

22-6859

ORIGINAL

1 EDDIE TURNER
2 PRO PER
3 428 EAST CONCHA STREET, ALTADENA, CA 91001
4 213) 810.2068
5 et8166@yahoo.com

Supreme Court, U.S.
FILED

DEC 17 2022

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

7 EDDIE TURNER,

8 Petitioner,

9 vs.

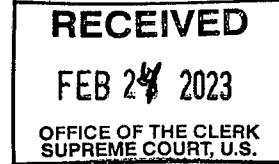
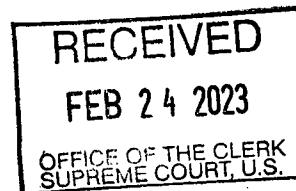
10 U.S. BANK NATIONAL ASSOCIATION et
11 al.,

12 Respondents

Case No.: Supreme Court of California Case
No. S276450; Court of Appeal Case No.
B304804; Superior Court Case No. BC600838

ON PETITION FOR A WRIT OF
CERTIORARI TO THE SUPREME COURT
OF THE UNITED STATES

15 INTRODUCTION AND QUESTIONS OF LAW PRESENTED TO THE U.S. SUPREME COURT



ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES - 1

QUESTIONS PRESENTED

A void deed of trust is without legal effect. It binds no one and is a mere nullity. Such a contract has no existence whatsoever. It has no legal entity for any purpose and neither the inaction (*failing to answer request for admission*) of a party, nor the actions (*answering request admission*) of a party can validate it. A void thing is nothing. A void transaction cannot be rectified or validated by the parties to it even if they so desired. A homeowner who has been foreclosed on by one with no right to do so has suffered an injurious invasion of his legal rights at the foreclosing entity's hands (Yuanova v. New Century Morg. Corp., 62 Cal. 4th 919.)

The following questions are presented.

- 1) Have the Defendants satisfied all three factors of the doctrine of claim preclusion, which demands; (1) the claims in the present action be identical to the claims litigated in a prior proceeding; (2) the prior proceeding resulted in a final judgment on the merits; and (3) the party against whom the doctrine is being asserted was a party or in privity with a party to the prior proceeding?
- 2) Is a demurrer legally considered a ruling on the merits, which can be used for claim preclusion? Can a demurrer validate a void deed of trust?
- 3) Were the past causes of action in Case No. B247883 identical to these present causes of action under this review? Can the cause of actions in either case validate a void deed of trust?
- 4) Can a deed of trust, considered void “ab initio” pass privy to a nonaffiliated third-party? Can a deed of trust, considered void “ab initio” legally pass title?
- 5) Did petitioner present an “affirmative defense” to the defendants’ claim preclusion defense in his opening brief, in his reply brief, and in his motion for reconsideration contrary to the 2nd District Court of Appeal’s “2DCA” claim that he did not? Did petitioner’s “affirmative defense” recite Judge Linfield’s initial August 8th, 2016, ruling that rejected the defendants’ initial claim preclusion defense in verbatim? Can the defendants’ preclusion defense validate a void deed of trust?

1 6) Does Judge Michael Linfield's initial ruling on August 8th, 2016, regarding claim preclusion
2 contradict his final ruling on January 7th, 2020, regarding the defendants' same exact
3 recycled claim preclusion defense? Is it the duty of this reviewing court to settle the
4 controversial, contradicting, and outstanding "question of law" regarding claim preclusion
5 in this petition?

6 7) Does this case not mirror the same exact circumstances presented in *Boyd v. Freeman* (18
7 Cal. App. 5th 847, 227 Cal. Rptr. 3d ... - Cal: Court of Appeal, 2nd ..., 2017), a precedent
8 case in which 2DCA determined that a demurrer based on the statute of limitations is a
9 "technicality" ruling and not a ruling "on the merits?" Can a "technicality" ruling validate a
10 void deed of trust?

11 8) Does the Seventh Amendment state?

12 In suits at common law, where the value in controversy shall exceed twenty
13 dollars, the right of trial by jury shall be preserved, and no fact tried by a jury,
14 shall be otherwise re-examined in any Court of the United States, then according
15 to the rules of the common law?

16 9) Does a "question of fact" unanimously decided upon by a criminal jury, protected by Re-
17 examination Clause of the 7th Amendment, re-affirmed by the 2nd District Court of Appeal,
18 refused review by the Supreme Court of California, reaffirmed by a U.S. District Court,
19 Case No. 2:20-cv-00830-AB-KS, and reaffirmed by a U.S. District Court of Appeal, Case
20 No. 21-55710 become a "ultimate fact," for all further proceedings? Can the jury's
21 reaffirmed ruling declaring deed of trust 2007-074-5400 forged or fraudulent and not
22 considered recorded because it is not considered genuine or in other words void legally pass
23 title?

24 10) Does the jurors' ruling declaring deed of trust "DOT" 2007-074-5400 forged or fraudulent
25 and not considered recorded because it is not considered genuine automatically grant
26 petitioner's first ground for cancelation of instruments by "operation of law, "thus defeating
27 the defendants' summary judgment, again by "operation of law?"

28

1 EDDIE TURNER
2 PRO PER
3 428 EAST CONCHA STREET, ALTADENA, CA 91001
4 213) 810.2068
5 et8166@yahoo.com

6

7 IN THE SUPREME COURT OF THE UNITED STATES

8

9 EDDIE TURNER,

10 Petitioner,

11 vs.

12 U.S. BANK NATIONAL ASSOCIATION et
13 al.,

14 Respondents

15 Case No.: Supreme Court of California Case
16 No. S276450; Court of Appeal Case No.
17 B304804; Superior Court Case No. BC600838

18 ON PETITION FOR A WRIT OF
19 CERTIORARI TO THE SUPREME COURT
20 OF THE UNITED STATES

21 INTRODUCTION AND QUESTIONS OF LAW PRESENTED TO THE U.S. SUPREME COURT

22 BY A JUDGE IN NO POSITION, PERIOD!

23 I. INTRODUCTION

24 Petitioner TURNER RESPECTFULLY Appeals
25 the Superior Court of Los Angeles's UN-
26 Constitutional RULING and Requests Review
27 of the further controversial July 20th, 2022,
28 affirmation made by the Court of Appeal "COA",
Second Appellate District. On September 20th,
2022 the Supreme Court of California declined
to REVIEW, so the court of last resort with a
WRITTEN OPINION will be the COA. The following
petition involves Constitutional and debatable

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES - 1

RECEIVED (2)

DEC 20 2022

OFFICE
SUP.

THE CLERK
COURT, U.S.

IN ADDITION A DEMURRER IS NOT A
JUDGMENT BASED ON THE MERITS OF THE
CASE AND CANNOT BE USED AS A DEFENSE TO
PREDICTION

1 MATTERS CONCERNING the 14th Amendment, the 7th
2 Amendment prior precedent rulings, a "material
3 fact" that CANNOT be re-examined, opposing
4 rulings made by the same judge, the petitioner's
5 personal property. The Ruling of the Superior
6 Court of Los Angeles and the affirMATION by the
7 Court of Appeal Second Appellate District is BEYOND
8 EGREGIOUS AND IS IN direct violation of the DUE
9 Process Clause guaranteed by the 14th Amend-
10 ment. The 14th Amendment guarantees equal
11 protection of the law AND forbids ANY state
12 from depriving ANY person of property without
13 first granting them their day in court. This
14 court of review has an absolute duty to
15 exercise its supervisory power by virtue of the
16 Constitution of the United States that ensures
17 equal protections of the law. Further, This
18 court has an absolute duty to review this
19 UNIQUE AND PRECEDENT petition, which cross-
20 references, controversial rulings for the sake
21 of future legal consistency in judgments

22 This petition is UNIQUE because there have
23 been conflicting rulings, made by the same judge,
24 concerning the same exact facts. A demurrer
25 is either a ruling on the merits AND CAN
26 be used for claim preclusion/res judicata or
27 NOT. JUDGE LINFIELD'S final ruling CONCERNING
28 the aforementioned "question of law" is in

1 direct opposition of his initial ruling, thus
2 making it AN OUTSTANDING AND UNRESOLVED
3 "QUESTION OF LAW" for this court to REVIEW,
4 RESOLVE, AND REMAND!

5 This petition is further UNIQUE because there
6 is a "material fact," which CANNOT be RE-
7 EXAMINED by the State of California due to
8 the RE-EXAMINATION CLAUSE found in the 7th
9 Amendment. JURORS IN A PRIOR CRIMINAL MATTER
10 found the deed of trust, "BOT" CENTERED IN
11 both the prior criminal matter AND CENTERED
12 in this CURRENT CIVIL MATTER before your court
13 for review was "forged or fraudulent" AND NOT
14 considered RECORDED because IT IS NOT CONSIDERED
15 genuine" OR IN OTHER WORDS VOID! The jurors'
16 RULING was a precedent ruling, thus making
17 it a "matter of fact" for this review. The
18 JURORS' RULING is legally an "ultimate fact"
19 that the state of California must accept
20 because this "ultimate fact" has already
21 been affirmed by the Court of Appeal, 2nd
22 Appellate District, presented to the Supreme
23 Court of California that passed on review,
24 affirmed by the U.S. District Court, Central
25 Division, AND REAFFIRMED by the U.S. District
26 Court of Appeal.

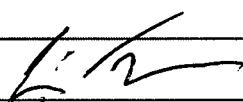
27 Thus, Deed of Trust 2007-074-5450 has been
28 affirmed VOID by the State of California, CANNOT

Legally pass title! This is "material & ultimate fact" the state of CALIFORNIA MUST accept because the state has forfeited its jurisdiction to further re-examine the validity of said Deed. The law in California is straight forward AND a VOID, NOT CANOT be made valid AND CANOT pass title. The "question of law" for this review court to RESOLVE review AND RESOLVE INVOLVES rather AN UNANIMOUS decision made by 3 JURY in a prior CRIMINAL matter CAN be used for collatery estoppel? This is the last court of resort, which possess the jurisdiction to re-examine this precedent AND OUTSTANDING question of law AND the court has an absolute duty to review AND TO RESOLVE

California's law is straight forward AND a judgment which is VOID UPON its face AND which requires only AN INSPECTION of the judgement roll AND prior. precedent rulings to demonstrate its wants of validity is a dead limb upon the judicial tree. Which should be lopped off, if the power to do so exists:

People v. GREEN, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. It has also been held that it is NOT necessary to take ANY PRE-REQUISITE steps to have a VOID judgment reversed, vacated or set aside. It may be impeached in ANY action directly or by

1 collateral appeal, Holder v. Scott, 396 S.W.2d
2 906, Tex. Civ. App., TEXARKANA, 1965 WRIT REF.
3 N.R.E.J. It is clear and well established that
4 A VOID judgment CAN be challenged in ANY court.
5 A judgment is VOID if the court acted in a
6 MANNER INCONSISTENT with due process, Fed.
7 Rules Civ. Proc. Rule 60(b)(4), 28 U.S.C.A.,
8 U.S.C.A. CONST.

9
10  10/17/22

11 Eddie TURNER, in propria persona
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

1	INTRODUCTION.....	1
2	QUESTIONS PRESENTED	6
3		
4	PETITION FOR A WRIT OF CERTIORARI	13
5		
6	OPINIONS/RULINGS	13
7		
8	JURISDICTION.....	13
9		
10	THE STANDARD OF REVIEW.....	13
11		
12	CLAIM PRECLUSION.....	14
13		
14	BACKGROUND.....	14
15		
16	<i>On August 8th, 2016, Judge Linfield ruled initially ruled:.....</i>	16
17		
18	<i>January 7th, 2020, Judge Linfield ruled in opposition of his initial ruling:.....</i>	20
19		
20	CONCLUSION & PRAYER FOR RELIEF.....	21
21		
22		
23		
24		
25		
26		
27		
28		

PARTIES TO THE PROCEEDINGS BELOW

- NATIONSTAR MORTGAGE, C.O. AKERMAN LLPP, JUSTIN D. BALSER, 601 W. Fifth St., STE 300, L.A., CA 90071
- FIDELITY NATL. TITLE INS. CO., C.O. PETER J. VEIFUELA, 915 Wilshire Blvd., STE 2100, L.A., CA 90017
- ARIN CAPITAL AND INVESTMENT CO., C.O. Nussbaum APC, Wayne M. Abb, 27489 Agoura Road, STE 102, Agoura, CA 91301
- OFFICE OF THE ATTORNEY GENERAL, P.O. Box 944255, Sacramento, CA 94244-2550

TABLE OF AUTHORITIES

Cases

<i>Aguilar v. Atlantic Richfield Co.</i> (2001) 25 Cal.4th 826	15
<i>Aguilar</i> , at p. 850	15
Case Number B272452	19
Case Number S257833	20
<i>Doe v. Roman Catholic Archbishop of Los Angeles</i> (2021) 70 Cal.App.5th 657	15
<i>Goddard v. Security Title Ins. & Guar. Co.</i> (1939) 14 Cal.2d 47	20
<i>Goddard v. Security Title Ins. Guar. Co.</i> (1939) 14 Cal.2d 47	21
<i>Hampton v. County of San Diego</i> (2015) 62 Cal.4th 340	15
<i>Holder v. Scott</i> , 396 S.W.2d 906	3
<i>Lackner v. LaCroix</i> (1979) 25 Cal.3d 747	21
<i>Luebke v. Automobile Club of Southern California</i> (2020) 59 Cal.App.5th 694, 702	15
<i>People v. Greene</i> , 71 Cal.100	3
<i>Regents of University of California v. Superior Court</i> (2018) 4 Cal.5th 607	15
Tex.Civ.App., Texarkana, 1965, writ ref., n.r.e	3
<i>Valdez v. Seidner-Miller, Inc.</i> (2019) 33 Cal.App.5th 600	15
<i>Yuanova v. New Century Morg. Corp.</i> , 62 Cal. 4 th 919	25
<i>Yvan, Supra</i> , 62 Cal.4th	24

Constitutional Provisions

Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const..... 3

Evidence Codes

EVID §623 14

1 Amendments

2 Fifth Amendment.....	13
3 Fourteenth Amendment	1, 2, 6, 13
4 Seventh Amendment.....	1, 2, 13

5 Rulings

6 June 15 th , 2021	19
7 On August 8 th , 2016, Judge Linfield ruled as followed.....	15
8 On August 8th, 2016, Judge Linfield ruled as followed:.....	15

10 Civ Code of Proc

11 Code Civ. Proc., § 437c, subd. (c)	11
---	----

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

APPENDIX

Note, the court transcripts for this petition are over 3,000 pages. Petitioner is filing in pro per and is required to file in paper format. Petitioner has included the cover page to volume 1 and the table of contents for authentication of exhibits. Page numbers on the exhibits can be cross-referenced to the court's original transcript.

Exhibit A - LASC Case No. BA424226-01, jurors' instructions, verdict sheets

Exhibit B - LASC Case No. BA424226-01, notifications of the fraud & Victim Restitution claim

Exhibit C - LASC Case No. BC600838, Judge Linfield's, May 12th, 2016

Exhibit D - LASC Case No. BC600838, Judge Linfield's, Aug 8th, 2016

Exhibit E - LASC Case No. BC600838, Judge Linfield's, Jan 7th, 2020

Exhibit F- COA Case No. B304804, Appellant's Opening Brief

Exhibit G - COA Case No. B304804, Respondent's Brief

Exhibit H - COA Case No. B304804, Appellant's Reply

Exhibit I - 2DCA Opinion/Ruling

Exhibit J - Petitioner's Motion for Rehearing

Exhibit K - The State of California Supreme Court's Denial for Review

Exhibit L - Boyd v. Freeman, 2DCA Case. No. B279246

Exhibit M - Yyan, Supra, 62 Cal.4th

Exhibit N - Turner v. U.S. Bank, filed complaint

Exhibit Q - Turner v. Bank of America, Complaint

Exhibit P - Turner v. Bank of America 2DCA Case No. B247883, Opinion

Exhibit Q - Petitioner's Grant Deed 2005-018-7798

Exhibit B - Forged or fraudulent deed of trust 2007-074-5400

Exhibit S Assignments of Rents, 2010-044-2572; 2013-146-1919

Exhibit T Trustee's Deed of Sale 2015-026-6890; Grant Deed 2016-092-9087

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully petition for a writ of certiorari to review the unjustifiable summary judgment awarded to the defendants by the California Court Judicial System, which includes the Los Angeles Superior Court, the Courts of Appeal, Second Appellate District and the Supreme Court of California, which denied review. All state legal remedies for correction have been exhausted.

OPINIONS/RULINGS

Petitioner Eddie Turner “PETITIONER” appeals Nationstar’s Joinder in U.S. Bank’s “DEFENDANTS” Motion for Summary Judgment, or in the alternative, Summary Adjudication Judgment granted by the Los Angeles Superior Court on January 7th, 2022, affirmed by the California Court of Appeal on July 20th, 2022, and declined for review by the Supreme Court of California on September 20th, 2022 (see APPENDIX, exhibits E, I, K.)

Note, Petitioner is appearing in pro per and will be mailing his petition in accordance with the “mailbox rule” and expects deliver delays because the holiday season.

JURISDICTION

The Supreme Court of California and highest state court stated: “*having received Petitioner’s petition for review within the Court’s original jurisdiction and on its own motion extended the time to November 17, 2022 (Cal. Rules of Court, rule 8.512(c).). On September 20, 2022, the Supreme Court of California denied the petition for review (see Appendix, exhibit J.)*

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

THE STANDARD OF REVIEW

There are three basic categories of decisions reviewable on appeal, each with its own standard of review: decisions on “questions of law” are “reviewable de novo,” decisions on “questions of fact” are “reviewable for clear error,” and decisions on “matters of discretion” are “reviewable for abuse of discretion.”

Summary judgment is appropriate *ONLY* if there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. (Code Civ. Proc., § 437c, subd.

1 (c); *Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607, 618
2 (Regents); *Doe v. Roman Catholic Archbishop of Los Angeles* (2021) 70 Cal.App.5th 657,
3 668.) ““““We review the trial court’s decision de novo, considering all the evidence set forth
4 in the moving and opposing papers except that to which objections were made and
5 sustained.”” [Citation.] We liberally construe the evidence in support of the party opposing
6 summary judgment and resolve doubts concerning the evidence in favor of that party.”””
7 (*Hampton v. County of San Diego* (2015) 62 Cal.4th 340, 347; accord, *Doe*, at p. 669; *Valdez*
8 *v. Seidner-Miller, Inc.* (2019) 33 Cal.App.5th 600, 608.)

9 A defendant moving for summary judgment has the initial burden of presenting evidence
10 that a cause of action lacks merit because the petitioner cannot establish an element of the
11 cause of action or there is a complete defense. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar*
12 *v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 853; *Valdez v. Seidner-Miller, Inc., supra*, 33
13 Cal.App.5th at p. 607.) If the defendant satisfies this initial burden, the burden shifts to the
14 petitioner to present evidence demonstrating there is a triable issue of material fact. (Code
15 Civ. Proc., § 437c, subd. (p)(2); *Aguilar*, at p. 850; *Luebke v. Automobile Club of Southern*
16 *California* (2020) 59 Cal.App.5th 694, 702-703.) We must liberally construe the opposing
17 party’s evidence and resolve any doubts about the evidence in favor of that party. (Regents,
18 *supra*, 4 Cal.5th at p. 618; *Valdez*, at p. 608.)

19 CLAIM PRECLUSION

20 The granting of claim preclusion demands that all the following criteria be
21 satisfied: (1) a claim in the present action is identical to a claim litigated in a prior
22 proceeding; (2) the prior proceeding resulted in a final judgment on the merits; and (3) the
23 party against whom the doctrine is being asserted was a party or in privity with a party to the
24 prior proceeding (see APPENDIX, exhibits E & G.)

25 BACKGROUND

26 Petitioner’s lawsuit strictly deals with superior title and property rights regarding two
27 parcels of land located at 2436 North Altadena Drive, Altadena, California, 91001 “THE
28 PROPERTY” granted to the petitioner in 2005 (see Appendix, exhibit P.) The defendants

1 began purchasing beneficial rights in 2010 from Mortgage Electronic Registration System
2 "MERS," identified by Instrument No. 2007-074-5400, which has since been ruled forged or
3 fraudulent and not considered genuine or in other words void (see Appendix, exhibit A, Q,
4 R.) The fraudulent loan associated with void DOT 2007-074-5400 was not a matter before
5 the Los Angeles Superior Court "LASC," which by operation of the law is now an unsecured
6 debt that cannot be recouped for by foreclosure (see APPENDIX, exhibits A, B, C.)

7 Defendants had no legal standing to foreclose on the Property in accordance with the
8 provisions contained in forged or fraudulent DOT 2007-074-5400 and have no further legal
9 standing to pursue the petitioner for his property rights or damages. Besides, a fraudulent
10 deed of trust passes no privy by operation of law. The defendants had never loaned the
11 petitioner any money, paid off his original 2005 mortgage, or contracted with him personally.
12 The defendants had no legal standing to take the law into their own hands and foreclose on
13 the Property, illegally sale the Property from underneath the petitioner to collect on an
14 unsecured debt or grant the Property to the current party illegally on title. Defendants must
15 seek whatever damage claims they have from the party who occasioned their losses, which
16 would be MERS.

17 Petitioner has established superior title and has undeniably defended his title; County
18 Instrument No. 2005-018 -7798 (see APPENDIX, exhibit P.) Deed of trust "DOT" 2007-
19 074-5400 has been ruled forged or fraudulent and not considered recorded because it is not
20 considered genuine and cannot be rectified, nor validated (*Yuanova v. New Century Morg.*
21 *Corp.*, 62 Cal. 4th 919; see APPENDIX, exhibit M.) Neither the defendants, nor the court's
22 opinion have disputed petitioner's superior title with legal argument, supported with
23 precedent law.

24 Instead of defending title or opposing petitioner's First Cause, the defendants have
25 wasted their legal efforts arguing a senseless summary judgment based on claim preclusion.
26 Defendants have miserably failed to establish the criteria for claim preclusion, which
27 demands the prior judgment reliant on was on the merits, the causes of action are identical,
28 and the defendants were a party with the prior action or a party in privity with the prior party.

1 A judgment based upon the sustaining of a demurrer for technical or formal defects is
2 not on the merits and thus is not a bar to the filing of a new action (*Goddard v. Security Title*
3 *Ins. & Guar. Co.* (1939) 14 Cal.2d 47, 52.) The facts in this case mirror *Boyd v. Freeman*
4 (18 Cal. App. 5th 847, 227 Cal. Rptr. 3d ... - Cal: Court of Appeal, 2nd ..., 2017.) The
5 termination of an action by a statute of limitations is . . . technical or procedural, rather than a
6 substantive, termination (*Lackner v. LaCroix* (1979) 25 Cal.3d 747, 751 [159 Cal.Rptr. 693,
7 602 P.2d 393].) A judgment not rendered on the merits does not operate as a bar. (*Goddard*
8 *v. Security Title Ins. Guar. Co.* (1939) 14 Cal.2d 47, 52 [92 P.2d 804]; *Passanisi v. Merit-*
9 *McBride Realtors, Inc.* (1987) 190 Cal.App.3d 1496, 1511 [236 Cal.Rptr. 59].) A demurrer
10 sustained on a statute of limitation technicality is not a determination on the merits and
11 therefore cannot be used for res judicata or collateral estoppel defenses; *Aerojet General*
12 *Corp. v. American Excess Ins. Co.* (2002) 97 Cal.App.4th 387, 400;

13 **On August 8th, 2016, Judge Linfield ruled initially ruled:**

14 *"Defendants argue that Petitioner's claims are barred by res judicata or*
15 *collateral estoppel because of a previous action brought by Petitioner for which a*
16 *judgment was entered following the sustaining of a demurrer. Even if the Court*
17 *were to take judicial notice of the documents from the other action, Petitioner*
18 *would nonetheless reject this argument. A demurrer is not a determination on the*
19 *merits and therefore cannot be used for res judicata or collateral estoppel*
20 *defenses. (Aerojet General Corp. v. American Excess Ins. Co. (2002) 97*
21 *Cal.App.4th 387, 400.) Moreover, the instant action is based at least in part on*
22 *conduct occurring after the court in the previous action sustained the demurrer.*
23 *(See APPENDIX, exhibit D)*

24 Judge Linfield's ruling from August 8th, 2016, has put the defendants on notice for
25 several years that a demurrer is not a determination on the merits and therefore cannot be
26 used for claim preclusion. The Defendants have basically recycled their exact same 2016
27 argument that was previously denied without presenting any new legal arguments, supported
28

1 with precedent law to support their motion for summary judgment, based on the same exact
2 claim preclusion defense.

3 Moreover, as Judge Linfield recited and originally ruled; “this lawsuit is based on
4 conduct occurring after the court in the previous action sustained the demurrer.” The
5 previous lawsuit’s causes consisted of 1) actual fraud, 2) fraud by conspiracy, 3) fraud by
6 respondent superior, and 4) false certification of acknowledgement by respondent superior in
7 regard to the fraudulent recording of void DOT 2007-074-5400 against the Property
8 conducted by representatives of Countrywide Home Loans (see APPENDIX, exhibit N
9 versus exhibit O.) During the duration of the initial lawsuit (2012-2015) title was not an
10 issue because title was in petitioner’s name and petitioner was still in possession of the home.
11 The jury did not rule that DOT 2007-015-5400 was indeed void until 2016 and only several
12 months after the illegal foreclosure. Void deeds are considered void “ab initio” and cannot
13 be made valid.

14 Petitioner initially filed civil lawsuit LASC Case No. GC049341 for 1) actual fraud, 2)
15 fraud by conspiracy, 3) fraud by respondent superior, and 4) false certification of
16 acknowledgement by respondent superior in relationship to the recording of fraudulent deed
17 of trust “DOT” 2007-074-5400, by Countrywide Home Loans. On July 15th, 2015, 2nd
18 District Presiding Justice Edmond, 2nd District Justice Egerton, and 2nd District Judge
19 Kitching, in the Court of Appeal, Case No. B247883, filed and affirmed an order sustaining a
20 demurrer and judgment against Petitioner Turner based on the a “statute of limitation”
21 technicality.

22 On March 23rd, 2016, jurors in Los Angeles Superior Court Case No. BA424226 ruled
23 that deed of trust “DOT” 2007-074-5400 was forged or fraudulent and not considered
24 genuine or in other words void. The Re-examination Clause of the Seventh Amendment
25 protects this ruling and no fact tried by a jury, shall be otherwise re-examined in any Court of
26 the United States (see APPENDIX, exhibit A.) The Fourteenth Amendment’s Equal
27 Protection Clause requires states to practice equal protection. Equal protection in this matter
28 relates to petitioner’s superior title and property rights and the California judicial system, in

1 conjunction with the Attorney General's Office had an "absolute duty" to see that
2 Petitioner's superior title remained superior by ordering the Property's title cleared. The
3 Fifth Amendment guarantees that no one shall be "deprived of life, liberty or property
4 without due process of law." Due process requires that legal matters be resolved according
5 to established rules and principles. In this matter, the defendants' Trustee's Deed of Sale is
6 vacated by operation of law and all succeeding recordings against the Property are canceled
7 too, by operation of law.

8 The facts above vacates U.S. Bank's Trustee's Deed Upon Sale and all succeeding
9 recordings against the Property by operation of law, thus granting petitioner's First Cause by
10 default and thus overturning the defendant's summary judgment. The granting of petitioner's
11 First Cause (cancelation of instruments) establishes petitioner's remaining outstanding
12 causes, and the case must be remanded to the Superior Court for a jury's determination of
13 damages. On May 12th, 2016, Judge Linfield validated and explained the remaining causes
14 in detail (see APPENDIX, Exhibit C, starting at page 6 of 8.)

15 The California Supreme Court has also recently declared that a homeowner who has been
16 foreclosed on by one with no right to do so has suffered an injurious invasion of his legal
17 rights at the foreclosing entity's hands and this fact also establishes Petitioner's remaining
18 outstanding causes of action and the case *MUST* be remanded for a jury's determination on
19 damages (Yvan, *Supra*, 62 Cal.4th.) Neither the defendants, nor the court's opinion have
20 disputed petitioner's superior title with legal argument, supported facts and precedent law.
21 Again, Judge Linfield on May 12th, 2016 ruled the same in verbatim (see Appendix, exhibit
22 C, page 6.)

23 Following the criminal trial both Defendant U.S. Bank and Defendant Nationstar
24 conceded to the jurors' ruling that affirmed DOT 2007-074-5400 was indeed forged or
25 fraudulent and not considered genuine or in other words void when they overtly filed for
26 victim's restitution (see APPENDIX, exhibit B.) Whenever a party has, by his own
27 statement or conduct, intentionally and deliberately led another to believe a particular thing
28 to be true and to act upon such belief, he is not, in any litigation arising out of such statement

1 or conduct, permitted to contradict it [EVID §623]. The victim restitution claim also noted
2 the fact that the defendants took the law into their own hands and foreclosed on The Property
3 with said void deed.

4 Defendants' Response Brief contradicted their original claims of also being victims of
5 void DOT 2007-074-5400 and their new contradicting claims of having foreclosed with a
6 validated deed violations EVID §623 and shall be viewed as a disregard of the code.
7 Defendants' original claims of being a victim in conjunction with EVID §623 has create an
8 estoppel that holds them accountable for their original statement that conceded to the jury's
9 ruling, which affirmed DOT 2007-074-5400 was forged or fraudulent and not considered
10 genuine or in other words void and they took the law into their own hands when they
11 foreclosed with said void deed.

12 Furthermore, the jury's ruling that DOT 2007-074-5400 was forged or fraudulent and not
13 considered genuine or in other words void was affirmed by the Court of Appeal, Second
14 District, Case Number B272452, which specifically included Attorney General Xavier
15 Becerra, Chief Assistant Attorney General Gerald A. Engler, Assistant Attorney General
16 Steven D. Matthews, Deputy Attorney General Chung L. Mar, 2nd District Judge Bendix, 2nd
17 District Judge Weingart, and 2nd District Acting Judge Chaney.

18 The Supreme Court of California in Case Number S257833 declined to review. All state
19 remedies to challenge the jurors' ruling, which determined that DOT 2007-074-5400 was
20 indeed forged or fraudulent and not considered genuine or in other words void have been
21 exhausted, thus making this is a fact that the State of California along with the defendants
22 and Judge Michael Linfield must accept. The State of California's judicial system (Superior,
23 Appellant, & Supreme) lacked "appellate jurisdiction" to consider any further oppositions on
24 this "undisputed fact" and the defendants' ranting Response Brief and wrongfully awarded
25 summary judgment falls on "deaf ears" regarding the matter.

26 Furthermore, on July 17, 2019, the jury's ruling that DOT 2007-074-5400 is forge or
27 fraudulent and not considered genuine or in other words void was re-affirmed by the Second
28 District's Court of Appeal, Case Number B272452, by Attorney General Xavier Becerra,

1 Chief Assistant Attorney General Gerald A. Engler, Assistant Attorney General Steven D.
2 Matthews, Deputy Attorney General Chung L. Mar, 2nd District Judge Bendix, 2nd District
3 Judge Weingart, and 2nd District Acting Judge Chaney.

4 **January 7th, 2020, Judge Linfield ruled in opposition of his initial ruling:**

5 *The Court finds that the doctrine of claim preclusion bars Plaintiff's claims in the
6 present action as (1) a claim in the present action is identical to a claim litigated
7 in a prior proceeding; (2) the prior proceeding resulted in a final judgment on the
8 merits; and (3) the party against whom the doctrine is being asserted was a party
9 or in privity with a party to the prior proceeding. (See People v. Barragan (2004)
10 32 Cal.4th 236, 253.)*

11 *Plaintiff has opposed this motion. However, Plaintiff's opposition and
12 responsive separate statement cite to no evidence to contradict any of
13 Defendants' material facts. Therefore, Plaintiff has not met his burden to
14 demonstrate that a triable issue of material fact exists to prevent the doctrine of
15 claim preclusion from applying.*

16 *Although not necessary for the Court's decision today, the Court also
17 notes that on October 9, 2019, the Court granted Nationstar's Motion to Deem
18 Requests for Admission Admitted. On November 15, 2019, the Court denied
19 Plaintiff's motion for reconsideration of that order. Even if the Court were not to
20 have found claim preclusion, Plaintiff's admissions in these two dozen Requests
21 for Admission would require the Court to grant the Motion for Summary
22 Judgment. Among other admissions, Plaintiff has admitted that:*

23 This later January 7th ruling is in direct opposition of Judge Linfield's original ruling, on
24 August 8th, 2016, regarding claim preclusion and rather the prior ruling resulted in a final
25 judgment on the merits. This supreme court of review has an absolute duty to review both
26 rulings, de novo for correctness & consistency and overturn one of them. Regardless, the
27 case must be remanded because petitioner's First Cause is granted by operation of law and
28 petitioner's must be decided upon by a jury.

Moreover, recently as of June 15th, 2021 Attorney General Xavier Becerra, Chief Assistant Attorney General Lance E. Winters, Senior Assistant Attorney General Susan Sullivan Pithey, Supervising Deputy Attorney General Kenneth C. Byrne, Deputy Attorney General Ana R. Duarte, United States Magistrate Judge Karen L. Stevenson, and United States District Judge André Birotte Jr. all reaffirmed the jurors' ruling that DOT 2007-074-5400 is forged or fraudulent and not considered genuine or in other words VOID [United States District Court Case No. CV 20-00830-AB (KS).]

No court within the territory of the United States has the authority to enforce forged contracts or fraudulent contracts not considered genuine. Only genuine documents deserved to be recorded at the county recorder's office. But, if a non-genuine document gets recorded it is considered non-recorded, gives no legal notice, and is a nullity by operation of law. An unrecorded deed in the eyes of the law, considered forged or fraudulent in the eyes of the law, and not considered genuine in the eyes of the law, cannot be rectified nor enforced (Yvan, Supra, 62 Cal.4th.) The Defendants Trustee's Deed Upon Sale based upon the contractual provisions of void DOT 2007-074-5400 is vacated by operation of law.

CONCLUSION & PRAYER FOR RELIEF

The jurors' ruling that voids DOT 2007-074-5400 is protected and unchallengeable because the State of California's judicial system lacks the appellant jurisdiction to hear, to consider, or to rule any further on the validation of DOT 2007-074-5400 and the State of California's judicial branch, the defendants, and Judge Linfield must accept the fact that said deed of trust is void. The Supreme Court of California has affirmed that a void instrument cannot be rectified or validated by the parties to it even if they so desired (Yvan, Supra, 62 Cal.4th.) The Supreme Court of California has affirmed that neither the inactions, nor the actions of a party, including wrongfully granted admissions, nor petitioner's criminal convictions could validate a void contract (Yvan, Supra, 62 Cal.4th.)

Summary judgment ruled in the favor of the Defendants based on claim preclusion must be reversed because defendants have not satisfied any of the mandatory criteria, which demands (1) "FIRST" that a previous final judgment be based on the merits to satisfy a claim

1 preclusion ruling in their favor, (2) "SECOND" demands identical causes of action to satisfy
2 a claim preclusion ruling in their favor and (3) "THIRD" that the defendants be in privy with
3 the prior party in the prior lawsuit. Working backwards, forged or fraudulent deeds are not
4 considered recorded because they are not considered genuine and are deemed void "ab initio"
5 and are incapable of passing privy, the cause of actions in the initial lawsuit are not identical
6 to the actions under review in this current writ of certiorari, and last but not lease, the final
7 previous civil case did not result in a ruling on the merits versus a technicality related to the
8 running of the statute of limitations .

9 Finally, the jurors' ruling that DOT 2007-074-5400 is void vacates the defendants'
10 unjustly granted summary judgment, grants petitioner's first cause for "cancelation of
11 instruments" by 'operation of law' and petitioner's remaining several causes of action (2
12 through 4 & 5 to be added) are still outstanding and awaits a jury's final determination when
13 the case is remanded back to the State of California. Awarding summary judgment is only
14 appropriate when there are to trialable matters, and this is not the case. Trustee's Deed Upon
15 Sale, Instrument No. 2015-026-6990 was illegally conducted according to the provisions of
16 void DOT 2007-074-5400 and is vacated by "operation of law." The jurors' cancelation
17 vacates all succeeding instruments in the Property's chain of title "by operation of law,"
18 which then again vacates the defendants' summary judgment.

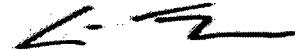
19 In addition, the illegal transfer of Parcel No. 5857-015-001 (the lot) also vacates the
20 Defendants' Summary Judgment. The Property is a unique and consist of two separate lots,
21 which are identified by two separate parcel numbers. Void DOT 2007-074-5400 was never
22 recorded against the lot, thus this parcel was never legally sold and title was illegally
23 transferred out of petitioner's name by way of an illegal foreclosure. The trustee's deed of
24 sale reports the sale of one parcel, yet the grant deed reports the granting of two parcels (see
25 APPENDIX, exhibit S)

26 All 2015 recordings and the all 2016 recordings on the Property have already been
27 canceled by operational of the law, thus this case must be remanded back to the Superior
28 Court of Los Angeles to officially clear the Property's chain of title for both parcels, issue an

1 unlawful detainer, and then forwarded on to a jury to make rulings on the remanding causes
2 of action and for the jurors to determine punitive damages to deter further similar illegal
3 transfers of title. This petition for a writ of certiorari should be granted and the case must be
4 remand for petitioners' remaining claims related to punitive damages, slander of title &
5 etcetera, to clear title and issue an unlawful detainer.

6 The wheels of justice turn slowly but grind exceedingly fine.

7 Respectfully Submitted,

8 

9 Dated: Thursday, December 15th, 2022, Petitioner in pro per

10 USPS Tracking No.

11 9565 5067 1726 3051 7352 12

12 Eddie Turner – et. doc