

No. 22-810

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

ANDREA ROSEN LIEBMAN

Petitioner

Vs.

OCWEN LOAN SERVICING, LLC.

FUTURA MIAMI INVEST, LLC.

Respondents

ON PETITION FOR WRIT OF CERTIORARI

TO

11TH CIRCUIT COURT OF APPEALS

**MOTION FOR REHEARING ON MERITS
(APPENDIX C ATTACHED SEPARATELY)**

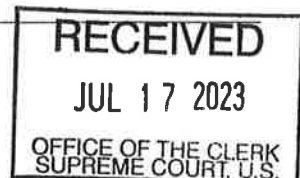
Andrea R. Liebman *Pro se*

P.O. Box 3661

Hallandale, Fl. 33009

786-375-7938

JUNE 21, 2023



1. Did the 11th U.S. Court Of Appeals err when the 3 Judge Panel & 12 Judge En Banc Panel Per Curiam issued the 11-2-21 Opinion Affirming the Bankruptcy use of an Arbitrary Nunc Pro Tunc Technique after the *Willful* Violation of 5-14-15, that is in direct conflict with the Supreme Court 2-24-20 Archdiocese V. Acevedo, Et al.?

2. Does not the lack of enforcement of this Case lead to total disrespect for *Acevedo*, making it moot with a ripple effect for U.S. Supreme Court Justices diminishment of past, current, future Opinions/ authority over all the Lower Tribunals & Judges below; encourage, (not discourage) future *abuse of process*, affecting entity(s) & person(s) now certain to experience continued *Willful* Violations, weakening 11 U.S.C. 362 Automatic Stay & 362(k)(1); leading to billions, trillions of \$ of confiscations, foreclosures?

LIST OF PARTIES

Andrea R. Liebman

Ocwen Loan Servicing LLC.

Futura Miami Invest LLC.

Bailey, Jennifer: Dade County Circuit Judge

Beach Club Villas Condominium Association ("BCV")-Creditor Matrix

Cech Samole, Brigid F.: Counsel for Appellee (Ocwen)

Clemente, Katherine: Coimsel

Cristol, A. Jay: U.S. Bankruptcy Judge

Deutsche Bank National(Ocwen)

Gomez, Michael W., P.A. for Beach Club Condo Assoc.

Greenberg Traurig, P.A., Counsel for Defendants/Appellees (Ocwen)

Lenard, Joan A.; U.S. District Court Senior Judge

Liebman, Jay

Mancebo. Guillermo, Counsel for BCV

Menach, Andrea, Counsel for Appellee (Ocwen)

Meyer, Robert C., Counsel for Appellee (Futura)

Newman, Ari, Counsel for Appellee (Ocwen)

Ocwen Financial Corporation: Defendant/Appellee

Perez-Medina, Luis, Miami-Dade Circuit Judge

Richards, John, Counsel for BCV

Rook, Mathew, Counsel for BCV

Scola Jr., Robert N.; U.S. District Court Judge

Torres, Edwing G.: U.S. District Magistrate Judge

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Appendix C (Please Note: attached to Motion For Rehearing On Merits 6-21-23)

Exhibit # 1A: Order Denying Motion For Rehearing Or Clarification

(Doc.127) Made on 7-21-15 Filed On 7-21-15 “It further appears that the Court is without jurisdiction to even consider this motion....”

Exhibit #1B: Order Vacating Order Granting Debtor’s Motion To Stay 5-14-2015 Foreclosure Sale [D.E. 42].....

Exhibit # 1: Transcript April 8, 2015 (Doc. 158) Hearing Re: Reinstating Case & Limiting Automatic Stay...

Exhibit # 2: Transcript April 29, 2015 (Doc. 159) Motion For Hearing On 4-29-2015 To Stay May 14, 2015 Foreclosure Sale

Exhibit # 3: Transcript May 13, 2015 (Doc. 160) Hearing Granting Oral Automatic Stay Stopping 5-14-15 Foreclosure Sale...

Exhibit # 4: Transcript June 3, 2015 (Doc. 161) Re: May 13, 2015 Motion To Impose Stay & Cancel Sale...

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Exhibit #7: Transcript August 26, 2015 (Doc. Dade Cty Circuit) Motion On Writ Of Possession By Futura (Note: Court Lacked Jurisdiction)

Exhibit # 8: Transcript February 7, 2017 (Doc. 282) Analyzing The Lenard Memorandum & Remand 9-7-16/Need For Evidentiary

Exhibit # 9: Transcript March 8, 2017 (Doc. 281) Motion To Reinstate Case

Exhibit # 10: Transcript April 4, 2018 (Doc. 409) Hearing On Futura & Michael Frank Esq. Claiming Entitled To \$42,592.83 In Trust

Exhibit # 11: Transcript May 24, 2018)Doc. 420 Order To Show Cause BCV, Futura, & Ocwen Should Not Be Ordered To Disgorge Overpayments

Exhibit # 12: Transcript June 20, 2018 (Doc. 437) Hearing On Motion For Relief From Judgment Rule 60

Exhibit # 13: U.S. Bankruptcy Docket For Case #15-13372-AJC From 2-25-15 thru 3-10-22

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Exhibit # 27: Corrected Amended Emergency Motion For Rehearing On 6-16-15 (Confirmation Hearing Attached Corrected Amended Supporting Affidavit With Exhibits/Witnesses – Extremely Important- filed 6-29-15 Doc 101 243 Pgs. Approx

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Exhibit # 30: WHILE UNDER APPELLATE JURICDICTION -NOTICE OF APPEAL – Filed 7-2-15 Doc. 108 – Under Judge Lenard- Therefore Void On Face ORDER OF JUNE 27, 15 ORDER VACATING ORDER GRANTING DEBTOR'S MOTION TO STAY 5-14-15 FORECLOSURE SALE (DE 42)

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S. Supreme Court Archdiocese of.....Writ Pg. #s 1,15,17-19
 San Juan v. Acevedo Feliciano, S. Ct. 696 (2020). 2-24-20 Supreme
 Court's holding concerning nunc pro tunc relief Per Curiam

Arbitrary Black Law's Dictionary define: Writ Pg. #s 1,24-25,
 "Not supported by fair, solid, and substantial cause, and without
 reason given. Treloar v. Bigge, L.R. 9 Exch. 155.

In re: Jawish, 260 B.R. 564, 570 (Bankr. Writ Pg. #s 15
 M.D. Ga. 2000) actions taken in violation of the automatic stay
 are void ab initio or lacking legal effect.

In re: Joe Frank Ford Sr., Bankruptcy Writ Pg. #s 19
 No. 02-50780-PWB, Adversary No. 02-5047. Motion For Rehearing 14

Kolstad v. American Dental Assn., 527 U. S. 526, 540 (1999)
 The Court has not always confined itself to
 the set of issues addressed by the parties.

Malautea v. Suzuki Motor Co., 987 F.2d 1536, 1543,.....
 n.7 (11th Cir. 1993). Oral orders are "are just as binding on litigants
 as written orders; the consequences for violating an oral order
 are the same as those for violating a written order."

Maryland v. Dyson, 527 U.S. 465, 467 n. Writ Pg. # 43
 * (1999) (per curiam). "[A] summary reversal does not decide any new or
 unanswered question of law, but simply corrects a lower court's
 demonstrably erroneous application of federal law."

5. TABLE OF AUTHORITIES CASES CONTINUED:

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Matter of Ring, 178 B.R. 570, 577 (Bankr. S.D. Ga. 1995).
In this Circuit, actions taken in violation of the automatic are
void ab initio, or lacking legal effect.

Restivo v. Bank of Am. Corp., 618 F. App'x 537, 540 (11th Cir. 2015)
("We liberally construe pro se pleadings and briefs.").

Tacoronte v. Cohen, et al., 2016 WL 3439012, at *3
(11th Cir. June 2016); actions taken in
violation of the automatic stay are void ab initio, or lacking legal effect

6. STATUTES AND RULES

Federal Rules of Civil Procedure 8(f) CONSTRUCTION
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U.S. CONSTITUTIONAL AMENDMENTS: (Motion For Rehearing Pg. #'s)

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11 U.S.C. §362.....

11 U.S.C. §362(k)(1) Sanctions & Punitive
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OTHER

Arbitrary Discretion the Law Dictionary.....

2nd Ed.: “a decision that is made wrongfully.

possibly due to whim or for the wrong unsound reasons.

Declaration of Independence 8-12-1776.....

Preamble To The U.S. Constitution

7. JURISDICTION

The judgment of the 11th Circuit Court of Appeals dated 11-2-21. The
of this Court is invoked under 28 U.S. Code § 1254.

**8. CONSTITUTIONAL & STATUTORY
PROVISIONS INVOLVED**

ARTICLE VI, Clause 2

AMENDMENT I (1791)

AMENDMENT V (1791)

AMENDMENT IX (1791)

AMENDMENT XIV (1868)

Section 1.

11 U.S.C. CHAPTER 362 (a) & (k)(1)

**PLEASE NOTE: Andrea R. Liebman *Petitioner* Fully Incorporates
Her Petition For Writ of Certiorari Filed on June 29, 2022 To Be
Read in conjunction With MY Motion For Rehearing On Merits 6-21-23**

**I, Andrea R. Liebman *Petitioner* was unable to detail more of the
content above with appropriate page references due to time limitations, etc.
The Exhibits are separated by handwritten pages to make it easier for Your
Honors to understand the content of each Exhibit.**

Honorable Justices please accept my Sincere Apologies.

9. INTRODUCTION

Page 12 of 33

Andrea R. Liebman, Petitioner, **Motion For Rehearing On Merits** is attached with major supporting Facts & Supporting Documents from the U.S. Bankruptcy Docket Exhibit # 13, a complete Record of this U.S. Bankruptcy Court Case # 15-13372-AJC, from 2-25-15 through 3-10-22. Eight Transcripts Exhibit 1 through Exhibit 12 from 4-8-15 Hearing Reinstating Case & Limiting Automatic Stay Exhibit 1, through 6-20-18 Hearing on Motion For Relief From Judgment Rule 60 Exhibit 12. Four Chapter 13 Plans (Exhibit # 14-17), etc.

Most important payment made by Andrea R. Liebman to Trustee Nancy Neidich Exhibit # 21 on 4-8-15 of \$1895 Doc.36 plus another payment on 5-5-15 evidenced in Exhibit # 22 Breakdown of Disbursements & Payments by Trustee Nancy Neidich of \$1895 totaling \$3790.00 on 5-13-15 was legal tender that binded Ocwen in an agreement/oral contract to a forbearance of the 5-14-15 scheduled Foreclosure Sale.

When the \$3600 (actually \$3790) Trust Funds were fully Vested on 5-13-15, as evidenced in Transcript 5-13-15 Exhibit # 3, the main condition of Reinstatement of the Oral Automatic Stay. Line 8-12 Page 10

THE COURT: "So we'll adjourn this hearing temporarily to let counsel contact her client. If the funds are vested, we'll grant the motion, and if the funds are not vested, then we'll deny the motion. So we'll come back as soon as you have a chance to talk to your client."

MS. TRZECIECKA: "Thank you, Your Honor."

Page 12 Lines 4-19

MS. TRZECIECKA: "I spoke to Mrs. Liebman and she consent to ---

THE COURT: "Very well. Then with that consent, Ms. Blanco, it would appear that your client is in for at least 3600 bucks if they can't work it out, and if they can everyone should live happily ever after. Anything else we need to do here today, Ms. Blanco?"

MS. BLANCO: "No, Your Honor. I will advise foreclosure to stay the sale."

THE COURT: "Very well. Then we'll -- let's see, we are asking - - this was a motion for hearing to stay - - well, I mean, to enter the automatic stay and it's granted. Ms.

--

Note: Verbally suggested to Andrea Liebman's Counselor, Ms. Trzeciecka at the 5-13-15 Hearing. During a Temporary Intermission of the 5-13-15 Hearing & by phone Debtor/Petitioner, Andrea R. Liebman Debtor, agreed that Trust Funds would be Vested (non-returnable); recognized and accepted Orally by Honorable A. Jay Cristol & Orally by Ocwen's Counselor Alice Blanco; this was the condition that Judge A. Jay Cristol GRANTED the Oral Automatic Stay upon and Ocwen's Attorney Alice Blanco's statement also agreeing/accepting offer "3600 Bucks": on 5-13-15 see Transcript Excerpts above supporting Oral Reinstatement of Automatic Stay: see complete Transcript Exhibit # 3 (Doc. 160).

The attached supporting Records totally support Honorable A. Jay Cristol's *Nunc Pro Tunc* Order of May 22, 2015 (see Exhibit # 24) is & was the Correct way according to Acevedo to *Nunc Pro Tunc* his Oral Order of May 13, 2015 (Exhibit # 3) officially recording in the U.S. Bankruptcy Records in Case # 15-13372-AJC. Please Note: This Introduction alone supports a reason to GRANT my Motion For Rehearing On Merits.

10. STATEMENT OF CASE & FACTS

See Petition For Writ of Certiorari Statement of Case & Facts filed 6-29-2022 Case # 22-810. I further fully incorporate my entire Petition For Writ Of Certiorari.

11. SUMMARY OF ARGUMENT

The Petitioner *Andrea R. Liebman Pro se* has filed her Motion For Rehearing On Merits based on supporting evidence & facts from the Record attached in the Appendix. The Appendix consists of approx. 500+/- pages that substantiate that my U.S. Bankruptcy Court case # 15-13372-AJC the fact that there was absolutely no Jurisdiction on 5-14-15 in (Dade County Circuit), 7-27-15 (Federal Court due to my ongoing Appeal filed 7-2-15), 7-29-15 & 8-26-15 (Dade County Circuit due to same ongoing Appeal); more importantly that for the fact that an *Oral Automatic Stay was Reinstated* on 5-13-15 by Honorable A. Jay Cristol see Exhibit # 3 Transcript (Doc. 160) GRANTED & still in force on 7-29-15 & 8-26-15 re: Motion For Hearing To Stay May 14, 2015 Foreclosure Sale of 5-13-15 Oral Reinstatement of Automatic Stay & Cancellation of Foreclosure Sale Scheduled on 5-14-15.

According to *Roman Catholic Archdiocese v. Acevedo* Per Curiam Decision 20-20 Federal Bankruptcy Court Dismissed the Bankruptcy Case in 3-13-18, however officially Remanded U.S. Bankruptcy Case back to *Court of First Instance* on 8-20-18 MS. BLANCO: "No, Your Honor. I will advise foreclosure to stay the sale."

- THE COURT: "Very well. Then we'll -- let's see, we are asking - - this was a motion for hearing to stay - - well, I mean, to enter the automatic stay and it's granted. Ms. - -

However, inadvertently did not get filed into a written form until Honorable A. Jay Cristol's *Nunc Pro Tunc* Order of May 22, 2015 (see Exhibit # 24). Important: I alerted my Attorney Dorota that I received a Solicitation in the mail that I had \$52,000 + in Dade County Circuit Escrow funds from a Foreclosure Sale that took place on 5-14-15, belonging to me that they could collect for me for a % of the \$52,000. Otherwise my Attorney would not have been able to make a Motion to *Nunc Pro Tunc* the Oral Order of 5-13-15 that was as effective as a written order & that did not need to be recorded to be effective, see Supporting Case Law: *In re: Frank Ford Sr.* "On April 29, 2002, the Debtor filed his chapter 13 bankruptcy case but did not record a copy of the petition in the real estate records. Although Mr. Loftin received notice of the chapter 13 filing, he proceeded with the foreclosure sale. L R purchased the residence at a foreclosure sale for \$19,653.70. Thereafter, L R sold the property to Jefferson for \$31,000." Next paragraph cont.- "The Debtor's schedule show a value of \$60,000 for the residence. The Debtor thought the residence was appraised tax purposes for \$55,000 and thought it was worth at least "\$4,000. The Defendants produced no evidence of value other than the sales prices." "Because the foreclosure sale violated Statute 362(a), it is void under Eleventh Circuit principles and as such has no legal effect. Thus, the deed under power of sale executed by Mr. Loftin in favor of the first purchaser, L R, is likewise void and has no legal effect. *E.g., In re Ward*, 837 F.2d 124, 126 (3d Cir. 1988); *New Orleans Airport Motion Associates Ltd. v. Lee (In re Servico, Inc.)*, 144 B.R (Bankr. S.D.Fla. 1992).

The complications began when Ocwen Attorneys did not alert/willfully failed to alert my Attorney Dorota or myself that a Foreclosure Sale actually took place on 5-14-15. Ocwen thereafter refused to withdraw the 5-14-15 Foreclosure although Alice Blanco Esq. said she would to Andrea R. Liebman/my Attorney Dorota verified in Exhibit #4, June 4, 2015 Transcript, in front of Honorable A. Jay Cristol. that was suppose canceled on 5-13-15 (see Exhibit # 3 Transcript of 5-13-15 Oral Reinstatement of Automatic Stay GRANTED detailed in the INTRODUCTION above.

What I did in the ARGUMENT below is to emphasize by several Transcripts (take Excerpts from) to give Your Honors an actual Court Room View of how my U.S. Bankruptcy Case # 15-13372-AJC progressed beginning 2-25-15. I started out as a

Pro se. At the suggestion of Honorable A. Jay Cristol on 4-29-15 Hearing Exhibit # 2 Doc. 159 Transcript I hired a Bankruptcy Attorney, Dorota Trzciecka, to represent me for the 5-13-15 Hearing Motion To Reinstate Automatic & To Stop May 14, 2015 Foreclosure Sale

Excerpts Page 5 Lines 12- 17

THE COURT: - - Ms. Liebman, that you wouldn't like it if Deutsche Bank or the condo association came in here by themselves without telling you about it or giving you the opportunity to come in and be heard, and did something to your property.

However, that is exactly what happened on 7-27-15 when Ocwen/Deutsche, Futura & Beach Club Villas Assoc. had some kind of unannounced communication with Judge A. Jay Cristol who generated an Order on 7-27-15 Order Vacating Order GRANTING Debtor's Motion To Stay May 14, 2015 Foreclosure Sale without Jurisdiction & Notice to me, Andrea R. Liebman Exhibit # 30 during Lenard Appellate Review between July 2, 2015 Notice of Appeal through 1-13-17 when USCA refused to hear the Ocwen Appeal for *Lack of Jurisdiction* re the Lenard Memorandum Opinion & Remand Memorandum recorded 9-12-16 in the U.S. Bankruptcy Docket detailed in my Argument below. What I'm saying is Judge Cristol is admonishing me about how important *Due Process* is...

Exhibit # 2 Transcript 4-29-15 Motion For Hearing On 4-29-2015 To Stay May 14, 2015 Foreclosure Sale.

Page 9 Lines 2- 24

THE COURT: - - but you are not entitled to it standing there by yourself.

You need either the people that are involved, like Ocwen or the Beach Club, to either be standing along side of you through their attorney or to be available on the telephone to confirm that they have no objection, and if that's the case, then you may have solved the problem, but you just don't walk in by yourself, that's not the way due process works.

As I said, you wouldn't like it if they came in and said they're taking your property away from you and - -

MS. LIEBMAN:

Bottom Line: My husband & I hire the Attorney Dorota who represents me at the Oral Reinstatement of the Automatic Stay on 5-13-15 with the Trustee & Ocwen accepting my Vested approx. \$3600 on 5-14-15

Transcript Exhibit #2 4-29-15 Doc. 159 Pg. 9 Lines 1-24

THE COURT: - - but you are not entitled to it there by yourself .

You need either the people that are involved, like Ocwen or the Beach Club, to either be standing along side of you through their attorney or to be available on the telephone to confirm that they have no objection, and if that's the case, then

you may have solved your problem, but you just don't walk in by yourself, that's not the way due process works.

As I said, you wouldn't like it if they came in and said they're taking your property away from you and - - -

MS. LIEBMAN: They've done that, and you're right, we didn't like it.

THE COURT: Okay. They did it without notice to you?

MS. LIEBMAN: That's correct.

THE COURT: Well, then I don't know where your bringing that up, but that has nothing to do with this motion that I'm aware of, and let me see what the chapter 13 Trustee has to say, if we can get this thing - -

(Thereupon, the Court contacted

The reason for presenting this Transcript Excerpt from 4-29-15 at this juncture re: MOTION FOR HEARING ON APRIL 29, 2015 TO STAY MAY 14, 2015 FORECLOSURE SALE ACCORDING TO HONORABLE JUDGE A. JAY CRISTOL ORDER OF APRIL 8, 2015 REQUIREMENTS COMPLETED FILED BY DEBTOR (24) is to demonstrate the hypocritical (defined source Oxford; behaving in a way that suggests one has higher standards or more "noble beliefs" than is the case) and is why all of Your Honorable Justices of The U.S. Supreme Court were chosen is that all of you demonstrated that you do have more "noble beliefs" consistent to decide Cases such as mine that aligns perfectly with *Roman Catholic Archdiocese v. Acevedo* 2-20-20 as to Clarifying the application of *Nunc Pro Tunc* to only reflect the reality of what took place that did not get recorded in the Court records at the time and that Lack of Jurisdiction cannot be Retroactively regained to make a *Void Order* into an Enforceable Order.

I emphasized in my Argument that Judge A. Jay said he did not have jurisdiction, because of Debtor's ongoing Appeal Exhibit #1A 7-21-15 Order Denying Motion For Rehearing or Clarification. This proves without a doubt that Honorable A. Jay Cristol, Ocwen, Futura, Beach Club Villas & Honorable John Schlesinger(State Court) took mine, Andrea R. Liebman (& my husband Dr. Jay Liebman D.C.'s) Waterfront Townhome away with absolutely *no Jurisdiction* three times, initially on 5-14-15 in Dade County Circuit Court, 7-27-15 (U.S. Bankruptcy Court see Exhibit # 1B), on 7-29-15 & 8-26-15 in Dade County Circuit Court State of Florida (see Dade County Transcripts 7-29-15 Transfer Title & 8-26-15 Eviction.

Honorable Joan A. Lenard clearly understood, Therefore made a *Stare Decisis Decision* on 9-7-16 Memorandum Opinion & Remand that stated that it was an *Abuse of Discretion* by Honorable Judge A. Jay Cristol to Retroactively Lift The Oral Automatic Stay on 6-16-15 and stated & emphatically that the 5-14-15 Foreclosure Sale was a *Nullity, Void Ab Initio* and still is to this very Day.

12. ARGUMENT

There is a simplicity to this Case and that is the 5-13-15 Oral Order effectively Reinstated the Automatic Stay on 5-13-15. Therefore, Dade County Circuit lost all Jurisdiction according to *Acevedo*:

EXCERPT FROM ROMAN CATHOLIC CHURCH V. ACEVEDO

The Archdiocese petitioned this Court for a writ of certiorari. The Archdiocese argues that the Free Exercise and Establishment Clauses of the First Amendment require courts to defer to “the Church’s own views on how the Church is structured.” Pet. for Cert. 1. Thus, in this case, the courts must follow the Church’s lead in recognizing the separate legal personalities of each diocese and parish in Puerto Rico. The Archdiocese claims that the Puerto Rico Supreme Court decision violated the “religious autonomy doctrine,” which provides: “[W]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them.” *Id.*, at 20 (quoting *Watson v. Jones*, 13 Wall. 679, 727 (1872)). We called for the Solicitor General’s views on the petition. 588 U. S. ____ (2019). The Solicitor General argues that we need not “reach [the Archdiocese’s] broader theory in order to properly dispose of this case,” because a different error warrants vacatur and remand. Brief for United States as Amicus Curiae on Pet. for Cert. 13–14 (Brief for United States). Instead of citing “any neutral rule of Puerto Rico Cite as: 589 U. S. ____ (2020) 5 Per Curium law governing corporations, incorporated or unincorporated associations, veil-piercing, joint-and-several liability, or vicarious liability,” the Puerto Rico Supreme Court “relied on a special presumption—seemingly applicable only to the Catholic Church . . . —that all Catholic entities on the Island are ‘merely indivisible fragments of the legal personality that the Catholic Church has.’” *Id.*, at 9 (quoting App. to Pet. for Cert. 14). The Solicitor General contends that the Puerto Rico Supreme Court thus violated the fundamental tenet of the Free Exercise Clause that a government may not “single out an individual religious denomination or religious belief for discriminatory treatment.” Brief for United States 8 (citing *Murphy v. Collier*, 587 U. S. ____ (2019); *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U. S. 520, 524–525 (1993); *Fowler v. Rhode Island*, 345 U. S. 67, 69 (1953)). We do not reach either argument because we find that the Court of First Instance lacked jurisdiction to issue the payment and seizure orders. On February 6, 2018, after the Supreme Court of Puerto Rico remanded the case to the Court of First Instance to determine the appropriate parties to the preliminary injunction, the Archdiocese removed the case to the United States District Court for the District of Puerto Rico. Notice of Removal in *Acevedo-Feliciano v. Holy Catholic Church*, No. 3:18-cv-01060. The Archdiocese argued that the Trust had filed for Chapter 11 bankruptcy and that this litigation was sufficiently related to the bankruptcy to give rise to federal jurisdiction. *Id.*, at 5–6 (citing 28 U. S. C. §§1334(b), 1452). The Bankruptcy Court dismissed the Trust’s bankruptcy proceeding on March 13, 2018. Opinion and Order Granting Motions to Dismiss in *In re Catholic Schools Employee Pension Trust*, No. 18–00108. The Puerto Rico Court of First Instance issued the relevant payment and seizure orders on March 16, March 26, and March 27. App. to Pet. for Cert. 224, 227, 241. But the District Court did not remand the case to the Puerto 6 ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN v. ACEVEDO FELICIANO Per Curiam Rico Court of First Instance until nearly

five months later, on August 20, 2018. Order Granting Motion to Remand in *Acevedo-Feliciano v. Archdiocese of San Juan*, No. 3:18-cv-01060. Once a notice of removal is filed, “the State court shall proceed no further unless and until the case is remanded.” 28 U. S. C. §1446(d).² The state court “los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void.” *Kern v. Huidekoper*, 103 U. S. 485, 493 (1881). “Every order thereafter made in that court [is] coram non iudice,” meaning “not before a judge.” *Steamship Co. v. Tugman*, 106 U. S. 118, 122 (1882); *Black’s Law Dictionary* 426 (11th ed. 2019). See also 14C C. Wright, A. Miller, E. Cooper, J. Steinman, & M. Kane, *Federal Practice and Procedure* §3736, pp. 727–729 (2018). The Court of First Instance issued its payment and seizure orders after the proceeding was removed to federal district court, but before the federal court remanded the proceeding back to the Puerto Rico court. At that time, the Court of First Instance had no jurisdiction over the proceeding. The orders are therefore void. We note two possible rejoinders. First, the Puerto Rico Court of Appeals suggested that the Archdiocese consented to the Court of First Instance’s jurisdiction by filing motions in that court after removal. But we have held that a removing party’s right to a federal forum becomes “fixed” upon filing of a notice of removal, and that if the removing party’s “right to removal [is] ignored by the State court,” the party may “make defence in that tribunal in every mode recog- ———— 2 “The laws of the United States relating to . . . removal of causes . . . as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico.” 48 U. S. C. §864. Cite as: 589 U. S. ____ (2020) 7 Per Curiam Recognized by the laws of the State, without forfeiting or impairing, in the slightest degree, its right to a trial” in federal court. *Steamship Co.*, 106 U. S., at 122–123. Such actions do not “restore[]” “the jurisdiction of the State court.” Archdiocese’s motions did not restore jurisdiction to the Court of First Instance. Second, the District Court remanded the case to the Court of First Instance by way of a nunc pro tunc judgment stating that the order “shall be effective as of March 13, 2018,” the date that the Trust’s bankruptcy proceeding was dismissed. *Nunc Pro Tunc Judgt. in No. 3:18-cv-01060* (Aug. 8, 2018). Federal courts may issue nunc pro tunc orders, or “now for then” orders, *Black’s Law Dictionary*, at 1287, to “reflect[] the reality” of what has already occurred, *Missouri v. Jenkins*, 495 U. S. 33, 49 (1990). “Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court.” *Cuebas y Arredondo v. Cuebas y Arredondo*, 223 U. S. 376, 390 (1912). Put colorfully, “[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating ‘facts’ that never occurred in fact.” *United States v. Gillespie*, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly, the court “cannot make the record what it is not.” *Jenkins*, 495 U. S., at 49. Nothing occurred in the District Court case on March 13, 2018. See Order Granting Motion to Remand in No. 3:18-cv-01060 (noting, on August 20, 2018, that the motion is “hereby” granted and ordering judgment “accordingly”). March 13 was when the Bankruptcy Court dismissed the Trust’s proceeding and thus the day that the Archdiocese’s argument for federal jurisdiction lost its persuasive force. Even so, the case remained in federal court until that court, on August 20, reached a decision about the motion to remand that was pending before it. The Court of First Instance’s actions in the interim, including the payment and 8 ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN v. ACEVEDO FELICIANO Per Curiam seizure orders, are void. The Solicitor General agrees that the Court of First Instance lacked jurisdiction but argues that this defect does not prevent us from addressing additional errors, including those asserted under the Free Exercise Clause. That may be correct, given that the Puerto Rico courts do not exercise Article III jurisdiction. But we think the preferable course at this point is to remand the case to the Puerto Rico courts to consider how to proceed in light of the jurisdictional defect we have identified. The petition for certiorari and the motions for leave to file briefs amici curiae are granted, the judgment of the Puerto Rico Supreme Court is vacated, and the case is

remanded for further proceedings not inconsistent with this opinion. It is so ordered. Cite as: 589 U. S. (2020) 1

SEGMENTAL EXCERPTS FROM ACEVEDO

1. The Solicitor General contends that the Puerto Rico Supreme Court thus violated the fundamental tenet of the Free Exercise Clause that a government may not “single out an individual religious denomination or religious belief for discriminatory treatment.” Brief for United States 8 (citing *Murphy v. Collier*, 587 U. S. ____ (2019); *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U. S. 520, 524–525 (1993); *Fowler v. Rhode Island*, 345 U. S. 67, 69 (1953))
2. Once a notice of removal is filed, “the State court shall proceed no further unless and until the case is remanded.” 28 U. S. C. §1446(d).² The state court “los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void.”
3. issued its payment and seizure orders after the proceeding was removed to federal district court, but before the federal court remanded the proceeding back to the Puerto
4. Rico court. At that time, the Court of First Instance had no jurisdiction over the proceeding. The orders are therefore void.
5. Even so, the case remained in federal court until that court, on August 20, reached a decision about the motion to remand that was pending before it. The Court of First Instance’s actions in the interim, including the payment and 8 ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN v. ACEVEDO FELICIANO Per Curiam seizure orders, are void.
6. The Solicitor General agrees that the Court of First Instance lacked jurisdiction but argues that this defect does not prevent us from addressing additional errors, including those asserted under the Free Exercise Clause. That may be correct, given that the Puerto Rico courts do not exercise Article III jurisdiction. But we think the preferable course at this point is to remand the case to the Puerto Rico courts to consider how to proceed in light of the jurisdictional defect we have identified. The petition for certiorari and the motions for leave to file briefs amici curiae are granted, the judgment of the Puerto Rico Supreme Court is vacated, and the case is remanded for further proceedings not inconsistent with this opinion. It is so ordered. Cite as: 589 U. S. ____ (2020) 1
7. Recognized by the laws of the State, without forfeiting or impairing, in the slightest degree, its right to a trial” in federal court. *Steamship Co.*, 106 U. S., at 122–123. Such actions do not “restore[]” “the jurisdiction of the State court.” *Id.*, at 122. So, too, the Archdiocese’s motions did not restore jurisdiction to the Court of First Instance. Second, the District Court remanded the case to the Court of First Instance by way of a nunc pro tunc judgment stating that the order “shall be effective as of March 13, 2018,” the date that the Trust’s bankruptcy proceeding was dismissed. Nunc Pro Tunc Judgt. in No. 3:18–cv–01060 (Aug. 8, 2018). Federal courts may issue nunc pro tunc orders, or “now for then” orders, *Black’s Law Dictionary*, at 1287, to “reflect[] the reality” of what has already occurred, *Missouri v. Jenkins*, 495 U. S. 33, 49 (1990). “Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court.” *Cuebas y Arredondo v. Cuebas y Arredondo*, 223 U. S. 376, 390 (1912). Put colorfully, “[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating ‘facts’ that never occurred in fact.” *United States v. Gillespie*, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly,

the court "cannot make the record what it is not." Jenkins, 495 U. S., at 49. Nothing occurred in the District Court case on March 13, 2018. See Order Granting Motion to Remand in No. 3:18-cv-01060 (noting, on August 20, 2018, that the motion is "hereby" granted and ordering judgment "accordingly"). March 13 was when the Bankruptcy Court dismissed the Trust's proceeding and thus the day that the Archdiocese's argument for federal jurisdiction lost its persuasive force. Even so, the case remained in federal court until that court, on August 20, reached a decision about the motion to remand that was pending before it.

ANALYSIS

1. The U.S.C.A. has thus violated the fundamental tenet of the Free Exercise Clause that a government may not "single out an individual religious denomination or religious belief for discriminatory treatment." Brief for United States 8 (citing *Murphy v. Collier*, 587 U. S. ____ (2019); Andrea R. Liebman represents a Jewish Denomination & all other Denominations that are not Catholic/Roman Catholic.

2. Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. §1446(d). My U.S. Bankruptcy Case # 15-13372-AJC was never Remanded back to the Dade County Circuit Case # before 5-13-15 nor afterwards. Therefore the 5-14-15 Foreclosure Sale is *Void On Its Face*... as was the other improperly *Nunc Pro Tunc*/Order of 7-27-15 Exhibit # 1B Order Vacating Order Granting Debtor's Motion To Stay May 14, 2015 Foreclosure Sale [D.E. 427].

3. Judge A. Jay Cristol issued the 7-27-15 Order detailed above during Appellate Jurisdiction from July 2, 2015 having admitted on 7-21-15 Filed 7-22-15 Exhibit 1A Doc. 127: "It further appears to the Court is without jurisdiction to even consider this motion as Debtor still has pending appeal of the Court's orders which the motion seeks to clarify or rehear."

It is Therefore ORDERED AND ADJUDGED that Debtor's [sic] for Rehearing or Clarification of Order Dated JUNE 4, 2015 is DENIED

4. Noting like *Acevedo* that was the Bankruptcy Case was dismissed on March 13, 2018, however remaining in Federal Jurisdiction until it was Remanded back on Aug. 20, 2018. The Court from which the Case was removed Lacked Jurisdiction from March 13, 2018 through Aug. 20, 2018. The *Nunc Pro Tunc* Order in *Acevedo* backdated to March 13, 2018 was *Void*. Similarly the Order from Dade County Circuit Court on 7-29-15 & 8-26-15 were simply *Void On Their Face*, because the U.S. Bankruptcy never officially Remanded my U.S. Bankruptcy Case # 15-13372-AJC back & for the fact detailed above that Judge Cristol *Lacked Jurisdiction* on 7-22-15 described in his Order of 7-21-15 Exhibit 1A Doc. 127 "It further appears that the Court is without jurisdiction to even consider this motion....." Dade County Circuit could not use a *Void* Order generated by Judge A. Jay Cristol on 7-27-15 during appellate jurisdiction, also improperly Noticed and used by Ocwen/Deutsche, Futura & Beach Club Villas(BCV) to obtain Funds Escrowed in Dade Circuit Court, Certificate of Title & An Eviction on 8-26-15 & further Transfer of Funds to . I have provided Excerpts below detailing my husband, Jay Liebman & myself, Andrea R. Liebman, detailing the

reasons why to Judge John Schlesinger along with Ocwen/Deutsche, Futura & Beach Club Villas(BCV) in both Dade County Circuit hearings on 7-29-15 & 8-26-15 complaining with facts that the Judge John Schlesinger did not have jurisdiction.

Therefore the Liebmans' received *Arbitrary Whimsical Due Process* without jurisdiction. The Order issued on 7-27-15 Vacating Order Granting Debtor's Motion To Stay May 14, 2015 Foreclosure Sale not did it Lack Jurisdiction, the Creditors (Ocwen/Deutsche, Beach Club Villas) & Futura Invest LLC did not wait 14 Days to become final even there was jurisdiction. Due Process that Judge Cristol detailed in the 4-29-15 Exhibit #2 Transcript Doc. 159 went right out the window, such degrading violations of 14th Amendment as to Equal Protection/Due Process including seizure of our Townhome by the State (violation of Amendment 4) & giving our Townhome to a Third party Purchaser who is definitely aware of the Oral Reinstatement of the Automatic Stay on 7-29-15 & 8-26-15 at \$100,000 less than fair market value for \$285,000 (today is worth \$600,000+/-) & physically throwing out of home on Sept. 1, 2015 with our contents in the street, taking & destroying our content without any Due Process. To have to fight all these years with Arbitrary Whimsical Process not equal protection or due process that Judge Cristol detailed on 4-29-15 Transcript #2 Excerpts Provided, is beyond the imagination of the financial losses that continue to accrue, emotional, etc. The Court must understand that the Liebmans are not only fighting for ourselves, however more so for all the perhaps of people in the U.S.A. who have been trampled on their Guaranteed U.S. Constitutional Rights & Property taken to enrich the others who obtain windfall profits from U.S.A. Citizens, who sweat & toil over years of paying & accumulating equity that someone else wants.....

5. The Liebmans want to be Treated Equally like the Roman Catholic Church was treated in Your Honors Per Curium Decision, a different Denomination than ourselves and others like ourselves. Catholics Adults represent approx. 20% of the population, the Liebmans Represent the other 80% of Adults. Violations of the 1st Amendment, the 4th Amendment, 5th Amendment, 8th Amendment, 9th Amendment & 14th Amendments have been continually violated through this *Arbitrary Whimsical Process*. Like Acevedo GRANT the Petitioner a Writ Of Certiorari, Vacate the Appealed Judgment and Remand our Case back to the U.S. Bankruptcy Court For Further Proceedings Consistent with the Your Decision like the *Acevedo Decision*.

6. "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." Cuebas y Arredondo v. Cuebas y Arredondo, 223 U. S. 376, 390 (1912). Put colorfully, "[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating 'facts' that never occurred in fact." United States v. Gillespie, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly, the court "cannot make the record what it is not." Jenkins, 495 U. S., at 49. The 7-27-15 was not a properly *Nunc Pro Tunc Order* according to *Acevedo*. This Order was still under Appeal re Judge Cristol's Oral Order of 6-16-15 --- this *Arbitrary Nunc Pro Tunc Order* by U.S. Bankruptcy Judge A. Jay Cristol Retroactively Lifting The Automatic Stay while

under U.S. District Court Appellate Decided 9-7-16 by the Lenard Memorandum found that Judge A. Jay Cristol *Abused his Discretion* by Retroactively Lifting the Stay on 6-16-15 based on failure to meet a Confirmation Deadline. The Petitioner humbly asks Your Honors to enforce Your *Acevedo* Decision to include the other 80% of U.S.A. Citizens like ourselves; there does appear to be a *subliminal* bias....

7. The Supreme Court is emphasizing that the Dismissal of March. 18, 2018 was not effective, because the case did not get REMANDED back to State Court Jurisdiction until Aug. 18, 2018. The *Nunc Pro Tunc* in *Acevedo* was not a reality as it reflected the Date back March 18, 2018 when it actually Remanded on 8-2-18. In my Case # 15-13372-AJC it too was never officially Remanded back to State Court. Therefore the Orders issued on 7-29-15 & 8-26-15 in Dade County Court were *void on their face*. See Transcript Exhibit # 6 7-29-15 Hearing On Motion To Set Aside Foreclosure Sale of 5-15-15 Scheduled by Ocwen/Deutsche in conjunction with Beach Club Villas(BCV) & Futura (Third Party Purchaser) although I, Petitioner, made the Original Motion I respected the Appellate Jurisdiction of Honorable Joan A. Lenard of USDC. I was forced into this Lack of Jurisdiction Hearing based on a *Void Order* issued by Judge Cristol on 7-27-15 with No Notice of any hearing or other that this Order was being generated during the Appellate Jurisdiction. See Exhibit #6 Transcript #6 7-29-15 Hearing On Motion To Set Aside Foreclosure of 5-14-15 Transcript Exhibit # 7 Aug. 26, 2015 Motion On Writ of Possession By Futura (Third Party Purchaser).

Supporting Documentation From Attached Appendix

Excerpt from Exhibit 5 Doc. # 171-

Transcript of Confirmation Hearing June 16, 2015

Page 3 of 18 Lines 20 through 25; Page 4 of 18 Lines 1-6:

"That if the plan is not confirmed on June 16, 2015, then the Court's ruling to stay foreclosure sale shall be vacated and the foreclosure sale on May 14, 2015 shall be deemed valid, and the debtor shall withdraw the motion to vacate sale filed in the Circuit Court. Once the Court vacates its ruling to stay the foreclosure sale, all interested parties may proceed with their post-sale rights and remedies, including, but not limited to obtaining a certificate of title and possession of the subject property.

Exhibit #25 Doc. 95 June 22, 2015 (2 Pages) Order Denying Emergency Motion For Rehearing Re: June 16, 2015 Confirmation - Orally Lifting Automatic Stay of May 13, 2015 (Note: Lenard Memorandum 9-7-16 Found Order To Be An Abuse of Discretion) U.S. Bankruptcy Doc. # 217(14 pages)

"ORDERED AND ADJUDGED that Debtor's *pro se* Emergency Motion For Rehearing of Court's Ruling on 6-16-15 Confirmation Hearing with Attached Affidavit and Documents (DE 92) is DENIED.

Exhibit #26 Doc. 102 June 30, 2015 (2 Pages) Order Denying Emergency Motion & Corrected Emergency Motion For Rehearing Re: June 16, 2015 Confirmation - Orally Lifting Automatic Stay of May 13, 2015

(Note: Lenard Memorandum 9-7-16 Found Order To Be An *Abuse of Discretion*) U.S. Bankruptcy Doc. # 217(14 pages)

“ORDERED AND ADJUDGED that the Amended Emergency Rehearing and Corrected Amended Emergency Motion for Rehearing are DENIED.

Exhibit # 27 Doc. 101 Filed 6-29-15 (243 pages +/-) Corrected Amended Emergency Motion For Rehearing On 6-16-15 Attached Corrected Amended Supporting Affidavit With Exhibits & Witnesses.

YOUR HONORS OF THE U.S. SUPREME COURT THIS A MUST READ TO UNDERSTAND THE SHENANIGANS BY OCWEN LLC. PRECEDING THE 5-14-15 FORECLOSURE AND AFTER 5-14-15 FORECLOSURE LEADING TO THE JUNE 16, 2015 CONFIRMATION HEARING. THE AFFIDAVIT ITSELF IS 18 PAGES DETAILING HOW THE CONFIRMATION HEARING WAS ROUSE & THE PREVIOUS BEHAVIOR BY DEUTSCHE NATIONAL BANK/OCWEN IN DENYING MY RIGHT TO AN ALREADY (EXHIBIT #9) APPROVED HAMP LOAN BY HOPE SPRINGBOARD NONPROFIT CONSUMER CREDIT MANAGEMENT, INC. WHICH WOULD HAVE MADE THE CONFIRMATION HEARING APPROVAL A “NO BRAINER” & ATTACHED DOCUMENTS ALSO INFORMATIVE PARTICULARLY EXHIBITS #10-14 FURTHER SUPPORTING THE SHENANIGANS BEFORE THE JUNE 16, 2015 HEARING ON CONFIRMATION.

Excerpt from Exhibit 6 Document July 29, 2015 before Honorable John Schlesinger 73 W. Flagler St. Rm 1202 Miami, Florida 8:30am From Dade County Circuit Case # 2010-35247 CA 01 DEUTSCHE BANK NATIONAL TRUST CO., vs. JAY LIEBMAN et. al, Defendants

Page 5 Lines 5-13; line 17-19

MR. LIEBMAN: Okay. Your Honor, we filed the allotted papers at the - - it's in the Appellate Division, and even - - what order that he's talking about on July 21st, the judge that, from the US Bankruptcy Court says, **“It appears that the Court is without jurisdiction to even consider this motion, as the debtor still has a pending appeal of the Court's orders, which the motion seeks to clarify or rehear.”*

Line 17: And so, the jurisdiction is not in this Court , right now. We need to wait on the Appellate Division.

*Note: Exhibit #1A Doc. #107 Re: Motion For Clarification for Andrea Liebman by Michael Frank Esq..

Page 6 Lines 7-9:

MR. LIEBMAN: Which we didn't get any notice of Your Honor, either, we don't have any notice of that order.

Excerpt from Exhibit 7 Document August 26, 2015 before Honorable John Schlesinger 73 W. Flagler St. Rm 1202 Miami, Florida 9:10 am – 9:28 am

From Dade County Circuit Case # 2010-35247 CA 01 DEUTSCHE BANK NATIONAL TRUST CO., vs. JAY LIEBMAN et. al, Defendants

Page 6 Line 21-25; Page 7 Line 1-18

MR. LIEBMAN: Well, what I wanted to say is just a couple of things before. There are ruling two appeal jurisdictions, in the U.S. Bankruptcy appeal and we are in the Third District Court Of - - The appellate district,

Page 7 Lines 1-25; Page 8 Lines 1-

MR. LIEBMAN: Continued

And there is a stay in each one. The one that went down on July 29th, it was incorrect in this Court. They went to the Judge, Judge Cristol, who didn't have jurisdiction to make - -

THE COURT: The Bankruptcy Court?

MR. LIEBMAN: - - the Bankruptcy Court to make a ruling on July 27th and presented that order that the stay was in effect, but it wasn't vacated, but it is still going on right now.

So I have this to show you, your Honor. Here it is from the U.S. Bankruptcy Court, an order from Judge Cristol, continuing a hearing until the 21st of September. And this is decide, Brian presented it, that it was a dismissed bankruptcy. It is not dismissed at all.

Here is a payment made according to the Trustee for \$2,400 on the 14th. Okay.

And I made an appeal on this review. On the U.S. Bankruptcy side we made an Appeal on July 2nd. We amended the appeal on July 22 to include an order that the Judge said on July 21st, we made a motion for rehearing and
Continued on Page 8 Lines 1-25:

MR. LIEBMAN: Continued Page 8: Lines 1-25:

Clarification on June 4th Order and the June 16th order and all the orders.

And the Judge said he didn't have jurisdiction because it was an appeal.

Then they went, at the last minute, they went without notice to us, on the 27th and sent us notice that they got an order from the Judge on the 28th, after 5:00 o'clock when the court was closed, which was not due process and was not fair on that, because if we had that order we could have appealed it.

But we appeared it on the 29th anyway. So it was appealed anyway. So it was appealed and we, you know, that thing.

So I wanted to explain this concept because we went over this very thoroughly and I understand how the other side feels. They are making it out from their point of view.

When the Judge made the order that you used in this court to come up with your order on July 29th, he didn't have jurisdiction because it was in the appellate jurisdiction and he admitted it on the 21st. So he didn't have it on the 27th because they did it,

Continued On Page 9: Lines 1-25

couldn't get it back. Okay. Because - - it is - - it was in the appellate jurisdiction.

So the order that he wrote on the 27th, and they filed it on the 28th, is void on its face because he didn't have jurisdiction.

Now here we are in your court and we both - - the Liebmans - - have appealed your order that you did in good faith based on what you heard at the hearing.

So, we appealed it on the 29th and it was - - and I have acknowledgement from the Third District Court of Appeals that they acknowledge the appeal on the 29th.

So here goes - - the Clerk goes ahead and gives Certification of Title and the certificate - - on the 31st - - and the Certificate of Disbursements when the appeal is already in progress.

And that is error right in of itself, which shouldn't have happened.

And the thing about the stay is, and the thing about being in the matrix, these are creditors and they are not supposed to try to collect the money when things are going on in the Bankruptcy Court. And they violated the

Page 10 Lines 1-25

Stay.

And even though the stay is in effect no matter what, even to this day, but there was a Rule 8025, which they failed to mention, and we didn't at the time because we were came propounded at the last minute, the Bankruptcy Rule 8025A that says, "when you file an appeals in U.S. Court you get 14 days automatic extension.

THE COURT: Okay. Okay. Let me just interrupt here. What is the third-party purchaser's position on the circumstances? Does this Court have jurisdiction and presence - -

MR. SMITH: Yes, your Honor. You ordered -

THE COURT: -- from July 29th?

MR. SMITH: In fact , your Honor - -

THE COURT: -- do we have an issue or --

MR. SMITH: You already rule on his objections.

THE COURT: Right.

MR. SMITH: The issue is strictly on title. So you already ruled. And he is appealing that so I am going to get

Page 11 1-6

jurisdiction after that anyways.

THE COURT: Right. Okay.

MRS. LIEBMAN: But you -- May I?

THE COURT: Okay. So there is no impediment to what your are saying, to the - -

MR. SMITH: None.

THE COURT: - - issuance of the writ at this juncture that you see, correct?

Note: No matter what the Liebman's stated about jurisdiction was ignored and the Court moved forward to distribute Funds.... And issue Certificate of Title & disbursement. Clear Error & violations of Due process re the 14th Amendment....

The Dade County Circuit clearly Lacked Jurisdiction just like in *Acevedo*, Your Honors. It was a Prejudicial, *Arbitrary* hearing, as all Orders were *Void On their Face* & still are *Void On Their Face* (a *Nullity*).

The Third Party Purchaser took title (a *Void Title*) to this very day & the Liebman's were brutally evicted from their home on Sept. 1, 2015....

Excerpt from Exhibit 8 (Doc. 282) February 7, 2017 before U.S. Bankruptcy Court in and for The Southern District of Florida 301 N. Miami Av., Miami, Miami-Dade County, Florida 11:08am before Honorable A. Jay Cristol

Appearances: Michael Frank Esq. for Debtor, Andrea R. Liebman, Renee Decker Esq. for Ocwen, Robert C. Meyer Esq. for Futura (Third Party Purchaser)

**SUBJECT: REMAND FROM HONORABLE JOAN A. LENARD RE:
MEMORANDUM OPINION & REMAND Doc. 217 (14 pgs)**

RE: Appeal On Civil Action Number: 15-CV-22539-JAL, REMANDING this matter to Bankruptcy Court for further proceeding consistent with this opinion (Re: 95 Order Denying Emergency Motion For Rehearing, 102 Order Denying Emergency Motion & Corrected Emergency Motion For Rehearing (Entered: 9-12-2016))

Also see attached Appendix including 18 pgs of a Supporting Affidavit with Exhibits & Witnesses.

Page 3 Lines 14-25:

MR. FRANK: Judge, I don't know what we are going to be able to do today. As you know, this -- this case was remanded back --

THE COURT: Right, it was set for, yeah, remand, and basically I believe -- I'm not sure, let's ask, do we need any evidentiary proceedings on this matter or is it resolvable on the papers?

MR. FRANK: I think the bank is going to say that they will need some evidentiary analysis because of the -- the way the order was written in District Court.

They went through the three issues, number

Page 4 Lines 1- 25

One that it -- that it was a void sale, number two --

THE COURT: Yeah, well, that's -- wrong, you see, because they used the term reimpose the stay. The stay cannot be reimposed. So the stay was not reimposed, so the sale is not void.

MR. FRANK: But that's not what the order said, Judge.

THE COURT: There are some places where, through carelessness, the term reimpose the stay was used, in other places it talked about enjoining, and this was an injunction under section 105. It couldn't be a reimposing of the stay because the law doesn't allow it, so it --

MR. FRANK: And that's why this is such a mess.

THE COURT: And actually it apparently is a mess, it's probably going to go on for years, and in addition to the foreclosure matter, and the parties, we have an innocent third party, apparently, acquired the house and supposedly put a lot of money into it, is that right, Mr. Meyer?

MR. MEYER: Judge, at this point it's

Page 5 Lines 1-9

Approximately \$360,000 total put into it.

THE COURT: So I mean --

MR. FRANK: But their not so innocent, Judge. They knew about these appeals, so they're not really innocent.

THE COURT: Well, when they went to the sale they did -- they were innocent.

MR. FRANK: And then they knew what was going on, but that's another whole issue --

(THE LIEBMANS' U.S. CONSTITUTIONAL RIGHTS 1st, 4th, 5TH, 8th, 9th & 14TH AMENDMENTS TO DUE PROCESS & EQUAL PROTECTION WERE

TRAMPLED INITIALLY ON 5-14-15 REINSTATED 5-13-15 AUTOMATIC STAY BY OCWEN; BY U.S. BANKRUPTCY FEDERAL JUDGE A. JAY CRISTOL, OCWEN ATTORNEYS, FUTURA ATTORNEYS, BEACH CLUB VILLAS CONDOMINIUM ASSOC. ATTORNEYS, DADE CIRCUIT JUDGE JOHN SCHLESINGER; DEMONSTRATING A *SUBLIMINAL PREJUDICE* FOR THE LIEBMANS AS A PRO SE, ALSO BEING OF JEWISH DENOMINATION, ON JULY 27TH THRU JULY 29TH, 2015 & AUG. 26, 2015 HEARINGS SIMPLY LACKED JURISDICTION); RESULTING IN *UNDER COLOR OF LAW* THEFT OF OUR \$385,000*(Currently \$600,000) VALUED COLLATERAL WATERFRONT TOWNHOME PROPERTY IN DADE COUNTY FLORIDA (see original Chapter 13 Plan Under Value of Collateral attached Exhibit # 14)

*Intentionally Under Valued to \$275,000 in 1st Amended Chapter 13 Plan unsigned by myself, Andrea R. Liebman (see Exhibit # 15 Collateral Box with Ocwen giving my Attorney \$334,203 figure owing to Ocwen to bring our EQUITY down to zero (0) as a condition by Ocwen Attorneys for a definite CONFIRMATION APPROVAL that never happened in an effort to eliminate Beach Club Villas in the Creditor Matrix as a pretense THAT there is not enough EQUITY in the Liebman Waterfront Townhome): Turned out to be a ploy to convince our Attorney Dorota Trzeciecka to devalue our home to use later as a Stockwell Factor to Retroactively Lift the Reinstated Automatic Stay of 5-13-15 agreed Orally by Ocwen Attorney, Alice Blanco see Exhibit # 3 Transcript 5-13-15

U.S. Bankruptcy Case # 15-13372-AJC had to be formally Remanded back to Dade County Circuit by the U.S. Bankruptcy to confer jurisdiction according to *U.S. Supreme Court Per Curium Decision Acevedo* 2-20-20 before the Dade County Hearings of July 29, 2015 & Aug. 26, 2015 Hearings for those Orders generated to be legally binding. There was not formal Remand & Judge Cristol Lacked Jurisdiction at that time as case 15-13372-AJC was under Appellate Jurisdiction from 7/2/2015 Doc. 108 (6 pgs) Notice of Appeal and Election To Appeal by Debtor Andrea Rosen Liebman (Re: 95 Order Denying Emergency for Rehearing Re: 92, 102 Order denying Emergency Motion and Corrected Emergency Motion for Rehearing (Re: 99) and (Re: 101).

Bottom Line is that Honorable A. Jay Cristol lost Jurisdiction on July 2, 2015 (Honorable District Court Joan A. Lenard had Jurisdiction from 7-2-15 through 9-12-2016 Doc. 217 (14 pgs.), however Judge Cristol did not get it back on 9-12-16, because Ocwen filed a Notice of Appeal (2 pgs) recorded on 10-26-16 U.S. Bankruptcy Court and originally filed by Ocwen in USCA on 10-11-16 as Noted on 10-26-16 Doc. 222. It was not until 1-13-2017 Doc. 230 (3pgs) that an ORDER of Dismissal of U.S. Court of Appeals, this appeal is DISMISSED, sua sponte, for lack of jurisdiction. Notice of Appeal filed by OCWEN LOAN SERVICING LLC – US Court of Appeals Case # 16-

16469-BB. US District Court Case # 15-22539-JAL. (Entered: 1-13-2017); recorded in the U.S. Bankruptcy Records.

IMPORTANT TO NOTE: Your Honors please understand that the above statements clarify that Judge A. Jay Cristol did not have jurisdiction in U.S. Bankruptcy Court Re: Andrea R. Liebman Debtor Case # 15-13372-AJC from 7-2-15 through 1-13-17 until/when the USCA Dismissed Ocwen's Appeal for Lack of Jurisdiction on 1-13-17. **Any Orders** pertaining to the Appealed Orders of 7-2-15 Orders genera for Lack Of Jurisdiction. Any Orders generated affecting the Appealed Subject Matter were a Nullity/Void On their Face. The Vacating Order (Re: 42 Order on Motion To Stay May 14, 2015 Foreclosure Sale from Docket DE 135 (2 pgs) (Entered 7-28-15) is simply Void On Its Face.

THEREFORE, Dade County Circuit Case # 10-35247 CA 05 Orders generated from the U.S. Bankruptcy delineated above on 7-29-15 (see Transcript Exhibit # 6 & Transcript Dated 8-26-15 Hearing Exhibit # 7 as previously stated are forever VOID ON THEIR FACE. This means that the Certificate of Title issued 8-26-15 Re: Andrea & Jay Liebman's Townhome at 3732 N.E. 167th St. , N. Miami Beach, Fl. 33160 is forever *Void* and is still owned by Andrea & Jay Liebman this very Day of 6-21-23.

According to Feb. 20, 2020 *Acevedo*, Your Honors Per Curium Decision, that the U.S. Bankruptcy Court Judge Cristol had to formally **Remand** my U.S. Bankruptcy Case # 15-13372 back to Dade County Circuit for the Dade Circuit Court and have jurisdiction, however Judge Cristol admitted he didn't have jurisdiction on the July 21, 2015 Re: 7-15-15 Doc. 119 (3 pgs.) EXHIBIT 1A Emergency Motion To Reconsider (Re: 61 Order On Miscellaneous Motion) or in the alternative Motion To Clarify (Re: 61 Order On Miscellaneous Motion) Filed by Debtor Andrea Rosen Liebman. (Frank, Michael) (Entered 07/15/2015).

In response on 7/22/15 Doc. 127 (4 pgs.) Order Denying Motion For Rehearing or Clarification (Re: # 119) Rios, Amber) Entered 7/22/2015.

Judge A. Jay Cristol stated on/in the Doc. 127 on 7-21-15 4th Page top of Page:

"It further appears the Court is without jurisdiction to even consider this motion as the Debtor still has pending appeal of the Court's orders which the motion seeks to clarify or rehear." "It is therefore

ORDERED AND ADJUDGED that Debtors' *[sic]* for *Rehearing or Clarification of Order Dated June 4, 2015* is DENIED."

THEREFORE, the 5-14-15 Foreclosure was *Void On Its Face, Void Ab Initio*, a *Nullity* for Lack of Jurisdiction. The 7-27-15 Order Filed 7-28-15 EXHIBIT 1B Doc.

ORDER VACATING ORDER TO STAY MAY 14, 2015 FORECLOSURE SALE [D.E. 42] is *Void On It's Face* For Lack of Jurisdiction as per above "It further appears the Court is without jurisdiction to even consider this motion as the Debtor still has pending appeal of the Court's orders which the motion seeks to clarify or rehear."

There are violations of the U.S. Constitutional Amendments involving the 1st, 4th, 5th, 8th, 9th, & 14th Amendments during the proceedings leading to my filing for a Petition For Writ of Certiorari, the beginning Date 5-14-15 Foreclosure Sale when State Court Lacking Jurisdiction sold my Townhome. The Petitioner is seek to the current date that there must be correction by the Honorable Justices of the Supreme Court.

HONORABLE JUSTICES:

Chief Justice John G. Roberts, Jr.
Associate Justice Clarence Thomas
Associate Justice Samuel A. Alito, Jr.
Associate Justice Sonia Sotomayor
Associate Justice Elena Kagan
Associate Justice Neil M. Gorsuch
Associate Justice Brett M. Kavanaugh
Associate Justice Amy Coney Barrett
Associate Justice Ketanji Brown Jackson

CONCLUSION

The Petitioner, Andrea R. Liebman *Pro se*, has spent many years Appealing the *Void Ab Initio* Foreclosure Sale of her & her husband's Waterfront Townhome since July 2, 2015. At no point was any of my Appeals frivolous or vindictive. Purely to fight for Justice in our *Wonderful* U.S.A. for ourselves, our posterity and every U.S. Citizen & Future U.S. Citizens who enter the U.S. Bankruptcy Courts in conjunction with State Courts.

U.S. CONSTITUTIONAL AMENDMENTS that have been violated throughout my U.S. Bankruptcy Court & State Court experience are numerous:

I. Guaranteed Freedom- Government - Bias For a Particular Denomination

IV. Guaranteed Protection From Search & Seizures – Under Market Value – Federal & State Gov. took our Townhome without Jurisdiction.

V. Guaranteed Fed. Gov. - Equal Protection & Due Process – the Petitioner has received a great deal of *Arbitrary/Whimsical* Process *Under Color of Law*

VIII. Guaranteed From Fed. Gov. Executing Cruel & Unusual Punishment- it is harsh punishment to be evicted with all our belongings in public view without & have your Townhome taken away with \$100,000 to \$300,000 of Equity stolen right under one's nose botj Federal/State Court Lack of Jurisdiction to benefit creditors & third party purchaser, who knew of the Reinstated Automatic of 5-13-15; then went ahead & all intentionally Willfully violated a correctly *Nunc Pro Tunc*, Orally Reinstated Stay of 5-13-15, properly executed om 5-24-15 all documented to my attached Appendix/Orders/Transcripts.

IX. Guaranteed Enumeration in Constitution, certain Rights, Shall not

Be Construed To Deny Or Disparage others Retained By The People – clearly my Excerpts above from several Hearing Transcripts are proof that my husband, Dr. Jay Liebman D.C. & myself experienced humiliation & disparagement in my attached Federal U.S. Bankruptcy Exhibit Transcripts & Dade County Circuit Transcripts 7-29-15 & 8-26-15 construed to deny the Liebman's words that Dade County Court *Lacked Jurisdiction* as did Judge A. Jay Cristol on 7-27-15 when he made the Order Vacating Order To Stay 5-14-15 Foreclosure Sale, during an Appellate Jurisdiction from 7-2-15 on the 6-16-15 Order To Retroactively Lift Stay for Failure to Get Confirmed on 6-16-15, which could not restore State Court Jurisdictions according to *Acevedo*.

I. Guaranteed Freedom- Government - Bias For a Particular Denomination

IV. Guaranteed Protection From Search & Seizures – Under Market Value

V. Guaranteed Fed. Gov. - Equal Protection & Due Process

VIII. Guaranteed From Fed. Gov. Executing Cruel & Unusual Punishment

IX. Guaranteed Enumeration in Constitution, certain Rights, Shall not

Be Construed To Deny Or Disparage others Retained By The People

X. Guaranteed Rights Reserved to the States and the People

XIV. Guaranteed that States Provide All Citizens With Equal Protection
& Due Process

It is not a stretch of my imagination or any other U.S. Citizen Similarly Situated or whom will be Similarly Situated in the near Future, if YOUR HONORS do not firm up/enforce your *Acevedo Per Curium* Decision to be totally inclusive of *race, creed or color*. At this very juncture *Acevedo Per Curiam Decision* has set a *Precedent* that demonstrates a bias to Roman Catholics/Christians, certainly not all Denominations:

“There were 70,412,021 registered Catholics in the United States” (22% of the U.S. population) in 2017, according to the American bishops’ count in their official... (Source Wikipedia)

“There are roughly 51 million Catholic Adults in the U.S. accounting for one-fifth of the Total U.S. adult population”, According to Pew Research... Oct. 10, 2018 (Source Pew Research Center).

I, Andrea R. Liebman Petitioner, am Representing the 80% of The Population which includes all the Denominations that are not associated with Roman Catholics or Christianity, including Ethnic Groups such as Black, Indian (India/U.S.A.), Asians, etc., etc.

Adult population of U.S.A. 331,893,745 2021 Source data center@aecf.org (258.3 Million Adults – 51 Million Catholic Adults = 207. Million of other Denominations that are affected by a narrow interpretation of *Acevedo*.

Bottom - Bottom - Line the Liebmans (Andrea R. Liebman Petitioner) represent a Class of U.S. Citizens that receive *Arbitrary Whimsical Due Process* from Federal/State re Unequal Treatment in the U.S. Bankruptcy System (taken a step further that this *Bias* permeates the entire Federal & State Court System. I’m not saying there is no justice just that a great deal of improvement is needed ASAP.

The Liebmans, Petitioner & Husband received Process, however not the *Due Process* (Honorable A. Jay Cristol details *Due Process* in the attached 4-29-15 Transcript Excerpt included in my ARGUMENT above) nor *Equal Protection*.

The Petitioner understands that there are many who seek a Petition For Writ of Certiorari – to VACATE an UNJUST Order (Opinions Below) from YOUR HONORS/THE U.S. SUPREME COURT.

However, that can never be an excuse (to Deny or Disparage Guaranteed Rights):

“Enumerated in the Constitution, of certain rights, shall not be construed to deny or disparage others Retained by The People”.

I, Andrea R. Liebman, Petitioner, humbly, request that Your Honors GRANT my Motion For Rehearing On Merits. That I have demonstrated/detailed the supporting facts that prove that Miami-Dade Circuit Court Lacked Jurisdiction to

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Foreclose on my Waterfront Townhome on 5-14-15, for the simple fact that Honorable A. Jay Cristol issued an effective Oral Order of 5-13-15. evidenced in Transcript 5-13-15 Exhibit # 3 Page 12 Lines 4-19:

THE COURT: "Very well. Then we'll -- let's see, we are asking - - this was a motion for hearing to stay - - well, I mean, to enter the automatic stay and it's granted. Ms. - -

Honorable Justices of The U.S. Supreme Court, I, Petitioner, must emphasize the immense importance of Your GRANTING my Motion For Rehearing On Merits leading to GRANTING the Petition For Writ of Certiorari & Summary Reversal. Your Decision will restore a balance in the U.S. Court System, where all U.S. Citizens regardless of *Race, Creed or Color* for millions & millions of U.S. Citizens now as well as into the future that written Guaranteed Constitutional Rights are just not on paper for *Arbitrary Whimsical Decisions* that exclude millions of U.S. Citizens. YOUR HONOR'S Enforcement of *Acevedo* not just for Roman Catholics or Similar beliefs, however for all Beliefs/Faiths be whatever Color or Country a U.S. Citizen may come from or Family came from. The Positive reverberation in the entire U.S. Court System will result upon Your Honors issuance of a Writ of Certiorari leading to Vacating the USCA & U.S. Bankruptcy Order/Opinion below.

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