

NO. 22A170

Supreme Court, U.S.  
FILED  
AUG 20 2022  
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IN THE  
SUPREME COURT OF THE UNITED STATES

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*Frank Deville, et al.*

*Applicants,*

*v.*

*Specialized Loan Servicing LLC, et al.,*

*Respondents,*

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EMERGENCY APPLICATION FOR STAY OR IN THE ALTERNATIVE, ON PETITION  
FOR A WRIT OF CERTIORARI AND INTERLOCUTORY REVERSAL

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*On Application for stay, Or In The Alternative, On Petition  
for a writ of Certiorari To the United States District Court For the  
Central District of California*

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To the Honorable Elena Kagan Associate Justice of the Supreme Court of  
the United States and Circuit Justice for the Ninth Circuit

---

*Pro Se Litigants.*

Respectfully submitted,  
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## QUESTION PRESENTED

This decision is inconsistent with Supreme Court and Third Circuit precedent *United States v. Fiorelli*, 337 F.3d 282, 338 (3d Cir. 2003) and “ventures down and This dispute concerns the three judges panel decision that conflicts with Supreme Court precedent, *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267, 98 S.Ct. 1042, 1043, 1050-1052, 1053, 1054, 55 L.Ed.2d 252, (1978).

It preserves both the appearance and reality of fairness, “generating the feeling, so important to a popular government, that justice has been done,” *Joint AntiFascist Committee v. McGrath*, 341 U.S. 123, 172, 71 S.Ct. 624, 649, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring).

Ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242(1980).

The district court Creates a new standard for Fourteenth Amendment which guarantees Equal Protection Clause of the 14th Amendment, *United Cohen v. Beneficial Industrial Loan Corp.*, 337 US 541. Were clear errors exist, *United States v. Moran*, 778 F.3d 942, 985 (11th Cir. 2015), *Lawlor v. National Screen Service Corp.*, 349 U.S. 322 (1955)

Where res judicata does not bar a suit, *Goldberg v. Kelly*, 397 U.S. 254, 265-70 (1970) where the due process clauses are lacking. Appellants should receive a right to be heard and the right to proceed. While this is a path seldom traveled by the undersigned, The petitioners believe that the issues presented require the full Circuit's attention. Consideration by the full Court is therefore necessary to secure and maintain uniformity of the Court's decisions which is pending.

The questions are also of exceptional importance in the civil law context as the Fourteenth Amendment is at issue and is an extraordinary remedy to exceptional circumstances and public importance. The panel decision creates a rule that will likely undermine the protections of the Fourteenth Amendment and will essentially allow mortgagors to be victimized and every innocent citizen in the vicinity are of their choosing to attempt to hijack or victimize consumers who slippery slope that erodes individuals' constitutional rights to go about their lives free from arbitrary police interference," as stated by Judge Dennis in his dissent.

California Attorney General Xavier Becerra filed an amicus brief in support of the rights of homeowners in *Sheen v. Wells Fargo Bank App. A* at 148-190, a case under review by the California Supreme Court pending in the court as of now. This decision is inconsistent with the Supreme Court and eleventh circuit *Primo C. Novero*

vs. Duke Energy. This circuit conflict inevitably leads to deeply un-fair results. Failure to abide by Los Angeles County Rules of Procedure and Federal Rules of Procedure, Conspiracy Against Rights Title 18 U.S.C. § 241, Deprivation of Rights Title 18 U.S.C., U.S.C. § 1983, Obstruction of Justice, Fraud on/of the Court.

The Ninth Circuit denied the petitioner the right to be heard and the right to proceed the question presented is:

1. Can the lower courts undermine the protections of the Fourteenth Amendment and will essentially allow mortgagors to be victimized and every innocent citizen in the vicinity are of their choosing to attempt to hijack or victimize consumers who desire the right of a home of this society as a whole and the protection by the constitution exercised fairly.
2. In light of the 14 Amendment to the US Constitution, does the District court and the Appeals court denial of due process of law, fatally overrule a citizen's right to be heard?
3. Can the district court ignore exemplary damages upon the National Banks, Mortgage companies, Investors, attorneys and their associates, who wrongfully broke chains of title through reassignments without properly negotiating the note?
4. Refusing to revisit the lower court's decision violates the Petitioners constitutional rights.
5. Refusing to give relief for rule 60. from a judgment or order for interlocutory appeal when relief is warranted based on the rule as stated in App. A at 8-9 & App. M at 1-9 relief for rule 60.

6. Refusing to rehear the petition for panel rehearing/en banc by denying the petition as mentioned in app. A at 14.

## **PARTIES TO THE PROCEEDING**

**Petitioners** (movant in the court of appeals) were Frank Deville & Dee Deville.

**The following Respondents** in the court is the United States Court of Appeals for the Ninth Circuit. The real party in interest on the respondent side of this case ( the plaintiff on the court of absent relief) is the United States.

The United States of America is represented by the Attorney General of the United States according to pursuant to 28 U.S.C § 2403(b) certifying to the State Attorney General the fact that the constitutionality of a statute of that state was drawn into question according to rule 14.1(e)(v).

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**Disclosure Statement**  
**RULE 29.6 STATEMENT**

Petitioners, Frank Deville (and wife Dee

Deville), are individuals NOT publicly held companies.

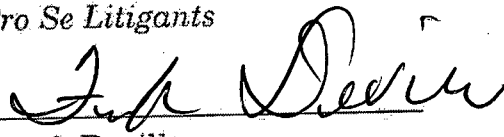
Petitioners submit the following statement of corporate interests and affiliations for the use of the Justices of this Court: Petitioners have no corporate interests. Petitioners are not a publicly-held corporation or other publicly-held entity. Petitioners have no stock, so no publicly-held corporation or entity owns any stock in Petitioners.


Dated: August 6, 2022

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\_\_\_\_\_  
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\_\_\_\_\_  
Dee Deville



## RELATED PROCEEDINGS

United States Court of Appeals for the Ninth Circuit:

- *Frank Deville et al v. Specialized Loan Servicing LLC., et al 20-56328 (9th Cir. January 27, 2022)*
- *Frank Deville et al v. Specialized Loan Servicing LLC., et al 20-56030 (April 19, 2021)*

United States District Court for the District of California:

- *In re: Frank Deville et al., v. Specialized Loan Servicing LLC., et al., 20-cv-05576.(11/20/2020).*
- *In re: Frank Deville et al., v. Specialized Loan Servicing LLC., 20-cv-00158.(11/20/2020)*

United States Bankruptcy Court appeals for the District of California:

- *In re: Frank Deville et al v. Wells Fargo Bank, 17-ap-01152.(5/3/2018)*

Supreme Court of California for the second Appellate district court of Appeals.

- *In re: Frank Deville et al, v. Court of Appeals of California, Second Appellate District, et al. Case # S258725.(October 30, 2019)*

United states Supreme court:

- *In re: Frank Deville et ux., v. Court of Appeals of California, , Second Appellate District, et al. Case # 19-7511. (3/30/2020)*

Second Appellate Court of California for the County of Los Angeles:

- *In re:Deville et al., v. Wells Fargo Home Mortgage et al., B301429( filed by accident)*
- *In re:Deville et al., v. Wells Fargo Home Mortgage et al. B293129., (12/5/2019)*

Superior Court of California for the County of Los Angeles:

- *In re:Deville et al., v. Wells Fargo Home Mortgage et al. ,BC678763( 6/25/2018)*

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**To the Honorable Elena Kagan Associate Justice of the Supreme Court of the United States and Circuit Justice for the ninth Circuit**

The Applicants, respectfully on this application for stay Or, In the alternative, Petition for writ of Certiorari and Interlocutory reversal to the United States District Court for the Central District of California. In the alternative, the Applicants respectfully requests that the Court treat this petition as a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case. The first appeal in case 20-56030 interlocutory dkt No. 16 denied as unnecessary because it concludes in related appeal App. V 299. The related case No 20-56328. Applicant is without counsel and lacks a fair opportunity for fair trial.

This application filing provides that such an application will be granted "only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. Applicant has thus in great details and a explanation to why this application should be granted as set forth below:

**Opinions Below**

Applicants respectfully pray? that a stay or in the alternative a Writ of Certiorari issue to review the judgment below.

A stay was requested and denied, App. S 295-296 & App. R 294. Interlocutory denied App. R 294 and en banc which included a request for stay because the case was denied in its entirety which lead to the denial of appeal and then the denial



of review/En banc of the opinion of the United States Court of Appeals appears at Appendix B 171a to the petition and is unpublished. The Appeals courts decisions are not made published but is Attached to appendix. The denial of review of the opinion of the United States Court of Appeals appears at Appendix C 172a to the petition and is unpublished but is attached to appendix. The opinion of the United States District Court appears at Appendix D 173a to the petition and is unpublished. District court order appears App. P 282a. District court Ignored order by magistrate Judge App. N 280a. Denial of Stay order App. R 294a.

The opinion of the United States District Court appears at Appendix to the emergency motion App. V 299a and is unpublished. The opinion of the United States District Court appears at Appendix to another reconsideration/en banc decision App. T 297a. The opinion of the United States District Court appears at Appendix to the Memorandum/order at App. H 232a.

### **Jurisdiction**

The judgment of the court of appeals was entered on January 27, 2022 and denied review on April 18, 2022. Were this court to grant the petition as a Petition for Writ of Certiorari, Applicants' petition must be filed on or before July 18, 2022. The jurisdiction of this Court is in-voked under 28 U.S.C. 1651(a) to issue "all writs" necessary and proper in aid of the Court's appellate -jurisdiction by exercising its control of the United States Court of Appeals and the United States District Courts to insure that "due process" rights, equal protection under the law and access to the courts to present evidence is properly afforded to the Devilles

without prejudice or outside of the administration of justice or, in the alternative, 28 U.S.C. 1254(1).

The case before this Court is of an "extraordinary" Nature which challenges the validity of the judicial Administrative Remedies Process as defective and Unconstitutional. Fraud vitiates everything, including Judgment by attorney fraud is never final with no statute of limitation attached to it. There is no possibility the Ninth circuit judges would Adjudicate meaningfully these claims that were unripe Presenting misconduct in support of falsification of the records in the state, federal and bankruptcy court.

This petition filing provides that such a petition will be granted "only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.

The writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretion-ary powers, and that adequate relief cannot be obtained in any other form or from any other court. This petition is timely, filed within 90 days after entry of the order denying discretionary review. Though this petition accompanies many orders due to the combining of the two appeal cases, one for lack of jurisdiction 20-56030 at App. R 294 and 20-56328 App. B 171. A stay was denied as seen at App. S 295-296 & App. R 294..

***Therefore, this court is the only forum*** for the Applicants to secure relief. Accordingly, this case should be heard pursuant to S.C rule 10 to call for

an exercise of this court's supervisory power, FRCP Rule 60(b)(6) which

Provides that this court may relieve a party from a final judgment for any other reason justifying relief from the Operation of judgements and for the mandatory conscience based duty of Justices as seen in:

- Hughes v. United States, 953 F.2d 531.
- U.S. v. Throckmorton, 98U.S. 61.
- Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944), this court devitalized a judgment Procured by fraud 12 years later.

### **Constitution and Statutory Provision**

The Fourteenth Amendment to the  
United States Constitution Arndt. 14, §  
1;42 U.S.C. § 1983;

"The Fourteenth Amendment to the United States Constitution provides that a State shall not 'deprive any person of life, liberty, or property, without due process of law.' Arndt. 14, § 1. In 42 U.S.C. § 1983, Congress has created a federal cause of action for "the deprivation of any rights, privileges, or immunities secured by the \*\*2803 Constitution and laws.

#### **28 U.S.C. § 1291, in relevant part:**

"The courts of appeal (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States..., except where a direct review may be had by the Supreme Court."

#### **Fed. Rules of Civil Procedure 60(b)(4)-**

"(b) Grounds for Relief From a Final Judgment, Order, or proceeding. On

motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons  
(4) the judgment is void."

**Eleventh Circuit Rule 41-1(b)-**

"(b) A mandate once issued shall not be recalled except to prevent injustice."

**S.C rule 10**

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons  
Such as appeals has decided an important question of federal law that has not been, but should be or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

**Rule 11. Certiorari to a United States Court of Appeals before Judgment**

A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U. S. C. § 2101(e).

**FRCP Rule 60(b)(6)**

Provides that this court may relieve a party from a final Judgment for any other reason justifying relief from the Operation of judgements and for the mandatory conscience based duty of Justices

**42 U.S Code § 3604**

Discrimination in the sale or rental of housing and other prohibited practice.

**42 U.S Code § 3613**

Enforcement by a private person.

### Statement of the case

For more than a century laws concerning pro se litigants have given The subject matter in this case, in one form or another, has been presented to the courts at different times over 6 years; Deville's claims have never changed but new and unripe and further evidence of abuse of the system has been added. A decision was made on January 27, 2022, entering judgment in favor of the appellees. A rehearing/ en banc entering judgment on April 18, 2022 due to no judge has requested a vote on whether to rehear the matter en banc as seen in App. D at 1-1.

The three panel's decision conflicts with the Supreme court decision (Martin v. Creasy, 360 U.S. at 224, 79 S.C. at 1037). As seen in WELLS FARGO BANK, N.A., as Trustee, \*Plaintiff-Appellee, The appellates entered new evidence in this appeal as stated in App. A at 70 ¶¶ f and the document filed in App. Q at 313, this is a new argument raised for the first time on appeal. Louisiana appellate courts and the Supreme Court routinely refuse to consider arguments presented for the first time on appeal. (Padgett v. Wright, 587 F 3d 983, 985 n.2 (9th Cir. 2009).

Upon the record according to *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. at 244,246,247, the Circuit Court of Appeals had the power and the duty to vacate its 1932 judgment and to give the District Court appropriate directions. (P. 322 U. S. 247). Even if Hazel failed to exercise due diligence to uncover the fraud, relief may not

be denied on that ground alone, since public interests are involved. P. 322

U. S. 246.

The clerk office responsibility for filing and maintaining all Documents submitted to the court, to date a statement of the issues Was never entered in App. A at 137. Filled in the district court and in the ninth Circuit and it was also designated as part of the records for the Appeal as seen in App. I at 15 & 19. The appeals court in their decision erred by.

1. No notice of the complaint deficiencies and as opportunity to amend prior to dismissal of the action. " Lucas v. Dept. of Corrections, 66 F .3d 245, 248 (9th Cir. 1985), as stated in the brief page 24. Before dismissal the appellants were not noticed of the deficiencies as seen in the history docket App. I at 255-274 & in the brief App. A at 10.(Goldberg v.Kelly, 397 U.S. 254,265-70 (1970).
2. The district court failed to address motions in the court as seen in App. G at 24-25 & 12, The proceedings before the district court were overlooked and an order was never made.
  - a. The motion for pre-trial conference docket # 119 with attached proposed order and the request for ADR docket #121 and request for transfer docket #964 for example in opening brief page 1 App G at 1 and at App. I at 1-20 no order on the motions up above ruled on.
3. Did not give a reason nor the specificity of explanation to why a refusal to readdress the state, federal and Bankruptcy decisions when evidence was presented to clarify fraud on the court.

4. Did not give a reason nor the specificity of explanation to why the Res judicata was upheld in the case. The Panel's opinion contradicts Supreme Court and Ninth Circuit precedent. Transcript must also be taken by a court reporter. A Supreme Court explained more than 50 years ago in *Lawlor v. National Screen Service Corp.*, 349 U.S. 322 (1955).

Res judicata does not bar a suit, even if it involves the same course of wrongful conduct as alleged earlier, so long as the suit alleges new facts or a worsening of the earlier conditions. That is precisely the case here.

- a. Seen in App. A at 67 & App. G at 22 that here was an error identity of claim.

5. Failed to properly manage this complex appeal. A Court can order sua sponte, special management for complex appeals. However, case management conferences are held only in exceptional circumstances which exist. There are several litigants as seen in the informal brief, App. G at 27-30 and are dealing with several court decisions as seen in informal brief page 36 ¶¶ 10.
6. This is a different, viable lawsuit that has been unjustifiably cut short at the pleading stage. This court should reverse and allow the case to proceed in the district court. A constitutional question does exist as stated in the notice of appeal App. I at 14,19 & in the statement of the issues App. I at 15 & 19 .The existence of such conflict is an appropriate ground for petitioning in this court.
7. The court could have considered whether the hearing officer's decision was adjudicatory and in writing with a statement of reasons, and whether that decision was adopted by the director of the agency with the potential for later judicial review as seen in *Pacific Lumber Co. v. State Water Resources Control Board*, 37 Cal.4th 921, 944 (2006).

There is no case in the history of this Nation has sought

adjudication of cases arising from fraud on a court,  
BY THE COURT, this is a case of first impression and  
nationwide significance. Hazel-Atlas Glass Co. v.  
Hartford-Empire Co., 322 U.S. 238, 246. (1944),<sup>9</sup> See  
Keystone Driller Co., v. General Excavator Co., 290 U.S.  
240, 1933: "The governing principle is 'that whenever a  
party who, as actor, seeks to set the judicial machinery  
in motion and obtain some remedy, has violated conscience,  
or good faith, or other equitable principle, in his prior  
conduct, then the doors of the court will be shut against him  
in limine; the court will refuse to interfere on his behalf, to  
acknowledge his right, or to award him any  
remedy," citing Pomeroy, Equity Jurisprudence (4th Ed.)397.

#### **REASON FOR GRANTING PETITION**

Applicants, respectfully requests that this Court issue a stay or in the  
alternative a writ of Certiorari to the United States Court of Appeals for the  
Ninth Circuit required it to act and adjudicate every issue presented concurrently  
with this application for a stay/ alternative petition for writ of certiorari. Should  
the Court determine that this case does not meet the criteria for a writ of stay, it  
should grant the applicants in the alternative request for a writ of certiorari for  
the reasons stated in this application. Applicants filed an informal brief and need  
not comply with requirements according to FRAP 28(a).



An application for a stay shall set out with particularity why the relief sought is not available from any other court or judge. Except in the most extraordinary circumstances, an application for a stay will not be entertained unless the relief requested was first sought in the appropriate court or courts below or from a judge or judges thereof. An application for a stay shall identify the judgment sought to be reviewed which is stated in this application.

A writ of certiorari is warranted when a party establishes that (1) the "right to issuance of the writ is 'clear and indisputable,'" (2) the party has "no other adequate means to attain the relief" sought, and (3) "the writ is appropriate under the circumstances." *Cheney v. United States Dist. Court*, 542 U.S. 367, 380-381 (2004)(citation omitted). Exceptional circumstances amounting to a judicial "usurpation of power." *Id.* at 380 (citation omitted). Those are the circumstances of this case. Generally, a party must be a real party in interest to the litigation to have standing." *Hill v. S.C. Dep't of Health & Env'tl. Control*, 389 S.C. 1, 22, 698 S.E.2d 612, 623 (2010) (internal quotation marks omitted).

A real party in interest for purposes of standing is a party with a real, material, or substantial interest in the outcome of the litigation." *Id.* (internal quotation marks omitted). Rule 17(a) of the South Carolina Rules of Civil Procedure requires that every action be prosecuted "in the name of the real party in interest" . . . .It is ownership of the right sought to be enforced which qualifies one as a real party in interest, rather than absolute ownership of specific

property according to *Bank of America, NA v. Draper*, 746 SE 2d 478 - SC: \*Court of Appeals 2013.

**A. The court should grant Stay/alternative Certiorari to resolve a circuit conflict on An important and recurring issue concerning Pro se litigants.**

The acknowledged circuit conflict concerning the question presented in this case cannot be resolved without this Court's intervention—indeed, one court has explicitly called for this Court's review. *Dable*, 2019 WL 6824856, at \*4 n.6. Given how frequently the question presented arises, the confusion it is currently causing across the country, and how important it is when it does arise, this Court should grant this petition now to resolve the conflict.

**B. The districts conflict for pleading requirements for pro se litigants and the need to be properly noticed.**

*Holloway*, supra, 242 Cal.App.4th at p. 14. The district judge faces a significant challenge in balancing the obligations to facilitate the ability of the self-represented litigant to be fairly heard and refrain from assuming the role of advocate, on the other. *Holloway*, supra, 242 Cal.App.4th at pp. 1433–1434.

**1. The conflict needs to be noticed of its Deficiencies.**

Before dismissal the appellants were not noticed of the deficiencies as seen in the brief page 23 app 40a. No notice of the complaint deficiencies and as opportunity to amend prior to dismissal of the action. " Lucas v. Dept. of Corrections, 66 F .3d 245, 248 (9th Cir. 1985), as stated in the brief page 24 app 41a.

**C. The courts are divided concerning the right to a fair trial conflict.**

The due process clause applies to state agencies. U.S. Const., amend. XIV, § 1; Cal. Const. Art. 1, §7(a); Goldberg v. Kelly, 397 U.S. 254, 265-70 (1970); Kruger v. Wells Fargo Bank, 11 Cal.3d 352, 365-71 (1974).

To assure that fairness is acquired Adjudicatory proceedings must adhere to a fundamental administrative adjudication bill of rights, including basic due process and fairness in accessible procedures, a public hearing, a neutral presiding officer, a prohibition of ex parte communications.

In addition, a written decision based on the record. See, e.g., Cal. Gov't Code §§ 11400-11470.50; 25 Cal. L. Revision Comm'n Reports 55 (1995), which took place in this case presented before the court, Plaine v. McCabe, 797 F.2d 713, 718-19 (9th Cir. 1986).

**5. Conflict concerning the revisiting of lower case decision when proven facts concerning fraud on The court.**

Material facts were overlooked in the state, federal and bankruptcy court. Constitutional Standards: Injury in Fact, Causation, and Redressability.—Although the Court has been inconsistent, it has now settled upon the rule that, “at an irreducible minimum,” the constitutional requisites under Article III for the existence of standing are that the appellants' must personally have: 1) suffered some actual or threatened injury; 2) that injury can fairly be traced to the challenged action of the defendant; and 3) that the injury is likely to be redressed by a favorable decision. Unripe claims cannot later serve as a basis for res judicata. *Rawe v. Liberty Mut. Fire Ins. Co.*, 462 F.3d 521, 529–30 (6th Cir. 2006).

The appellants were denied the right of a jury trial as seen in informal brief ¶¶ j , App. G at 21. In the reply brief it's clear that fraud on the court exists in ¶¶ i, App. G at 19. Appellants need protection they pay by money gram/cashiers check because that's the only way to have proof of mortgage payment every month (Walter D Shaw

Jr v. Specialized Loan Servicing LLC, 5:2014cv00783) as stated in opening brief ¶¶ 4, App. G at 30.

There is no statute of limitations for bringing a fraud upon the court claim. Hazel-Atlas, 322 U.S. at 244. As a circuit court has explained, "a decision produced by fraud on the court is not in essence a decision at all and never becomes final." Kenner v. Comm'r of Internal Revenue, 387 F.2d 689,691 (7th Cir.1968).

**6. This case is an ideal vehicle to resolve the Circuit conflict.**

The panel decision conflicts with a decision of the Supreme Court and a decision of among the additional panel Circuit so that consideration by the full Court is necessary to secure or maintain uniformity of the Court's decisions.

**7. Balance of equities and public interest weigh in favor of granting emergency relief.**

Given the likelihood of this Court granting Stay/ alternative certiorari and the case-mooting harm to Frank Deville and Dee Anetionette Deville will suffer absent relief, it is unlikely that this is a "close call" for a relief, requiring the balance of equities. Hollingsworth, 558 U.S. at 190. Still, the balance of equities and public interest also favor granting applicant's request must only show that the public interest would not be harmed by the grant of injunction. See Tandon v.

Newsom, 141 S. Ct. 1294, 1298 (2021) (per curium); Roman Cath.

Diocese of Brooklyn v. Cuomo, 141 S. Ct. 63, 68 (2020) (per curium).

State and federal conflict were not addressed in the appeal App. A at 5 and according to 28 U.S.C. § 1331 - Federal Question exists. Material points of facts or law were overlooked in the decision as stated in App. A at 6 & App., G at 11-24. There is a fair prospect that a majority of the court will conclude upon review that the decision on the merits was erroneous resulting in a reasonable probability that four justices will grant certiorari or agree to review the merits of the case.

**8. Failure to grant emergency relief would irreparably harm and future Mortgage payments.**

Absent judicial intervention, Frank Deville and Dee Anetionette Deville will suffer irreparable harm through the effective denial of a constitutional and statutory right to be fully heard on a serious disagreement between the nature which challenges the validity of the judicial administrative remedies Process as defective and unconstitutional.

For the panels opinion to be established as case law, every consumer who has been victimized by their mortgagor would have no secure remedy for help or proper relief. The panel decision conflicts with supreme court precedent, Carvy v. Piphus, 435 U.S 247, 259-262(1978). As stated in App. A at 15, the only way to have proof of

payment a cashier's check/ third party money gram every month for 5 years now to preserve proof of mortgage payment


### Conclusion

For this reason, a Stay should be granted. Ordering a halt to all expansion of the administrative record in the appeals court. In the alternative, the Applicants have filed concurrently with this petition, a separate petition for writ of certiorari. Should the court determine that this case does not meet the criteria for a writ of Certiorari, it should grant the Applicants alternative request for a writ of certiorari for the reasons in this application, The applicant request for the court to grant the stay/certiorari petition, and reverse the court of appeals' decisions and any mandates filed in the case and any related cases filed in the court.

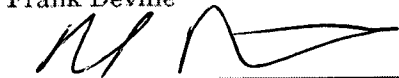
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