

No. 21-5040

ORIGINAL

Supreme Court, U.S.
FILED

JUL 01 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Joseph A. Cunningham ETAL
(Your Name) PETITIONER

vs.

J.P. Morgan Chase ETAL.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 3rd Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph A. Cunningham
(Your Name)

3038 Matthews Ave
(Address)

Bronx, New York 10467
(City, State, Zip Code) Apt 1B

347-777-6648
(Phone Number)

QUESTION(S) PRESENTED

- 1) Is a Mortgage Transaction a loan or a Investment according to a united States Supreme Court Decision?
- 2) Are third party Mortgage Transactions Legal, pertaining to the I.R.S. and the SEC?
- 3) Should a Mortgage be Rescinded if the creditor Does not provide full disclosure or the Mortgage Contract is extremely Deceptive OR unconscionable?
- 4) Did the united States Justice Dept ever fined J. P. Morgan, Citi Bank or Wells Fargo for Banking Irregularities in the Mortgage Industry?
- 5) In Title 12 USC of the Banking Regulations and Accounting Mortgage. Are there setoffs?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [☒] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PROF-2013 Legal Title TRUST II
 By U.S. National Bank
 Association, AS Legal Title TRUST
 ORLANDO LAW GROUP, FAY SERVICING
 Gregory Servicing.
 J.P. Morgan Chase Bank

RELATED CASES

- 1) Delaware Superior Court New Castle County Wilmington # N12L-11-093.
- 2) IN THE Supreme Court of the State of Delaware # 49, 2018.
- 3) United States District Court of Delaware # 18CV596
- 4) United States Court of Appeals for the Third Circuit # 20-1712
- 5) United States Bankruptcy Court, Southern District 18-14133 - CGM
- 6) United States Court of Appeals

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APPENDIX B	Delaware Supreme Court Order 49, 2018
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APPENDIX D	United States Court of Appeals 3rd Circuit ORDER # 20-1712
APPENDIX E	United States District Court South- ern District of N.Y. ORDER # 19-CIV-5480
APPENDIX F	United States Court of Appeals 5-29-20 19-42-87 ORDER 2nd Circuit 19-CIV-5480
Appendix G.	United States Bankruptcy Court Southern District 18-14133-CGM

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 1) Ref Pearl Maxwell Fairbanks Capital Corporation, 281 B.R. 101, 2002 Bank "The Contract should be Rescinded"
- 2) U.S. Bank Nat. Assn v. Ibanez, 458 Mass 637 (2011) The assignment itself may have difficulties with a chain of title.
- 3) Long v. Shorebank Development Corp, 182 F.3d 548 (CA-7 III 1999) Fraud can be attacked at any time. in any court.

STATUTES AND RULES

- 1) Title 18 U.S.C.A. Section 241 242 Deprivation of Rights of Citizens under Color of Law and Conspiracy by two or more to deprive citizen(s) and plaintiff(s) of protected rights, et seq.
- 2) The Court is to protect against any encroachment of Constitutionally secured right from liability for they are deemed to know the law.
Owens v. Independence, 100 SCT. 1398, 445 US 622

OTHER

- Plow. 64 D) 42 U.S. Code § 1983 Civil Action
Day v. For Deprivation of Rights ~~Id.~~
National
Bond & In-2) Color of office: An act unjustly done
vestment Co. by the Countenance of an office, being
Mo App. 99 grounded upon corruption
5-11-2011 117119

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix D/E to the petition and is

☒ reported at 5/29/20 / 3/26/21; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix C/E to the petition and is

☒ reported at 3-20-20 / 9-27/20; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

☒ reported at 1/19/18; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Delaware Superior court appears at Appendix A to the petition and is

☒ reported at 1/19/18; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 13, 2020 3rd circuit

[] No petition for rehearing was timely filed in my case.

[☒] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 3-26-21, and a copy of the order denying rehearing appears at Appendix D.

[] An extension of time to file the petition for a writ of certiorari was granted to and including 3-26-21 (date) on 3-26-21 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was Oct 12, 2018
A copy of that decision appears at Appendix B.

[] A timely petition for rehearing was thereafter denied on the following date: 3/31/21, and a copy of the order denying rehearing appears at Appendix _____. writ of Possession
3/31/21

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A. State Court either Supreme OR Superior never gave the Right to file for
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a). a writ of certiorari.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) Banking Law Regulations Title 12 U.S.C.
- 2) Plaintiff's Demanded Delegation of Authority Order is written Form from all (Lower Courts) involved.
- 3) The Contract should be Rescinded because the creditor does not provide full disclosure of the Contract. is extremely deceptive and unconscionable, ref Pearl Maxwell Fairbanks Capital Corporation, 281 B.R. 101, 2002 Bank. Title 12 U.S.C Section 1491, 1509 has been violated. The Banks are Mandated by Title 12 to follow GAAP Regulations in the Accounting.
- 4) It is a Fundamental Doctrine of Law that a party to be affected by personal Judgment must have his day in court, and an opportunity to be heard Perand V. Abbott. 116 U.S. 27, 29 L Ed 629, 65 Ct 1194
- 5) Fifth and Fourteenth Amendments to the United States Constitution each contain a Due Process Clause.
- 6) The Fair Debt Collection Practices Act 15 U.S.C. Section 1601 1692 1692a

STATEMENT OF THE CASE

→ Provides Remedies for deceptive or unconscionable contracts and allows payment in any legal tender. The contract was deceptive and unconscionable if the actual debt was zero.

The Mortgage is a investment and not a loan. In a investment there ^{are} Taxable income, liabilities attached to the Investment. In a Foreclosure proceeding there is what you can Tax Contraband in the Court Room. The Bank's have lied and stated a Mortgage is a loan, however the Banks have illegal Third Party Warehouse Institutions attached to these so-called Loans that are Really Investments.

OVERT ACT see *Whitfield v. United States* 453 U.S. 209 (2005) The Illegal Act is the Conspiracy's Target offense. Title 18 U.S.C. Section 241 and 242 Deprivation of Rights of Citizens under Color of Law and conspiracy by two or more to Arrest deprive citizens protected Rights. Investia

(17)

REASONS FOR GRANTING THE PETITION

The American Public must be informed about there Banking Foreclosure Rights. As Illustrated in the petition a Mortgage is a ~~to~~ Investment and not a loan. Millions of American Citizens have lost there Homes through Fraudulent Banking practices. These Banking ^{Practices} have Created a National Foreclosure Epidemic. The Former President of the Bank of England perhaps said it Best / Sir Josiah Stamp and I quote " Banking was conceived in iniquity and was born in "Sin". The Bankers own the Earth. Take it away from them but leave them the power to create money, and with the Flick of ~~an~~ ^{the} pen they will create enough deposits to buy it back again."

Not having full disclosure in these
Foreclosures cases is Fraud and a
crime. Under the Federal and State
Laws. I Joseph A. Cunningham Demand
that the Property 2417 Auckland Drive
Newark Delaware 19702 Returned
to Joseph A. Cunningham immediately.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joseph Cunningham

Date: June 24 2021