

N Case No. 21-

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**SUPREME COURT OF UNITED STATES**

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Bishop Ruben DeWayne,

*Petitioner/Plaintiff,*

vs.

THE UNITED STATES, et al.,

*Respondents/Defendants.*

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This Petition for Writ of Certiorari in Combo  
From U.S. Court of Appeals for the District of Columbia Docket No. 20-5275  
Appealed from the U.S. District Court, District of Columbia (1:20-cv-515-AMP)  
R.I.CO. Action showing Facts by Exhibits and Evidence of the Same

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**Appendix  
FOR WRIT OF CERTIORARI**

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*Bishop Ruben DeWayne, Pro Se Petitioner  
5105 N. Main Street, Bld. A.  
Columbia, South Carolina 29203  
(803) 200-5105  
20 years victim of Judicial Kleptocracy*

*Pursuant Rule 33.2*

Leitta Brooks, Joinder Plaintiff  
32 Crooked River Road,  
Wareham MA 02571

THE UNITED STATES  
c/o Patricia K. McBride  
555 Fourth Street, NW  
Washington, DC 20530

MERS, INC., and  
J.P. MORGAN MORTGAGE CQUISITION  
SEYFARTH SHAW LLP  
975 F. Street, NW  
Washington, DC 20004-1454

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Appendix --  
FOR WRIT OF CERTIORARI

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TABLE OF CONTENTS

Orders, Judgments & Evidence -Related Cases	Page
<i>Leitta Brooks v. JPMORGAN CHASE BANK, NA.</i> Breach of Contract on 8/31/2012 in the U.S. District Mass C.A. No. 1:12-cv-11634-FDS issued A Void Order & Judgment dismissed on 7-13-2013 precured by Frauds (false information as fact) .....	1-7
The MERS, INC. Assignment executed in the State of Louisiana without cert. of authority, incorrect loan number, conflict of interest where signor acted for both MERS and CHASE executed 9-8-2014 and recorded on 9/22/2014: = 14 months after the above memo and order .....	8
The Allonge to Note bears an incorrect loan number also, dated the same day of the loan, does not name J.P. MORGAN MORTGAGE ACQUISITION CORP. at all. The multiple named entities on the along to note were researched, demonstrating this document was manufactured and also demonstrates lack of standing. .....	9
<i>Leitta Brooks v. JPMORGAN CHASE BANK, NA.</i> U.S. District Mass C.A. No. 1:14-cv-13068-FDS entitled Petition to Vacate and Set Aside the Void Judgment and Collateral Attack; Applied Res Judicata filed 7/22/2014, dismissed w/o hearing on 12/5/2014, appealed 1/2/2015 and appeal affirmed and dismissed 9/29/2015 ..... Referenced only	
<i>John N. Lewis and Susan A. Lewis v BANK OF NEW YORK MELLON TRUST CO. et al</i> U.S. District Mass C.A. No. 1:16-cv-11122-FDS explains in detail the MERS System that ends MERS' involvement in the assignment process and applied to this matter. Memo and Order Dated 8/31/2016 ...	10-20
 Petitioner's Discovery Research & History	
The original lender, First National Bank of Arizona was acquired by merger with First National Bank of Nevada on 6-30-2008. Both "Arizona and Nevada" were shut down and closed by the non-MERSCORP Member, the OCC on 7/25/2008. A record search of the <i>MERS Service ID</i> by MIN Status: was found to be inactive showing MERS was not involved with this assignment in question .....	21

The Purchase and Assumptive Agreement between the non-MERSCORP Member, the FDIC appointed Receiver for First National Bank of Nevada and Mutual of Omaha Bank on 7/25/2008 whereas, OCC closed First National Bank of Nevada and published both First National Bank of Nevada and First National Bank of Nevada were added to the list of U.S. failed Banks. .... 22

#### Related Cases and Matters

*Bishop Ruben DeWayne v. First National Bank of Arizona, et al.*,  
U.S. District Mass No. C.A. No. 1:15-CV-14245-IT Removed on 12/30/2015  
For Declaratory Judgment Action Dismissed by res judicata after stating  
on record that this matter was not identical or the same as Brooks' matter  
and dismissed on 11/10/2016 ..... 23-28

#### Seeking Power to Sale w/o Proper Authority

*J.P. MORGAN MORTGAGE ACQUISITION CORP. v. leitta Brooks, et al.*,  
Suffolk County Land Court No. 2017-SM-006779 issued a Void Judgment to  
Commence a non-judicial foreclose without the required certificate of authority  
to conduct business in the Commonwealth, also failed to notice of mortgagee's  
sale failed to adhere to the strict rule ... did not recite the chain of purchase,  
merger, the defunct or acquisition by non-MERSCORP Members, the OCC  
and the FDIC that ended MERS involvement in the assignment process. (by  
reference only) ... See MA Corporate Database Search Results showing  
the void judgment by the Suffolk County Land Court that lacked  
personal jurisdiction: ..... 29

*In Re: Leitta Brooks Bankruptcy Chapter 7 Case No. 18-80041-FJB*  
District of Mass C.A. No. 1:12-cv-11634-FDS  
Adversarial Proceeding No. 19-01022 Non-Evidentiary Hearing Dismissal  
Brooks v. First National Bank of Arizona, et al., .....by Reference only

Please Note that Justice cannot issue without the truth being told.

*Bishop Ruben DeWayne v. J.P. MORGAN MORTGAGE ACQUISITION CORP. et* Superior Court of Suffolk County C.A. No C.A. No. 18-1141A  
ACTION: MGL 93A Verified Injunctive Complaint was REMOVED 5/9/2018  
to U.S. District Mass No. 1:18-cv-10931, and dismissal on 8/20/2019 based on  
color of Res Judicata Claim while using kleptocracy, irregular docketing and  
perjury from the bench, see the following:

See the Formal Request/Demand for Default Judgment to the Clerk	
8/24/2018 .....	30-33
See Order denying Default Judgment 9/7/2018 .....	34
See the Notice of Appearance for the defaulted Defendant, J.P. Morgan	
Mortgage Acquisition Corp same day of the denial of the default judgment....	35-36
See the Motion to Strike 9/21/2018 .....	37-40
See WGY's Order denying motion to strike 9/25/2018 .....	41
See Notice of False & Irregular Docketing .....	42-51
See Demand for WGY's Recusal, Irregular Docketing and Misconduct in	
Chambers and the denied order dated 10/15/108 .....	52
See IT's Order directing the clerk to correct the docket showing the non-party	
JPMORGAN CHASE BANK, NA lacked standing to file pleadings into this	
matter without proper notice of leave showing striking was proper, ripe and	
warranted for non-party JPMORGAN CHASE BANK, NA. dated 12/14/2018	
when WGY denied the same on 10/15/2018 .....	53
See IT's order of recusal after notice to Department of Justice .....	54

*In Re Bishop Ruben DeWayne* Bankruptcy Chapter 7 Case No. 18-02163-DD  
 District of South Carolina ..... DISMISSED w/ Trickery see edited transcripts  
 Adversarial Proceeding No. 18-80041-DD Non-Evidentiary Hearing Dismissal  
*DeWayne v. First National Bank of Arizona, et al.,* ..... *by Reference only.*

<i>Bishop Ruben DeWayne v. MERS INC., et al.,</i>	
Suffolk County Land Court No. 2019-Misc-000541-RBF	
was REMOVED to U.S. District Mass 1:19-cv-132360-RGS / CHANGE VENUES	
to U.S. District SC 3:19-cv-3376-JMC-PJG filed 12/4/2019 Action to Compel Try	
Title w/ Notice to agree to change Venues & Trial by Jury Demand if Removed to	
U.S. District Mass & Discovery inside the Body of the Complaint to avoid answers	
with motion to dismiss to avoid discovery; Being this appealed action and matter	
before	
this Court. Towit: Objection and Return showing continued judicial misconduct,	
biasness & conjectures without just cause w/ Definitions .....	55-78
See dismissal w/o hearing or opportunity to be heard order and opinion on	
8/20/2020 .....	79-82
Note: U.S. District Mass C.A. No. 1:19-cv-12360-RGS.... REMOVED but not	
Entertained by Petitioner per change of venue agreed to inside complaint by	
reference only.	

U.S. Court of Appeals 4 <sup>th</sup> Cir. Appeal Case No. 20-1889...Affirmed and	
Appellant herewith appealed to this U.S. Supreme Court by Writ of Certiorari	
Combo in the nature of provisions for Habeas Corpus to release Incarcerated	
Imprisoned Liberties should at once be compelling upon this Court. Court Order	
Affirmed 11/19/2020 and Mandate issued 12/11/2020 .....	83-85

---

<i>In Re: Bishop Ruben DeWayne</i> Bankruptcy Chapter 7 No. 19-06416-dd District of South Carolina DISMISSED w/ Trickery (Credit Counseling was timely completed) Adversary Proceeding No. <i>DeWayne v. MERS, INC.,</i> <i>et al.</i> .....	86
<i>Bishop Ruben DeWayne v. THE UNITED STATES, et al.,</i> U.S. District of Columbia Civil Action No. 1:20-cv-515-AMP R.I.C.O. Filed on 2/18/2020 Action Summarily Dismissed w/o Hearing On 8/17/2020 andAppealed to the U.S. Court of Appeals for the District of Columbia Docket No. 20-5275 .....	87-89

Orders supporting IFP on Appeal

See U.S. District Court South Carolina (Appeal Transmittal Sheet .....	83-84
See U.S. District Court District of Columbia .....	n87-
	89

By:

  
Bishop Ruben DeWayne, pro se Petitioner  
5105 N. Main Street, Bld. A.  
Columbia, SC 29203  
(803) 200-5105

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 20-5275**

**September Term, 2020**

**1:20-cv-00515-APM**

**Filed On: January 21, 2021**

Ruben Dewayne, Bishop,

Appellant

v.

United States, et al.,

Appellees

**BEFORE:** Pillard, Katsas, and Walker, Circuit Judges

**ORDER**

Upon consideration of the motion to strike/dismiss the notice of appeal filed by J.P. Morgan Mortgage Acquisition Corp. and Mortgage Electronic Registration Systems, Inc. (collectively, the "Mortgage Defendants"), which the court construes as a motion to dismiss the appeal, and the response thereto, it is

**ORDERED** that the motion be granted and the appeal be dismissed as to the Mortgage Defendants as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). Appellant's claims against the Mortgage Defendants lack "an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). It is

**FURTHER ORDERED**, on the court's own motion, that the appeal be dismissed as to the United States as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). Appellant's allegations against the United States are "clearly baseless," Denton v. Hernandez, 504 U.S. 25, 32-33 (1992), and he has not made any non-frivolous argument that the United States has waived its sovereign immunity, see F.D.I.C. v. Meyer, 510 U.S. 471, 475 (1994).

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United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 20-5275**

**September Term, 2020**

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Manuel J. Castro  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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BISHOP RUBEN DEWAYNE, )  
Plaintiff, )  
v. ) Case No. 20-cv-00515 (APM)  
THE UNITED STATES, et al., )  
Defendants. )

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**MEMORANDUM OPINION**

Pro se Plaintiff Bishop Ruben DeWayne filed this action against the United States, J.P. Morgan Mortgage Acquisition Corp., and Mortgage Electronic Registration Systems, Inc. *See* Compl., ECF No. 1, ¶¶ 3–5. Although Plaintiff styles his Complaint as a “Civil R.I.C.O. Action,” *see id.* at 1, his actual listed causes of action are for “Unfair and Deceptive Acts in Commerce,” “Placed False and Misleading Information on Recorded [sic],” and “Slander and Defamation of Character,” *id.* ¶¶ 52–61. These claims appear to be predicated on a series of prior lawsuits filed by either Plaintiff or one Leitta Brooks concerning a mortgage foreclosure, and Plaintiff’s unhappiness with the adverse decisions made by various federal judges in the District of Massachusetts (whom Plaintiff refers to as “culpable thugs”). *See, e.g., id.* ¶¶ 21, 33–44. For the following reasons, this action is dismissed with prejudice.

*First*, the court lacks subject matter jurisdiction with respect to any claims against the United States. Plaintiff offers no ground for waiver of the United States’ sovereign immunity. *See Buaiz v. United States*, 471 F. Supp. 2d 129, 134 (D.D.C. 2007) (“It is a bedrock principle of American law that the United States, as sovereign, is immune from suit unless Congress has

expressly waived that immunity . . . . [F]ederal courts lack subject matter jurisdiction over suits against the United States in the absence of a waiver.” (citations omitted)); *see also Davis v. United States*, 196 F. Supp. 3d 106, 113 (D.D.C. 2016) (“The plaintiff bears the burden of establishing both the court’s statutory jurisdiction and the government’s waiver of its sovereign immunity.” (internal quotation marks and citation omitted)). To the extent Plaintiff’s claims against the United States can be construed as sounding in tort, there is no indication that he has complied with the jurisdictional notice requirements of the Federal Tort Claims Act (“FTCA”). *See Bowden v. United States*, 106 F.3d 433, 441 (D.C. Cir. 1997). Finally, Plaintiff has failed to state any plausible claim against the United States under the FTCA.

*Second*, the court lacks subject matter jurisdiction with respect to the claims against the other Defendants because the Complaint fails to present a “substantial federal question.” *See Shapiro v. McManus*, 136 S. Ct. 450, 455 (2015). Reading his Complaint generously, Plaintiff asserts a single cause of action under the civil RICO statute, but that claim is “wholly insubstantial and frivolous.” *Id.* at 455–56 (quoting *Bell v. Hood*, 327 U.S. 678, 682–83 (1946)). The alleged acts making up that RICO claim are either fabulous or involve the immune actions of federal judges. *See* Compl. ¶¶ 34–44. Moreover, even if Plaintiff manages to clear the “low” bar of substantiality, *see Shapiro*, 136 S. Ct. at 456, he has not plausibly pleaded a RICO claim. He identifies no valid predicate racketeering activity, *see* 18 U.S.C. § 1961(1); nor does he set forth any plausible pattern of such activity or a RICO enterprise, *see H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 242–43 (1989). Absent a plausible RICO cause of action, the court declines to exercise supplemental jurisdiction over Plaintiff’s state-law claims. *See* 28 U.S.C. § 1337(c)(3).

*Finally*, venue is improper in this District, as none of the events giving rise to the claim occurred here, nor is the property at issue located in Washington, D.C. *See* 28 U.S.C. § 1331(b).

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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BISHOP RUBEN DEWAYNE, )  
Plaintiff, )  
v. ) Case No. 20-cv-00515 (APM)  
THE UNITED STATES, et al., )  
Defendants. )

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**ORDER**

For the reasons set forth in the court's Memorandum Opinion, ECF No. 37, the court grants in full Defendants' Motions to Dismiss, ECF Nos. 10, 25, and dismisses this case with prejudice.

The court denies as moot Defendants' Motion to Strike Plaintiff's Notice of Unclean Hands, ECF No. 24, and denies Plaintiff's Motion for Permanent Injunction, ECF No. 2, Plaintiff's Formal Notice and Demand to Correct the Caption, ECF No. 23, Plaintiff's Motion to Strike the Defendant, the United States' Caption, Style, ECF No. 33, and Plaintiff's Formal Request for a More Definite Statement, ECF No. 34.

This is a final, appealable order.

Dated: July 28, 2020



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Amit P. Mehta  
United States District Court Judge

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 20-5275**

**September Term, 2020**

**1:20-cv-00515-APM**

**Filed On: April 9, 2021**

Ruben Dewayne, Bishop,

Appellant

v.

United States, et al.,

Appellees

**BEFORE:** Pillard, Katsas, and Walker, Circuit Judges

**ORDER**

Upon consideration of the petition for rehearing, it is

**ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

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**Additional material  
from this filing is  
available in the  
Clerk's Office.**