No. 21-65

IN THE

SUPREME COURT OF THE UNITED STATES

YVONNE BOWERS SR.__ Petitioner

v.

LYNX ASSET SERVICES, LLC__ Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

1. Whether violations of due process and equal protection of law by state actions present a constitutional challenge and violates Petitioner's civil rights pursuant 42 U.S.C. § 1983 (§ 1983)?
2. Whether the State Courts should discontinue shielding court officers (attorneys) where they commit fraud on the court?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

1) Lynx Asset Servs., LLC v. Bowers, F-23081-09

   Superior Court of New Jersey Chancery Division

   Judgement entered November 23, 2010.

2) Lynx Asset Servs., LLC v. Bowers, F-23081-09

   Superior Court of New Jersey Chancery Division

   Judgment entered September 13, 2011

3) Lynx Asset Servs., LLC v. Bowers, F-23081-09

   Superior Court of New Jersey Chancery Division

   Judgment entered November 29, 2011

4) Lynx Asset Servs., LLC v. Bowers, F-23081-09

   Superior Court of New Jersey Chancery Division

   Judgment entered March 9, 2012

5) Lynx Asset Serv., LLC v. Bowers, F-23081-09

Superior Court of New Jersey Chancery Division

Judgement entered May 14, 2012

6) Lynx Asset Serv., LLC v. Bowers, A-5101-11T2

Superior Court of New Jersey Appellate Division

Judgment entered September 9, 2013

7) Lynx Asset Servs., LLC v. Bowers, 073499

Supreme Court of New Jersey

Judgment entered February 14, 2014

8) Lynx Asset Serv., LLC v. Bowers, 073499

Supreme Court of New Jersey

Judgment entered April 11,2014

9) Lynx Asset Servs., LLC v. Bowers, 073499

Supreme Court of New Jersey

Judgment entered June 26, 2014

10) Lynx Asset Servs., LLC v. Bowers, ESX-C-191-17

Superior Court of New Jersey Chancery Division

Judgment entered October 27, 2017

11. Lynx Asset Servs., LLC v. Bowers, ESX-C-191-17

Superior Court of New Jersey Chancery Division

Judgement entered January 5, 2018

12. Lynx Asset Servs., LLC v. Bowers, ESX-C-191-17

Superior Court of New Jersey Chancery Division

Judgment entered February 15, 2018

13. Lynx Asset Servs., LLC v. Bowers, ESX-C-191-17

Superior Court of New Jersey Chancery Division

Judgment entered April 13, 2018

14. Lynx Asset Servs., LLC v. Bowers, ESX-C-191-17

Superior Court of New Jersey Chancery Division

Judgment entered June 1, 2018

15. Lynx Asset Servs., LLC. v. Bowers, ESX-C-191-17

Superior Court of New Jersey Chancery Division

Judgment entered June 22, 2018

16. Lynx Asset Servs., LLC v. Bowers, A-004694-17T2

Superior Court of New Jersey Appellate Division

Judgment entered August 23, 2018

17. Lynx Asset Servs., LLC v. Bowers, A-004694-17T2

Superior Court of New Jersey Appellate Division

Judgement entered March 18, 2019

18. Lynx Asset Servs., LLC v. Bowers, 082802

Supreme Court Of New Jersey

Judgment entered June 18, 2019

19. Lynx Asset Servs., LLC v. Bowers,082802

Supreme Court Of New Jersey

Judgment entered January 17, 2020

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The Opinions of the New Jersey Appellate Division have not been published. They were decided on June 30, 2020, and appear at (Pet. App. 1a) and (Pet. App.28a) which was decided September 9, 2013.

JURISDICTION

The date on which the highest state court decided Petitioner's case was on January 19, 2021. A copy of that decision appears at Appendix A, 7a-8a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257.

CONSTITUTIONAL PROVISIONS, in relevant part;

The Due Process Clause and Equal Protection Clause of the 14th Amendment of The United States Constitution, which provides: "No state shall ...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. 14th Amend. § 1.

FEDERAL STATUTES

42 U. S.C. § 1983, "provides a remedy for deprivation of rights secured by the Constitution and laws of the United States when the deprivation takes place 'under color of any statute, ordinance, regulation, custom, or usage of State or Territory..." 42 U.S.C. § 1983; Lugar v. Edmondson Oil Co., 457 U.S. 922, 102 S. Ct. 2744, 73 L. Ed. 2d 482 (1982).

STATEMENT OF CASE

On March 6, 2018, in the trial court the federal question was raised in a Motion For Fraud on The Court, Violation of Consumer Fraud Act, Denial of Due Process and Equal Protection. The Appellate Division was very bias as demonstrated in the subsequent unpublished opinion decided on June 30, 2020. Barron's Law Dictionary, defines bias as a "preconception; prejudice; taint; partiality. Since, most person's have various biases, the issue is whether the various biases is such that impartiality cannot be achieved and a fair outcome cannot occur. Steven H. Gifis, Barron's Law Dictionary, Barron's Educational Series, Inc., (6th ed. 2010). The bias had become so blatant that Petitioner's prayer is that this Court will grant petition for a writ of certiorari, so Petitioner will be finally afforded an opportunity to be seen and heard. The unpublished opinion begins with "the lack of merit in defendant's arguments is revealed by the procedural history." (Pet. App. 2a). That statement is false, because any part of the procedural history that depicts Petitioner in a favorable light has been erased or deemphasized. For example, on March 9, 2012, Respondent was ordered to re-serve the Notice of Intention to Foreclose (NOI) and Forbear for 35 days. That part of the procedural history has been virtually erased. (Pet. App. 34a) (Pet. App. 64a). On March 15, 2012, Respondent reserved the NOI, that too has been erased. (Pet. App. 65a) Alfieri re-served the NOI, but had no intention of returning Petitioner to pre-foreclosure status. Respondent continued to collect the rent. "Where the statutory process is used to strengthen title fraudulently obtained and/or cover such fraud, the public sale is a sham"

Hyland v. Kirkman, 498 A.2d 1278, 204 N.J. Super. 345 (Ch. 1985). This whole case was a sham based on untruths, deceit and deception.

FACTS PERTAINENT TO CASE

On March 6, 2009, Petitioner received original NOI, from HomEq Servicing Agent (HomEq). (Pet. App. 41a). Petitioner was instructed by Wachovia Bank now known as Wells Fargo Bank, to contact HomEq. On April 1, 2009, Petitioner contacted HomEq as instructed and inquired about a loan modification. Petitioner was instructed to make three payments, July 2009, November 2009, and December 2, 2009, was the last payment of $5,390. (Pet. App. 43a). That same day on December 2, 2009, Petitioner and HomEq executed a loan modification agreement. (Pet App. 44a-45a). Petitioner's loan was now in performing status. On January 2, 2010, and February 5, 2010, Petitioner paid $3,096.85. However, the last payment was the February 5, 2012, payment, because HomEq vanished after that payment. (Pet. App. 46a). Petitioner was bamboozled by Wachovia Bank. Petitioner consulted with attorney Robert Pickett who faxed Wells Fargo a letter requesting that the loan modification be restarted. (Pet. App.47a). But, Wells Fargo still refused to accept Petitioner's March 2010, mortgage payment. Petitioner retained attorney Barry Miller. Miller, was ineffective and never even filed a motion in court. (Pet. App. 48a). Wells Fargo continued with the foreclosure proceedings and Petitioner fell deeper and deeper into a forced default. November 23, 2010, final judgment was rendered. (Pet. App. 38a). On December 21, 2010, after Wells Fargo was granted final judgment, Attorney Miller then sent a fax for a loan modification. (Pet. App.

49a). On December 22, 2010, Wells Fargo assigned the mortgage to MCM CHAT. (Pet. App. 50a). On June 14, 2011, MCM CHAT assigned the mortgage to Respondent. (Pet. App. 51a). On September 13, 2011, Respondent substituted for Wachovia. (Pet. App. 37a). Respondent had no plans on conducting any transactions with Petitioner. They too refused to hear Petitioner's plea, and on November 15, 2011, went on an adjournment. (Pet. App. 52a). Petitioner decided to do the same and was granted November 29, 2011. Petitioner was called at work and informed her Belleville Property was going to be sold that afternoon on November 29, 2011. All Petitioner could think about was her mother. Petitioner filed an application for an emergent stay, but the sheriff sale proceeded. Petitioner was denigrated and subjugated to sitting in a hallway with a bailor watching her every move. Petitioner was frightened, confused and dumbfounded. On December 6, 2011, Petitioner filed a Motion to Vacate Sheriff Sale, Vacate Final Judgment and Dismiss The Complaint. The return date was March 9, 2012. Sheriff Fontoura pursuant R.4:65-5, had a duty to hold on to the deed until confirmation from the court. On March 9, 2012, Petitioner thought she prevailed, but Respondent's Attorney Alfieri insisted Respondent prevailed and wrote the order and submitted the order to Hon. Judge Klein to sign. The order was almost illegible, so Petitioner has submitted the one page of the transcript that clearly states the sheriff sale was at least vacated for the 35 days during the forbearance period. (Pet. App. 34a-35a). (Pet. App. 64a). But, Respondent avoided Petitioner after the ruling. Petitioner was worried, because Petitioner could not take out a loan or refinance. Petitioner was constantly told

Petitioner was not the homeowner. So, Petitioner determined that Respondent must not have standing. Petitioner found out later that standing is not important in a foreclosure. "Standing is not a jurisdictional issue in our State court system and therefore, a foreclosure judgment obtained by a party that lacks standing is not void..." (Pet. App. 31a). Petitioner was perplexed, but Petitioner had no other choice but to go back to court on May 11, 2012. Petitioner soon learned that in the judicial system, being naïve can be fatal. It can kill your dreams, your spirit and all your aspirations. On May 14, 2012, Petitioner's motion was denied. (Pet. App. 33a). Petitioner appealed and the trial courts denial was affirmed on September 9, 2013, by the Appellate Division. (Pet App. 28a-31a). Petitioner filed a petition for certification reconsideration motion, which was denied on June 26, 2014. (Pet. App. 24a). Petitioner was never given the opportunity to be the homeowner of the Belleville Property again, because Petitioner was dismissed as insignificant and inconsequential. So, the Due Process Clause and Equal Protection Clause of the 14th Amendment of the United States Constitution, served as no protection for Petitioner. On September 7, 2017, the case was reopened and the disparate treatment continued. Recently, Petitioner's court documents were distorted by hackers in an attempt to dissuade Petitioner from proceeding in this case. For example, the Appellate Division's unpublished opinion decided June 30, 2020, has been altered. (Pet. App. 82a-87a). Petitioner has informed the State Courts that Petitioner will not open attachments from Respondent's attorneys. The last time Petitioner opened an attachment from them, Petitioner's computer crashed.

REASONS FOR GRANTING THE PETITION

"When a State Court denies the existence of a federal right and rest its decision on that basis this Court unquestionably has jurisdiction to review the federal issue decided by the State Court..." Quinn v. Millsap, 491 U.S. 95, 109 S. Ct. 2324, 105 L. Ed. 2d 74 (1989). Also, a reason for granting petition for a writ of certiorari is to prevent the erroneous deprivation of Petitioner's due process of law and equal protection of law guaranteed by the Fourteenth Amendment of the U.S. Constitution.

I. PETITIONER'S DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW HAS BEEN VIOLATED ON MULTIPLE OCCASIONS AND FRAUD ON THE COURT IS APPARENT.

A. BEFORE THE SHERIFF SALE, A CONSPIRACY WAS PLANNED TO DEPRIVE PETITIONER OF HER CONSTITUTIONAL PROTECTED PROPERTY INTEREST RIGHTS IN VIOLATION OF THE DUE PROCESS CLAUSE.

On March 6, 2009, Petitioner was served a NOI that was deficient. It listed the name and address of HomEq Servicing Agent (HomEq), as the contact source. (Pet. App. 41a). Petitioner contacted HomEq as instructed to inquire about a loan modification. HomEq responded on June 16, 2009, and informed Petitioner that she was eligible for a loan modification. (Pet. App. 42a). But, first Petitioner had to make three payments of, 5,385 dollars, July 10, 2009, November 26, 2009, and December 2, 2009, which was $5, 390, Petitioner paid all three installments. (Pet.

App. 42a-43a) (Pet. App. 73a). That same day on December 2, 2009, Petitioner and HomEq executed a loan modification agreement. (Pet. App. 44a-45a). On January 2, 2010, and February 5, 2010, Petitioner paid $3,096.85 each month as stipulated in the agreement. However, the February 5, 2010, payment was the last payment HomEq received because the March 2010, payment was sent back to Petitioner marked unable to deliver.

HomEq had vanished with over 20 thousand dollars of Petitioner's hard earned money. Coincidently, at the same time Petitioner was being cheated out of her money by Wachovia Bank, the Securities and Exchange Commission (SEC) was also taking complaints from at least 58 cities in over 25 states, because they too were being cheated by Wachovia Bank. "Wachovia Bank, had to pay over $46 million dollars just to SEC," who turned the money back to the municipalities. Securities and Exchange Commission v. Wachovia Bank, N.A., now known as Wells Fargo Bank, N.A., successor by merger, Civil Action No. 2: 11-cv 07135-wjmrmf (D.N.J. December 8, 2011). SEC also notes that in March 2010, Wachovia became known as Wells Fargo. (Pet. App. 74a-75a) So, HomEq with the assistance of Wachovia then Respondent with the assistance of Wells Fargo completed the circle of preying on the vulnerable including Petitioner, and increasing the Black wealth gap while steadily increasing their wealth without gaps. Petitioner called Wells Fargo on March 1 ,2010, inquiring about where to send the March 2010, mortgage payment. Petitioner was marginalized and pushed to the side as inconsequential. Wachovia sent the NOTICE that " HomEq Servicing Agent, as the authorized agent for

Wachovia Bank, NA Foreclosure Department will be collecting all mortgage payments, likewise any concerns about foreclosure address to HomEq." (Pet App. 76a-77a). When Petitioner called Wells Fargo, Petitioner was told "you have not paid your mortgage since January 2009." HomEq did not apply any of Petitioner's money to the mortgage. HomEq's egregious misconduct and dereliction as the agent was bad. But, Wells Fargo's avoidance of their duty and responsibility, as the principal by being Wachovia's successor by merger was unconscionable. "Knowledge of the agent is chargeable upon his principal, whenever the principal, if acting for himself, who would have received notice of the matters known to the agent." Heake v. Atlantic Casualty Ins. Co., 105 A. 2d 526, 151 N.J. 475 (1954); (quoting American Surety Co. v. Conway, 88 N. J. Eq., 370, 375 (E&A.1917)). On March 4, 2010, Attorney Pickett, faxed a letter on Petitioner's behalf to Wells Fargo, to restart the loan modification. (Pet. App. 47a). Nevertheless, Petitioner was doomed from the very beginning. On April 15, 2010, attorney Barry Miller was given a retainer's fee of $3000 by Petitioner. (Pet. App.48a). The Appellate Division in both of their unpublished opinions reported Petitioner, as doing nothing after receiving the Complaint in April 2009 until the day of the sheriff sale. (Pet. App. 1a-6a) (Pet. App. 28a-31a)). The Appellate Division has never acknowledged, Petitioner had an attorney nor the fact that on November 29, 2011, the day of the sheriff sale, was also the first day Petitioner's adjournment started. Petitioner was informed at work that Petitioner's Belleville Property was being sold that day. Petitioner immediately went to the Sheriff Department. There was a mix up and only a judge could stop the

sheriff sale at that point. Petitioner filed the application for an emergent stay. The Sheriff Department faxed over the sales listing details document with the scheduled adjournments. (Pet. App. 52a). Hon. Judge Koprowski immediately sent a faxed order ex parte, Stay of Sheriff Sale. (Pet App 53a). Petitioner was not aware of this fax until September 7, 2017, after Respondent reopened the case and submitted the fax with the exhibits. So, after some back door conversation Hon. Judge Koprowski, Sheriff Fontoura and Respondent's Attorney Alfieri decided Petitioner had no rights that they were bound to respect. See Dred Scott v. Sandford, 60 U.S. 393, 15 L. Ed. 2d 691 (1857). Thereafter, the sheriff sale proceeded as planned and Petitioner was denied due process and equal protection. At the sheriff sale Respondent bid $100 for the Belleville Property, and was declared the highest bidder. The Belleville Property was valued at $287,300 in March 2012, by the vital services group on record at the Essex County Registrar and Deeds Office. www.vitalgov.net . (Pet. App. 78a)

In the Wells Fargo v, Stull case, the family appeared to have fallen behind in their mortgage payments, but Wells Fargo wanted to work something out with the Stull family, so they could remain in their home. Petitioner was not even behind in her mortgage payments, but Wells Fargo was not compelled to work with Petitioner, so that Petitioner's mother and siblings could remain in their home. Wells Fargo Home Mortg. v. Stull, 876 A. 2d 298, 378 N.J. Super. 449 (App. Div. 2005). The Stull family did not do anything to prevent final judgment, but they were good people temporarily falling on hard times. The Stull family was treated with compassion

and humanity. Wells Fargo went to the sheriff twice to ask him to hold off on the sheriff sale. The first time the sheriff was fine with that, but the second time the sheriff said no. Id.; Wells Fargo went to court to have the sheriff sale adjourned. The Judge was more than happy to grant the adjournment. As a matter of fact, the adjournment was for six weeks instead of two. Id.; Wells Fargo wanted the sheriff to know that the sheriff was there to assist them, but not to direct them. The trial judge stated "it is public policy of this State that homeowners be given every opportunity to pay their home mortgage and thus keep their home. N.J.S.A. 2A:50-54; Id. at 300. The Stull family, the Courts and Wells Fargo all worked together. Wells Fargo worked out a forbearance agreement with Stull, and the Stull family remained in their home and lived happily ever after. The Stull family live in Phillipsburg, New Jersey. It is a small community with approximately 15 thousand residents, 77% White, 11% Black, the majority were middle class income level and 55% were homeowners who resided in the home. (www.census.gov/quickfacts). Petitioner lives in Newark, the largest city in New Jersey, home to approx. 282 thousand residents, 50% Black and 26% White, the majority were lower class income level and only 23 % were homeowners who resided in their home. (www.census.gov/quickfacts). Petitioner is an African American, middle age but approaching elderhood status, female and permanently disabled but, far from broke. President Biden and Vice President Harris are trying to address the racial disparities in housing. Petitioner has been trying to expose the disparities in

housing and the judicial system, since the day Petitioner's real property was taken from her unlawfully on November 29, 2011, and then again on March 15, 2012.

Sadly, this public policy of the State providing the homeowner with every opportunity to stay in their home and every opportunity to pay their residential mortgage did not apply to Petitioner. Petitioner has been marginalized and subjugated to a position of unimportance. When some court officers reviewed Petitioner's cover page, some court officers and state actors conjured up an unfavorable image of Petitioner as evidenced by an unjust outcome. On the other hand, when the cover page of the Stull family was reviewed, a much more favorable picture was conjured up as evidenced by the much more favorable outcome. The Stull family was similarly situated homeowners, purportedly under the same circumstances as Petitioner, but Petitioner was denied the due process and equal protection that was given to the Stull family.

Sheriff Fontoura and Respondent's prior attorney Alfieri decided to continue where Wachovia now known as Wells Fargo left off by defrauding the court and receiving a favorable ruling. First of all, Sheriff Fontoura, never advertised or posted the sheriff sale like he swore to in the deed. (Pet. App. 56a-63a). Sheriff Fontoura noted in the deed that he advertised the Belleville Property in the Star Ledger and the Belleville Times. (Pet. App. 60a). The Star Ledger and the Belleville Times had no record of Sheriff Fontoura advertising the Belleville Property with the Sheriff File No. 11000612, for the month and year of November, 2011. This was Petitioner's Sheriff File No. 11000612. (Pet App.57a). Petitioner printed out the Belleville Times

Archives, for the month and year November, 2011. The only advertised sheriff sale in the Belleville Times had a Sheriff No. 11009080. (Pet. App. 81a) (www.njpublicnotices.com). Sheriff Fontoura neglected to post the sale of the Belleville Property in the Sheriff Department or on the property in violation of R.4:65-2. See, New Brunswick Sav. Bank v. Markouski, 587 A. 2d 1265, 123 N.J 402 (1991). Also, Petitioner has demonstrated that Sheriff Fontoura, did not advertise at least once a week four for weeks in the two newspapers circulating in Essex County, where the Belleville Property is located pursuant N.J.S.A. 2A:61-1; Id.

Secondly, the Writ of Execution was delivered to the Sheriff on November 23, 2010. (Pet. App. 79a-80a). Pursuant N.J.S.A. 2A: 64-3(a), the sheriff sale must be scheduled and conducted within 120 days. If it can not be done within the 120 days the Respondent has the obligation to get an order for a Special Master to conduct the sheriff sale within the 120 days pursuant N.J.S.A. 2A:64-3(b). It became invalid after 120 days. But, Sheriff Fontoura and Respondent decided to again circumvent the law and deny Petitioner, her Constitutional protected property interest right. On November 29, 2011, the Writ of Execution was invalid, but it was used to conduct the sheriff sale a year after it was delivered to Sheriff Fontoura. Respondent has also violated Petitioner's civil rights under § 1983. Sheriff Fontoura acted under the color of law to unlawfully and arbitrarily deprive Petitioner of her Constitutional protected property right of due process. If "a state officer acts with a private party in securing property in dispute that is sufficient to create the requisite

state action and the private party may be subject to suit if seizure doesn't comport with due process." Lugar v. Edmondson Oil Co., 457 U.S. 991, 1004 (1982).

Respondent did not provide the at least ten-day notice before the sheriff sale under R. 4:65-2. In all the court proceedings Respondent has never asserted sending the ten-day notice. In the case Assoulin v. Sugarman, Plaintiff did not receive the ten-day notice, so the court vacated the sheriff sale. Assoulin v. Sugarman, 388 A. 2d 260, 159 N.J. Super. 393 (App. Div. 1978).

Thirdly, Hon. Judge Koprowski, Sheriff Fontoura and Respondent were aware that Petitioner was to start her second statutory adjournment on November 29, 2011. This was an egregious deprivation of Petitioner's substantive due process and it was "arbitrary in the constitutional sense" which shocks the conscience. County of Sacramento v. Lewis, 523 U.S. 833, 118 S. Ct 1708, 140 L. Ed. 2d 1043 (1998); (citing Rochin v. California, 342 U.S. 165, 72 S. Ct. 205 96 L. Ed. 2d 183 (1952)). It violates public policy of fairness and decency as well.

B. AFTER THE SHERIFF SALE THE CONSPIRACY CONTINUED BETWEEN RESPONDENT'S ATTORNEY ALFIERI AND SHERIFF FONTOURA.

Respondent and Sheriff Fontoura, have demonstrated repeatedly that Petitioner had no rights that they were bound to respect. See Dred Scott v. Sandford, 60 U.S. 393, 15 L. Ed. 691 (1857). After the sheriff sale Petitioner had a ten-day redemption period to challenge the sheriff sale. Petitioner filed a Motion to Vacate Sheriff Sale,

Vacate Final Judgment and Dismiss Complaint on December 6, 2011, and the return court date was scheduled for March 9, 2012. Pursuant to R. 4:65-5, the Sheriff had a duty to hold on to the deed until confirmation from the court, when a sheriff sale is challenged. Respondent and Sheriff Fontoura decided to circumvent the law again. Unbeknownst to Petitioner, on January 3, 2012, Sheriff Fontoura delivered the deed to Respondent. This was an act of betrayal of the public's trust, an act which extinguished all of Petitioner's, Belleville Property interest rights before due process. (Pet. App. 56a). Respondent recorded the deed on February 6, 2012, one month before trial. (Pet. App. 56a).

On March 9, 2012, Respondent was ordered to re-serve the NOI and forbear for 35 days. (Pet. App. 34a) (Pet. App.64a). On March 15, 2012, Respondent served the NOI, this was where fraud on the court occurred. The re-serving of the NOI, supports a prima facie case that Respondent acknowledged that Petitioner prevailed and that Petitioner was to be returned to pre-foreclosure status. (Pet. App. 65a). However, the courts and Respondent did not agree with Petitioner and ruled the motion was denied on March 9, 2012. The re-serving of the NOI was just a ruse. (Pet. App. 65a). Respondent's attorney Alfieri intentionally defrauded and misled the court into believing Respondent was being compliant. (Pet. App. 28a). Respondent's attorney Alfieri, did not have any plans of returning Petitioner to pre-foreclosure status, but chose indirectly to force Petitioner into default. Respondent's attorney Alfieri did not disclose to the courts or Petitioner that the deed needed to be corrected, because it was presently in Respondent's name. The courts believed

scrutiny was used by this Court to review if the federal government used racial classifications narrowly tailored to further a compelling government interest). Petitioner is African American and the N.J.S.A. 2A:50-56 is clear and unambiguous, but the interpretation has been tainted and for no compelling government interest. The only compelling interest was Respondent's compelling interest to do whatever was necessary to gain possession of Petitioner's Belleville Property. In the Appellate Division's unpublished opinion decided on June 30, 2020, appearing at (Pet. App. 2a), the dates March 9, 2012, and March 15, 2012 have been deliberately and purposefully erased. When the unpublished opinion reported that "A week later, defendant moved to vacate the default judgment and sheriff's sale. The motion was denied." (Pet. App. 2a). Petitioner was left to guess that the unpublished opinion was referring to the March 9, 2012 trial. The re-serving of the NOI has been completely erased from the procedural history and there was no mention of that material date anywhere. Respondent's attorney Alfieri committed fraud on the court on March 15, 2012, where Alfieri re-served the NOI knowing that Petitioner's Constitutional protected Belleville Property rights were extinguished on January 3, 2012. (Pet. App. 56a). Respondent's attorney recorded the deed on February 6, 2012, unbeknownst to Petitioner. Thus, Petitioner no longer had any ties to the Belleville Property and there was no mortgage loan default to cure at the time of trial. Petitioner was denied due process which by now has become a pattern. The NOI did not have any significance and served only to intentionally deceive the court in to granting a favorable judgment. The New Jersey State Courts are shielding the

referred to the Disciplinary Ethic Committee by the Courts, for violating Rules of Professional Conduct (RPC), which is not actionable. The complaints against the attorneys were dismissed in both cases. In contrast, the Federal Courts focus their attention on the attorney's egregious misconduct not the plaintiff's. "A prima facie case of fraud on the court has these elements: (1) an intentional fraud; (2) by an officer of the court; (3) which is directed at the court itself; and (4) in fact deceives the court." Also it must be an egregious misconduct. Herring v. U.S., 424 F. 3d 384 (3rd Cir. 2005). In this case the re-serving of the NOI was a sham and an intentional fraud, by Respondent's attorney Alfieri, to deceive the court and it worked.

CONCLUSION

The petition for a writ of certiorari should be granted. Stay of Sanctions is warranted pending review.

Respectfully submitted,

Yvonne Bowers Sr, Pro Se

Yvonne Bowers Sr., Pro Se

Date: July 2, 2021

CERTIFICATION

I declare under penalty of perjury that the foregoing statements are true and correct. Executed on July 2, 2021 Yvonne Bowers Sr, Pro Se

Yvonne Bowers Sr., Pro Se

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I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on July 2, 2021.

Yvonne Bowers Sr., Pro Se

Yvonne Bowers Sr., Pro Se

CERTIFICATION OF COMPLIANCY

I declare under penalty of perjury that 4911 word count statement is true and correct as reported on the computer.

Executed on July 2, 2021

Yvonne Bowers Sr., Pro Se

Yvonne Bowers Sr., Pro Se