

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

IN THE  
**SUPREME COURT OF THE UNITED STATES**

WILLIAM A. RANKIN-PETITIONER

VS.

COMMONWEALTH LAND TITLE INSURANCE COMPANY'S., ET AL.,

RESPONDENT(S)

COLLENE K. CORCORAN

Trustee

ON PETITION FOR WRIT OF CERTIORARI TO THE  
**UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

**"Petition Writ of Certiorari"**

**"Brief for Respondent"**

**WILLIAN A. RANKIN**

**7436 EVERGREEN**

**DETROIT, MICHIGAN 48228**

**(248) 773 1947**

**comlend2001@yahoo.com**

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*a*

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

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2017

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WILLIAM A. RANKIN

PETITIONER

VS.

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*On petition for a writ of Certiorari to the*

*United States Supreme Co.*

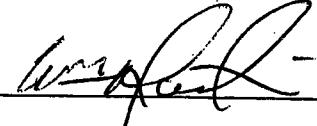
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THIS IS A CONSTITUTIONAL CASE

I, William A. Rankin, a Pro Se for Petitioner William A. Rankin, hereby certify, pursuant to Rule 29.2 that on December 3, 2002, I timely filed Petitioner's petition for writ of certiorari, appendix, motion to proceed in forma pauperis (IFP"), and proof of service in this Court.

Accordingly, the petition was timely filed pursuant to rule 29.2. I declare  
under penalty of perjury that the forgoing is true and correct.

December 13, 2022

Signature 

William A. Rankin  
Pro Se of Record for Petitioner

**QUESTION(S) PRESENTED**

1. Did the Trustee and Respondents, use the Bankruptcy Court intentionally for misuse of a personal or another purpose?

## LIST OF PARTIES

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

A parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Paul Wood, Deceased, Karla Volke Wood;
2. Joel R. Dault; Progressive Title Insurance Agency;
3. Atty Robert T. Detweiler; deceased;
4. Atty Timothy P. Macdonald of Brian Lavan Associates P.C.; deceased;
5. Atty James Lanzetta;; Gen Mg. for Commonwealth Land Title Ins. Co.;
6. Atty David A. Lerner; Plunkett & Cooney PC.;
7. Trustee Colleen K. Corcoran,;
8. Nuveen Assets & Management LLC.
9. Teachers Insurance annuity and association of America

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*Bass v. Hoagland*, 172 F. 2d at 207-08 (defendant did not participate in litigation).

*Bullock v. Philip Morris*, 138 Cal. App . 4<sup>th</sup> 1029 (Cal. Ct. App. 2006) (Judgment)

*Bonner v. State* 1923 OK CR 47, (2/10/1923) (Judgment)

*Haines v Kerner*, 404 U.S. 519, Reversed and Remanded

*Magidson v. Duggan*, 212 F.2d 748, 752 (8<sup>th</sup> Cir. 1954). ( Judgment)

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*"A"*  
**NOT RECOMMENDED FOR PUBLICATION**

No. 22-1667

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Oct 25, 2022  
**DEBORAH S. HUNT, Clerk**

**In re: WILLIAM A. RANKIN; SHIRLEY A.  
RANKIN,**

**Debtors.**

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**WILLIAM A. RANKIN,**

**Appellant,**

**v.**

**BRIAN LAVAN AND ASSOCIATES, P.C., et al.,**

**Appellees,**

**COLLENE K. CORCORAN,**

**Trustee-Appellee.**

)  
ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF  
MICHIGAN

**ORDER**

Before: **BATCHELDER, GIBBONS, and THAPAR, Circuit Judges.**

William Rankin petitions the court for rehearing of its October 6, 2022, order dismissing this appeal.

Upon careful consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it entered the decision. *See Fed. R. App. P. 40(a).*

The petition for rehearing is **DENIED**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

*W B'*  
**NOT RECOMMENDED FOR PUBLICATION**

No. 22-1667

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Oct. 6, 2022

DEBORAH S. HUNT, Clerk

In re: WILLIAM A. RANKIN, SHIRLEY A.  
RANKIN,

Debtors.

---

WILLIAM A. RANKIN,

Appellant,

v.

BRIAN LAVAN AND ASSOCIATES, P.C., et al.,

Appellees,

COLLENE K. CORCORAN,

Trustee-Appellee.

ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF  
MICHIGAN

**ORDER**

Before: BATCHELDER, GIBBONS, and THAPAR, Circuit Judges.

“Every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction . . .” *Alston v. Advanced Brands & Importing Co.*, 494 F.3d 562, 564 (6th Cir. 2007) (quoting *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 95 (1998)). Generally, in a civil case where neither the United States, a United States agency, nor a United States officer or employee is a party, a notice of appeal must be filed within 30 days after the judgment or order appealed

from is entered. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). An appeal that follows intermediate review of a bankruptcy judge's decision by a district court is taken as any other civil appeal, with specified exceptions not applicable here. *See* Fed. R. App. P. 6(b).

In 2019, William A. Rankin filed a motion to reopen his bankruptcy case and to recuse the bankruptcy judge. The district court denied the motion in June 2020. Nevertheless, over the next two years, Rankin submitted numerous filings. The district court denied all pending motions and, in an order entered on February 11, 2022, informed Rankin that no further filings would be accepted in the closed case.

Rankin continued to file motions, which the district court struck from the docket. On May 6, 2022, the district court issued an order directing the clerk's office to strike a motion for summary judgment and a motion to reopen the bankruptcy case. On July 26, 2022, Rankin filed a notice of appeal from the district court's May 6, 2022, order. The appellees have filed motions to dismiss the appeal as untimely.

As the appellees have claimed, Rankin's notice of appeal is late. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a), 26(a). And the statutory provisions permitting the district court to extend or reopen the time to file a notice of appeal do not apply here. *See* 28 U.S.C. § 2107(c). Federal Rule of Appellate Procedure 4(a)(5)(A)(i) requires a party to move for an extension of time to file a notice of appeal "no later than 30 days after" he was otherwise required to file the notice, a period that expired before Rankin filed his notice of appeal. Rankin is likewise ineligible for reopening of the time to appeal, *see* 28 U.S.C. § 2107(c)(1)-(2); Fed. R. App. P. 4(a)(6), because he has not claimed that he did not receive notice of the May 6, 2022, order.

The statutory requirement that the notice of appeal be filed within 30 days after the entry of a judgment is a mandatory jurisdictional prerequisite that this court may not waive. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 20 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Rankin's failure to timely file a notice of appeal therefore deprives this court of jurisdiction.

The motions to dismiss the appeal are **GRANTED** and the appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

C 21  
2022 Page 2 of 3

**ORDER DIRECTING CLERK'S OFFICE TO STRIKE [92, 93]**

On February 11, 2022, the Court issued an order in this closed case denying Debtor/Appellant's motion for reconsideration of his motion to strike and specifying that no further filings would be accepted in this case. (See ECF No. 85, PageID.1013.) Nonetheless, Debtor/Appellant filed two more motions within weeks of the February 11, 2022 order, which the Court struck. (See ECF No. 88.) Thereafter, Debtor/Appellant filed two more motions (ECF Nos. 89, 90), and on May 6, 2022, the Court struck those motions, too. (See ECF No. 91.)

Before the Court are two more motions from Debtor/Appellant: one filed on May 17, 2022 (ECF No. 92) and another filed on July 6, 2022 (ECF No. 93).<sup>1</sup> Both motions violate the Court's February 11, 2022 order prohibiting additional filings in this case. Accordingly, the Court orders the Clerk's office to STRIKE Debtor/Appellant's motions (ECF Nos. 92, 93) from the record. **Further, the Court reiterates that no further filings will be accepted in this closed case.**

**IT IS SO ORDERED.**

Dated: August 26, 2022

s/Judith E. Levy

<sup>1</sup> Debtor/Appellant filed a notice of appeal of the Court's May 6, 2022 order. (ECF No. 94.)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**In re:**

William A. Rankin and Shirley A. Consolidated Case No. 06-13726  
Rankin.

Debtors. Bankr. Case No. 02-30596  
Chapter 7  
Walter Shapero  
United States Bankruptcy Judge

William A. Rankin and Shirley A. Judith E. Levy  
Rankin, United States District Judge

**Appellants, Mag. Judge Michael J.  
Hluchaniuk**

v.

Brian Lavan and Associates, P.C.;  
Commonwealth Land Title  
Insurance Company, a foreign  
corporation; Joel R. Dault;  
Progressive Title Insurance Agency  
Company, a Michigan Corporation;  
Timothy Macdonald; Paul Wood;  
Karla Volke-Wood.

### **Appellees,**

**Collene K. Corcoran.**

Trustee—  
Appellee.

**OPINION AND ORDER DENYING DEBTOR/APPELLANT'S  
MOTION FOR RECONSIDERATION [78] AND DENYING  
DEBTOR/APPELLANT'S MOTION TO STRIKE [80]**

This case is closed, and yet, before the Court are two motions from *pro se* Debtor/Appellant William A. Rankin: (1) a motion for reconsideration of the Court's March 22, 2021 order denying reconsideration of the June 26, 2020 order adopting Magistrate Judge Michael J. Hluchaniuk's Report and Recommendation ("R&R") denying Debtor/Appellant's motion to reopen the case and Debtor/Appellant's motion for summary judgment (ECF No. 78); and (2) a motion to strike (ECF No. 80).

For the reasons set forth below, both motions are denied.

**I. Background**

The procedural history of this case has been discussed at length in previous opinions.<sup>1</sup> Notably, "[t]he underlying bankruptcy proceedings were completed in 2006 (ECF No. 1), appellate review in this Court was completed in 2008 (ECF No. 29), Sixth Circuit review was completed in

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<sup>1</sup> Thorough summaries of this case's procedural history appear in Judge Hluchaniuk's March 17, 2020 R&R (see ECF No. 57, PageID.501–506) and in the Court's March 22, 2021 order (see ECF No. 75, PageID.841–843).

2011 (ECF No. 46), and Supreme Court review was completed in 2016. (ECF No. 51.)" (ECF No. 75, PageID.863–864.)

Relevant to the issues currently before the Court, on December 16, 2019, Debtor/Appellant filed a motion to reopen the case under Federal Rule of Civil Procedure 60(d)(3), in addition to seeking to "reopen" the Supreme Court's denial of certiorari for alleged fraud on the court. (See ECF No. 52.) On March 17, 2020, Judge Hluchaniuk recommended denying Debtor/Appellant's motion to reopen the case in an R&R. (ECF No. 57.) On June 26, 2020, the Court adopted Judge Hluchaniuk's R&R (ECF No. 57), denied Debtor/Appellant's motion to reopen the case (ECF No. 52), and denied Debtor/Appellant's request for an extension of time to file objections to the R&R (ECF No. 59). (See ECF No. 60.)

Thereafter, on July 2, 2020, Debtor/Appellant filed a motion for reconsideration of the Court's order adopting the R&R. (ECF No. 61). Then, on August 17, 2020, Debtor/Appellant filed a motion for summary judgment. (ECF No. 65.) On March 22, 2021, the Court denied both motions. (ECF No. 75.)

On April 5, 2021, Debtor/Appellant filed this most recent motion for reconsideration (ECF No. 78) and on June 1, 2021, he filed this motion to

strike (ECF No. 80). Appellees Collins K. Corcoran, Trustee, and Timothy P. MacDonald oppose both motions. (See ECF Nos. 81, 82.)

## II. Legal Standard

*Pro se* filings "must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)); see also *Williams v. Curtin*, 631 F.3d 380, 385 (6th Cir. 2011). Despite this liberal construction, *pro se* litigants are bound by court rules. See *McNeil v. United States*, 508 U.S. 106, 113, (1993) ("[The Supreme Court] ha[s] never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.") Indeed, a court's "lenient treatment [of *pro se* litigants] has limits, especially when dealing with easily understood instructions." *Prime Rate Premium Fin. Corp., Inc. v. Larson*, 930 F.3d 759, 767 (6th Cir. 2019) (internal citation and quotations omitted).

## III. Analysis

### A. Motion for Reconsideration (ECF No. 78)

Debtor/Appellant's filing (ECF No. 78) is extremely difficult to

follow.<sup>2</sup> Construing *pro se* Debtor/Appellant's filings liberally, see *Erickson*, 551 U.S. at 94, the Court considers this filing as a motion for reconsideration of the March 22, 2021 order (ECF No. 75). The March 22, 2021 order included two rulings (1) denying Debtor/Appellant's motion for reconsideration (ECF No. 61) of the June 26, 2020 order adopting Judge Mluchaniuk's R&R and (2) denying Debtor/Appellant's motion for summary judgment (ECF No. 65).

Federal Rule of Civil Procedure 60(b) outlines the grounds on which a litigant may seek reconsideration of a court's judgment or order, including a mistake, fraud, a void judgment, or any other reason that justifies relief. See Fed. R. Civ. P. 60(b). Here, Debtor/Appellant titles the document "Motion to respond, Court has erred in it[]s opinion and order denying Debtor/Appellant's motion for reconsideration [61] and denying Debtor/Appellant's motion for summary judgment [65]." (ECF No. 78, PageID.935.) In the body of the document, Debtor/Appellant reiterates

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<sup>2</sup> Though Debtor/ Appellant has proven "very capable of advocating on [his] own behalf" (ECF No. 75, PageID.844), the Court has previously noted that his filings are difficult to understand. (See ECF No. 32, PageID.269–279 ("Debtors' motion [ECF No. 30] — to the extent that the Court is able to make sense of it"); ECF No. 75, PageID.849 n.5 (characterizing Debtor/Appellant's fifty-page long, single-spaced filing (ECF No. 62) as "difficult to comprehend.").)

his arguments that the bankruptcy court judge should be disqualified (see *id.*, PageID.936, 941–943) that the Court rejected in its March 22, 2021 order (see ECF No. 75, PageID.855).<sup>3</sup> Debtor/Appellant also argues that the Court erred in its March 22, 2021 order by ruling on “procedural and practice laws and not constitutional laws” and applying the “void” Eastern District of Michigan Local Rule 7.1. (*Id.* at PageID.938–941, 943.) Accordingly, Debtor/Appellant appears to argue that there are grounds for the Court to reconsider its March 22, 2021 order (ECF No. 75) under Federal Rule of Civil Procedure 60(b).

As an initial matter, Debtor/Appellant’s challenge to the application of “procedural laws” and Local Rule 7.1 in the Court’s previous orders is frivolous. Debtor/Appellant provides no authority to support this argument, and the Court is not aware of any, either.

To the extent Debtor/Appellant’s motion seeks reconsideration of the Court’s ruling denying reconsideration of the R&R, it is improper. Courts have interpreted the Local Rules in this District as prohibiting such a motion for years. *See United States v. Rodgers*, No. 10-20235, 2011

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<sup>3</sup> Judge Hluchaniuk also previously rejected these arguments in the March 17, 2020 R&R. (See ECF No. 57, PageID.520–521.)

WL 2746196, at \*1 (E.D. Mich. July 14, 2011) ("The Local Rules do not provide that a party is allowed to file multiple motions for reconsideration of an order."); (see also ECF No. 75, PageID.845.) And the Eastern District of Michigan Local Rules were amended to expressly prohibits such a motion, effective December 1, 2021. See E.D. Mich. L.R. 7.1(h)(4) ("A motion to reconsider an order denying a motion for reconsideration may not be filed."); E.D. Mich., Notice of Amendments to Local Rules (Nov.

10,

2021),

<https://www.mied.uscourts.gov/PDFFiles/ntcProposedAmdDec2021.pdf>.

Beyond the Local Rules, "[r]epeated requests for reconsideration are disapproved and should be viewed with caution, since there is no authority in the rules of civil procedure for seeking reconsideration of the denial of a motion for reconsideration." *Pharmacy Recs. v. Nassar*, No. 05-72126, 2008 WL 11355569, at \*3 (E.D. Mich. Dec. 4, 2008) (citing *Hawkins v. Czarnecki*, 21 F. App'x 319, 320 (6th Cir. 2001)).

The motion is also improper if construed as a motion for reconsideration of the ruling in the March 22, 2021 order denying Debtor/Appellant's untimely motion for summary judgment (ECF No. 65). Again, the case is closed, and summary judgment is not a permissible

post-judgment motion. *See Reed v. Third Jud. Cir. Ct.*, No. 2:08-CV-14836, 2012 WL 488706, at \*1 (E.D. Mich. Feb. 15, 2012) ("Federal Rule of Civil Procedure 56 provides no basis for granting summary judgment in a closed case."). Debtor/Appellant's motion is not allowed under the Local Rules, whether the Court's March 22, 2021 order denying summary judgment is considered "final" or "non-final." Under Eastern District of Michigan Local Rule 7.1 (h)(1), the Court may review a final order or judgment only on "a motion under Federal Rule of Civil Procedure 59(e) or 60(b)." Debtor/Appellant has not demonstrated that there was a mistake, an intervening change in law, or new facts that would warrant a new outcome, as required for the Court to grant a motion for reconsideration of a non-final order under E.D. Mich. L.R. 7.1(h)(3).

Accordingly, this motion is denied.

**B. Motion to Strike (ECF No. 80)**

Though Debtor/Appellant's filing (ECF No. 80) is also extremely difficult to understand, interpreting *pro se* Debtor/Appellant's filings liberally, *see Erickson*, 551 U.S. at 94, the Court will consider this filing

as a motion to strike.<sup>4</sup> Debtor/Appellant titles the document "Notice of Motion to Strike" and quotes Federal Rule of Civil Procedure 12(f) (see ECF No. 80, PageID.957), which provides that a "court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). Further, it appears that Debtor/Appellant seeks to strike what he refers to as a "RUDE."<sup>5</sup> (ECF No. 80, PageID.957 (emphasis in original).)

Construed liberally, this motion to strike is untimely and frivolous. This case initially came to the Court on appeal from a bankruptcy court in 2006, where the parties had the opportunity to litigate the contents of the record. See Fed. R. Bankr. P. 8009 (setting forth the contents of the

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<sup>4</sup> Debtor/Appellant also references summary judgment and argues that he is entitled to summary judgment by referencing a case that applied the Massachusetts Rules of Civil Procedure. (See ECF No. 80, PageID.957-958 (citing *Cassesso v. Comm'r of Correction*, 390 Mass. 419, 422 (1983)).) To the extent this may be interpreted as yet another attempt to seek summary judgment in this Court, as previously explained, summary judgment is not a permissible post-judgment motion. (See, e.g., ECF No. 75, PageID.864 (citing *Reed*, 2012 WL 488706, at \*1).)

<sup>5</sup> Here, it is unclear which documents Debtor/Appellant seeks to strike. However, the Court notes that a motion under Federal Rule of Civil Procedure 12(f) may only be used to strike an aspect of a pleading, as set forth in Federal Rule of Civil Procedure 7(a). See *Harvey v. Pickell*, No. 11-11979, 2013 WL 2634692, at \*6 (E.D. Mich. June 12, 2013). Because this motion is improper for other reasons, the Court need not address whether this aspect of the motion is also prohibited.

record in a district court of an appeal of a bankruptcy case); *see also Gilroy v. Fahl*, No. 19-11426, 2019 WL 5538109, at \*1 (E.D. Mich. Oct. 25, 2019) (applying Fed. R. Bankr. P. 8009 to contents of the record of bankruptcy appeal before a district court); *Barclay v. U.S. Tr., Hackett*, 106 F. App'x 293, 294 (6th Cir. 2004) (affirming district court's dismissal of bankruptcy appeal where party failed to comply with Fed. R. Bankr. P. 8009). Indeed, since the Supreme Court declined to review Debtor/Appellant's case (ECF No. 51), the Court has already denied his two other meritless attempts to reopen this case. (See ECF Nos. 60, 75.)

In any case, Debtor/Appellant moves to strike under Federal Rule of Civil Procedure 12(f).<sup>6</sup> (See ECF No. 80, PageID.957.) Rule 12(f) provides that a court may act on its own or "on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading." Fed. R. Civ. P. 12(f)(2). This case was originally filed in 2002, approximately twenty years ago. The time to file a motion to strike under this rule expired long ago, and this motion is denied.

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<sup>6</sup> Debtor/Appellant quotes from Federal Rule of Civil Procedure 12(f) in the motion. (ECF No. 80, PageID.957.)

#### **IV. Conclusion**

For the reasons set forth above, the Court **DENIES** Debtor/Appellant's motion for reconsideration (ECF No. 78) of the Court's March 22, 2021 order and motion to strike (ECF No. 80). This case remains closed and no further filings will be accepted by the Court.

**IT IS SO ORDERED.**

**Dated: February 11, 2022**  
Ann Arbor, Michigan

s/Judith E. Levy  
**JUDITH E. LEVY**  
**United States District Judge**

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 11, 2022.

s/William Barkholz  
**WILLIAM BARKHOLZ**  
Case Manager

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## **CONSTITUTION**

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## **CONSTITUTIONAL AND STATUTORY**

### **PROVISIONS INVOLVED 28 U.S.C. 2107(a);**

- Rule 4.**
- Rule 4(a)(C)**
- Rule App P. 6(b)**
- Rule (60)(b)**

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States Court of Appeals appears at "Appendix A & B" to the petition and is

reported at \_\_\_\_\_; or

has been designated for publication but is not yet reported; or

is unpublished.

The opinion of the United States District Court appears at "Appendix C" to the petition and is

reported at \_\_\_\_\_; or

has been designated for publication but is not yet reported; or

is unpublished.

## **JURISDICTION**

For cases from federal courts:

The date on which the United States Court of Appeals decided my case  
was October 26, 2022.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of  
Appeal on the following date: \_\_\_\_\_, and a copy of the order  
Denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted  
To and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date)  
in Application No. A,

The jurisdiction of this Court is invoked under 28 U.U.C. §1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**28 U.S.C. 2107(a); Time for Appeal;**

**If Dist. Court ruling are void and jurisdiction; Rule (60)(b) because defendant admit to fraud Sept 10, 2022 with no response; this was in the (Court of Appeals Court) then; (1) the defense, has no protection for their unconstitutional act. (2) the bankruptcy stay was violated; Therefore, there would not be a time limit set. (3) There is a violation of the Fourth AmendmentAct, was an illegal search and seizure. (4) Evidence supports that; defendants used bankruptcy court for their personal scheme.**

**How is one to calculate when Rule 27(a) go into effect.**

**Rule 4. Appeal as of Right—When Taken**

**(a) APPEAL IN A CIVIL CASE.**

**(C) An appeal from an order granting or denying an application for a writ of error *coram nobis* is an appeal in a civil case for purposes of Rule 4(a)(C).**

**Rule App P. 6(b) would say I, am complying. I have the Constitutional Right to protect my home. *Marbury v. Madison* states “All law (rules and practices) which are repugnant to the Constitution are VOID”**

**The Defendants, submitted -Evidence supports that the Court of Appeals err in their decision.**

## STATEMENT OF THE CASE

Did we have sufficient funds?

1. Michigan Law wants to know the primary question is whether the Debtors fully performed their obligations under the land contract<sup>1</sup> Title Company Escrow account says \$286,000.00 in account Feb. 14, 2002 (Ex K-1) for \$280,000.00 to pay off contract. Mich Comp. Laws Ann. 565.361(1) says; is a commitment for contract and Seller's will pay a penalty; if not honored.
2. The evidence by Respondents' was held up intentionally for 865 days.
3. The Ninth Circuit Court of Appeal, In the case of *Pumphrey v. K.W. Thompson Tool Co.*, 62 F.3d 1128, 1131 (9th Cir. 1995) held that a lawyer's failure to disclose evidence during discovery constituted fraud upon the court. Their evidence shows the reason; (intentional Scam and Scheme to embezzlement).
4. Atty (One, Withheld Evidence) The Trustee Corcoran: issue was to use the court to promote a scheme; the Woods for racial discrimination and use the proceeds to pay Trustees' attorney fees; by using the court. <sup>2</sup>

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<sup>1</sup> Mich Comp. Laws Ann. 565.361(1) States: Section 565.361(1) - Payment and performance of contract obligations; conveyance of land.

<sup>2</sup> Subsection (1) of Section 154 provides; A person who being a custodian, trustee, marshal, or other officer of the court., knowingly purchases directly or indirectly any property of the estate of which the person is such an officer in a case under title 11; shall be fined; and shall forfeit the person's office, which shall there upon become vacant.

5. **Plan to defraud;** (1) get the property back to the Wood's. (near a Klu Klux Klan area) pay (her) Trustee debt to Plunkett & Cooney; see (A-20);

**Intent to defraud;** (2) she (Trustee) withheld evidence 490 days,

March 13, 2003 for Specific Performance; to Evidentiary Hearing which started in September 2004; *In Re Case No. GG0314425.*

**It had natural tendency to influence;** (3) Trustee's December 17, 2002, (Ex C-1) Compromise Claim, pg. 2; identical to (Debtors') February 23, 2002; Mitigation Letter, (Ex A-1) 8 days late (Feb 15, 2002) was pay day for the seller's.. She did not use the (Ex F-4) October 15, 2002 subpoena from Progressive Title Insurance Agency.

(4) She used the (Temporary Judge) Court (See pg. 5, lines 7-14, & Ex- 118), Wood's offer to pay \$10,000.00, to the bankruptcy estate; and Woods' get property. Then estates funds to pay off her debt to (Ex-A-20) Plunkett & Cooney's Law firm \$3,000.00 services. Section 152,<sup>3</sup> of Title 18 of the U.S. Code.

(5) Further the scheme; April 16, 2003, (32 days later), (With a different permanent judge) trustee ask the court for an IRS Criminal Division for 2 yrs. (Ex 119 &120).

How this was done. The title agent Joel R. Dault, of Progressive Title Insurance Agency Co., was licensed only 47 days on the job, (Jan. 1, 2002 – Feb. 15 from

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<sup>3</sup>152(4) knowingly and fraudulently present any false claim for proof against the estate of a debtor.

Commonwealth Land Title Ins. Co., Atty James Lanzetta of Commonwealth Land Title Ins. Co.. “A title insurer is liable for the defalcation, conversion, or misappropriation by a title agent appointed by or under written contract with such title insurer of escrow, settlement, closing , or security deposit funds handled by such title agent in contemplation of or in conjunction with the issuance of a title insurance commitment or title insurance policy by such title insurer”.

The General Manager of the area; is responsible for Mr. Daults’ (as being under trained) (Sept. 23, 2022 Mr. Lanzetta did not respond to his Admission Statement) same behavior as in *Whittaker v. Southwestern Life Insurance Company*.

6. The next issue is; Atty (**Two, Withheld Evidence**); if the Bankr. Judge violates his authority of the stay intentionally; Evidence supports he may, by withholding evidence for 280 plus days (No ruling from evidentiary hearing from the end of May 2005-March 11, 2006). Court docket shows we knew nothing about a ruling.

As a debtor (with a stay) we were protected by the bankruptcy code. *Walls v. Wells Fargo Bank, N.A. 276 F.3d 502, 510 (9<sup>th</sup> Cir. 2020)* held that the FDCPA is not needed to protect debtors protected by the automatic stay and other provisions of the Bankruptcy Code.

*Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958) states: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of **the supreme law of the land**. The judge is engaged in acts of treason. The U.S. Supreme Court has stated "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it".

7. Atty (Three Withheld Evidence) Mr. Macdonald of Brian Lavan Associates P.C. Law Firm; replacement (Mr. Detweiler, Ex BB-CC-DD #4 & pg15, lines 12-17); shows (Ex docket pg. 37 of 38; #393 - #394) withheld the Proof of Service.<sup>4</sup> This supports the claim, of Fourth Amendment violation. On September 10, 2022, in the Court of Appeals, Trustee and Mr. Macdonald admit to fraud, through their unresponsive to their Admission Statement. Therefore, no respondents have a response.

#### **SUMMARY OF THE AUGUMENT**

8. Lower federal courts and State courts need guidelines as what the constitutional law is, and not having guidelines can cause extensive litigation as in the case at bar. A good example is the Rooker-Feldman doctrine where this court reigned in Courts of Appeals in the *Exxon Mobile Corp., v. Saudi*

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<sup>4</sup>*Norton v. Shelby County*, 118 U.S. 425 P. 442 "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection."

*Basic Industries* 544 U.S. 280 (2025). In the case at bar the unbridled reigns stopped petitioners void judgment horse. Corruption takes the place of justice when procedural Rules are allowed to be disregarded.

9. Definite guidelines<sup>5</sup> speed up the efficiently of the courts, thereby cutting back on frivolous appeals where parties claim a judgment is void, Courts Would Rather Side with Large Firms by Dismissing on A Non-Jurisdictional Grounds Than Siding with A Pro Se Litigant's Constitutional Rights that have been mandated by this court many times.

10. Judge Posner stated that void "lacks a settled or precise meaning, and [t]he standard formulas are not helpful, See *In re Edwards* 962 F.2d 641, 644 (7<sup>th</sup> Cir. 1992).

In the 1946 amendment to Rule 60 of the Federal Rules of Civil Procedure, the advisory not stated, "It should be noted that Rule 60(b) does not assume to define the substantive law as to the grounds for vacating judgments, but merely prescribes the practice in proceedings to obtain relief.

11. Jeffries; a Comment on the Constitutionality of Punitive Damages, 72 Va. L. Rev. 139 (1986) (Jeffries); Note, the Constitutionality of Punitive Damages under the Excessive Fines Clause of the Eighth Amendment, 85 Mich.L.Rev. 1699 (1987) (Note). ... a chronological account of the Clause and its antecedents demonstrates that the Clause derives from limitations in

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<sup>5</sup>Definite guidelines: Rule 52(a)(1)(6) and rule 58(a)(5). Finding and Conclusions are legal.

English law on monetary penalties exacted in civil and criminal cases to punish and deter misconduct.

12. This Court's cases leave no doubt those punitive damages serve the same purposes -- punishment and deterrence -- as the criminal law, and that excessive punitive damages present precisely the evil of exorbitant monetary penalties that the Clause was designed to prevent.

13. (Holmes, J., dissenting), the Eighth Amendment does not incorporate the views of the Law and Economics School. The "Constitution does not require the States to subscribe to any particular economic theory." *CTS Corp. v. Dynamics Corp. of America*, 481 U. S. 69, 481 U. S. 92 (1987). Moreover, as a historical matter, the argument is weak indeed.

14. They used the Bankruptcy Court to do the scheme<sup>6</sup> regardless of whether it is ultimately determined to be property of the estate. *Meagher v. United States*, 36 F.2d 156 (9<sup>th</sup> Cir. 1929). Evidence supports that the eviction was April 11, and proof of service Apr. 12, 2006. *Jones v. H Mayer Co.* 392 US (1968)<sup>7</sup>;

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<sup>6</sup>18 U.S.C. § 153 provides: Whoever knowingly and fraudulently appropriates to his own use, embezzles, spends or transfers any property or secretes or destroys any document belonging to the estate of a debtor which came into his charge as trustee, custodian, marshal, or other officer of the court, shall be fined. Or imprisoned... or both.

<sup>7</sup> Promote a discrimination scheme

15. All officers of the court are hereby placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *Haines v Kerner*, 404 U.S. 519,

16. *Platsky v. C.I.A.*, 953 F.2d. 25, and *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000) relying on *Willy v. Coastal Corp.*, 503 U.S. 131, 135 (1992), “*United States v. International Business Machines Corp.*, 517 U.S. 843, 856 (1996), quoting *Payne v. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring).

17. *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647, *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8th Cir. 07/25/2001).

18. *In re Haines*: pro se litigants (Defendant is a pro se litigant) are held to less stringent pleading standards than BAR registered attorneys. *In re Anastasoff*: Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. All litigants have a constitutional right to have their claims adjudicated according the rule of precedent.

19. See *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs or their arguments are not sufficient for a motion to dismiss or for summary judgment, *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

## REASON FOR GRANTING THE PERTITION

### THE EMBEZZLEMENT SCHEME

1. Was the finding of my submitted evidence support the Respondents' use of 11 U.S.C. 523(a)(2)<sup>8</sup> "False Statements"<sup>9</sup> to violate the Debtors rights?

*Inre Schewer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

states: "when a state law in a manner volatile of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

Submitted misleading exhibit 15 U.S.C.A. 1692ej, Furnishing deceptive forms; Rule 52 of the Federal Rules of Civil Procedure, 28 U.S.C.A., when (1) not supported by substantial evidence, (2) contrary to the clear preponderance of the evidence, or (3) based upon and erroneous view of the law. *Magidson v. Duggan*, 212 F.2d 748, 752 (1954).The authorities also, refunded the estate and discharged the trustee. *Schneider v. Duggan*, 364 F.2d 316, 317 (1966).

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<sup>8</sup>Trustees and other fiduciaries may channel money that is intended for one purpose into another direction altogether. Or they may knowingly fail to account for monies received that are intended for a client.

<sup>9</sup>Scott Harris. "Defalcation." Accessed May 12, 2021.

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The Judge has acted in the judge's personal capacity and not in the judge's judicial capacity.

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed and "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest the he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

"No State shall make or enforce any law which shall ...deny to any person within its jurisdiction the equal protection of the laws." See *Strauder v. West Virginia*, 100 U.S. 303 (1879).

This would mean, instead of me only having a 1% chance of a hearing, it could possibly see my case ruled; as less than a day; to make a ruling on. This could increase my chances significantly of being heard. My family and I,

have suffered "needlessly" for 20 years, for buying a home in good faith. I believe we have paid the price for this request.

2. We request that the Respondent, Plunkett and Cooney P.C. Law Firm pay the court cost immediately for the Petitioner case.

In our Statement of Claim-Debt, we request this Law Firm pay us up front and collect the debt from the other respondents.

And naturally, because Plunkett and Cooney P.C. Law Firm was part of the embezzlement scheme (\$3,000) and there are no responses and no guidelines under the Eight Amendment for private parties; this entire request can be granted immediately. I see this as a win, win situation. The Court got paid immediately for its services; with minimal time, possibly less than hours invested and the Petitioners' are made whole. For this reason and the time it would take to decide; I believe the constitutional law would allow this request, maybe instantly.

#### **STATEMENT OF CLAIM-DEBT**

#### **TYPE OF CLAIMS**

#### **42 USC §1983/FOURTH AMENDMENTS**

Violation of Discrimination Section 1982 & Section 1983 for evilness; IIED, Fraud, Grossly Negligence, Cause of Action, Specific Intent, Actual Malice, Willfulness; Search and Seizure

## **RELIEF CLAIM**

We wish to use each defendants gross wealth of a total of (5%-22% Percent) The clear understanding is; Fidelity National Financial Inc , bought Commonwealth Land Title Ins with others Title Companies December 22nd, 2008 with a wealth of 5.5B by Chairman William P. Foley III; Fidelity National Financial Inc (NYSE:FNF) Shares Bought by Nuveen Asset Management LLC Posted by Joseph McCarthy on Oct 2nd, 2019 Nuveen Asset Management LLC raised its holdings in Fidelity National Financial Inc.,

Teachers Insurance and Annuity Association of America (TIAA) acquired Nuveen Asset portfolio April 14<sup>th</sup> , 2014 of \$231B. That was Nuveen gross wealth; therefore, we are asking for TIAA/Nuveen Asset Nuveen (TIAA) gross wealth is; over a trillion dollars to Two Trillion Dollars which is our understandings, therefore \$450 Billion Tax Free is our request. However, (TIAA) Headquarters' is moving, meaning Nuveen Asset Management is not getting (TIAA) correspondence in Chicago at. 333 West Wacker Drive, Chicago, IL 60606.

***“The amount of the claim, is not the issue; the issue, is based on due process”***

### **Special Sanction Requests**

Plunkett and Cooney P.C. Law Firm will pay the Supreme Court, the court cost immediately for the Petitioner case.

**Sanctions Requested**

Special request for frivolous filings;

- a. From: Collins Einhorn and its Attorney or Attorneys of \$11,700,000.00,Eleven Million Seven Hundred Thousand Dollars Tax Free, for frivolous fillings; paid immediately on court signing date of Order.
- b. From: Hertz Schram P.C. Law Firm and its Attorney or Attorneys of \$12,700, 000.00, Twelve Million Seven Hundred Thousand Dollars Tax Free, frivolous fillings ;paid immediately on court signing date of Order.
- c. From: Trustee Colleen K. Corcoran \$150,000.00 One Hundred Fifty Thousand Dollars Tax Free paid immediately on court signing date frivolous fillings.
- d. Special request for Discovery Abuses; withholding evidence for over 865 days; all rewards (Tax free) on all Appellees stated on Caption. Their Evidence shows March 13, 2002 to July 28, 2004, evidence was held.
- e. Teachers, Insurance, and Annuity Association of America:/Nuveen Asset Management; Commonwealth Land Title Insurance Company a foreign corporation;

- f. Request of \$2 Billion Dollars, paid within (5) Five days of Order signed and will be deducted from the \$450 Billion requested; or will increased to
- g. \$4 Billion Dollars and no deduction from the \$450 Billion requested; Tax Free. This Request will be fulfilled in Ninety Days from this Order.
- h. Because Plunkett Cooney PC is a major law firm with over 200 lawyers they can be assigned through Court Order to fulfill our request (no guidelines and they have no response to our request to take the lead of recovery from these Appellees below): Also, they Will pay the request up front and get their recovery from the remainder Appellees; not to mention they embezzled property and money from the court. My research says they are a Billion Dollar law firm; therefore, this request is reasonable. That they pay the Orders to me and they know the laws for the decease and other participants; along with the man power to see that this request is done properly.

Furthermore; all requested sanction and fines are taken care of along with the \$150 Million Dollar request. Again, they have knowledge, man-power, the law and the money to honor our request. Or they know how to get it. We have suffered long enough through these fraudulent ventures. Our request is reasonable. This Request will be fulfilled in Ninety Days from this Order.

- i. Furthermore, I may have another opportunity that they may be interested in.

The remaining Appellees: Brian Lavan and Associates, PC; deceased; Atty James Lanzetta; Joel R. Dault; Progressive Title Insurance Agency company a Michigan corporation; Atty David A. Lerner; Plunkett Cooney PC a Michigan corporation; Atty Timothy Macdonald; Atty Robert T. Detweiler deceased: Paul Wood, Deceased, Karla Volke Wood; Colleen K. Corcoran, Trustee. Request of \$5 Million Dollars, paid within (5) Five days of Order signed and will be deducted from the \$150 Million requested; or will increased to \$10 Million Dollars, on day (6) six and no deduction from the \$150 Million Tax free requested. This Request will be fulfilled in Ninety Days from this Order.

- j. This Court can grant us our request because; *Bass v. Hoagland*, 172 F. 2d at 207-08 (defendant did not participate in litigation). Our case shows none of the Appellees could or should be able to participate in this litigation because of their misconduct and fraudulent processes.

#### PLEADING AND PARTICULARS

- k. The Pro Se lack of experience and does not know how to calculate the fines of Discrimination, IIED, Fraud, Grossly Negligence, Cause of Action, specific intent, actual malice, willfulness; and Search and Seizure.

- l. Reason for coming to 5% - 22% is, the Petitioner believe the lesser request would not put much burden on the lesser wealth. Additionally, the This Request will be fulfilled in Ninety Days from this Order. Believe there would not have an incentive to detour their actions. Once again, the This Request will be fulfilled in Ninety Days from this Order. I have no control of one's wealth, but everyone should shoulder equal debt ratio; according to one's wealth. For that reasoning the formula, can satisfy the request.
- m. The Respondent's wealth is an important part of the punitive damages equation. In *Las Palmas Assocs. v Las Palmas Center Assocs.* (1991)235 CA3d 1220, 1243, 1 CR2d 301, the court stated.
- n. Because punitive damages are intended to punish the wrongdoer, a wealthy wrongdoer should face a higher punitive damages award than a less wealthy party. *Neal v Farmers Ins. Exch.* (1978)21 C3d 910, 928, 148 CR 389 ("the function of deterrence . . . will not be served if the wealth of the defendant allows him to absorb the award with little or no discomfort").
- o. Therefore, this Honorable Court can award our request of \$150 Million Dollars Tax Free from Plunkett and Cooney P.C. Law Firm and \$450 Billion Dollars, Tax free from, Nuveen Asset Management and Teachers Insurance and Annuity Association of America; to the Appellant(s) with

their requested instructions. There will be a 5% increase if Respondent's go over the 90 days deadline.

I submitted a testimony from my experience of dealing with a major Oil Company President; that was willing to support me on a Multi- Billion Dollar Saving and Loan Bank. My supporters did not think I could get the money raised and procrastinated on not having the proper documents available for the Federal Deposit Insurance Corporation (FDIC) FDIC requirements available for the Thrift. (FYI) "Immediate Settlement is Welcome".

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Smith". The signature is written in a cursive, flowing style and is underlined.

Date: December 13, 2022

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

**IN THE  
SUPREME COURT OF THE UNITED STATES**

**WILLIAM A. RANKIN-PETITIONER**

**VS.**

**COMMONWEALTH LAND TITLE INSURANCE, ET AL., RESPONDENT(S)**

**COLLENE K. CORCORAN**

**Trustee**

**PROOFOF SERVICE**

I, William A. Rankin do swear or declare that on this date, December 13, 2022, as required by Supreme Court Rule 29 I have served the enclosed: Motion Under FRCP 59 (e) Authorizes A MOTION TO ASK LEAVE TO PROCEED AS A VETERAN on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

Atty Michael James Vice Pres.  
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Attn Litigation Dept  
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(312) 917-7700

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Brian Lavan and Associates, P.C. (deceased)  
Robert T. Detweiler (deceased)

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Elizabeth C. Thomas  
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Ithomson@hertzschram.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 2022

William A. Rankin  


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