

08/05/21
MD

No.: 21-232

In The

Supreme Court of the United States

Veena Sharma (Plaintiff-Appellant)

v.

Defendants-Appelles

ORIGINAL

1. Attorney Domenic S. Terranova
2. Andover Gardens Condominium Trust
3. Attorney Michael B. Feinman
4. Attorney Peter J. Carusso

On Petition for Writ of Certiorari

U.S. Court of Appeals for the First Circuit

(CASE NO.: 20-1363)

By

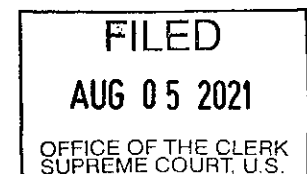
Veena Sharma (PRO-SE)

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QUESTIONS PRESENTED

1. Whether the District Court and U.S. Appeals Court for the First Circuit decision of dismissing Petitioner's claim without issuing summons to Respondent, without any hearing, and without jury trial as requested by Petitioner is sufficient for review by the honorable United States Supreme Court.
2. Whether the District Court and U.S. Appeals Court for the First Circuit decision of dismissing Petitioner's claim on wrong/incorrect interpretation of Statue of Limitations (10 years) is sufficient for review by the honorable United States Superior Court.
3. Whether the District Court and U.S. Appeals Court for the First Circuit decision of dismissing Petitioner's claim on grounds of Preclusion is sufficient for review by the honorable Untied States Supreme Court.

PARTIES TO PROCEEDINGS

1. Veena Sharma (PRO-SE): Plaintiff
2. Attorney Domenic S. Terranova et. al: Defendants

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TABLE OF AUTHORITIES

1. Commonwealth v. Fremont Inv. & Loan,
Supreme Judicial Court of Massachusetts (SJC-10258),
December 9, 2008, Decided
2. Sharma v. County Mortgage, LLC, Commonwealth
of Massachusetts Appeal Court (Case No.: 2019-P-1028),
January 23, 2020, Decided
3. McGuinness v. Commonwealth, Supreme Judicial Court of
Massachusetts (Case No.: 420 Mass, 495 (Mass 495),
January 12, 1995, Decided

TABLE OF CITED AUTHORITIES

CASES

1. Futera Dev. of P.R., Inc. v. Estado Libre Asociado de P.R.,
144 F.3d 7, 13-14 (1st Cir. 1998).....
2. Chute v. Walker, 281 F.3d 314, 319 (1st Cir. 2002).....
3. Gonzalez v. United States, 257F.3d 31, 37 (1st Cir. 2001)..
4. Sharma v. Cnty. Mortg., LLC. (19-P-1028): June 23, 2020..
5. 103 Stat. 501 (1989); 18 U.S.C. 3293.....
6. Id.: 104 Stat. 4861 (1990).....
7. 103 Stat. 500 amending 18 U.S.C. 1341, 18 U.S.C. 1343...
8. 18 U.S.C. 1344.....

STATUTORY PROVISIONS AND RULES INVOLVED

- 1. Supreme Court Rule 10 (a):**
- 2. 28U.S.C. 1915 (e) (2):**

I have paid a fee of \$300 as required by the rules of honorable Supreme Court. I have explained in my complain, why my Petition is neither malicious or frivolous.

STATEMENT OF THE CASE

A. The State Court Action

The Respondent is misleading and/or lying that the Essex Superior Court Case (1877CV01631) in Massachusetts has any relationship with my case in honorable Superior Court of the United States. The case in Essex Superior Court was against Andover Gardens Condominium Association for wrong doing against an elderly minority women of Protected Class in Massachusetts.

B. Procedural History of the Present Action

The Decision of the District Court as well as First Circuit Court was issued without any Summons, hearing, and/or jury trial

The Court of Appeals Did Erred in Affirming the District Court's Dismissal of The Action Without Issuing Summons to Respondants.

The *SUA SPONTE* decision by any court for cases, such as this case, where Respondents have committed crimes of this magnitude by defrauding an elderly women of protected class are not the rules even though judges have discretionary powers. The Sua Sponte dismissal for failure to state a claim stands no solid grounds. The District Court and Appeal Court have pointed no published cases permitting dismissal of a complaint on the basis of Sua Sponte motion. Such dismissals are erroneous unless the parties have been afforded notice and an opportunity to amend the complaint or otherwise respond. Please refer to the following cases:

1. Futera Dev. of P.R., Inc. v. Estado Libre Asociado de P.R., 144 F.3d 7, 13-14 (1ST Cir. 1998)

2. Chute v. Walker, 281 F.3d 314, 319 (1st Cir. 2002)
3. Gonzalez v. United States, 257F.3d 31, 37 (1st Cir. 2001)
4. Sharma v. Cnty. Mortg., LLC (19-P-1028): June 23, 2020

In Chute, the United States Court of Appeals for the First Circuit went on to say that Sua Sponte dismissal without prior notice, such as in this case, might be affirmed only if it's crystal clear that the Petitioner can not prevail and amending the complaint will be futile. In order to obtain affirmance in such cases, the judge must show that the allegations are beyond all hopes of redemption.

THE DISMISSAL OF THE COMPLAINT BY PETITIONER WAS BASED NOT ON THE ALLEGATIONS, WHICH OF COURSE MUST BE TAKEN TRUE FOR THE PURPOSE OF ANY SUCH PETITION, BUT APPARENTLY BASED ON FACTS RECITED IN JUDGE'S DECISION, WHICH MAY OR MAY NOT HAVE BEEN TAKEN FROM FINDINGS MADE IN OTHER CASES OF FRAUD BY A BANK AND/OR BANK EMPLOYEE.

"THE ORDER DISMISSING THE COMPLAINT/PETITION WAS AN ERROR AND JUDGEMENT THEREFORE MUST BE REVERSED"

C. The District Court and Appeals Court Dismissed the Complaint without due diligence.

1. The Statute of Limitations Bars Sharma's Claim

Bank Fraud Statute punishes those who knowingly execute a scheme to defraud an investor by means of false or fraudulent pretenses, representations or promises. In 1989 under FIRREA, added the following to bank fraud statute:

"If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisonment not more than 30 years or both."

Other changes implemented under FIRREA:

- a. Made Bank Fraud a RICO predicate act.
- b. Extend the Statute of Limitations for all financial institution crimes to TEN years.

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- c. Lengthened sentences to up to ten years, which terms were tripled the following year under the 1990 Crime Control Act.

Following cases are relevant to the Statue of Limitations:

103 Stat. 501 (1989); 18 U.S.C. 3293

Id.: 104 Stat. 4861 (1990)

103 Stat. 500 amending 18 U.S.C. 1341, 18 U.S.C. 1343

18 U.S.C. 1344

CONCLUSIONS

1. **STATUE OF LIMITATIONS: THE LAW IS VERY CLEAR THAT STATUE OF LIMITATIONS IN CASES OF A FRAUD/CRIME CREATED BY RESPONDENTS IS TEN YEARS.**
2. **SUA SPONTE DECISIONS: THE LAW IS VERY CLEAR, THAT SUA SPONTE DECISIONS AGAINST THE PETITIONER BY HONORABLE LOWER COURTS WAS AN ERROR.**
3. **RES JUDICATA: THE RESPONDENTS MISLED THE HONORABLE LOWER COURTS REGARDING RES JUDICATA FOR MY PETITION AS THE CASE IN HONORABLE ESSEX SUPERIOR COURT OF MASSACHUSETTS WAS NOT RELATED TO THIS PETITION.**

"BASED ON ABOVE MENTIONED FACTS, I REQUEST THE HONORABLE SUPREME COURT OF UNITED STATES TO REVERSE THE DECISION OF HONORABLE APPEALS COURT OF THE FIRST CIRCUIT. THANK YOU."