

In determining whether the failure to disclose was justified or harmless, the Court must consider the party's explanation for its failure to disclose timely, the importance of the information, and any prejudice to the opposing party if the information is admitted. *Lips v. City of Hollywood,* 350 Fed. Appx. 328,340 (11th Cir. 2009) (citing *Romeo v. Drummond Co.* 552 F.3d.1303,1321 (11th Cir. 2008)

Pursuant to Rule 26 (a) parties are required to disclose the name and identifying information of persons "likely to have discoverable information--along with the subject of that information—that the disclosing party may use to support its claim or defenses." Fed. R. Civ. P. 26(a)(1)(A)(i). Additionally, the disclosing party has a continuing duty to supplement its disclosure upon learning that a previous disclosure was either incomplete or incorrect. F.R.C.P. 26(e)(1)(A).

In this case, Plaintiffs waited until after the time for discovery had ended before they correctly identified their witness and then included a declaration and records of that previously undisclosed witness as part of their motion for summary judgement.

Prejudice against the non-moving party generally occurs when a late disclosure deprives the opposing

party of a meaningful opportunity to perform discovery and depositions related to the documents or witness in question. In this case Austin was deprived the opportunity to perform discovery when the District Court denied Austin's request to re-open discovery in order to depose an undisclosed witness. **Rule 2.6 Ensuring the Right to be Heard**, (A) a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law:

In Perry v. Bakewell Hawthorne LLC. (2017) 2 Cal.5th 536) the Supreme Court of California noted that a summary judgement motion "shall consider all of the evidence set forth in the papers, except that which objections have been made and sustained." (Code Civ. Proc. Section 437c. (italics added). Section 437c also requires the evidence relied on in supporting and opposition papers to be admissible. Reid v. Google, Inc. (2010) 50 Cal. 4th 512, 528). The Perry Court held that "when the time for exchanging expert witness information has expired before a summary judgement motion is made, and a party objects to a declaration from an undisclosed expert, the admissibility of the expert's opinion can and must be determined before the summary judgement motion is resolved". (*Perry, supra,* 2 Cal.5th at p. 543, emphasis added). [1]

---

1 The opinions and points of law mentioned above were provided in an article by Gary A. Watt posted on October 18, 2017 in the APPELATE INSIGHT. Mr. Watt is a State Bar certified appellate specialist, and frequently contributes to the DAILY JOURNAL and other publications. Mr. Watt is also on the faculty at U.C. Hastings College of Law and is Chair of the Contra Costa County Bar Association's appellate practice section.

To admit Mr. Babin's Declaration, where an opposing party has had no opportunity to depose him---so that his assertions go unchallenged---would therefore greatly prejudice that party. *CF. Smith* 2013 IL. App.(1st) 121839 at 27 (admission of affidavit (is) prejudicial where defendant did not have and would not have an opportunity to dispose undisclosed witness); *See, also Jackson,* 2016 IL. App (1st) 143045 at 65.

Summary Judgement should be denied where it appears that relevant evidence needed to oppose the motion is within the exclusive knowledge of the movant, and the opposing party has not had a reasonable opportunity for disclosure prior to the motion for summary judgement. *See* CPLR 3212 (f) (motion for summary judgement should be denied where it appears that facts essential to the motion exist but can not be stated due to the absence of discovery). *See Logan v. City of New York,* 148 AD2d 167 [1 Dept.1989].

To defeat summary judgment based on disputed evidence of an undisclosed witness the nonmovant need only produce evidence of a genuine dispute of material fact that could satisfy its burden at trial. *Sonner v. Schwabe N. Am., Inc.,* 911 F.3d. 989, 992 (9th Cir. 2018). Therefore, it should be concluded that without the contested evidence or declaration of an undisclosed witness, no issues of material fact exist, precluding summary judgement. *Ellis v. England,* 432 F.3d 1321, 1325-26 (11th Cir. 2005).

2. The District Court Errored when it Denied Appellant, Austin, her Right to Due Process Guaranteed by the 5th and 14th Amendments.

Both the 5th and 14th amendments to the Constitution states to the federal government that no one shall be "deprived of life, liberty or property without **due process** of law".

Federal law prohibits parties from using undisclosed witnesses and information in a motion for summary judgment where the non-movant is denied her constitutional right to question the validity of the evidence presented. F.R.C.P.37 (c)(1). Also *See* F.R.C.P. 37 (a)(1), Federal law prohibits parties from using undisclosed witnesses and information as evidence in a **disruptive** motion.

The U.S. Supreme has "described" the root requirement of the **Due Process Clause** as being "that an individual be given an opportunity for a hearing before he is deprived of any significant property interest". (*Cleveland Bd. Of Educ. v. Loudermill* 470 U.S. 532,542, 105 S. Ct. 1487,1493, 84 L. Ed. 2d 494 (1985). The District Court denied Austin her right to due process when it refused to allow discovery as to Nationstar's undisclosed witness. Austin was greatly prejudice by the Court denying such discovery. The District Court disallowed discovery based on two criteria: 1. That Austin combined two separate types of relief into one document. (*See* Doc. 63 Motion to Dismiss for Failure to State a Claim and in the alternative to re-open

discovery so that Austin could depose their undisclosed witness's declaration). The Court **errored** when it cited **LR IC 2-2(b),** which requires a separate document to be filed with each type of relief requested. The rule, as written, specifically refers to motions filed under the Electronic Filing System ("ECF"). Austin was not, and still is not, a participant in the EFC of which the court must give prior approval for, if a litigant is in Pro Se. If the rule still applied, in this instance, Austin did request the District Court overlook her "inartful" filing. The fact still remained that Austin did request the Court to allow discovery, and as such, did not diminish the fact that Austin was denied her Due Process. The Supreme Court has instructed the federal courts to "liberally construe the inartful pleadings of pro se litigants". *Eldridge v. Block,* 832 F.2d 1132, 1137 (9th Cir. 1987); and **2.** The Court stated that "Austin has presented no argument or evidence that extracting further information from Fannie Mae's employee would alter the outcome of this case". (*see* Doc. 76 p.7 at 2-4). The Court denied Austin her right to Due Process, possibly, based on the fact that Austin was representing her self and did not possess the qualifications or experience necessary to depose a witness and/or ask the right questions. There still remains the fact that Austin was denied her right to due Process as guaranteed by the 5th and 14th Amendments to the Constitution.

///

3. The Appellate Court did not Respond to Austin's Appeal of the District Court's Denial of Due Process.

The Circuit Court did not address the question of Due Process, which was the subject of Austin's appeal, but did repeat Plaintiffs' arguments as to the FFB and parrot the order of the District Court. Further, the Circuit Court seems to agreed with the District Court in regards to Austin's apparent inability to fight for her right to Due Process. (*see* Memorandum of the Circuit Court p. 5 note 4). For clarification of content, it is repeated below:

"Austin also argues the declarant was an undisclosed witness under Rule 37 (c) (1) whose testimony infringed several of Austin's constitutional rights. Austin never propounded discovery, so it is **unsurprising** that she did not learn the identity of Plaintiffs' authentication declarant until Plaintiffs submitted evidence in connection with their summary judgement motion." (emphasis added).

Austin contends that Plaintiffs may have purposely waited until discovery had ended to introduce their one and only witness, so yes, it is true that Austin did not learn the identity of Plaintiffs' declarant until after discovery ended and Plaintiffs filed their motion for summary judgement. Plaintiffs' negligence in adhering to Fed. R. Civ. P. 37(c)(1) does not give them carte blanche freedom to introduce witnesses after discovery has ended and expect the Court to accept testimony of an undisclosed witness in a motion for summary judgement. However, in this case, the

Court did just that. Austin requested the Court re-open discovery to give her the opportunity to discover, however the Court denied her request, and in so doing denied her right to Due Process guaranteed by the 5th and 14th Amendments. By affirming the District Court's order, granting Plaintiffs' motion for summary judgment based on the declaration of an undisclosed witness, the Circuit Court may have perpetuated a miscarriage of justice.

As shown above, Austin was denied Due Process and her right to discovery. The decision of the Court was not based on the facts of the case, but rather on Austin's "inartful pleadings" and on her "apparent", (in the eyes of the Court), inability to properly pose the right questions in order to the sway the Court.

Every citizen is guaranteed, by the Amendments to the Constitution, to life, liberty, and property, including the right to a fair and impartial hearing or trial, and so for those reasons this Court's review is warranted.

CONCLUSION

Petitioner, Rosemarie Austin, respectfully requests that this Court issue a writ of certiorari.

Respectfully submitted,

ROSEMARIE AUSTIN,
160 Rue De La Blanc
Sparks, NV. 89434
(702) 232-6489