

BKF

No. 23-1120



In The

Supreme Court of the United States

DA BETH MANNS,

Petitioner,

v.

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR
BANC OF AMERICA FUNDING CORPORATION FOR
MORTGAGE PASS-THROUGH CERTIFICATES 2007-03,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE DISTRICT OF COLUMBIA
COURT OF APPEALS

PETITION FOR REHEARING

DaBeth Manns
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October 21, 2024

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PETITION FOR REHEARING

Comes now Petitioner, DaBeth Manns, humbly requesting this honorable Court to grant her Petition for Rehearing pursuant to Rule 44 and Rule 44.2 of the Rules of the United States Supreme Court.

On April 16, 2024 the case was docketed and on July 10, 2024 the matter was scheduled for the September 30, 2024 Conference. On October 07, 2024 the Petition for Writ of Certiorari ("Petition") was denied without comment regarding the United States Constitutional 5th Amendment and 14th Amendment (assuring due process and equal protection under the law).

This is a Constitutional matter of urgent national significance pertaining to the existing housing and credit crisis. Most impacted are the non-attorney Pro Se litigants seeking equal access and due process of justice under the law during judicial/non-judicial foreclosure proceedings. Specifically, this case involves federal laws governing legacy foreclosures endemic to residential mortgage-backed securities which are rife with statutory and regulatory discrepancies. Reference the cases, statutes, Constitutional provisions, ordinances, and regulations presented as Authorities in pages 2 to 11 of the initial Petition.

Directly, the Questions presented in the Petition warrant judicial review by the esteemed Justices. This honorable Court is vested with the jurisdiction, authority, and magnificent responsibility to enlighten

the public with respective Majority and Minority opinions upon adjudication.

Statement of Grounds

During the Conference of September 30, 2024, pertinent issues may have been overlooked. Therefore, Manns presents the following in support of her Petition for Rehearing: equal justice under law connotes the laws should apply to all persons irrespective of status.

As a non-attorney Pro Se litigant in the lower Courts, Manns was denied multiple requests for a status hearing, judiciary examination of verifiable material evidence, required joinder (or impleading) of parties, and/or oral argument. In addition, her counter claims were categorically dismissed 'with' prejudice.

The above actions by the judiciary in the lower Courts (i.e., not allowing Manns the due process of law to present and request/compel granular fiscal data disputing the validity and accuracy of the Respondent's foreclosure debt claim) resulted in the abuse of the foreclosure process by the Respondent. Reporting recent revenues at \$42 billion, assets at \$684 billion, and profits at \$5 billion, said Respondent is one of the five largest banks in the United States.

By and through its legal counsel and its multiple affiliated corporations functioning as loan servicers (Specialized Loan Servicing, Shellpoint, NewRez, and Rithm Capital) the Respondent is bilking Manns for \$538,019.98 which is more than double the amount of the initial \$263,200.00 debt. Too, the Respondent is leveraging the infinite threat of

foreclosure through the lower Court's 'without prejudice' dismissal status to take away all the equity in the real property belonging to Manns. This renders her at nearly 100 % negative equity/under water mortgage.

In addition, the Respondent seeks to collect a lump sum of \$256,666.13 as a gargantuan balloon payment after several months of payments per moot and unconscionable loan modification contracts that were signed under vitiating circumstances during lower Court proceedings.

Pursuant to the initial Petition submitted by Manns, the United States Department of Justice actions regarding the Respondent demonstrate the Respondent's harmful practices in mortgage financing and debt collection are factual not conjecture.

Ergo, Manns and hundreds of thousands of consumers presently subjected to legal disenfranchisement and the Respondent's documented abuses in the lending, debt collection, foreclosure, and loan modification processes have ample reason to be concerned about the outcome of this case.

What the esteemed Justices do today will determine to what extent non-attorney Pro Se litigants can expect equal access and due process of justice under law in the future.

Good Faith Certification

Pursuant to the Rules of the United States Supreme Court, Manns (a non-attorney Pro Se litigant) is prejudiced because she is not allowed to be

admitted to the Bar of the United States Supreme Court. Of most significance, Manns is stripped of legal autonomy to meet with or present oral arguments to the Justices.

In good faith over multiple years of litigation, Manns developed the courage to advocate for herself. Heretofore, Manns has represented herself not because of obstinance but because of necessity.

Her conscientious quest the past eight years, to retain legal counsel with expertise on the breadth and depth of her case, has been to no avail. Well-meaning governmental and community organizations such as Legal Aid Society and Housing Counseling Services lacked the capacity to assist Manns with legal representation (i.e., per Application 22A672 on the docket).

As a matter of due diligence, Manns continues to save money with the goal of retaining legal counsel willing to study (and litigate) the issues involving her case.

Simultaneously, it would be disingenuous for Manns to pursue an application to obtain legal counsel through the In Forma Pauperis program within the United States Supreme Court. Said status is typically granted to litigants with almost no income or assets. That is, the present matter is not a criminal case wherein a Public Defender was already appointed in the lower Courts.

To the extent the Court is at liberty to do so, Manns welcomes being directed to alternative

resources for non-attorney Pro Se litigants who may not qualify for the In Forma Pauperis program.

Notwithstanding the foregoing, Manns has consistently demonstrated willingness to use her savings to properly format, print, and file requisite documents. She has spent several thousands of dollars verified by Legal Printers LLC of Washington, DC.

Intervening Circumstances

Two intervening circumstances of a substantial or controlling effect are present that were not made available at the time of the initial filing of the Petition for Writ of Certiorari.

Primarily on May 18, 2024, Chris Arnold (correspondent and investigator for the reputable National Public Radio broadcasting publication) and other contributing journalists certified that multiple thousands of homeowners presently are at risk of foreclosure due to mortgage financing debts that were allegedly absolved during mandated TARP era (Troubled Assets Relief Program) loan modification agreements. <https://www.npr.org/2024/05/10/1197959049/zombie-second-mortgages-homeowners-foreclosure>

Pertaining to the existing matter regarding Manns, the lower Court calendars will continue to be saturated with non-attorney Pro Se litigants seeking to defend themselves and their properties from the threat of large-banks and the emissaries of large-banks (i.e., foreclosure-mill law firms and shell corporation loan servicing companies). Examples of the disenfranchisement include, but are not limited to,

the addition of millions of dollars in illicit and retroactive interest and fees.

Secondarily on September 04, 2024, Alison Durkee (senior news reporter covering legal news at the reputable Forbes publication) certified the prior several months of allegations that one of the esteemed Justices (Thomas) has a long-standing and direct linkage to real estate magnate Harlan Crow. <https://www.forbes.com/sites/alisondurkee/2024/09/04/clarence-thomas-here-are-all-the-ethics-scandals-involving-the-supreme-court-justice-amid-new-ginni-thomas-report/>

Per data documented in the public domain, Mr. Crow is one of the largest developers in the United States with \$33 billion of assets under management. The linkage with Mr. Crow, by association, is significant because the Respondent regularly conducts business with Mr. Crow's Trammell Crow Residential (i.e., a subsidiary of Trammell Crow Company also known as TCC) and the Crow Holdings/Crow Holdings Realty Partners X LP enterprises. Notable examples include a recent \$43.9 million construction loan from the Respondent and the February 21, 2024 closing of Mr. Crow's real estate investment fund securing \$3.1 billion from large-banks and sovereign wealth funds.

Pertaining to the existing matter, Manns would be remiss not to consider the general concept that a smaller circle of close associates has its own circles which overlap and expand to form a network. While Manns subscribes to the ideal the esteemed Justices are above reproach, indirect linkages via consumer debts, mortgages, investments, and/or personal

friendships do make an impression. To wit, there is no way of knowing which of the esteemed Justices cast the deciding 'no' votes (or did not vote) during the Conference in which the Petition was denied.

Conclusion

The case involving Manns is a Constitutional matter of urgent national significance. It pertains to the existing housing and credit crisis, specifically the non-attorney Pro Se litigants seeking equal access and due process of justice under the law.

For the foregoing reasons, and those stated in the previous filings, the Petition for Rehearing and the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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October 21, 2024

CERTIFICATE OF PETITIONER

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

Dr. DeBeth S. Morris

CERTIFICATE OF PETITIONER

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

Dr. DeBeth L. Morris

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October 21, 2024

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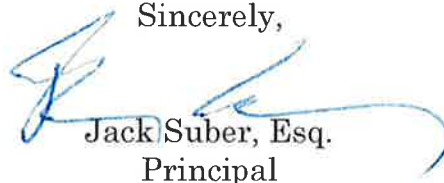
**RE 23-1120: DABETH MANNS V. U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR
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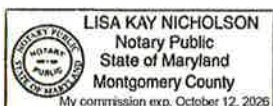
Dear Sir or Madam:

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Rehearing referenced above contains **1,369** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,


Jack Suber, Esq.
Principal



Sworn and subscribed before me this 21st day of October 2024.



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Dear Sir or Madam:

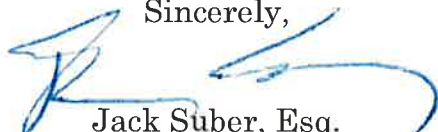
I certify that at the request of the Petitioner, on October 21, 2024, I caused service to be made pursuant to Rule 29 on the following counsel for the Respondent:

RESPONDENT:

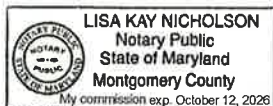
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This service was effected by depositing three copies of a Petition for Rehearing in an official "first class mail" receptacle of the United States Post Office as well as by transmitting digital copies via electronic mail.

Sincerely,



Jack Suber, Esq.
Principal



Sworn and subscribed before me this 21st day of October 2024.

