



22 - 6975

No: _____

In the Supreme Court of the United States

JODY D KIMBRELL

Petitioner

v.

BANK OF AMERICA, NA, etal

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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Petitioner/Pro Se

QUESTION PRESENTED

Title 24 is the federal regulations of the FHA Mortgage program. This case presents a Petitioner denied due process by the Federal District Court in abuse of discretion and refusing to litigate the cause of an alleged forged FHA mortgage under federal venue.

Does an accused to be an FHA borrower have right to face the bank claiming they hold a legally obtained FHA mortgage, in federal venue under Title 24 regulations that demands all required FHA documents must be presented to foreclose a 2013 FHA mortgage as regulated under federal law not state law?

Parties to the Proceedings

Petitioner: Jody D Kimbrell was the defendant in state case 18-ch-420 the movant in Federal case 22-1348 and the appellant in Seventh District case 23-1139.

Respondent: Bank of America, NA was the plaintiff in 18-ch-420, respondent in 22-1348; the Central District of Illinois Judge Michael Mihm answered for them in the removal reconsider motion and the Seventh Court of Appeals went along with the District Court judge.

The added defendants to case 18-ch-420 who could not answer due to their debt was discharged by the Federal bankruptcy Court, answering to collect would violate Federal Bankruptcy Code.

Respondent counsel never responded like the other 18 lawyers who did not respond to any pleading or state court orders.

Meister Plumbing, Inc; Republic Bank of Chicago; Federal National Mortgage Assoc (FNMA) (under conservatorship of FHFA an agency of HUD); Foresite Realty Partners aka Jamie Haddac, receiver for FNMA; Tri-County Masonry & Concrete, LLC an expired Mechanics lien

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TABLE OF AUTHORITIES

Case 1. *Perry v. Sheet Metal Workers' Local No. 73 Pension Fund*, 585 F.3d 358 361 (7th Cir. 2009) Here the Seventh Circuit reprimanded the District Court for lax attention to the Rules. Whenever a district court issues an order (i.e., an order from which an appeal lies) but fails to enter its judgment in a separate document, the appeal period begins to run 150 days from the docket entry of the order.

In this case before the Court, the Seventh Circuit failed to follow its own ruling. In addition, under Fed. R. App. P. 4(a)(6), the Court will find that a party who did not receive notice under Fed. R. Civ. P. 77(d) of the entry of final order, within 21 days, tolls the time to appeal to 180 days after entry of judgment making the appeal deadline May 4, 2023.

Case 2. In *Medical Supply Chain Inc. v. Neoforma Inc.*, 508 F.3d 572, 575 (10th Cir. 2007), the 10th Circuit ruled that each order must be considered separately for compliance with Rule 58.

FRCP 58(a)(c)

Case 3. Federal law in *Jesinoski et ux. v. Countrywide Home Loans, inc.*, et al. certiorari to the United States Court of Appeals for the Eighth Circuit No. 13–684. Argued November 4, 2014—Decided January 13, 2015; 729 F.3d 1092, reversed and remanded for the bank not following federal regulations.

State Courts are not equipped to rule on Federal regulations, but banks get away ignoring Title 24 obvious when the Respondent refused to provide the required FHA documents, played musical chairs switching in and out multiple attorneys, law firms, and ignored every state court order to provide them.

Title 24 Subtitle B (100-4199) Regulation relating to HUD, Chp. II (200-299) Subchapter A Part 200 FHA Programs, Subchapter B (201-267) regulates FHA mortgages not State law.

II. Jurisdiction

The judgment of the court of appeals was entered on February 16, 2023. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

III. Relief Prayed For

While this Court cannot repair the fractures done by the Respondent to the Petitioner, it can render justice to the Petitioner who faced off with a trillion-dollar bank claiming they held a legitimate 2013 FHA mortgage to foreclose and take Petitioner's home by;

Reversing Seventh Circuit dismissal February 16, 2023 that ignored abuse of discretion and denial of due process by the District Court by;

Vacating Central District of Illinois remand order November 4, 2022; Motion to Reconsider November 15, 2022 Text order denied; with final order entered January 23, 2023 that vacates all actions in 18-ch-420 that proceeded the action and

Order a new trial in Federal venue where the Respondent must follow the regulations of the FHA mortgage program pursuant to Title 24.

IV. STATEMENT OF THE CASE

A. History of in Forma Pauperis Status

Petitioner is retired and on Social Security. While the fee would not be a problem the printing of 40 booklets is extremely high and why petitioner included forma pauperis affidavit and motion to proceed as such.

B. District Court Decision

Order to Remand November 4, 2022; Motion to Reconsider November 14, 2022; Magistrate Judge TEXT order denied November 15, 2022. No final document entered or sent to the non ECF pro-se filer defendant. (PET APP 1)

Petitioner Appealed January 20, 2023.

January 23, 2023 District Court denied reconsider, denied ECF filing and denied application to proceed in forma pauperis. Ordered to pay fee to Appeals Court by February 23, 2023

January 23, 2023 District Court issues final order of the November 15, 2022 text order. (PET APP 2)

January 25, 2023 pursuant to Federal appeals FRAP 8(a)(1) Petitioner Motions District Court to Reconsider the January 23, 2023 final order.

Respondent Bank of America, NA had till February 8, 2023 to respond, oppose, argue, deny.

Respondent Bank of America, NA did not respond, oppose, argue or deny stay of the remand.

Then by TEXT order sua sponte, District Court Judge Michael M. Mihm denied and mailed Petitioner a copy of the text order.
February 9, 2023 (PET APP 3)

C. Seventh Circuit's Decision

The Seventh Circuit dismissed case 23-1139 for lack of jurisdiction and totally ignoring Rule 58. (PET APP 4)

V. Reason for Granting the Petition

a. Due Process is a Right Under the Constitution

Federal Courts have rules that must be followed. Abuse of discretion corrupts those rules and this Court must cleanse the abuse from the system.

b. The FHA Mortgage Program a Privilege under Federal Law

The National Housing Act of 1934 created the Federal Housing Administration (FHA), which was established primarily to increase home construction, reduce unemployment, and operate various loan insurance programs regulated under Title 24

State Courts are un-informed of Title 24 regulations and are not equipped to handle FHA foreclosure cases. The FHA program was started to help low-income persons to buy a house. It has low down payment, adjusted qualifications requirements, provides modification programs if in a 30 year mortgage, life throws a curve ball and banks are guaranteed if the loan defaults.

Approved FHA lenders can be penalized if they break the rules by committing fraud waste and abuse in the FHA program.

An alleged forged 2013 FHA mortgage is violation of federal law but banks in the FHA program violate Title 24 regulations daily and most low-income persons cannot fight a trillion-dollar bank with multiple lawyers. Banks get away with it in State Court venue because they can.

Everyone who participates in the FHA Mortgage program are required to follow the policies and regulations of the Federal FHA program and;

When Petitioner asked for the required 2013 FHA mortgage documents, the 2007 paid FHA documents and payments, September 14, 2014, respondent Bank of America, NA should have produced them as a matter of federal law regulated under Title 24 instead by

documented proof Respondent participated in the following shenanigans;

Manufactured an alleged forged 2013 FHA Mortgage against Petitioner's Eddlemon Rd property June 11, 2013 notarized by;

An inactive Illinois notary June 11, 2013 by Bank of America, NA employee Jason Lee Weaver in Ohio, named on a June 4, 2013 document, with Petitioner's names, found in the PA Securities Commission records when they shut down Vantage Point Bank for FHA mortgage document fraud in 2014.

Respondent used an electronic tracking system to assign a phantom 2013 FHA mortgage dated September 19, 2014 called; (MERS), authorized by an asst secretary (MERS) and notarized by the stolen identity of a CA notary.

Respondent used the same electronic tracking system to assign the 2013 FHA mortgage from a closed for FHA fraud in 2016 servicer financial entity EQUIFIRST CORP February 9, 2019 that included;

An August 14, 2017 lawyers adjusted legal description to add a 2nd house to the 2013 FHA mortgage that wasn't built till 2015 then; Reformed the legal (as a scrivener error) February 14, 2020.

Proceeded into a State Court December 18, 2018 and Filed foreclosure as an Illinois mortgagee on a 2013 FHA mortgage (that was sold to HUD-GNMA securities July 31, 2013) without an assignment from HUD GNMA or FHA with an affidavit by phonebook gotten respondent VP, and notarized by a non-existent Texas notary.

The 2013 FHA mortgage (does not exist on Petitioner's credit reports), has a misspelled street address; wrong legal description, additional property, wrong tax ID numbers;

Plus the Respondent remitted a mortgagee policy to HUD FOIA March 7, 2022 with a title policy number that does not exist, (and has all the errors a HUD underwriter missed but approved to insure it under the FHA mortgage program) included with;

2013 FHA documents typed using 2022 fonts and missing the June 13, 2013 fax date on most of the created documents.

Petitioner is a 32 yr. managing Real Estate broker and knows what is required to have a legitimate FHA mortgage.

Respondent Bank of America, NA had none of the FHA requirements and committed multiple misconduct in multiple courts of law.

VI. The Case Presents an Issue of National Importance.

The FHA mortgage program has modifications to avoid foreclosure. With the misconduct Petitioner was a victim of, it presents the reason why only 5% modification is FHA lender approved and FHA foreclosures multiplying. It is more profitable for the lender to foreclose take the property or sell it way under the judgment, then collect on the federal insured FHA mortgage from HUD.

It would be a blessing if FHA lenders would be forced into the federal venue where they would be required to prove they follow Title 24 to the letter.

In state court Title 24 regulations are just suggestions totally ignored by a foreclosing lender.

FHA lenders would run to approve modification, have all the required documentation to even start an FHA foreclosure and millions of FHA borrowers could remain in their homes as the program intended without the Respondent shenanigans the Petitioner faced.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully remitted this

March 3, 2023

"/s/" Jody D Kimbrell, Petitioner

CERTIFICATE OF COMPLIANCE

As required by Rule 33.1(h)

I, Jody D Kimbrell certify the above captioned case complies with the word limitations of this Court, containing total 2213. The word limits do not include the documents exempt by rule 33.1(d). The word processing system used is Microsoft Word

I declare under penalty of perjury that this document contains an accurate word count according to the word count in the program

March 3, 2023

"/s/" Jody D Kimbrell

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