

No. 22-5254

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM PAUL BURCH,
PETITIONER

v.

MARK X. MULLIN
RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF APPEALS FOR THE FIFTH CIRCUIT

20-11106

PETITION FOR REHEARING

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III. PREAMBLE

Pursuant to Rule 44.1 of this Court, Petitioner William Paul Burch (Burch), respectfully petitions for a rehearing of the denial of a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit. We are a nation of laws. When the defendant in a civil case is the judge and the case is about the judge's refusal to follow fourteen parts of the United States Constitution due to his bias, then we as a nation have a problem.

The Fifth Circuit's opinion in this case is unique. The appeal was based on the bankruptcy judge's biased and unconstitutional sanction labeling Petitioner, William Paul Burch (Burch) a vexatious litigant. Because the bankruptcy court made its ruling, the Fifth Circuit used the bankruptcy judge's ruling as the reason they would not rule on this or any other case involving Burch. So, the Fifth Circuit never reviewed or ruled on the subject of the appeal but instead used the subject as the reason for not reviewing the case. This was the most ludicrous reasons to dismiss a case Burch has ever heard of. The Fifth Circuit's ruling in this case is just one example of the well-founded fear and intimidation of hundreds of thousands of United States citizens and bankruptcy debtor lawyers by bankruptcy judges each year. There are almost no appeals from Bankruptcy Courts, not because the bankruptcy court judges are perfect but because the bankruptcy judges rely on fear and intimidation to retain their non-Article III judgeship power and due to a lack of financial resources of the debtor. Left unrestrained the bankruptcy courts continue their anti-therapeutic jurisdiction actions. Just as weak prosecution has

led to an increase in blue color crime, a lack of prosecution of white color crime, even in civil cases, has led to much greater harm to citizens and their property rights as guaranteed in the **Fifth and Fourteenth Amendments to the United States Constitution.** This has brought terrible consequences to the Middle- and Working-class citizens to the undeserving benefit of financial institutions, Bankruptcy Trustees, and lawyers.

IV. PETITION FOR REHEARING

The original certiorari petition asked this Court to resolve five issues of first impression: (1). can a non-**Article III** bankruptcy judge write his own law on vexatious litigant that violates the constitution and enforce it? (2) What should the federal rules on vexatious litigant be? (3). If a plaintiff has been declared or sanctioned as a vexatious litigant and the ruling, he was sanctioned under is either unconstitutional and/or the new rules on vexatious litigant in the second question would not make the plaintiff a vexatious litigant, should the vexatious litigant sanction be vacated as well as any related orders on other cases? (4) If a Court denies a legal in forma pauperis motion and declares the motion as frivolous based on another panel's ruling involving another courts unconstitutional vexatious litigant order, can the courts pile on sanction fees to a total of over \$5000 when the Appellant only had a surplus of \$2.00 per month at the time?

The Fifth Circuit's holding that all Burch appeals should be dismissed if a bankruptcy court judge has sanctioned a Plaintiff by declaring the Plaintiff a vexatious litigant without examining the merits of the case or the merits of the vexatious litigant sanction is simply a means for the courts to become accessories in fact to the illegal actions of a financial company taking property in defiance of multiple court orders. Allowing an obviously bias judge to continue his reign of terror on a citizen (See **SCOTUS 22-5778**) even though Burch is correct in his position is an insult to the constitution and the rule of law.

The basis for rehearing of the petition for Writ of Certiorari is that the Federal courts refuse to give due process to bankruptcy adversary cases that have been illegally dismissed by an obviously biased bankruptcy judge. The Fifth Circuit has dismissed all cases related to Burch based on this unsupported, unconstitutional vexatious litigant order that the bankruptcy court did not tie to appeals courts. The Fifth Circuit, in a bid to not have to look at the merits, chose to deny Burch's due process rights by sua sponte cut and pasting the same dismissal and sanction on each case. After the bankruptcy court took all of Burch's income by converting the case illegally from an almost finished **Chapter 11** plan to a still outstanding **Chapter 7** plan (**SCOTUS 22-5901**), Burch no longer had any income and had to go on Social Security to be able to eat. The Fifth Circuit in their hast to rid themselves of multiple bankruptcy cases took the easy way out in support of a bias judge with \$500 per case sanctions totaling \$5850. Burch currently only has four dollars per month (\$4) extra, and that has dwindled due to inflation. Burch

must reduce his food just to pay for these court cases. He is 71 years old with multiple health issues and cannot work. It will take 1,461 months or 125 years to pay off these sanctions. The sad part is Burch is absolutely correct on the merits. The bankruptcy judge went so far as to grant immunity (Bankruptcy adversary case number 18-04176) for lying in court and on Motions so as to have Burch's income and millions of dollars in assets taken away from him by the bankruptcy judge. The bankruptcy court judge then used the fact that the lying lawyers were upset as the basis of his *sua sponte* order of Burch being a vexatious litigant. It should be noted that Burch's litigation was against different lenders with different properties.

V. WHY DEBTORS ARE DENIED DUE PROCESS ON APPEAL

According to the United States Courts Statistics & Reports Table F-2, in the twelve months ending June 30, 2022, there were **380,634** cases filed. Of that number in Table B-1 there were only **570** original bankruptcy appeals to circuit courts out of **40,403** total appeals of all causes. These appeals include advisory cases as well as case filings. At the same time there were (Table C-1) 293,462 civil cases filed, and **18,425** appeals filed. There were (Table D-1) 69,466 criminal cases filed with **21,408** appeals. Considering that there are three basis for due process, life, liberty, and property, and that almost all bankruptcy appeals are about property, either the non-Article III bankruptcy judges are far superior to the district court

judges or something else is going on. “The moment the idea is admitted into society, that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence,” (John Adams, Defense of the Constitution of the United States (1787)). Apparently, appeals courts, including the Supreme Court of the United States, have little interest in hearing issues that affect **380,634** of the **743,562** cases filed in the year ending June 30, 2022. With **fifty-one percent (51%)** of case filed being bankruptcy cases yet only **one point four percent (01.4%)** of the appeals were from bankruptcy courts.

To figure this out look at the realities of bankruptcy. Bankruptcy Courts are unique animals that, by their very nature, create an area ripe for abuse, aristocratic attitudes, and malfeasance. In a simple Chapter 7 bankruptcy it is a matter of a balance sheet. You list your assets on one part and then your liabilities. After you subtract the liabilities from the assets anything left goes to the debtor. If there is nothing left, then you reduce the amount of money the creditors receive.

Most of the cases Burch filed were state law issues illegally removed to the bankruptcy court and accepted by a highly bias judge. This case is a textbook example of what a rogue judge can do to destroy a person for appealing cases in his court. A bankruptcy case itself is not an adversarial process. In most cases, the process consists of the bankruptcy petitioner presenting documentation and information to a bankruptcy trustee through a procedure set by the U.S. Bankruptcy Code.

There are multiple reasons for adversary cases. Most advisory cases are filed in the bankruptcy court on an issue or dispute arises that requires resolution by the bankruptcy court. A creditor, the trustee, or the debtor may raise the issue by filing an adversary proceeding with the bankruptcy court. The court resolves the dispute as a separate action within the bankruptcy case. The underlying bankruptcy case does not close until the adversary proceeding ends with settlement or a court decision.

Adversary proceedings require different knowledge and skills than the bankruptcy case itself. The Federal Rules of Bankruptcy Procedure govern adversary proceedings. **FRBP Rule 7001** includes a list of ten types of proceedings that must be filed as adversary proceedings. **No case** filed by Burch, including this one, is included on the list.

There is a bit more to the traditional bankruptcy than written here, but this is the premise. The pool that judges for the bankruptcy courts come from are bankruptcy lawyers. Most bankruptcy lawyers only handle **Chapter 7** and **Chapter 13** bankruptcy plans. It is very rare that a lawyer will handle a **Chapter 11** bankruptcy. Extremely few lawyers who handle bankruptcies know much about state real estate law. Sadly, even fewer know anything about appeals. That means that there is an average of just one appeal per bankruptcy judge in the United States per year.

Because of Judge Mullins bias toward Burch, Burch had five percent of all bankruptcy court appeals in the United States in the year the appeals were filed. Of these sixty percent were late removals from state court (sixteen months in this case) and all but the cases on closing the Chapter 7 (SCOTUS 22-5901) were cases where the bankruptcy court lacked jurisdiction.

According to the almost one-hundred bankruptcy attorney's Burch talked to (Burch was appointed by the Texas Supreme Court as a Public Director of the State Bar of Texas in 2006), the reason attorneys do not want to appeal a bankruptcy case is that they have to appear in front of the judge again and they are afraid of retaliation. It is very rare that any bankruptcy case is moved to the Supreme Court of the United States. So, it is rare that a major issue is brought to the attention of this court.

The issue of bias is important when it concerns a bankruptcy judge because it usually pertains the third leg of the Fifth and Fourteenth Amendments which is property. By a bankruptcy judge being or appearing to be bias regarding property citizens are made to believe that you cannot get a fair shake on property because it usually involves large mortgage companies or banks. The debtor is normally broke at this point, having had all their money removed from them. This petition is important to the Citizens of the United States and the judiciary in that it can help in restoring confidence in the judiciary by making judges follow the constitutions of the United States and the various states as well as the rules put into law by the

legislature and the Supreme Court of the United States, and it will help in reducing the opportunity of lenders and lawyers to take advantage of our citizens.

VI. CONSTITUTION PROVISIONS BANKRUPTCY JUDGE VIOLATED

Why has the Supreme Court of the United States chosen to not hear this case? It involves a violation by a bias judge of all these Constitutional provisions. The judge wrote this new law (this case) to protect lawyers who he had granted immunity to for lying that resulted in millions of dollars being taken away from Burch illegally. The judge knew that no appeals court would ever look into his actions. He even taunted Burch about it. Burch naively believed that the rule of law would prevail. Burch was wrong. The judge was right as evidenced by all the cases appealed by Burch and wrongly dismissed. Not once has a federal appeals court looked at the merits of Burch's cases. However, Burch has prevailed several times with different state court judges. All of these cases were ultimately untimely removed and dismissed on a FRCP 12(b)(6). Interesting how the judge can dismiss on a FRCP 12(b)(6) after having a ruling was made in state court, one of which was on the state equivalent of the FRCP 12(b)(6).

1. U.S. CONST ARTICLE ONE, SECTION 9, CLAUSE 3-No Bill of Attainer or ex post facto Law shall be passed.

2. U.S. CONST ARTICLE THREE-The bankruptcy court is not an Article III court. It is a court that actually falls under Article I as a creation of the legislature and therefore only has powers given to it by the legislature. These do not include anything not covered by the legislature. Vexatious Litigant has not been defined by the legislature
3. U.S. CONST ARTICLE FOUR-Other than the Supreme Court of the United States, no Article I or Article III court has jurisdiction over state courts. To demand that cases and motions be submitted to the bankruptcy judge for permission to file is outrageous. Comity is part of the constitution.
4. U.S. CONST FIRST AMENDMENT-For the Fifth Circuit to demand that Burch agree to withdraw all his cases rather than have the court review the merits is a means of covering up for the bankruptcy courts bias judge.
5. U.S. CONST FIFTH AMENDMENT-Due Process (property)
6. U.S. CONST TENTH AMENDMENT-The bankruptcy courts branding Burch a vexatious litigant when he never removed or filed a new case in the bankruptcy court is just wrong.
7. U.S. CONST FOURTEENTH AMENDMENT- Due Process (property)
8. TEX. CONST. art. I, § 13-Due Process-Due Process
9. TEX. CONST. art. I, § 19-Due Process-Due Process

VII. STATEMENT OF JURISPRUDENTIAL IMPORTANCE

Therapeutic jurisprudence (TJ) studies law as a social force (or agent) which inevitably gives rise to unintended consequences, which may be either beneficial (therapeutic) or harmful (anti-therapeutic). It envisions lawyers practicing with an ethic of care and heightened interpersonal skills, who value the psychological wellbeing of their clients as well as their legal rights and interests, and to actively seek to prevent legal problems through creative drafting and problem-solving approaches. In this case anti-therapeutic jurisprudence due to the actions of the bankruptcy judge cost Burch over one million dollars. The bankruptcy judge, after denying a motion for vexatious litigant sanctions by a defendant *sua sponte* issued a vexatious litigant order based on Burch's motions to remand and the fact that two lawyers working together lied to the court so that millions of dollars in assets could be swept away from him. Burch filed suit against the lying lawyers in state court. The lying lawyers, Mark Stout and Michael Weems, removed the case to the bankruptcy court. The judge dismissed the case and gave Weems and Stout immunity from any lawsuit by Burch against Weems and Stout and later *sua sponte* sanctioned Burch as a vexatious litigant because Weems and Stout were upset.

So, for having stood up against these lying lawyers (they lied in writing and in the hearing (transcripts) and the written motion). They forced a conversion from

a Chapter 11 that was almost finished 2 ½ years early to a Chapter 7 plan that almost five years later is still not closed (SCOTX 22-5901). Writing a new law for vexatious litigant (there is no current law) based on making a lawyer feel bad for lying in and to the court is no basis for destroying a person's life when that person was correct. And to take an oath to uphold the constitution and then to turn around and then defy their oath by becoming the subject of this lawsuit due to their cavalier attitude towards the constitution is the reason most people are afraid of bankruptcy judges. The Fifth Circuit proceeded to dismiss the case without considering the Burch brief and instead used the ruling being appealed as the basis for their sanctions. The actions of bankruptcy judge and the federal courts are the definition of anti-therapeutic jurisdiction. Burch is not the only one taken advantage. This case is a great example of what a bankruptcy judge will do if anyone dares to question their rulings. Judging by the fact that only 1.4% of bankruptcy cases are appealed there have been millions of citizens denied their Fifth and Fourteenth Amendment rights of due process.

IIX. REASONS FOR GRANTING THE PETITION

The issues presented in this petition has a negative effect on millions of citizens every year resulting in billions of dollars in illegal property seizures. Giving due process for life and liberty but denying it for property is creating distrust of the system of justice in the United States. When you cannot even rely on the Supreme

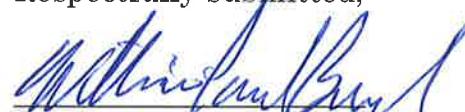
Court or a Circuit Court to deliver justice and protect citizens rights to property then, as John Adams wrote, "The moment the idea is admitted into society, that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence." Ultimately this and all the other related cases should be remanded to a Senior Judge in the Dallas Court (Not Fort Worth due to prejudice of bankruptcy judge) for final distribution to the state courts and/or conclusion for some cases in the Federal Court.

IX. CONCLUSION

For the foregoing reasons and those written in the original petition, Burch respectfully requests that this Court issue a writ of certiorari to review the Order of the Court of Appeals for the Fifth Circuit.

DATED this 3rd day of November 2022

Respectfully submitted,



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