

No. Case No. 21-6791

IN THE

SUPREME COURT OF THE UNITED STATES

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DARYOUSH JAVAHERI - PETITIONER

VS.

US BANK, N.A., as Trustee for LSF9 Master Participation Trust;

DOES, 1 through 100, inclusive - RESPONDENTS

PETITION FOR REHEARING

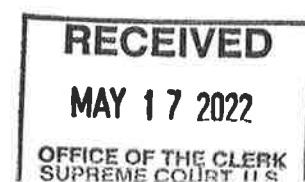
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SUBMITTED: May 11, 2022

Petitioner, Daryoush Javaheri, (hereinafter, "Petitioner") respectfully request a rehearing on the Petition for Writ of Certiorari which was denied on 3/21/2022 by the above referenced court.

Petitioner, Daryoush Javaheri, (hereinafter, "Petitioner"), received the clerk's letter on May 2, 2022. It was post-marked April 27<sup>th</sup>, 2022 and the clerk's letter has a received date stamp of April 26, 2022 with respect to all the dates Petitioner corrected his Petition for rehearing and is hereby resubmitting it. The U.S. Supreme Court should bring justice to the homeowner. All the courts, federal courts, district courts, ninth circuit courts of appeals have not looked at this rule



of law. By the Department of Justice: Congress passed the Fraud Enforcement and Recovery Act giving \$165 million to the Justice Department investigations to bring accountability to the financial crisis to justice. Borrowers were promised they would get principal deductions under the settlement due to being victims of Wall Street misconduct they received little relief. These borrowers were wrongfully foreclosed against.

U.S. Bank did not follow rule of law S:386 regarding fraud enforcement. Homeowners lost their homes based on false documents. The justice department had “put a Band-Aid” over the fraud and didn’t convict any of the ringleaders.” Public Las No: 11-21 (05/20/2009) Fraud Enforcement Act of 2009 amends the federal criminal code to include within the definition of “Financial Institution” a mortgage lending business and extends the prohibition against making false statements in mortgage application to employees and agents of a mortgage lending business. (Sec 3) authorized appropriations to the Attorney General for 2010-2011 investigations, prosecutions and civil and administrative proceedings involving federal assistance programs and financial institutions (S.386) **Fraud Enforcement and Recovery Act of 2009.**

In Yvanova v. New Century Mortgage Corp. the California Supreme Court reversed a judgment. The court held that a home loan borrower had standing to claim a non-judicial foreclosure was wrongful because the underlying assignment of the deed of trust was void.

The Petitioner is stating the appeals court over looked the grounds for U.S. Bank’s wrong-doing is allowing homeowners to received loans they weren’t qualified for. U.S. Bank’s wrong doing is as follows: fraudulent representation, negligent misrepresentation, securities fraud in loan underwriting, servicing fraud through illegal fees and unnecessary foreclosures, origination fraud through faulty appraisals and undisclosed trickery, committed mass document fraud when U.S. Bank failed to follow the steps to create mortgage-backed securities, covering up with fabrication and forgeries to prove the standing to foreclosure, violation of fraud

enforcement and recovery act. False Income and assets added to the loan application of the Petitioner, caused harm and suffering and injury to the Petitioner. Petitioner has the right to undo 42 USC §1983 to file on the basis of his right and deprivation of those rights therein. Rule 10 of U.S. Supreme Court was not applied to the Petitioner's Writ. In addition, The Department of Justice has found U.S. Bank, N.A. in violation of mortgage fraud and financial fraud. It was proven and U.S. Bank N.A. was penalized and fined for 200 million.

The Petition is brought forth by **Rule 10** of the U.S. Supreme Court Rules which says "**a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power; a us court of appeals has entered a decision in conflict with the decision of another state court of appeal.**"

My case is to bring justice to Petitioner when it was injustice happened petitioner going to bring certain laws that were in place for justice and it was overlooked by the courts resulting in suffering of the petitioner. The Petitioner's plea is that injustice won't take over.

In a different court of appeal decision which is in conflict with the decision of the Petitioner's Ninth Circuit appeal case. The case is in the court of appeals of the State of California First Appellate District Division Two, **Case No.A1499617, Crawford vs. U.S Bank N.A, A149617 (Cal. Ct. App. Jul. 10, 2018) (Exhibit A)**. In Crawford, the Defendant U.S. Bank is the same defendant as in the Petitioner's case. Now comparing his case to Crawford, both cases are against U.S. Bank, N.A., and they are both regarding property which were in judicial foreclosure proceedings. Each case has raised the issue of res judicata in a court of appeals. In Crawford, the judgment was reversed and then remanded for further proceedings, yet the Petitioner's case was denied and ended in dismissal with a higher court of appeals. Now comparing these two

cases with each other, two different courts of appeals have entered a different decision on the same important MATTER. Here is the exact scenario for Rule 10 of the Supreme Court where **{a}** **When a United States court of appeals has entered a decision has entered a decision in conflict with the decision of another state court of appeal.**

The Petitioner believes a request for rehearing should be granted due to the doctrine of Res Judicata. The United States of Appeals has decided an important federal question in a way that conflicts with the decision by a state court of last resort.

In Crawford vs. U.S Bank (**Exhibit A**), the decision came after the standard of review and indicated that the appeal presented a mixed question of law and fact that is predominantly legal, and the final judgment of the appeal court was that the case was granted for writ of supersedeas and thus, the judgment of state court was reversed. On July 13, 2018, the case was remanded for further proceedings, to Contra Ten Years of Evidence: In Thomas v. U.S. Bank, N.A. Case No. 1216-cv20561, a class action Settlement, U.S. Bank N.A. have agreed to pay 92 million to settle the claims of over 24,000 class members who obtained 1500 second mortgage loans that were purchased by assigned to or serviced by U.S. Bank. In an article by John Griffin, (an analyst in current days) entitled, Ten Years of Evidence: Was Fraud a Force in the Financial Crisis? He describes the 2008-2009 financial crisis, there is still a lack of consensus on the crisis' causes (*See Exhibit B*).

In this case U.S Bank has settled the case, to keep this case closed and under court cover sheets, and for the first time U.S Bank settled to keep other foreclosure cases unknown of their rights for their loss of homes. The Crawford case is exact proof that Rule 10 of the Supreme Court shows the Justices of the court Petitioner's cases and Crawford vs. U.S. Bank had a different decision on the same Matter.

I would like to bring your attention to a fact about U.S. Bank. On Monday June 30, 2014 the Department of Justice announced U.S. Bank Pays \$200 Million in Settlement of Banking

Fraud Case, for misrepresentation of residential home loans as suitable for insurance when, in fact, the borrowers either did not meet the standard underwriting requirement or were not checked for creditworthiness at all.

On September 29, 2016, The Los Angeles City Attorney's Office announced a lawsuit settlement with U.S. Bank over allegations the banking giant neglected its foreclosed properties in L.A. following the 2007-2008 housing collapse, bringing blight and squalor to some low-income neighborhoods. U.S. Bank will pay a total of \$13.5 million to the city and Los Angeles County to end the lawsuit.

In February 2012 Attorney General of California, Kamala Harris announced California's share of a \$26 billion multistate settlement with big banks over foreclosure abuses. "... in our experience it appears that the majority of the almost 11,000 foreclosures in Oakland between 2007 and 2011 were the result of predatory behavior by loan agents, deceptive or outright fraudulent behavior by banks."

In Thomas v. U.S. Bank, N.A. Case No. 1216- cv20561, a class action Settlement, U.S. Bank N.A. have agreed to pay 92 million to settle the claims of over 24,000 class members who obtained 1500 second mortgage loans that were purchased by assigned to or serviced by U.S. Bank. In an article by John Griffin, (an analyst in current days) entitled, Ten Years of Evidence: Was Fraud a Force in the Financial Crisis? He describes the 2008-2009 financial crisis, there is still a lack of consensus on the crisis' causes (*See Exhibit B*).

More than 10 million U.S homeowners were foreclosed by banks, U.S. Bank who is one of those Banks, there has caused INJUSTICE to the large portion of the public. U.S. Bank has destroyed the Petitioner's life by foreclosing his house then, evicting him and his wife and two children from the house, making their life miserable having them move out of state to Las Vegas

then, divorce in the family, then separation from his wife and two children and causing him depression. Justice will prevail.

I am requesting from the Supreme Court clerk, to have Justices, including JUSTICE JACKSON, to view my petition and vote on it.

I am also requesting an oral hearing in case, should my petition for rehearing would not be accepted.

Petitioner requests for the foregoing reasons, the petition for rehearing should be granted.

Dated: May 11, 2022

Respectfully Submitted,



Daryoush Javaheri

**CERTIFICATION OF GROUNDS AND GOOD FAITH**

That the grounds are limited to intervening circumstances of substantial grounds not previously presented. Petitioner certifies that the petition for rehearing is presented in good faith and not for delay.

Dated: May 11, 2022

Respectfully Submitted,

  
Daniel H. Rubin

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