

Supreme Court, U.S.
FILED
DEC - 7 2022
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22A524
No. ~~22A387~~

In The
Supreme Court of the United States

Heewon Lee – Pro Se,

Petitioner,

v.

BAC Home Loans Servicing, LP, Bank of America, NA, and Others,

Respondent.

**APPLICATION FOR MOTION TO STAY FOR A WRIT OF CERTIORARI
TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE
FIRST CIRCUIT**

To the Honorable Justice Ketanji Brown Jackson, Associate Justice of the
United States Supreme Court and Circuit Justice for the First Circuit:

Pursuant to Rule 23 of the Rules of this Court, Petitioner Pro-Se Heewon Lee requests for Motion to Stay to prevent Defendant to proceed with foreclosure after being denied such relief in the Appeals court (Appendix 1).

The 2018 amendments to the federal rules of civil procedure (Rule 62) and appellate procedure (Rule 8) indicate that “stays pending appeal should be the norm in mortgage foreclosure appeals.” *Deutsche Bank Nat’l Tr. Co. as Tr. for GSAA HomeEquity Tr. 2006-18 v. Cornish*, 759 F. App’x 503, 504 (7th Cir. 2019). Even under the traditional standards, however, a stay of enforcement is warranted. *See id.* at 510-511 (dissent notes former standards).

Plaintiff is likely to succeed on the merits. The District Court and First Circuit held that RICO claim could not be asserted because of Res Judicata. However,

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Petitioner could not allege RICO claim at the state case 1777CV00271 (Defendant's 2016-2017 activities) for Defendant's activities in 2009 to 2010 at the federal case 10-CV-12226-GAO.

The federal case was about defendant's violation of HAMP Guidelines between 2009 to 2010. This was initiated by plaintiff. Meanwhile, the state case was about defendant's violation of federal and state laws for mortgage modification. This had to be initiated by defendant for conformance with state and federal laws.

The Petition for a Writ of Certiorari intends to address conflicting issues between Res Judicata and Due Process. Appellant believes that the due process rights limit preclusive effects of both state and federal judgments based upon constitutional and non-constitutional premises. To date the Supreme Court has not clearly distinguished the due process requirements for a valid judgment and the perhaps more demanding constitutional and non-constitutional requirements for issue preclusion.

In addition, the Appeals court decision stated that some of appendixes were stricken since they were not part of record of appeal (Appendix 3). But all documents in appendixes were submitted in the lower court; and should have been part of official appeal record. There was a possibility those documents might have been neglected and excluded in the lower court decision. Also one of Petitioner's RICO claims was neglect and exclusion of important evidential documents by the state court in question for Res Judicata.

Since real property is unique, foreclosure may cause **irreparable harm** to the owner. *See Sundance Land Corp. v. Community First Fed. Sav. & Loan Ass'n*, 840

F.2d 653, 661-62 (9th Cir.1988). In addition, Petitioner as health proxy is in personal hardship to take 24 hour care of his mother with Alzheimer in the property as dependent of Petitioner (Appendix 2) who does not have an option to go to a nursing home because of her language problem as well as food issue. Meanwhile, the Bank will **not be injured**. Its collateral will still be there with full coverage from its mortgage insurance company.

For the reasons above, Petitioner asks that the judgment bestayed until proceedings in the U.S. Supreme Court are completed.

Respectfully submitted,



/s/ Heewon Lee
Pro Se - Petitioner

Heewon Lee
60 Rantoul Street
Beverly, MA 01915
E-Mail: hwlhome@yahoo.com
December 7, 2022

Certificate of Service

In accordance with Supreme Court Rule 22.2 and 29.3, I hereby certify that a copy of the foregoing will be served via email and US mail as requested by the respondent to:

Conie Flores Jones - Respondent
Winston & Strawn LLP
800 Capitol St Suite 2400
Houston, TX 77002
(e) cflores@winston.com



/s/ Heewon Lee
Petitioner – Pro Se

December 7, 2022

Appendix 1

1 Page

United States Court of Appeals For the First Circuit

No. 21-1490

HEEWON LEE,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A.; HOME RETENTION SERVICES; JENNIFER PORTER;
SUSAN E. MAGADDINO; HEIDI ULINTZ,

Defendants - Appellees,

TARA PALMER,

Defendant.

ORDER OF COURT

Entered: September 26, 2022

Upon consideration, plaintiff-appellant Heewon Lee's motion to stay issuance of mandate is denied. Mandate shall issue forthwith.

By the Court:

Maria R. Hamilton, Clerk

cc:

Heewon Lee

Connie Flores Jones



Mass General Brigham
Salem Hospital

North Shore Physicians Group
100 CUMMINGS CTR
STE 136P
BEVERLY MA 01915
Dept Phone #: 978-279-0800
Dept Fax #: 978-279-0805

October 20, 2022

Regarding:

Donhee Jung

DOB: ~~REDACTED~~

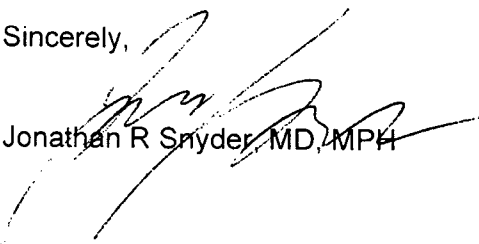
To Whom It May Concern:

Donhee Jung is a patient under my care. She has medical problem(s) including:
Alzheimers .

In my medical opinion the item(s) listed below should be covered as medically
necessary treatment for the condition(s) described: 24 hours per day of PCA care.

If additional information would prove helpful, please do not hesitate to contact my
office at 978-922-0357.

Sincerely,


Jonathan R Snyder, MD, MPH

YOUR BIRTH DATE: ~~_____~~

MASSACHUSETTS HEALTH CARE PROXY

1. I, DONNIE JUNG (Principal: PRINT your name) residing at
60 Rantoul St #110 Beverly MA 01915
(Street) (City/Town) (State/ZIP)

appoint as my Health Care Agent: Hee-won Lee as my son
(Name of person you choose as Agent)
of 60 Rantoul St #110 Beverly MA 01915
(Street) (City/Town) (State/ZIP)

Agent's tel (h) _____ (w) 617-717-8000 E-mail HWLHOME@yahoo.com

OPTIONAL: If my agent is unwilling or unable to serve, then I appoint as my Alternate Agent:
N/A
(Name of person you choose as Alternate Agent)

of _____
(Street) (City/Town) (State/ZIP) (Phone) _____

2. My Agent shall have the authority to make all health care decisions for me, including decisions about life-sustaining treatment, subject to any limitations I state below, if I am unable to make health care decisions myself. My Agent's authority becomes effective if my attending physician determines in writing that I lack the capacity to make or to communicate health care decisions. My Agent is then to have the same authority to make health care decisions as I would if I had the capacity to make them EXCEPT (here list the limitations, if any, you wish to place on your Agent's authority):

I direct my Agent to make health care decisions based on my Agent's assessment of my personal wishes. If my personal wishes are unknown, my Agent is to make health care decisions based on my Agent's assessment of my best interests. Photocopies of this Health Care Proxy shall have the same force and effect as the original and may be given to other health care providers.

3. Signed: [Signature] Date: 10/12/2017 (mo/day/yr)

Complete only if Principal is physically unable to sign: I have signed the Principal's name above at his/her direction in the presence of the Principal and two witnesses.

(Name) _____ (Street) _____
(City/Town) _____ (State/ZIP) _____

4. WITNESS STATEMENT: We, the undersigned, each witnessed the signing of this Health Care Proxy by the Principal or at the direction of the Principal and state that the Principal appears to be at least 18 years of age, of sound mind and under no constraint or undue influence. Neither of us is named as the Health Care Agent or Alternate Agent in this document. In our presence, on this day 10/12/2017 (mo/day/yr).

Witness #1 [Signature] Witness #2 [Signature]
(Signature) (Signature)

Name (print) [Redacted] Name (print) [Redacted]

Address [Redacted] Address [Redacted]

Beverly MA 01915 Beverly MA 01915

United States Court of Appeals For the First Circuit

No. 21-1490

HEEWON LEE,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A.; HOME RETENTION SERVICES; JENNIFER PORTER;
SUSAN E. MAGADDINO; HEIDI ULINTZ,

Defendants - Appellees,

TARA PALMER,

Defendant.

Before

Lynch, Thompson and Gelpí,
Circuit Judges.

JUDGMENT

Entered: June 14, 2022

Plaintiff-appellant Heewon Lee, proceeding pro se, appeals from the district court's March 5, 2021, decision dismissing his complaint as res judicata and for failure to state a claim upon which relief could be granted.

In addition to his appeal, Lee has filed a motion to file an amended reply brief and a corrected motion to file an amended reply. Those motions are allowed, and the tendered "(Corrected) Amended Reply to Defendant's Brief" is accepted for filing and has been considered. Regarding defendant-appellees' request that certain portions of the appendix be stricken, the court has considered only those documents properly a part of the record on appeal. See Fed. R. App. 10 (record on appeal).

After de novo review and careful consideration of the record on appeal, we affirm, substantially for the reasons set out by the district court. See Alston v. Town of Brookline, 997 F.3d 23, 36 (1st Cir. 2021) (res judicata standard of review and general principles); Squeri v. Mount

Ida College, 954 F.3d 56, 65 (1st Cir. 2020) (standard of review for Rule 12(b)(6) dismissal for failure to state a claim).

Affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Heewon Lee

Connie Flores Jones