

No. 21-5069

IN THE
SUPREME COURT OF THE UNITED
STATES

WILLIAM PAUL BURCH,
PETITIONER

v.

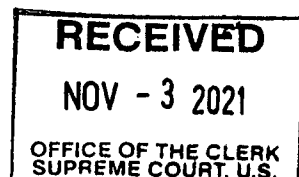
HOMEWARD RESIDENTIAL, INC
RESPONDENT

WILLIAM PAUL BURCH,
PETITIONER

v.

HOMEWARD RESIDENTIAL, INC
RESPONDENT

WILLIAM PAUL BURCH,
PETITIONER



v.

OCWEN LOAN SERVICING COMPANY
RESPONDENT

WILLIAM PAUL BURCH,
PETITIONER

v.

FREEDOM MORTGAGE CORPORATION
RESPONDENT

WILLIAM PAUL BURCH,
PETITIONER

v.

JP MORGAN CHASE BANK N. A.
RESPONDENT

WILLIAM PAUL BURCH,
PETITIONER

v.

HUGHES WATERS ASKANASE; MICHAEL
WEEMS; SPECIALIZED LOAN SERVICING
L.L.C.; PADFIELD & STOUT, L.L.P.; MARK
W. STOUT,
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO

FIFTH CIRCUIT COURT OF APPEALS

20-10498

PETITION FOR REHEARING

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October 27, 2021

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, William Paul Burch (hereinafter “Burch”) respectfully petitions for rehearing of the Court’s per curiam decision issued on October 4, 2020.

Burch v. Homeward Residential, Incorporated; Ocwen Loan Servicing Company; Freedom Mortgage Corporation; JP Morgan Chase Bank, N.A.; Hughes Waters Askanase, Michael Weems, Specialized Loan Servicing LLC, Padfield & Stout, LLP, Mark W. Stout

Burch moves this Court to grant this petition for rehearing and consider his case with merits

briefing and oral argument. Pursuant to **Supreme Court Rule 44.1**, this petition for rehearing is filed within 25 days of this Court's decision in this case.

REASONS FOR GRANTING THE PETITION

If the precedence created by the rulings of the Fifth Circuit, the District Court, and the bankruptcy court in this case it will have a devastating effect on the rule of law in the United States.

Set in motion are special immunity rights of attorneys due to a misunderstanding of **Article 4, Section 2** of the United States Constitution. In addition, they have overruled all or part of **the First Amendment of the Constitution, the Fourth Amendment to the Constitution of the United States, the Fifth Amendment of the Constitution, the Seventh Amendment of the United States Constitution, the Tenth Amendment of the United States Constitution, and the Fourteenth Amendment of the Constitution.** This puts the very foundation of our country in jeopardy.

Article 4, Section 2 of the United States

Constitution, “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

The lawyers representing their clients in a Motion to convert the Chapter 11 bankruptcy to a Chapter 7 bankruptcy committed fraud on the court by lying throughout their Motions and during the Oral hearing. There was no question of their actions, and the bankruptcy granted the lawyers immunity for their actions. Their actions resulted in the loss of millions of dollars in the assets of Petitioner, William Paul

Burch (hereinafter “Burch”). This was also a violation of **FRCP 22** which controls sanctions and penalties for lying in court as written by the legislature and supported by precedence is no longer in effect having been overturned through legislation written by the bankruptcy court and supported by the Fifth Circuit.

Additionally, this was a violation of the **Fourth Amendment of the Constitution** by allowing seizure of Burch’s property because of the unwarranted change of the bankruptcy plan from a Chapter 11 to a Chapter 7.

The bankruptcy court used a certification that the appeal was frivolous to allow the Senior District Court Judge the leeway to not hear the six combined cases. The dismissal was not denied due to qualification required for IFP but strictly on the frivolous litigant certification. Because there was no hearing, this is in violation of the **First Amendment of the Constitution**, “to petition the Government for a redress of grievance.”

None of the cases qualified for removal from the state courts to the bankruptcy court due to late removals. These cases were removed in

direct defiance to. **28 U.S. Code § 1446(b)(1).**

“The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.”

It is important to understand that each of these causes are based in Texas Law not Federal Law. This Petition was filed in a Texas District

Court. The lawsuit could not commence in a Federal Court because none of the causes were violations of Federal Law. Therefore, none of these causes arise from **Title 11 of the Bankruptcy Code**. This is a violation of the **Tenth Amendment of the United States Constitution**, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. The bankruptcy is not even considering comity in making their decision. Instead, as is seen throughout these and other proceedings, the decisions of the court appear to be made more on bias.

If a bank files twenty lawsuits in state courts against nine defendants, some holding more than one property and the defendants remove the cases to the same federal court, does that make the bank a vexatious litigant? Of course not. Yet the bankruptcy judge declared Burch a vexatious litigant because he filed suit against seventeen defendants in state court. The defendants removed them to bankruptcy court after the bankruptcy was discharged. The bankruptcy court sua sponte declared Burch a vexatious litigant because of the number of advisory cases filed in his court by the defendants (not Burch) thus clogging up his

court (there was only one case in his court at the time and it was removed through Burch's actions. Additionally, the bankruptcy court cited the many Motions to Remand as being bad for the court. Yes, the judge declared Burch a Vexatious Litigant because the defendants filed too many cases in his court and Burch wanted to remand them. Burch was forbidden to file anymore cases in state court or file motions in state court without the permission of the federal bankruptcy court judge. This is in direct violation of Burch's rights of due process in the **Fifth and Fourteenth Amendmenst** of the U. S. Constitution. It is also against the **Seventh Amendment** where a bankruptcy

court does not have control and power over
Article III Courts and the bankruptcy Court
does not have jurisdiction of state courts as this
is a violation of the **Tenth Amendment**.

The actions of these court have also overruled
many statutes and case law, too numerous to
mention in the remaining space.

CONCLUSION

The petition for a writ of certiorari should be
granted.