

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

FELIX I. GASPARD

3<sup>RD</sup> DCA CASE # 3D20-1723

PETITIONER

L.T. # 2010-53090-CA-01

V.

BAC HOME LOANS SERVICING, LP, FKA

COUNTRYWIDE HOME LOANS SERVICING, LP, ET AL

RESPONDENTS

---

**PETITIONER'S APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH  
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE FLORIDA THIRD  
DISTRICT COURT OF APPEAL**

Pursuant to Supreme Court Rule 13.5, Pro Se Petitioner, Felix I. Gaspard, in the interest of justice, respectfully requests a reasonable extension of time to file a petition for writ of certiorari to review the decision of the Florida Third District Court of Appeal dated December 16, 2021 in the above-styled case (Exhibit A). Petitioner timely filed a Notice of Intent to Seek Discretionary Review in the Supreme Court of Florida on January 18, 2022. The Case was docketed, Case # SC 22-88 and immediately dismissed on January 22, 2022, even before any brief was ever submitted (Exhibit B). The jurisdiction of this Court will be invoked under 28 U.S.C. 1257. In light of the extraordinary circumstances beyond his control, including his disabilities, the passing of his mother on February 13, 2022 and her funeral out of

the country February 26, 2022, and his renewed search for pro bono representation, that prevented the timely submission of the Petition. In support, Petitioner states as follows:

1. Pro Se Petitioner, an elderly black man forced into early retirement, was adjudicated by the State of Florida as totally disabled as recognized by the American with Disability Act (ADA) and Social Security Act (SSA), thus, entitled to certain accommodations and protections under the law. Petitioner has been struggling to cope with some chronic disabling medical issues, (among them Stress Induced Irritable Bowel Syndrome (IBS), Chronic Acute Anxiety Disorders), making it difficult at most times if not impossible to concentrate on and complete the task at hand) while at the same time attending to the complexities and necessities of life, including the extra burden of defending this twelve-year fraudulent vexatious lawsuit brought by a Plaintiff with no standing, unclean hands, a plaintiff that has been allowed to proceed without ever producing any proof of entitlement, in a judicial environment unsympathetic to his plight, even hostile...

2. These conditions have prevented Petitioner from holding gainful employment since 2002. Petitioner was finally judicially adjudicated as totally disabled by the State of Florida as recognized by the SSA and the ADA in 2015.

3. Pro Se Petitioner was declared an indigent due to his lack of resources, therefore he cannot afford the services of a properly trained attorney. He is representing himself by necessity as he was denied legal aid, and had been unable so far to find an attorney willing to work pro bono or on a contingency basis. Thus, he is even more dependent on the impartiality of the Court.

4. Petitioner has had to rely the Courthouse Law Library for his legal researches, to use the Public Library to type his papers and the daily limitations imposed on users there.

5. Petitioner's access to the libraries and legal research was effectively terminated by the closure of the libraries by the Stay-at-Home Orders issued to combat Covid-19. Even though the public libraries have now reopened with certain restrictions, the courthouses still remain closed to the public.

6. On February 13, 2022, Petitioner's Mother passed away and her funeral service and burial, which Petitioner attended, was held February 26, 2022, out of the country. Needless to say, this event caused a major medical flare up that negatively impacted Petitioner's ability to take care of his obligations.

7. On February 22, 2022, Albertelli Law on behalf of the purported purchaser, Federal National Mortgage Association, (a relationship that has been categorically denied by Fannie Mae and even to this day hasn't/cannot be established in spite of repeated

demands for such since December 2016), shamelessly filed a "Purchaser's Motion for Alias Writ of Possession and Motion to Preclude Further Pro se Filings."

8. Notwithstanding paragraph 3, now that Petitioner was able to obtain more documentation, including the transcripts of the hearings and undeniable proof of the fraud being perpetrated by Respondents, some legal entities (including the ACLU, the Legal Aid Society, and other law firms) are willing to take another look to determine if they would take the case. Thus, there is a greater likelihood that an entity will take the case.

9. In regard to an owner acting as in the capacity of a Pro Se Defendant and Counter-Plaintiff, the U. S. Supreme Court has ruled that substance governs over form or technicality. *Haines v. Kerner*, 404 U.S. 519, 92 S. Ct. 594, 30 L.Ed.2d 652 (1972); *N.R. v. Schmidt*, 177 U.S. 230 (1900).

10. Petitioner's case presents very important statutory and constitutional issues beyond the facts and parties involved, a denial of both procedural and substantive due process rights protected by the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution, as well as the rampant fraud being perpetrated by Fannie Mae and its agents (the banks and the law firms) on the U.S. and homeowners via fraudulent foreclosures, amounting to a constitutionally prohibited Taking of property without due process and without any

compensation. The proceedings below have so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power and the issuance of a Writ of Certiorari.

Wherefore, in the interest of justice, Pro Se Petitioner prays the Court to grant him a reasonable extension of time to file the Petition for Writ of Certiorari either Pro Se or by legal representation and to exercise its supervisory power to review and determine whether the Florida judiciary has jurisdiction to effectuate the constitutionally prohibited Taking of a citizen's homestead without due process or just compensation, and that the Petitioner should not have lost title to his homestead property with the looming threat of final eviction by means of the ongoing perpetration of fraud upon the Court, and any other relief the Court deems proper and just.

#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion was served this March 14, 2022, via U.S. Mail upon Liebler, Gonzalez & Portuondo, 44 West Flagler Street, Miami, Florida 33130

By: 

Felix I. Gaspard  
1260 NW 188 Street  
Miami, Florida 33169  
Tel: 305-654-0357  
Cel: 786-532-5673  
Email: angelina.a.gaspard@gmail.com