

original

No. 21-6641

Supreme Court, U.S. FILED DEC 14 2021 OFFICE OF THE CLERK
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IN THE
SUPREME COURT OF THE UNITED STATES

CHOO WASHBURN — PETITIONER
(Your Name)

VS.

JUANA QUICO CLARK — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

US COURT of Appeals for the Fourth Circuit

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

_____, or

☐ a copy of the order of appointment is appended.

choo washburn
(Signature)

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**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, CHOD WASHBURN, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
PNC Checking	\$ 12 ⁰⁰	\$ N/A
	\$	\$ N/A
	\$	\$ N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value N/A

☐ Motor Vehicle #2
Year, make & model N/A
Value N/A

☐ Other assets
Description N/A
Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone) prepaid phone	\$ 15 ⁰⁰	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	\$ 250 ⁰⁰	\$ N/A
Clothing	\$ 0	\$ N/A
Laundry and dry-cleaning	\$ 0	\$ N/A
Medical and dental expenses	\$ 65 ⁰⁰	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 250 ⁰⁰	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ N/A
Life	\$ 0	\$ N/A
Health	\$ 0	\$ N/A
Motor Vehicle	\$ 0	\$ N/A
Other: N/A	\$ 0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): N/A	\$ 0	\$ N/A
Installment payments		
Motor Vehicle	\$ 0	\$ N/A
Credit card(s)	\$ 0	\$ N/A
Department store(s)	\$ 0	\$ N/A
Other: N/A	\$ 0	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ N/A
Other (specify): N/A	\$ 0	\$ N/A
Total monthly expenses:	\$ 600 ⁰⁰	\$ N/A

Mr. Robert McCarthy, who was wrongly appointed as the Guardian of the property, on July 12, 2018, in the Circuit court for the Montgomery County, in Maryland, in case No. 149491-FL, and who turned into an elder Financial Exploitationer, and who does not have a jurisdiction because CHLOE WASHBURN is a citizen of the State of Virginia, only sends the petitioner \$150⁰⁰ for a weekly allowance and pays \$1,950 Hotel monthly bill to Hotel directly.

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

The wrongly appointed as the Guardian of the property, Mr. Robert McCarthy illegally using CHOO WASHBURN'S Identity/Social Security number without the petitioner's permission and illegally obtained the petitioner's COVID19 Economic Impact Stimulus payment checks,

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

Executed on: December 14, 2021

and refused to give the petitioner money for her necessities.

choo washburn
(Signature)

DECLARATION

I, CHOO WASHBURN, pursuant 28 U. S. C. Section 1746, declare under the penalties of perjury, upon personal knowledge that the contents of the forgoing the Petitioner, CHOO WASHBURN'S "MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*", are true and correct.

Executed on December 14, 2021

Choo Washburn
CHOO WASHBURN Petitioner

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHOO WASHBURN PETITIONER

VS.

JUANA QUICO CLARK RESPONDENT

PROOF OF SERVICE

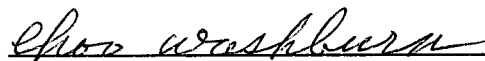
I, CHOO WASHBURN, do swear or declare that on this date, December 14, 2021, as required by Supreme Court Rule 29, I have served the enclosed two copies(one copy for Respondent's Counsel and one copy for the Respondent, CLARK) of PETITION FOR A WRIT OF CERTIORARI, and one copy of APPENDIX, and two copies MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPRIS*, to the Respondent, JUANA QUICO CLARK, at 11532 Soward Drive, Wheaton, MD 20902, for the above proceeding that is required to be served, by depositing an envelope containing the above documents in the United States Priority mail with delivery confirmation, within 3 calendar days.

The names and addresses of those served are as follows:

Ms. JUANA QUICO CLARK, at 11532 Soward Drive, Wheaton, MD 20902

I declare under penalty of perjury that the foregoing is true and correct,

Executed on December 14, 2021



CHOO WASHBURN

QUESTIONS PRESENTED:

1. Does the meaning of the "PROPERTY", that is in the "Taking Clause of the Fifth Amendment to the Constitution" and the "Due Process Clause of the Fifth and Fourteenth Amendment to the Constitution", indicate "real property" that consists of "building and land", or "land only" or "personal property only", or either "real property that consists of building and land" or "land" or "personal property"?
2. Can the "REAL PROPERTY/PRIVATE PROPERTY", that is ordered in the Judgment of Absolute Divorce, to be sold, to divide the "MONEY/PROCEED" equally between the two parties, be "PERSONAL PROPERTY"?
3. When a state or a federal Judge or a Clerk violates petitioner's "Constitutional Right", or the "Constitution", in a Case, does the Judge's or the Clerk's Order, in the Case, have to be voided?,
4. Does a federal Judge have to apply the "Judgment of Absolute Divorce" that is entered in the state, and the state laws, that are relevant, to Petitioner's Claim, in the Civil Case, in the Diversity Jurisdiction, under "Erie Doctrine"?
5. When the Respondent returns the stolen/deprived Petitioner's private property, back to the Petitioner, does the criminal liability have to be imposed on the Respondent, under the "MD Crim. Law Rule 8 – 801(f)", in a state or a federal civil case in the Diversity Jurisdiction?, and "MD Crim. Law Rule 8-801(f)" states:

"This Section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property."

6. Do the federal Judges have to protect the Petitioner's "Constitutional property right" that is protected under the "CONSTITUTION", in the Diversity Jurisdiction civil case?
7. Do the federal Judges have to apply the "2018 Maryland H.B. 956": "Bill Summary", to the Petitioner's Claim, in the Civil Case, in the diversity jurisdiction, under the "Erie Doctrine"? and the "2018 Maryland H.B. 956": "Bill Summary", states,

"Authorizes a victim of a certain offense to bring a Civil Action(see, APP.#L, as reference) for treble damages against a certain person; establishes that a certain criminal conviction is not a prerequisite..."

PARTIES TO THE PROCEEDINGS

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

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“8 U.S.C. Section 1324(c) – Penalties for Documents Fraud(a)(1)/(2)”	5, 14, 27
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“If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory Common Wealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or Laws of the United States, or because of his having so exercised the same, or...”	

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

The Petitioner, CHOO WASHBURN “respectfully prays that a writ of certiorari issue to review the Judgment(**APP.#A**) below”:

OPINION BELOW

“PER CURIAM”:

“Choo Washburn appeals the district court’s order dismissing her complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court’s order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.
AFFIRMED”

The opinion of the United States Court of Appeals appears at **Appendix A** to the petition and is unpublished, and the opinion of the United States District Court appears at **Appendix B** to the petition and is unpublished.

JURISDICTION

On September 17, 2021, the United States Court of Appeals decided Petitioner’s Case, and the petitioner did NOT file “Petition for Rehearing”, to the U.S. Court of Appeals.

This Court has Jurisdiction, under 28 U.S.C. Section 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED:

“UNITED STATES CONSTITUTION, AMENDMENT I”:

“Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance.”

"UNITED STATES CONSTITUTION, AMENDMENT V":

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken public use, without just compensation."

"UNITED STATES CONSTITUTION, AMENDMENT XIV":

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside, No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State 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."

STATUTORY PROVISION INVOLVED:

"42 U.S.C. SECTION 1983":

"Section 1983 provides: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law..."

STATEMENT OF THE CASE

1. "The Supreme Law of the Land", this Court's interpretation of the "QUESTIONS PRESENTED", and the interpretation of "MD Crim. Law Rule 8 – 801(f)", are crucial, to apply "MD Crim. Law Rule 8 – 801(f)", to the "2018 Maryland H.B. 956: Bill Summary", for the older victims of the "MD Crim. Law Rule Section 8-801"(see, **APP.#L**, as reference), in a State Civil Case or a Federal Civil Case in the Diversity Jurisdiction: (i) to protect the "CONSTITUTION", and (ii) to protect the "Taking Clause", and (iii) to take back Petitioner's "Constitutional Property

Right” and (iv) to recover Petitioner’s Share(50%) of the Wheaton property, that the Petitioner has “established right of private property under state law”, and that the Court of Appeals’ Judgment(**APP.#A**) and the lower court’s Order(**APP.#B**), took Petitioner’s Share(50%) of the Wheaton property, and denied/dismissed Petitioner’s Claim, for a “Judgment As a Matter of Law” for the Detinue Action for the Return of Petitioner’s Share(50%) of the private Wheaton property to the Petitioner, “without Just Compensation”, that constitute “JUDICIAL TAKINGS”, and that constitute violation of the “Taking Clause of the Fifth Amendment to the Constitution”, and that constitute violation of Petitioner’s “Constitutional Property Right”, and that *is NOT/ was NOT for* “a State or a private party that was authorized by the government, for a public use for a public benefit”, *BUT that is/was for* UNLAWFULLY and UNCONSTITUTIONALLY granting Respondent, JUANA CLARK’s CONSPIRACY, that the Respondent, CLARK, ILLEGALLY TRANSFERRED Petitioner’s Share(50%) of the Wheaton property, to the Respondent, in the Deed(**APP.#K**), in BOOK: 54795 PAGE: 64, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL MISCONDUCT, under “MD Family Law Code Ann. Section 8-202(a)(3)” and “Section 8-205(a)”, and that constitutes UNLAWFUL MISCONDUCT, under “18 U.S. Code Section 241 – Conspiracy against Rights”, and that constitutes UNLAWFUL MISCONDUCT, under “8 U. S. C. Section 1101(a)(4)(G) - Theft Offense”, and that is prohibited in MD, under “MD Crim. Law Rule Section 8-801”, and (v) to have an ACCESS for millions of older adult OR vulnerable adult victims of the “MD Crim. Law Rule Section 8-801”, to take back/to recover their stolen/deprived /taken properties or/and assets by the perpetrators, in a Civil Case(see, **APP.#L**, as reference), and (vi) to RESTORE the JUDICIALLY DISABLED JUSTICE SYSTEMS: (1) for the JUDICIARY DISABLED Court of Appeals for the Fourth Circuit, in Case No.20-2248 and in Case No.21-1692,

and (2) for the JUDICIARY DISABLED Court of Special Appeals of Maryland, in Case No.0037, September Term, 2020, and (3) for the JUDICIARY DISABLED U.S. District Court, for Maryland, in Case No. TDC- 19-CV-2227(Court of Appeals' Case No.20-2248, and that is pending "Petition for Writ of Certiorari", in the U. S. Supreme Court, Docket No. 21-5994, that constitutes "JUDICIAL TAKING Case"), and in Case No. TDC-20-CV-2123(Court of Appeals' Case No.21-1692), and (4) for the JUDICIARY DISABLED Circuit Court for the Montgomery County, Maryland, in Case No.133326-FL and in Case No.149491-FL, since

2. The Trustee, DAVID DRISCOLL's friendship with the Circuit Court Trial judge(retired), in Divorce Case No.133326-FL and Circuit Court's Chief Administrative Judge, in Montgomery County, Maryland, and Trustee's UNLAWFUL MISCONDUCTS (Trustee's ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the Wheaton property(Court of Appeals' Case No.21-1692) and Chevy Chase property(Court of Appeals' Case No.20-2248, that is pending "Writ of Certiorari" in the U. S. Supreme Court docket No.21-5994, that constitutes "JUDICIAL TAKING Case"), and Trustee's ILLEGALLY reporting FALSE LIENS for two parties' two properties, to the Circuit Court, in Divorce Case No.133326-FL, made the MD State and Federal courts to turn into the completely JUDICIARY DISABLED Courts.

3. On September 17, 2021, the U. S. Court of Appeals(Court of Appeals) and on May 21, 2021, the U. S. District Court(the lower court), became completely JUDICIALLY DISABLED COURTS, since on September 17, 2021, the Court of Appeals' Judgment(APP.#A) denied Petitioner's Informal Brief(APP.#M), and affirmed the UNLAWFUL and UNCONSTITUTIONAL lower court's Order(APP.#B) that took Petitioner, CHOO WASHBURN's Share(50%) of the private Wheaton property, that the Petitioner was awarded in the Judgment of Absolute

Divorce(**APP.#C**), in the Page 3, and that the Petitioner has “established private property right under state law”, and denied Petitioner’s Claim, for a “Judgment As a Matter of Law” for the Detinue Action for the Return of Petitioner’s Share(50%) of the Wheaton property, to the Petitioner, without “Just Compensation”, for UNLAWFULLY granting Respondent, CLARK’s CONSPIRACY, that the Respondent, CLARK ILLEGALLY TRANSFERRED Petitioner’s Share(50%) of the Wheaton property, to the Respondent, in the Deed(**APP.#K**), in BOOK: 54795 PAGE: 64, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL MISCONDUCT, under the Newly found “MD Family Law Code Ann. Section 8-202(a)(3)” and “Section 8-205(a)”, and that constitutes UNLAWFUL MISCONDUCT, under “8 U. S. C. Section 1101(a)43(G) – Theft Offense”, and that is prohibited in MD, under “MD Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adult Prohibited.”, and for UNLAWFULLY granting Respondent, CLARK’s reporting the FALSE LIEN, in the Accounting(**APP.#H**), with the Trustee, DAVID DRISCOLL, on July 21, 2017, to the Circuit Court, that constitutes UNLAWFUL MISCONDUCT, under the Newly found “MD Crim. Law Code 3 – 807 – Filing Fraudulent Liens Prohibited.”, and that constitutes UNLAWFUL MISCONDUCT, under “8 U.S. Code Section 1324(c) – Penalties for document fraud(a)(1)/(2) and (f); furthermore,

4. The Court of Appeals’ Judgment(**APP.#A**) and lower court’s Order(**APP.#B**) were entered without any procedural proceeding(Hearing), which requires “to follow fair procedures before depriving a person of life, liberty, or property”, that constitutes violation of “the Due Process Clause of the Fifth and Fourteenth Amendment to the Constitution of the United States”, with only interpretation of “VAGUE LAWS”: “MD Crim. Law “Rule 8-801(f)”, and interpretation of “MD Rule 12- 602”, for “PERSONAL PROPERTY”, in the Diversity Jurisdiction,

without defining the meaning of the "PROPERTY", that is in the "Taking Clause of the Fifth Amendment to the Constitution of the United States" and the "Due Process Clause of the Fifth and Fourteenth Amendment to the Constitution of the United States", and without "Just Compensation", closed Petitioner's Claim, that constitutes violation of the "First Amendment to the Constitution of the United States", for filing petition and presenting evidence, for "a redress of grievance"; therefore,

5. The September 17, 2021, Court of Appeals' Judgment(APP.#A) and the May 21, 2021, lower court's Order(APP.#B) constitute "JUDICIAL TAKINGS", and constitute violation of the "Taking Clause of the Fifth Amendment to the Constitution of the United States", and constitute violation of Petitioner's "Constitutional Property Right", and constitute violation of the "Per Se Physical Taking", and constitute violation of Petitioner's "Constitutional Right", and constitute "violation of the "42 U.S.C. Section 1983", and constitute violation of the "CONSTITUTION".

6. In "Cedar Point Nursery, ET AL, v. Hassid, ET AL", "the Chief Justice ROBERTS declared in "the Opinion of the Court":

"The government commits a physical taking when it uses its power of eminent domain to formally condemn property. See United States v. General Motors Corp., 323 U.S. 373, 374 – 375(1945); United States ex rel - TVA v. Powelson, 319 U.S. 266, 270 – 271(1943).",... " ... and we assess them using a simple, per se rule: The government must pay for what it takes. See Tahoe --- Sierra, 535 U.S., at 322."

7. "The Supreme Law of the Land", this Court stated in "Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401(1958)", that:

"NO State legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it. P.358 U.S.18.", and

“... the command of the Fourteenth Amendment states that “No State shall deny to any person within its jurisdiction that equal protection of the laws. P.358 U. S. 19.”, and

The U.S. Supreme Court stated that,

“If a judge does NOT fully comply with the Constitution, then his Orders are void, s/he is without jurisdiction, and s/he has engaged in an act or acts of treason.”

“when the Federal Judges’ Order violate a party’s Constitutional Right, the Order should be voided.”

8. Furthermore, on September 17, 2021, the Court of Appeals’ Judgment(**APP.#A**) UNJUSTLY affirmed, the lower court’s Order(**APP.#B**), on May 21, 2021, that UNLAWFULLY granted the Respondent, CLARK’s “UNAUTHORIZED CONTROLLING OVER” and “willfully and knowingly using” CHOO WASHBURN’s Share(50%) of the Wheaton property, without paying CHOO WASHBURN, from July 20, 2017 to the present, with intent to deprive CHOO WASHBURN’s Share(50%) of the Wheaton property, from CHOO WASHBURN, that constitutes UNLAWFUL MISCONDUCT, under “2017 Maryland Code Crim. Law, Title 7 – Theft Related Crimes, Subtitle 1 – Crimes Involving Theft, Section 7 – 104”.

9. The Court of Appeals’ Judgment(**APP.#A**), on September 17, 2021, and the lower court’s Order(**APP.#B**), on May 21, 2021, that constitute “JUDICIAL TAKINGS”, failed to comply with the “Supreme Law of the Land”, this Court’s “Erie Doctrine”(“Erie Railroad Co. v. Tompkins”, 304 U.S. 64 (1938)”, and the Court of Appeals and the lower court failed to apply the Judgment of Absolute Divorce(**APP.#C**), and MD Laws: “Maryland Family Law Code Ann. Section 8-202(a)(3)” and “Section 8-205(a)”, and “MD Crim. Law Rule 8-801(f)”, and “2018 Maryland H.B. 956: Bill Summary”, that states “criminal conviction is NOT prerequisite to a certain person to bring terrible damages in the civil case”, to Petitioner’s Claim, in the Diversity Jurisdiction.

10. In *"Rose Mary Knick v. Township of Scott"*, in the *"Opinion of the Court"*(Cite as: 588 U.S. ---- (2019)), the Chief Justice ROBERTS wrote that,

""If there is a taking, the claim is "founded upon the Constitution" and within the jurisdiction of the Court of Claims to hear and determine. *United States v. Causby*, 328 U.S. 256, 267(1946). And we have explained that "the act of taking" is the "event which gives rise to the claim for compensation."" *United States v. Dow*, 357 U.S. 17, 22(1958)."

"The Fifth Amendment right to full compensation arises at the time of the taking, regardless of post-taking remedies that may be available to the property owner.",

11. In the *"Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection"*, ""the Justice Scalia declared that a JUDICIAL TAKING occurs when a court rules ... to revoke a claimant's "established right of private property"", and

12. ""Justice Scalia emphasized that:

"a Judicial Taking requires the Claimant to possess an "established property right.", and "the Taking Clause only protects property rights as they are established under state law, NOT as they might have been established OR ought to have been established.""", and

13. On March 23, 2017, in the Judgment of Absolute Divorce(**APP.#C**), in the Page 3, in the Divorce Case No. 133326-FL, in the Circuit Court for the Montgomery County, Maryland, the Petitioner was awarded 50% of the former marital house, at 3521 Cummings Lane, Chevy Chase, MD 20815(Chevy Chase property: Court of Appeals' Case No.20-2248, and that is pending "Petition for Writ of Certiorari", in the U. S. Supreme Court docket No.21-5994: CHOO WASHBURN v, BCCB/JOHN NUNEZ), and 50% of the 2nd house, at 11532 Soward Drive, Wheaton, MD 20902(Wheaton property: Court of Appeals' Case No.21-1692), and the Petitioner, CHOO WASHBURN "possessed the established right of private property under the State Law", for 50% of both properties: the Chevy Chase property and the Wheaton property.

14. In "Rose Mary Knick v. Township of Scott", in the "Opinion of the Court(Cite as: 588 U.S. ---- (2019)", the Chief Justice ROBERTS declared that:

"The State litigation requirement of Williamson County is overruled. A property owner may bring a takings claim under Section 1983 upon the taking of his property without just compensation by a local government."; therefore,

15. On the day of September 17, 2021, the Court of Appeals' Judgment(**APP.#A**), that constitutes "the act of JUDICIAL TAKING", denied "without Just Compensation" for Petitioner's Claim in the "Informal Brief"(**APP.#M**), for a "Judgment As a Matter of Law" for the Detinue Action for the Return of Petitioner's Share(50%) of the Wheaton property, to the Petitioner, and affirmed the lower court's UNCONSTITUTIONAL Order(**APP.#B**), the Petitioner "has the Constitutional Taking claim for just compensation", under the "Fifth Amendment Taking Claim" or under "42 U.S.C. Section 1983" for "deprivation of a right... secured by the CONSTITUTION".

BACKGROUND

1. On March 23, 2017, in the Judgment of Absolute Divorce(**APP.#C**), in the Page 3, the Circuit Court "ratified the Sale" of two parties' two properties(Chevy Chase property and Wheaton property) and appointed the Trustee, DAVID DRISCOLL, to sell the two properties, to divide the proceed equally between the two parties, without imposing Sanctions on LARRY WASHBURN(Plaintiff, in the Divorce Case No.133326-FL), for LARRY WASHBURN's failure for filing "federal tax returns for tax years 2012 through 2015", even if on January 10, 2017, the Circuit Court entered the Sanction Order(**APP.#O**) against LARRY WASHBURN, and without knowing the facts that LARRY WASHBURN and CHOO WASHBURN's(two parties') two properties were fully paid off, and in addition, over three(3) million dollars of Overpayments, that were accumulated monies, with over three(3) decades of NON- Existing monthly mortgage

payments, NON-Existing Re-Financed Loans, NON- Existing "Pay-Offs", and NON-Existing monthly Equity Loan payments, were deposited in two parties' two properties' joint mortgage accounts.

2. On May 3, 2017, the Circuit Court directed to the OPM, in the "Court Order Acceptable for Processing"(APP.#D), in the Page 2, in #6, in "C", that,

"The OPM is hereby directed to make payments of the Former Spouse's Share pursuant to this Order directly to said Former Spouse. Payments of the Former Spouse's Share shall be paid if, as and when payments of Employee's monthly annuity are made to Employee.",

which means that "payments of Former Spouse's Share shall commence when the pension goes into the pay status."; therefore,

3. Since Petitioner's ex-husband, LARRY WASHBURN retired from the Federal Government, at the NIH, National Institute of Aging, at Bethesda, Maryland, as an employee, at the DOD, on July 30, 2011, from August 1, 2011 to March 31, 2018, for 6 years 8 months, LARRY WASHBURN was receiving monthly annuity, from the OPM, that was included CHOO WASHBURN's Share(36.28%) of monthly annuity; thus, LARRY WASHBURN had to PAY BACK CHOO WASHBURN's Share(36.28%) of annuity, in the amount of, over \$230,000.00, that is for 6 years and 8 months, from August 1, 2011 to March 31, 2018, to the OPM; therefore,

4. On around April 16, 2018, because of OPM's "Negligence of the Computer Security", LARRY WASHBURN and Mr. ROBERT MCCARTHY, with LARRY WASHBURN's "Exceeds Authorized OPM Computer Access(since LARRY WASHBURN has his own OPM account as a retiree), ILLEGALLY hacked/intruded UNAUTHORIZED CHOO WASHBURN's Share(36.28%) of annuity account, and ILLEGALLY changed/RE-TITLED annuity recipient's name, from CHOO WASHBURN into ROBERT MCCARTHY, for the CONSPIRACY, that constitutes UNLAWFUL

MISCONDUCT, under "18 U.S.C. Section 241 – Conspiracy against Rights", and that constitutes UNLAWFUL MISCONDUCT, under "18 U. S. C. Section 1030(a)(2) – Exceeds Authorized Access Clause", and DEPRIVED CHOO WASHBURN's Share(50%) of the marital properties(assets) and her Share(36.28%) of life time monthly annuity, from CHOO WASHBURN, who is over 68 years old elderly, that is prohibited in Maryland, under "MD Crim. Law Rule Section 8 – 801. Exploitation of Vulnerable Adult Prohibited.", and that constitutes UNLAWFUL MISCONDUCT, under "8 U.S.C. Section 1101(a)43(G) – Theft Offense",

5. From May 1, 2018, Mr. MCCARTHY, who does NOT have any right to obtain CHOO WASHBURN's Share(36.38%) of life time monthly annuity, UNLAWFULLY received CHOO WASHBURN's Share(36.28%) of life time monthly annuity, from the OPM, for every month, in Mr. MCCARTHY's name, ILLEGALLY, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce(APP.#C), in the Page 3, on March 23, 2017, and

6. On November 22, 2017, Mr. ROBERT MCCARTHY was appointed as the Temporary Guardian of Property(APP.#E), in Case No. 149491-FL, for CHOO WASHBURN's contested/disputed money, in the amount of, \$32,233.89, that was the combined money, with the UNJUSTLY allotted money, \$18,794.85, as CHOO WASHBURN's Share(50%) of the proceed, on July 20, 2017, from the NON-EXISTING Sale of the fully "Paid-Off" Wheaton property, *plus* around \$12,217.39 with interest, that LARRY WASHBURN tried to pay CHOO WASHBURN for the 2016 Judgment money, in 2015 Civil Case No.403867-V, in the Circuit Court for the Montgomery County, Maryland, for LARRY WASHBURN's violation of the Postnuptial Agreement, and that LARRY WASHBURN owed CHOO WASHBURN, instead of paying MD Income tax, and that was deposited in the registry of the Circuit Court, since CHOO WASHBURN

believed the Wheaton property *is NOT/was NOT* sold, *BUT is/was* ILLEGALLY TRANSFERRED;

7. On July 20, 2017, according to the Respondent, JUANA CLARK's AFFIDAVIT, the Respondent, willfully and knowingly participated with LARRY WASHBURN and with the Trustee, DAVID DRISCOLL, in the Conspiracy, that the Respondent, CLARK ILLEGALLY TRANSFERRED the fully paid off two parties' 2nd house, Wheaton property, at 11532 Soward Drive, Wheaton, MD 20902(Wheaton property), to the Respondent, in the DEED(APP.#K), in BOOK: 54795 PAGE: 64, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY found the MD State Law, "MD Family Law Code Ann. Section 8 – 202(a)(3)" and "Section 8 -205(a)"; furthermore,

8. On July 21, 2017, the Respondent and the Trustee, ILLEGALLY reported FALSE LIEN, \$228,593.65, in the Accounting(APP.#H), with the Circuit Court, for the Wheaton property, that was fully paid off, and that constitutes UNLAWFUL MISCONDUCT, under "MD Crim. Law Code 3 – 807 – Filing fraudulent Liens Prohibited."; thus,

9. On February 2, 2018, the Circuit Court trial Judge's(retired) recommendation, the Chief Administrative Judge, entered UNJUSTIFIED "Order Prohibiting Vexatious Pleadings" (APP.#F: See, in the Page 2, in the third paragraph, of the Order), to make CHOO WASHBURN silent, for the Trustee's UNLAWFUL MISCONDUCTS, for ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the 2nd house, the Wheaton property and ILLEGALLY reporting FALSE LIEN, with the Circuit Court, and

10. The Circuit Court trial Judge(retired) and the Chief Administrative Judge made the Circuit Court Case No.133326-FL and Case No.149491-FL, as the "ONE PARTY ONLY" cases, and made the Respondent and the Trustee, DAVID DRISCOLL, and LARRY WASHBURN, and Mr.

ROBERT MCCARTHY to commit UNLAWFUL MISCONDUCTS, and made the Circuit Court for the Montgomery County, completely JUDICIARY DISABLED COURT, and ABUSED JUDGES' DISCRETION,

11. In "North v. North, 102 Md. App. 1, 13, 648 A. 2d 1025(1994)", Court of Special Appeals of Maryland, Case No.1441, September Term, 2009", in its opinion, the Court of Special Appeals, stated, ""An Abuse of discretion occurs "where no reasonable person would take the view adopted by the Court." OR, if the Court acts "without reference to any guiding rules or principles."" ; furthermore,

12. On February 2, 2018, the Chief Administrative Judge, UNJUSTLY entered the "Order(APP.#F) Prohibiting Vexatious Pleading" and prohibited CHOO WASHBURN from the access of the Circuit Court, for filing petition and presenting evidence for "a redress grievance" that constitutes violation of CHOO WASHBURN's "First Amendment to the Constitution", and constitutes violation of the "Equal Protection of the Law" of "the Fourteenth Amendment to the Constitution of the United States ", and that constitutes violation of CHOO WASHBURN's "Constitutional Right", and that constitutes violation of the "CONSTITUTION", and that constitutes violation of "42 U.S.C. SECTION 1983".

13. On February 2, 2018, since CHOO WASHBURN did NOT know the existence of the "Maryland Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", CHOO WASHBURN did NOT know TRANSFERRING personal property or real property from one party to the other party, constitutes UNLAWFUL MISCONDUCT, under "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", CHOO WASHBURN could NOT testify before the Circuit Court that the Trustee should be removed from the Case No.133326-FL.

14. On July 12, 2018, Mr. MCCARTHY was appointed as the Guardian of the Property (APP.#J), because of CHOO WASHBURN's employed attorney's LEGAL MALPRACTICE;

15. On September 19, 2018, the Guardian of the Property, Mr. ROBERT MCCARTHY also participated with BCCB/JOHN NUNEZ(the Respondent, in pending "Petition for Writ of Certiorari" in the U. S. Supreme Court Docket #21-5994) and with LARRY WASHBURN and with the Trustee, DAVID DRISCOLL, in CONSPIRACY for BCCB/JOHN NUNEZ's DEPRIVING/STEALING/ ILLEGALLY TAKING CHOO WASHBURN's Share(50%) of the Chevy Chase property, from CHOO WASHBURN, who is over 68 years old elderly, that is prohibited in Maryland, under "MD Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited", by ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the Chevy Chase property, to the BCCB, on September 19, 2018, with the Trustee, DAVID DRISCOLL, in the fraudulent DEED, in the BOOK: 56687 PAGE: 343, that constitutes UNLAWFUL MISCONDUCT, under NEWLY FOUND "MD Family Law Code Ann. Section 8 – 202(a)(3)" and "Section 8 -205(a)", and

16. Mr. MCCARTHY filed FALSIFYING Federal Income Tax report to IRS and FALSIFYING MD State Tax report to MD State Comptroller Office, for CHOO WASHBURN, who is a citizen of the State of Virginia, by Mr. MCCARTHY ILLEGALLY using CHOO WASHBURN's identity/Social Security number, WITHOUT CHOO WASHBURN's agreement, and FALSELY listing Mr. MCCARTHY's MD office address, at 4405 East West Highway, suite: #201, Bethesda, MD 20814, as CHOO WASHBURN's FAKE home address, that constitutes the UNLAWFUL MISCONDUCT, under "8 U. S. Code Section 1324(c) – Penalties for document fraud(a)(1)/(2) and (f)", and

17. Mr. MCCARTHY received CHOO WASHBURN's COVID 19 Economic Impact Stimulus Payment checks, at Mr. MCCARTHY's Maryland office address, from the IRS, ILLEGALLY

using CHOO WASHBURN's Social Security Number, and using Mr. MCCARTHY'S MD Office address, as CHOO WASHBURN's FAKE address, that constitutes UNLAWFUL MISCONDUCT, under "18 U.S.C. Section 1028A – Aggravated Identity Theft", and

18. Mr. MCCARTHY refused to give the COVID 19 Economic Impact Stimulus Payment Check and CHOO WASHBURN's Share(36.28%) of monthly annuity, to CHOO WASHBURN, for the necessities of CHOO WASHBURN's life for health and safety, and

19. Mr. MCCARTHY violated the July 12, 2018 Order(APP.#J), and Mr. MCCARTHY breached the Guardian of the Property's Responsibilities, and currently Mr. MCCARTHY only gives CHOO WASHBURN \$150 for a week, and

20. Mr. MCCARTHY made a case manager, at the Seabury Resource of Aging, whom CHOO WASHBURN NEVER met, and who has a Seabury Resource of Aging issued credit card, to pay CHOO WASHBURN's hotel bills(current hotel is \$1,950 for a month), and instead of Hotel bill receipts, Mr. MCCARTHY obtained the FAKE and NON-EXISTING medical invoices, from the Seabury Resource of Aging, in DC, that CHOO WASHBURN did NOT go to, for any kind of reason, and Mr. MCCARTHY filed "FAKE" Fiduciary Report to the Circuit Court; furthermore,

21. Since CHOO WASHBURN is a citizen of the State of Virginia, Mr. MCCARTHY who was WRONGLY appointed as the Guardian of the Property, in MD, does NOT have any jurisdiction; however, Mr. ROBERT MCCARTHY has been refusing to file his resignation, to the Circuit Court.

STATEMENTS OF THE FACT

1. On September 17, 2021, the Court of Appeals' "Opinion" for its Judgment(APP.#A), stated that, "... We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order."; however, the Court of Appeals' Statements in its Opinion,

constitute completely FALSE STATEMENTS, since

2. On May 21, 2021, in the "BACKGROUND" of the lower court's reasons for the Order (APP.#B), from the last sentence of the Page 2 of 11 to the Page 3 of 11, revealed the lower court's Order(APP.#B) constitutes UNLAWFUL, under the NEWLY found "Maryland Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and "MD Crim. Law Code 3 – 807 – Filing fraudulent liens prohibited", since the lower court stated:

"By deed dated July 20, 2017, the Trustee conveyed the Property to Clark. A day later, on July 21, 2017, the Trustee filed a Trustee's Accounting which itemized the costs paid and the distribution of the sales proceeds ... The Circuit Court approved the Trustee's Accounting on April 2, 2018."; however,

3. In Maryland, the Trustee, DAVID DRISCOLL TRANSFERRING Petitioner, CHOO WASHBURN's Share(50%) of the Wheaton property, to the Respondent, CLARK, on July 20, 2017, constitutes UNLAWFUL MISCONDUCT, under the NEWLY found "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and in Maryland, the Trustee, DAVID DRISCOLL or/and the Respondent, CLARK Reporting FALSE LIEN, on July 21, 2017, with the Circuit Court, constitutes UNLAWFUL MISCONDUCT, under the NEWLY found "MD Crim. Law Code 3 – 807 – Filing fraudulent liens prohibited.", and

4. In Alfred J. Pleasant v. Diana E. Pleasant No.1840, September Term, 1992.", the Court of Special Appeals Maryland stated, in the Opinion, that,

""the Trial Judge has NO authority to transfer of the Title of ownership of property from one of the parties to the other", "other than to transfer an interest in a pension, retirement, profit sharing, or deferred compensation plan, Md. Fam. Law Code Ann. Section 8 – 202(a)(3) and Section 8 – 205(a). Rather, the trial judge may either grant a monetary award to adjust the equities of the parties, *id.* Section 8 – 205(a), or, in the case of property owned by both of them, order that the property be sold and the proceeds divided equally.""

"*Id.* Section 8 – 202(b)(2). ("Pleasant v. Pleasant, 632 A. 2d 202(Md. Ct. Spec. App. 1993, Court of Special Appeals of Maryland 97 Md. App. 711(1993)"; therefore,

5. On April 2, 2018, the Circuit Court Trial Judge has NO authority to enter the Order (APP.#G) for granting Trustee's Accounting(APP.#H) that on July 20, 2017, the Trustee ILLEGALLY TRASFERRED the Petitioner, CHOO WASHBURN's Share(50%) of the Wheaton property, to the Respondent, CLARK, in the fraudulent Deed(APP.#K), in BOOK: 54795 PAGE: 64, that constitutes UNLAWFUL MISCONDUCT, under Newly found "Maryland Family Law Code Ann. Section 8- 202(a)(3)" and "Section 8 -205(a)", and that on July 21, 2017, the Trustee UNLAWFULLY reported FALSE LIEN, with the Respondent, in the Accounting(APP.#H), with the Circuit Court, that constitutes UNLAWFUL MISCONDUCT, under Newly found "MD Crim. Law Section 3 – 807(a)(1) – Filing fraudulent liens prohibited", and

6. On May 21, 2021, in "Memorandum"(APP.#B), in "III. Failure to State a Claim", in the Page 8 of 11, without defining meaning of the "PROPERTY", that is in the "Taking Clause of the Fifth Amendment to the Constitution", and the "Due Process Clause of the Fifth and Fourteenth Amendment to the Constitution, and the lower court UNCONSTITUTIONALLY stated,

""Under Maryland law, a detinue action is available to seek the return of "personal property", Md Rule 12 – 602, which consists of "personal chattels" ... "...Where Ms. Washburn is seeking the "return of ... 11532 Soward Drive, Wheaton, MD 20902,"" Compl. At 5, which is real property, not personal chattel, the Court finds that the detinue claim must also be dismissed because it fails to state a plausible claim for relief.""; therefore,

7. The Court of Appeals' Judgment(APP.#A), on September 17, 2021, that affirmed the lower court's Order(APP.#B), on May 21, 2021, constitutes UNCONSTITUTIONAL "JUDICIAL TAKING", and constitutes violation of the "Taking Clause of the Fifth Amendment to the Constitution of the United States", and constitutes violation of Petitioner's "Constitutional Property Right", since the lower court Order(APP.#B) took Petitioner's Share(50%) of the Wheaton property, that the Petitioner was awarded in the Judgment of Absolute of Divorce

(APP.#C), and that the Petitioner has "established private property right under state law", and "without Just Compensation", denied/dismissed Petitioner's Claim for a "Judgment As a Matter of Law" for the Detinue Action for the Return of Petitioner's Share(50%) of the private Wheaton property, to the Petitioner, that constitutes "JUDICAIL TAKING" and that constitutes violation of the "Taking Clause of the Fifth Amendment to the Constitution" and that constitutes violation of Petitioner's "Constitutional Property Right", and that constitutes violation of the "42 U.S.C. SECTION 1983", and that constitutes violation of the "CONSTITUTION".

8. On July 20, 2020, without knowing the existence of the "Maryland Family Law code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", CHOO WASHBURN brought the Civil Action Case No.TDC-20-CV-2123, that is the Court of Appeals' Case No. 21-1692, to the lower court, against the Respondent, JUANA CLARK, under the "2018 Maryland H. B. 956: Bill Summary", that the Maryland adopted resolutions of the "Financial Crimes against the Elderly 2018 Legislation", and the Maryland further

"Authorizes a victim of a certain offense to bring a civil action for treble damages against a certain person; establishes that a certain criminal conviction is not a prerequisite for maintenance of an action under the Act; provides for the recovery of reasonable attorneys' fees and court costs in an action brought under the Act; and applies the Act prospectively.", and

under the "MD Criminal Law Rule Section "8-801(b)(2)", that states,

"(b) Prohibited.-

"(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.", and

under "MD Criminal Law Rule Section 8 – 801, 2(iii)", that states,

"Shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate", and

under "MD Criminal Law Rule 8 – 801(f)", that states,

"(f) Construction of Section. – This Section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property."; however,

9. On September 17, 2021, the Court of Appeals and on May 21, 2021, the lower court failed to comply with the "Supreme Law of the Land", this Court's "Erie Doctrine" ("Erie Railroad Co. v. Tompkins", 304 U.S. 64(1938)", and failed to apply the NEWLY found the MD State Law, "Maryland Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and the "Judgment of Absolute Divorce"(APP.#C), and "2018 Maryland H.B. 956: Bill Summary" and "Maryland Crim. Law Rule 8-801(f)", to the Petitioner, CHOO WASHBURN's Claim, for the Detinue Action for the Return of Petitioner's Share(50%) of the Wheaton property, to the Petitioner, in the Diversity Jurisdiction, and

""The Supreme Court declared ... "2.A federal court exercising jurisdiction over such a case on the ground of diversity of citizenship, is not free to treat this question as one of so – called "general law", but must apply the state law as declared by the highest state court. Swift v. Tyson, 16 pet. 1, overruled. *Id.*

3. There is no federal general common law. Congress has no power to declare substantive rules of common law applicable in a State whether they be local in their nature or "general", whether they be commercial law or a part of the law of torts. And no clause in the constitution purports to confer such a power upon the federal courts. Except in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is the law of the State. And whether the law of the State shall be declared by its legislature in a statute or by its highest court in a decision is not a matter of federal concern. P. 304 U.S. 78.

4. In disapproving the doctrine of Swift v. Tyson, the court does not hold unconstitutional Section 34 of the Federal Judiciary Act of 1789 or any other Act of Congress. It merely declares that, by applying the doctrine of that case, rights which are reserved by the constitution to the several states have been invaded. P.304 U.S. 79.""

"U.S. Supreme Court, Erie Railroad Co. v. Tompkins, 304 U.S. 64(1938), Erie Railroad Co. v. Tompkins No.367 Argued January 31, 1938, Decided April 25, 1938 304 U.S. 64";

10. On May 21, 2021, the lower Court's Order's reasons for closing Petitioner's Claim as "res

Judicata", and "collateral estoppel" are completely WRONG, and in the "Background" of the Order(APP.#B), in the Page 3 of 11, the lower court stated statements that constitute totally MISLEADING STATEMENTS:

"On August 3, 2017, the Court ruled that Ms. Washburn's Motion to Stay the sale of the Property was moot" "... a Motion to Stay the Order of Ratification on September 7, 2017, the Circuit Court denied ... as moot on November 29, 2018.", and

11. The lower court, misleadingly stated, in "II. *res judicata*", in the Page 7 of 11(APP.#B), from Line 7 to Line 14, that constitute totally MISLEADING STATEMENTS:

"Thus, a final ratification of the sale of property has preclusive effect... "the final ratification of the sale of property... is *res judicata* as to the validity of such sale"; ... Accordingly, the Circuit Court's Order of Ratification approving the sale of the Property and the division of the proceeds was a final judgment on the merits for purposes of *res judicata* and collateral estoppel... "; however,

12. The Complaint, in Civil Action No. TDC-20-CV-2123, for Detinue Action for Return of Petitioner's Share(50%) of the Wheaton property, to the Petitioner, *is NOT* for the Ratification of Sale of the Wheaton property; furthermore, the August 3, 2017 Circuit Court Hearing, *is for* the "Motion to Remove the Trustee, DAVID DRISCOLL", in Case No.133326-FL, for Trustee's MISCONDUCTS, in connection with Non-Existing Sale of the Wheaton property, on July 20, 2017, and in the Hearing, CHOO WASHBURN testified that the Wheaton property *was NOT* sold, *BUT* was transferred; however, at that time, the DEED(APP.#K) for the Wheaton property, was NOT filed in the Land Record office for the Circuit Court, and

13. On August 3, 2017 Hearing for the "Motion to Remove the Trustee", CHOO WASHBURN testified, the Wheaton property was fully paid off, since the Ditech Mortgage company sent CHOO WASHBURN the fax and e-mail that said the Wheaton property was fully paid off, on September 2, 2016; therefore,

14. On August 3, 2017 Hearing for CHOO WASHBURN's "Motion to Remove the Trustee", in the Transcript(**APP.#N**), in the Page 16, from Line 5 to Line 6, the Circuit Court reminded CHOO WASHBURN that,

"Keep in mind, this is supposed to be your motion about why Mr. Driscoll should be removed..."; however,

15. In the August 3, 2017 and the September 7, 2017 Hearings, CHOO WASHBURN did NOT know the existence of the "Md. Family Law Code Ann. Section 8 – 202(a)(3)" and "Section 8 – 205(a)", and "MD Crim. Law Code Section 3 – 807(a)(1)"; therefore, CHOO WASHBURN could NOT testify that the Trustee, DAVID DRISCOLL should be removed, since on July 20, 2017, the Trustee ILLEGALLY TRANSFERRED(**APP.#K**) the Wheaton property, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and the Trustee, DAVID DRISCOLL should be removed, since on July 21, 2017, the Trustee reported FALSE LIEN, with the Circuit Court, that constitutes UNLAWFUL MISCONDUCT, under the "MD Crim. Law Code 3 - 807 – Filing Fraudulent Liens Prohibited."; furthermore,

16. The September 7, 2017 Hearing is for Circuit Court's "Lifting the Stay of the Sale of the Chevy Chase property, without waiting the Court of Special Appeals' decision for CHOO WASHBURN's Appeal No.50(**APP.#I**: Washburn v. Washburn), September Term, 2017, that CHOO WASHBURN appealed to the Court of Special Appeals to reverse the Circuit Court's decision for the Judgment of Absolute Divorce(**APP.#C**), that ordered to sell two parties' two properties to divide the proceed equally between the two parties, because CHOO WASHBURN believed that CHOO WASHBURN could buy out LARRY WASHBURN's Share(50%) of the former marital house, Chevy Chase property, from LARRY WASHBURN, with the Sanction Order

(APP.#O) that was entered against LARRY WASHBURN, on January 10, 2017, for LARRY WASHBURN's failure to file "federal income tax report from tax year 2012 through 2015", and with the money, around \$148,000.00 that LARRY WASHBURN owed CHOO WASHBURN, for LARRY WASHBURN's breach of two parties' July 5, 2012 Postnuptial Agreement, and that on September 17, 2014, in the Circuit Court Civil Case No.387604-V, "the Agreement Placed on the Record Dismissing Case Without Prejudice Adjudicating all other claims from the July 5, 2012 Agreement to be determined in a Family Case under the Family Law Article"; however,

17. On May 3, 2018, the Court of Special Appeals AFFIRMED(APP.#I) Circuit Court's decision, for the Judgment of Absolute Divorce(APP.#C), on March 23, 2017, to sell two parties' the two properties to divide the proceed equally between the two parties, and the Court of Special Appeals of Maryland affirmed all three consolidated Appeals: No. 50(APP.#I), September Term, 2017, and No.992, September Term, 2017, and No.1505 September Term, 2017, and

18. In the Judgment of Absolute Divorce(APP.#C), in the Page 3, the Circuit Court for the Montgomery County CLEARLY stated that CHOO WASHBURN was awarded 50% of two parties' two properties (Wheaton property and Chevy Chase property), and ever since on May 17, 2017, the Trustee WITHDREW(DE.#292) the "Motion(DE.#276) to Approve a Written Contract" for Approval of Sales Agreement for the Wheaton property, to LARRY WASHBURN, that the Trustee filed on April 25, 2017, in the Docket Entry, in Case No.133326-FL, there is NO one filed a "Motion to Approve a Written Contract for Approval of Sales Agreement", for any of two parties' two properties, that is "necessary procedural requirement", in the Judicial Sales of the real estates, the Wheaton property and the Chevy Chase property, in the Divorce proceeding

(**“Morgan v. Morgan”, for “three stages of the judicial Sale)”**; therefore,

19. The Petitioner, CHOO WASHBURN has **“established private property right under state law”** for two parties’ 50% of both of the two properties: the 2nd house, at 11532 Soward Drive, Wheaton, MD 20902(Wheaton property) and the former marital house, at 3521 Cummings Lane, Chevy Chase, MD 20815(Chevy Chase property), that the Petitioner was awarded in the Judgment of Absolute Divorce(**APP.#C**), on March 23, 2017.

REASONS FOR GRANTING THE WRIT OF CERTIORARI

1. In the **“Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection”**, **“the Justice Scalia declared that a JUDICIAL TAKING occurs when a court rules ... to revoke a claimant’s “established right of private property”**, and

2. **“Justice Scalia emphasized that:**

“a Judicial Taking requires the Claimant to possess an “established property right.”, and “the Taking Clause only protects property rights as they are established under state law, NOT as they might have been established OR ought to have been established.”, and

3. **“Justice Potter Stewart, in Concurring, in Hughes v. Washington,” “the decision for who owned the seashore accretions, that the land deposited by the pacific ocean, between 1889 and 1966”**, declared that,

“A state cannot be permitted to defeat the constitutional prohibition against taking property without due process of law by the simple 389 U.S. 290, 297 device of asserting retroactively that the property it has taken never existed at all.”;

4. The Court of Appeals’ Judgment(**APP.#A**), on September 17, 2021, and the lower Court’s Order(**APP.#B**), on May 21, 2021 failed to comply with the **“Supreme Law of the Land”**, this Court’s **“Erie Doctrine”**(**“Erie Railroad Co. v. Tompkins”, 304 U.S. 64(1938)”**, and failed to

apply the Judgment of Absolute Divorce(**APP.#C**), and Maryland Laws: "Maryland Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and "MD Crim. Law Rule 8-801(f)", and "2018 Maryland H.B. 956: Bill Summary", that states "criminal conviction is NOT prerequisite to a certain person to bring terrible damages in the civil case", to Petitioner's Claim, in the Diversity Jurisdiction, and

5. On September 17, 2021, the Court of Appeals' Judgment(**APP.#A**), constitutes **UNCONSTITUTIONAL**, since the Court of Appeals' Judgment(**APP.#A**) denied Petitioner's Informal Brief(**APP.#M**) and affirmed the lower court's Order(**APP.#B**), that took Petitioner's Share(50%) of the private Wheaton property, that the Petitioner was awarded in the Judgment of Absolute Divorce(**APP.#C**), and that the Petitioner has "established private property right under state law", and without "Just Compensation" denied/dismissed Petitioner's claim for a "Judgment As a Matter of Law", for the Detinue Action for the Return of Petitioner's Share (50%) of the Wheaton property to the Petitioner, that constitutes "JUDICIAL TAKING", and constitutes violation of the "Taking Clause of the Fifth Amendment to the Constitution", and constitutes violation of Petitioner's "Constitutional Property Right".

6. In "Rose Mary Knick v. Township of Scott, Pennsylvania, ET AL.(No.17-647), the Chief Justice ROBERTS wrote, in the "Opinion of the Court" that,

""In that opinion, ((*"San Diego Gas & Elec. Co. v. San Diego*, 450 U.S. 621, 654, 657 (1981)(Brennan, J., dissenting))" Justice Brennan explained that "once there is a 'taking,' compensation must be awarded" because "as soon as private property has been taken, whether through formal condemnation proceedings, occupancy, physical invasion, or regulation, the landowner has already suffered a constitutional violation." *"Id.*, at 654"".

""First English((*"First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, 314 (1987)")) embraced that view, reaffirming that "in the event of a taking, the compensation remedy is required by the Constitution."" *"482 U.S.*, at 316," and

7. On September 17, 2021, the Court of Appeals' Judgment(**APP.#A**) constitutes UNCONSTITUTIONAL, since the Court of Appeals' Judgment(**APP.#A**) affirmed the lower court's Order(**APP.#B**), that was entered, without applying "the Judgment of Absolute Divorce (**APP.#C**)" and "2018 Maryland H.B. 956: Bill Summary", to Petitioner's Claim, in the Diversity Jurisdiction, with only interpretation of "VAGUE LAW": "Maryland Crim. Law Rule 8-801(f)", and "MD Rule 12- 602", for the "PERSONAL PROPERTY", without defining the meaning of "PROPERTY", that is in the "Taking Clause of the Fifth Amendment to the Constitution", and the "Due Process Clause of the Fifth and Fourteenth Amendment to the Constitution of the United States", and closed Petitioner's Claim, without procedural due process proceeding, which requires "to follow fair procedures before depriving a person of life, liberty, or property", that constitutes violation of the "Due Process Clause of the Fifth and Fourteenth Amendment to the Constitution", and that constitutes violation of Petitioner's "Constitutional Right" of the "First Amendment to the Constitution", for filing petition and presenting evidence for "a redress grievance", and that constitutes violation of "42 U.S.C. Section 1983", and that constitutes violation the "CONSTITUTION".

8. In "Rose Mary Knick v. Township of Scott, Pennsylvania, ET AL.(No.17-647), in "THOMAS, J., Concurring : Cite as: 588 U.S. --- (2019), No. 17 – 647", the Justice THOMAS, declared that:

""When the government repudiates its duty" to pay just compensation, its actions "are not only unconstitutional" but may be "tortious as well."" "Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 717 (1999)(Plurality Opinion)", and

9. In "KAGAN, J., dissenting", the Justice KAGAN declared that:

"a Takings Clause violation has two necessary elements. First, the government must take the property. Second, it must deny the property owner just compensation.", and

10. In "Cedar Point Nursery, ET AL, v. Hassid, ET AL", the Chief Justice ROBERTS

declared in "the Opinion of the Court":

"“This Court agrees that protection of property rights is “necessary to preserve freedom” and “empowers persons to shape and to plan their own destiny in a world where governments are always eager to do so for them.” “in Murr v. Wisconsin, 582 U.S. ---, --- (2017)(slip op., at 8).””, and

the Chief Justice ROBERTS proclaimed that:

"The access regulation grants labor organization a right to invade the growers' property, it therefore constitutes a per se physical taking."

"when the government physically acquires private property for a public use, the Taking Clause imposes a clear and categorical obligation to provide the owner with Just Compensation.", and

11. "In Concurring", Justice KAVANAUGH declared that:

"“the California union access regulation “violates the constitutional provisions protecting private property.” 16 Cal. 3d, at 431, 546 P. 2d, at 713.”"

"It is whether the government has physically taken property for itself or someone else – by whatever means – or has instead restricted a property owner's ability to use his own property. See Tahoe – Sierra, 535 U.S., at 321 – 3d 23.”"

12. Moreover, on September 17, 2021, the Court of Appeals' Judgment(APP.#A)

constitutes UNLAWFUL, since the Court of Appeals' Judgment(APP.#A) affirmed the lower

court's Order(APP.#B) that constitutes UNLAWFUL and UNCONSTITUTIONAL JUDICIAL TAKING

of Petitioner's Share(50%) of the Wheaton property, and that *is NOT/was NOT* for "a State or a

private party that was authorized by the government, for a public use for a public benefit",

BUT that is/was for UNLAWFULLY and UNCONSTITUTIONALLY granting Respondent, CLARK's

CONSPIRACY, that on July 20, 2017, the Respondent, CLARK's ILLEGALLY TRANSFERRING

Petitioner's Share(50%) of the Wheaton property, to the Respondent, in the DEED(APP.#K), in

BOOK: 54795 PAGE: 64, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL

MISCONDUCT, under "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and that constitutes UNLAWFUL MISCONDUCT, under "8 U. S. C. Section 1101(a)43(G) – Theft Offense", and furthermore, that *is/was for* UNLAWFULLY granting the Respondent, CLARK's, with the Trustee ILLEGALLY REPORTING the FALSE LIEN, with the Circuit Court, on July 21, 2017, that constitutes UNLAWFUL MISCONDUCT, under "MD Crim. Law Code 3- 807 – Filing fraudulent Liens Prohibited.", and that constitutes UNLAWFUL MISCONDUCT, under "8 U. S. Code Section 1324(c) – Penalties for document fraud(a)(1)/(2) and (f)", and

13. In "Rose Mary Knick v. Township of Scott, Pennsylvania, ET AL.(No.17-647)", the Chief Justice ROBERTS wrote in opinion:

"A property owner acquires a right to compensation immediately upon an uncompensated taking because *the taking itself violates the Fifth Amendment.*" "See San Diego Gas & Elec. Co. v. San Diego, 450 U.S. 621, 654 (Brennan, J., dissenting)",

"“We have held that ‘If there is a taking, the claim is ‘founded upon the Constitution’ and within the jurisdiction of the Court of Claims to hear and determine. United States v. Causby, 328 U.S. 256, 267(1946). And we have explained that ‘the act of taking’ is the ‘event which gives rise to the claim for compensation.’” “United States v. Dow, 357 U.S. 17, 22(1958).”, and

"“The only reason that a taking would automatically entitle a property owner to the remedy of compensation is that, as Justice Brennan(("San Diego Gas & Elec. Co., 450 U.S., at 654(dissenting opinion)")) explained, with the uncompensated taking “the landowner has already suffered a constitutional violation.””

14. Therefore, the Petitioner "has the Constitutional Taking claim", to petition to "the Supreme Law of the Land", this Court, for "just compensation", under the "Taking Clause of the Fifth Amendment to the Constitution" or/and under the "42 U.S.C. Section 1983" for a "deprivation of a right... secured by the CONSTITUTION", at the time of taking Petitioner's Share(50%) of the Wheaton property, from the Petitioner, that is on the day of September 17, 2021, "without Just Compensation", the Court of Appeals' Judgment(APP.#A), denied/

dismissed Petitioner's Claim, in the "Informal Brief"(APP.#M), for a "Judgment As a Matter of Law", and UNCONSTITUTIONALLY affirmed the lower court's Order(APP.#B).

15. Thus, "the Supreme Law of the Land", this Court's interpretation of the "QUESTIONS PRESENTED", and interpretation of "MD Crim. Law Rule 8 – 801(f)", are crucial, to apply "MD Crim. Law Rule 8 – 801(f), to the "2018 Maryland H.B. 956: Bill Summary", for the older victims of the "MD Crim. Law Rule Section 8-801", in a State civil case or a Federal civil case in the Diversity Jurisdiction: (i) to protect the "CONSTITUTION", and (ii) to protect the "Taking Clause", and (iii) to take back Petitioner, CHOO WASHBURN's "Constitutional property right" and Petitioner's Share(50%) of the Wheaton property, to the Petitioner, that the Respondent, JUANA CLARK ILLEGALLY TRANSFERRED Petitioner's Share(50%) of the Wheaton property, to the Respondent, with the Trustee, that constitutes UNLAWFUL MISCONDUCT, under "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and (iv) to provide an ACCESS for millions of older senior OR vulnerable adult victims of the "MD Crim. Law Rule Section 8-801" to take back/to recover their stolen/deprived/taken properties or/and assets by the perpetrators, in a Civil Case(see, APP.#L, as a reference), and (v) to RESTORE the JUDICIALLY DISABLED JUSTICE SYSTEMS: (1) for the JUDICIARY DISABLED Court of Appeals for the Fourth Circuit, in Case No.20-2248 and in Case No.21-1692, and (2) for the JUDICIARY DISABLED Court of Special Appeals of Maryland, in Case No.0037, September Term, 2020, and (3) for the JUDICIARY DISABLED U.S. District Court, for Maryland, in Case No. TDC- 19-CV-2227 (Court of Appeals' Case No.20-2248, and that is pending "Petition for Writ of Certiorari", in the U. S. Supreme Court, Docket No. 21-5994, that constitutes "JUDICIAL TAKING Case"), and in Case No. TDC-20-CV-2123(Court of Appeals' Case No.21-1692), and (4) for the JUDICIARY

DISABLED Circuit Court for the Montgomery County, Maryland, in Case No.133326-FL and in Case No.149491-FL, since

16. The Trustee, DAVID DRISCOLL's UNLAWFUL MISCONDUCTS and his friendship with the Circuit Court Trial judge(retired), and Circuit Court's Chief Administrative Judge, do not justify the State and Federal court judges, or Clerks, in Maryland, violating the "Taking Clause of the Fifth Amendment to the Constitution", or violating Petitioner's "Constitutional Property Right", or violating Petitioner's "Constitutional Right", or violating the "CONSTITUTION", and

17. The Trustee's UNLAWFUL MISCONDUCTS and his friendship with the Circuit Court Trial Judge and the Circuit Court Chief Administrative Judge, do not justify the Respondent, CLARK ILLEGALLY TRANSFERRING Petitioner's Share(50%) of the Wheaton property, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce(APP.#C), to the Respondent, in the Deed (APP.#K), in BOOK: 54795 PAGE: 64, with the Trustee, that constitutes UNLAWFUL MISCONDUCT, under "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", that is prohibited in MD, under "MD Crim. Law Rule Section 8 – 801. Exploitation of Vulnerable Adult Prohibited.", and that constitutes UNLAWFUL MISCONDUCT, under "8 U.S.C. Section 1101(a)43(G) – Theft Offense".

18. Therefore, "the Supreme Law of the Land", this Court must grant Petitioner's "Writ of Certiorari", and must overturn the Court of Appeals' Judgment(APP.#A) that UNCONSTITUTIONALLY affirmed the lower court's Order(APP.#B), that constitutes UNLAWFUL and UNCONSTITUTIONAL "JUDICIAL TAKING": (1) to protect "CONSTITUTION", and (2) to protect the "Taking Clause", and (3) may provide an ACCESS for millions of older seniors OR vulnerable adults, to recover their properties or/and assets that were stolen/deprived/taken by

the perpetrators, in a Civil Case(see, **APP.#L**, as reference), and (4) may restore the JUDICIALLY DISABLED JUSTICE SYSTEMS, in the State and Federal Courts, in Maryland, and (5) the State and Federal Court's Judge(s) may need "the Supreme Law of the Land", this Court's a New guidance for the "JUDICIAL TAKING", to restore the JUDICIALLY DISABLED JUSTICE SYSTEMS.

CONCLUSION

19. WHEREFORE, for the above statements in the "REASONS FOR GRANTING THE PETITION FOR THE WRIT OF CERTIORARI", the Supreme Law of the Land", this Court should grant the Petitioner, CHOO WASHBURN's "WRIT OF CERTIORARI".

Respectfully Submitted,

Choo Washburn
CHOO WASHBURN

DECLARATION

I, CHOO WASHBURN, pursuant 28 U. S. C. Section 1746, declare under the penalties of perjury, upon personal knowledge that the contents of the forgoing the Petitioner, CHOO WASHBURN'S PETITION FOR WRIT OF CERTIORARI", are true and correct.

Executed on December 14, 2021

choo washburn
CHOO WASHBURN Petitioner

CERTIFICATE OF COMPLIANCE

No.

CHOO WASHBURN,

Petitioner

v.

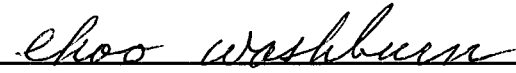
JUANA QUICO CLARK

Respondent

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 8778 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I, CHOO WASHBURN, pursuant 28 U. S. C. Section 1746, declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14, 2021


CHOO WASHBURN Petitioner

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHOO WASHBURN PETITIONER

VS.

JUANA QUICO CLARK RESPONDENT

PROOF OF SERVICE

I, CHOO WASHBURN, do swear or declare that on this date, December 14, 2021, as required by Supreme Court Rule 29, I have served the enclosed two copies(one copy for Respondent's Counsel and one copy for the Respondent, CLARK) of PETITION FOR A WRIT OF CERTIORARI, and one copy of APPENDIX, and two copies MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPRIS*, to the Respondent, JUANA QUICO CLARK, at 11532 Soward Drive, Wheaton, MD 20902, for the above proceeding that is required to be served, by depositing an envelope containing the above documents in the United States Priority mail with delivery confirmation, within 3 calendar days.

The names and addresses of those served are as follows:

Ms. JUANA QUICO CLARK, at 11532 Soward Drive, Wheaton, MD 20902

I declare under penalty of perjury that the foregoing is true and correct,

Executed on December 14, 2021



CHOO WASHBURN