ORIGINAL

No: 23-6189

In The
SUPREME COURT of the UNITED STATES

KAREN GAIL BRAINEN KLEINMAN,

Petitioner,

v.

THE HONORABLE CYNTHIA A. NORTON, U.S. BANKRUPTCY JUDGE FOR THE WESTERN DISTRICT OF MISSOURI & RICHARD V. FINK, CHAPTER 13 TRUSTEE,

Respondents.

On Petition for Writ of Certiorari to the U.S. Court of Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

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Chapter 13 Debtor/Petitioner
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QUESTIONS PRESENTED

1. Whether the intent of Congress in enacting 11 U.S.C. §522(l) and Fed.R.Bankr.P. 4003(b) as interpreted by this Court's precedential and controlling decision in *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992) (Thomas, J.) applies to all "secured" and unsecured creditors and parties-in-interest, who "forfeit" their purported assets and interests, for failing to protect them by "fatally" failing to timely file an objection ?

"We reject Taylor's argument. Davis claimed the lawsuit proceeds as exempt on a list filed with the Bankruptcy Court. Section 522(l), to repeat, says that [u]nless a party in interest objects, the property claimed as exempt on such list is exempt. Rule 4003(b) gives the trustee and creditors 30 days from the initial creditors' meeting to object. By negative implication, the rule indicates that creditors may not object after 30 days, "unless, within such period, further time is granted by the court." The Bankruptcy Court did not extend the 30-day period. *Section 522(l) therefore has made the property exempt*. Taylor cannot contest the exemption at this time whether or not Davis had a colorable statutory basis for claiming it." *(emphasis and underscoring added)*

"DEADLINES may lead to unwelcome results, but they prompt the parties to act and they produce FINALITY."

2. Whether Respondents, an Article I Bankruptcy Judge and Chapter 13 Trustee, who respectively took "oaths" of office and swore allegiance to uphold, defend and protect the Constitution of the United States, the integrity of the U.S. Bankruptcy Code and its process, and to render fair and impartial justice equally to the rich and poor, can with impunity, contumaciously disregard their duties of *"mandatory obedience" to the "rule of law" and "stare decisis"* - specifically "thumbing their noses" at this Court's precedential and controlling decisions in *Taylor v. Freeland & Kronz*, 503 U.S. 638, *Law v. Siegel*, 571 U.S.415, and *Taggart v. Lorenzen*, 587 U.S. _____; and *"deny, deprive and defraud"* Petitioner of the most fundamental *"self-executing"* statutory "homestead" exemption provisions and protections embodied within the underlying rehabilitative purposes and goals of the Bankruptcy Code's "fresh start" policy; and unconscionably disregard the protections of the Permanent Federal Discharge Injunction pursuant to 11 U.S.C. § 524(a)(2), and the principles of *"res judicata"* and *"collateral estoppel;"* and "shred" debtor/Petitioner's guaranteed and protected Constitutional rights to procedural and substantive "due process" and the "equal protection" of the law under the 5th and 14th Amendments . . .

. . . and when challenged to account for their respective egregious Judicial and/or Trustee misconduct and/or dereliction of administrative, ministerial or fiduciary duties . . . . *"ESCAPE" all* responsibility, accountability and liability by seeking refuge and *hiding behind the doctrine of "JUDICIAL IMMUNITY"* ? Or have they become *"trespassers" of the law* and personally, individually and/or collectively accountable and liable for their "rogue" actions, criminal misbehavior, and *"betrayal" of their honest services* to the U.S.A,. Petitioner, and the general public, tantamount to *"TREASON"* ?

> **"No state legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it."**
>
> ***Cooper v. Aaron*, 358 U.S. 1 (1958)**

3. Whether a Bankruptcy Court is a *"court of the United States"* under 28 U.S.C. § 451 and whether it possesses authority to grant or deny *"in forma pauperis relief"* pursuant to 28 U.S.C. § 1915(a) ? (*In re Perroton*, 958 F.2d 889 (9th Cir. 1992 and numerous cases cited) (NO); and *In re Broady*, 247 B.R. 470 (2000) (B.A.P. 8th Cir.) (NO). *In re Karen Gail Brainen Kleinman*, pursuant to Respondent Bankruptcy Judge Norton and District Court Judge Ketchmark: YES. There also appears to be a Circuit "split" on the issue.

4. Whether denial of *"in forma pauperis relief"* at any level of the Court system, which prevents and prohibits a party from protecting their personal and real property and/or liberty interests (*at bar, Petitioner's statutorily and constitutionally protected "homestead" exempt property*), and is denied access to the Courts due to a lack of financial resources, constitutes an *impermissible per se violation of their rights to procedural and substantive "due process" and the "equal protection" of the law under the Fifth and Fourteenth Amendments ?*

5. Whether Respondents repeated refusals to acknowledge the status of Petitioner's ironclad statutorily and constitutionally protected 100% "homestead" exempt property and/or denials of plan confirmation are not only final appealable orders under 11 U.S.C. § 158(a) and § 158(c)(1), but also qualify for immediate appellate review of the abridgment of her substantive rights pursuant to 28 U.S.C. § 1292(a) and/or § 1292(b) under the *"collateral order doctrine"* pursuant to *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949) ?

6. It is well-established law that an order granting or denying a debtor's exemptions is a "final" appealable order. (*In re Brayshaw*, 912 F.2d 1255 (10th Cir. 1990). It is also true that this Court has determined in *Bullard v. Blue Hills Bank*, 575

U.S. 496 (2015) (Roberts, C.J. for a *unanimous* Court) that the denial of Confirmation of a Chapter 13 Plan is not a final order and therefore not immediately appealable.

The Question Presented is (a) Whether Section 522(l) "trumps" the Court's unanimous decision; or (b) Whether the extraordinary circumstances presented in the case at bar, present an *overlooked and perhaps unanticipated* "exception" to *Bullard*, that warrants immediate appellate review, in that while Respondent Trustee Fink labeled his motion as one to deny plan confirmation, it is in fact a disguised impermissible belated objection, challenge and denial of Petitioner's "revested" 100% "homestead" exempt property over which the Trustee has no authority to administer (*as Trustees administer only "property of the estate"*) and over which Respondent Bankruptcy Judge Norton lacks subject matter jurisdiction - which "revested" exempt property irrefutably is the debtor's to KEEP ! *See,* the Third Circuit's decision (*affirmed by Scotus*) in *Taylor v. Freeland & Kronz*, 938 F.2d 420 (in which Justice Alito participated on the panel) wherein the Court resolved a "split" amongst the Circuits (highly criticizing the Sixth and Eighth Circuits), overturned the two lower Courts and laid down the rule as follows:

> **"Thus, where there is a date when the parties' rights can be finally determined – in this case, thirty days after the creditors' meeting if no objection is filed – the parties can proceed from that date knowing which property is property of the estate and which property belongs to the debtor. From that day forward the debtor can treat exempted property as his own and is not forced to wait until some unknown future date when the trustee or another party in interest might haul the debtor into court seeking that property."**

It should be noted that per Petitioner's request, and with the consent of Trustee Fink, Respondent Bankruptcy Judge Norton entered an order on December 22, 2020, permitting Trustee Fink to commence distributions of payments to Petitioner's three allowed unsecured creditors. (Appendix D @ D-279-80). Trustee Fink's reasons for denying confirmation at that time was his misguided and disingenuous concern with the outcome of pending federal appellate and/or state court Unlawful Detainer litigation regarding Judge Norton's "lift-stay" order granted to Danny Hylton, which Respondents' fraudulently claimed would determine the "ownership" of Petitioner's subject 100% "homestead" exempt property.

In truth and in fact, Judge Norton's erroneous "lift-stay" order dated September 23, 2020, issued pursuant to the 14-day stay of execution pursuant to Fed.R.Bankr.P. 4001(a)(3), was nullified and render "void" (two days later) upon the expiration of the 30-day statutory period in which to object to Petitioner's "property claimed exempt" on her Schedule C, pursuant to 11 U.S.C. § 522(l) and Fed.R.Bankr.P. 4003(b), i.e., on September 25, 2020 - the 30th day after the conclusion of the 341(a) meeting of creditors conducted by Respondent Trustee Fink on August 26, 2020, via teleconference due to the Covid pandemic.

Petitioner has repeatedly proposed her original and amended Chapter 13 Plan(s) in "good faith" and in the "best interests" of her three allowed unsecured creditors paying them 100% of her debt obligations (collectively totaling approximately $2,000) over a 36-month period of time, and appears to comply with all other required statutory provisions under the § 1325 of the Code. Accordingly, her plan should have been confirmed years ago.

Nevertheless, Respondent Trustee Fink and Bankruptcy Judge Norton (who refuse to acknowledge Petitioner's ironclad 100% "homestead" exemption) are "obsessed" with protecting their "favored" litigant, pretender/lender/fraudster Deutsche Bank National Trust Co., as Trustee for Soundview Home Loan Trust 2006-OPT2, Asset-Backed Certificates 2006-OPT2 (a securitized "remic" trust)(hereafter "Deutsche Bank" or "Soundview") and its purported "successor-in-interest," Danny Hylton – neither of which parties under the doctrine of "NEMO DAT QUOD NON HABET" have or had any valid perfected secured lien interest and/or any other valid interest in Petitioner's subject primary residence "refinanced" with Option One Mortgage Corp. ("Option One") in 2005, which entity SOLD its residential portfolio including Petitioner's mortgage in 2008 to American Home Mortgage Servicing, Inc. ("AHMSI") in anticipation of its mortgage license being revoked by the California Department of Corporations. Significantly, there is no recorded "assignment" of the Deed of Trust from AHMSI to Deutsche Bank or Soundview, which conclusively determines Deutsche Bank's and Hylton's lack of standing in the within related Chapter 7 and 13 proceedings. (*See, In re Box*, WL 222 8289, Bankr.Ct. W.D. of MO., Federman, J., June 2010); *In re Comcoach*, 698 F.2d 571 (2nd Cir.).

There is however a fraudulently fabricated, *null and void ab initio* purported "corporate assignment" of the Deed of Trust in April 2015 from defunct Option One/Sand Canyon directly to Deutsche Bank, as Trustee for remic trust Soundview whose strictly enforced IRS closing date was April 7, 2006, and which fraudulent action illegally bypassed the exclusive "depositor" of properties to the trust "Financial Asset Securities." (*See, Drouins v. Am. Home Mortgage Servicing, Inc., Wells Fargo Bank, N.A. and Option One Mortgage Corp., 11-cv-59 (D.Ct. N.H. 2012) (Laplante, C.J.*

Notwithstanding all of the above, Deutsche Bank purportedly foreclosed on Petitioner's residence at a "sham" foreclosure sale at which no Trustee even appeared, but somehow managed to "bid-in" and acquire the property only to subsequently sell the purported REO property in an online auction sale to Danny Hylton who wrongfully, fraudulently and maliciously evicted Petitioner and her dependent disabled daughter (now tragically deceased due to this ordeal) in the midst of the Covid-19 global pandemic, rendering us "homeless" and destitute.

Accordingly, Deutsche Bank, in addition to its "fatal" failure to file an objection to the subject "homestead" property claimed 100% exempt, had no valid mortgagee interests and/or P.E.T.E. status, at any time, and its "sham" purported nonjudicial foreclosure sale was in blatant violation of the Permanent Federal Discharge Injunction pursuant to 11 U.S.C. 524(a)(2), rendering the purported nonjudicial foreclosure sale "*null, void ab initio and of no legal effect.*"

7. At bar, in light of Respondents' unwillingness to concede their erroneous determinations of the facts, conclusions of law and the Court's blatant "*abuse of discretion*" – to the degree any exists where Petitioner's substantive statutory and constitutional rights are being abridged - and in light of Respondents' contumacious disregard of this Court's authoritative and controlling decisions in *Taylor v. Freeland & Kronz*, and/or *Law v. Siegel, etc.* . . . which unfairly and unlawfully have denied Petitioner the "equal protection" of the law, are Respondents not guilty of corruptly, *with scienter*, "obstructing the due administration of justice" ?

JURISDICTIONAL QUESTIONS

8. This case presents numerous "threshold" jurisdictional issues (*overlooked and/or disregarded by the lower Courts*) which as held by this Court in *Rhode Island v. Massachusetts*, 37 U.S. (12 Pet) 657 (1938) cannot be waived and may be raised at any time, by the parties and/or the *sua sponte* by the Court, at all stages of the proceedings even for the first time on appeal – and once raised must be immediately resolved by the Court before moving forward. Petitioner respectfully presents the following issues for this Court's review:

(a) the impact of the filing of a Notice of Appeal divesting the lower court of jurisdiction over those issues pending appeal;

(b) the doctrine of "*exclusive appellate jurisdiction*" in bankruptcy cases in the context of pending cases in this Court;

(c) the impact on the Court's subject matter jurisdiction (or lack thereof) over a debtor's "revested" property claimed exempt pursuant to Section 522(l) when no objections are filed as required pursuant to Fed.R.Bankr.P. 4003(b) and whether the subject property is the debtor's to "keep;"

(d) the jurisdictional impact on the validity and/or enforceability of a Bankruptcy Court's "lift-stay" order, issued pursuant to the 14-day stay of execution under Fed.R.Bankr.P. 4001(a)(3), involving a debtor's property claimed exempt pursuant to 11 U.S.C. § 522(l), when no objections are filed and the 30-day statute of limitations to timely file objections pursuant to Fed.R.Bankr.P. 4003(b) "<u>expires" within the 14-day stay of execution</u> ?

(e) the validity and enforceability of any/all proceedings and/or orders/judgments, concerning issues presented for certiorari review by this Court, entered by the learned lower courts during this Court's "*exclusive appellate jurisdiction*" commencing on October 31, 2022 and continuing until the present time ?

PARTIES INVOLVED

Petitioner:

Karen Gail Brainen Kleinman, appearing *pro se* mostly as debtor/appellant in the lower Courts, but as "movant" in the controlling March 18, 2022 CROSS-MOTION for relief (Appendix D @ D-227 to D-324), is a half-crippled, half-blind optimistic octogenarian still seeking "justice" in her lifetime in the within in spirit Chapter "20" proceedings, i.e., her successfully discharged controlling and dispositive Chapter 7 (Case #18-30457-can7) granted by Respondent Bankruptcy Judge Norton on November 28, 2018, which triggered the doctrines of "res judicata" and "collateral estoppel" in addition to the protections and prohibitions of the Permanent Federal Discharge Injunction pursuant to 11 U.S.C. § 524(a)(2), and the case was closed on September 10, 2019; Petitioner's related Chapter 13 (Case #20-30252-can13) filed on June 4, 2020, was *recently dismissed* by Respondent for Petitioner's alleged failure to timely file yet another "amended" Chapter 13 Plan; and Respondent Judge Norton then denied Petitioner's motion for vacation and reinstatement of the case, in retaliation for Petitioner's pursuit of the within "cert" proceedings and in an attempt to "obstruct" or "prevent" this Court's review. It is Petitioner's contention that pursuant to the doctrine of *"exclusive appellate jurisdiction" in bankruptcy cases*, that only SCOTUS has had jurisdiction over this case since October 31, 2022.

While not an attorney, Petitioner was raised on the "rule of law" by her distinguished attorney/Father who instilled in her an unshakeable respect and reliance upon the *"irrefutable enforceability"* of citizen's Constitutional rights, *inter alia*, to "due process" and the "equal protection" of the law.

Following first in the footsteps of her concert-pianist/Mother, she studied at the world-renown Juilliard School of Music in New York City (Prep Division), is a proud distinguished graduate of Brandeis University (Class of'63), and

Fontainebleau Conservatoire de Musique in France. She continued her music studies privately in Buenos Aires, Argentina, making her debut performance as piano soloist with the Boston Pops Orchestra in 1971.

Due to life's unexpected changes and circumstances, upon her return to the U.S. from Buenos Aires, Argentina, where she had resided for several years with her architect/sculptor husband and baby daughter, her music career which required extensive world travel, quickly yielded to her parental responsibilities and desire to raise her beloved daughter in a stable, secure and beautiful home environment in New York City.

Inspired by her multi-lingual ability, strong ties with Argentina, Mexico and Europe and keen intuition of where the real estate market was heading in the mid-1970's, she acquired a N.Y.S. Real Estate Broker's License, bought an established "boutique" real estate company and specialized in the international sales and marketing of N.Y.C.'s magnificent high-rise condominiums, at that time under construction and/or in the planning stages.

Respondents:

The Honorable Cynthia A. Norton, U.S. Bankruptcy Judge for the Western District of Missouri appointed to the bench in 2013 and recently promoted (perhaps *improvidently and/or as a reward for defrauding Petitioner*) to the Bankruptcy Appellate Panel for the Eighth Circuit, was named as Appellee in the lower Courts because no other parties appeared and/or opposed Petitioner's requested relief and Respondent went "rogue" and became the attorney for the invisible sophisticated non-participating corrupt purported secured creditors who filed no valid claims and "fatally" failed to file objections to Petitioner's 100% "homestead" exempt property, i.e., Pretender/Lender/ Fraudster Deutsche Bank National Trust Co., as Trustee for Soundview Home Loan Trust 2006-OPT2, Asset-Backed

Certificates 2006-OPT2 ("Deutsche Bank" or "Soundview") and their purported successor-in-interest, Danny Hylton, who thinks he purchased an REO property post-Chapter 7 discharge (i.e., Petitioner's 100% exempt "homestead" property) but in fact, as demonstrated by Petitioner's irrefutable evidenciary documentation (located in Appendix D in Petitioner's Docs), pursuant to the doctrine of "NEMO DAT QUOD NON HABET" – Mr. Hylton acquired and owns nothing and has no valid interest in the subject property from which he fraudulently evicted Petitioner in the midst of the Covid-19 pandemic – as a result of which Petitioner's beloved medically "high risk" dependent disabled daughter tragically passed away in July, 2022.

Respondent Bankruptcy Judge Norton was assigned to Petitioner's controlling and dispositive Chapter 7 case, granting her discharge on November 28, 2018; and related Chapter 13 case, filed June 4, 2020. Notwithstanding the pendency of the within "cert" proceedings on issues concerning Petitioner's controversial 100% "homestead" exempt property and the repeated denials of confirmation of her plan, on January 5th, 2023 (B.Ct.Dkt #274 located in Appendix C), Respondent dismissed Petitioner's case (*without prejudice*) for alleged failure to timely file yet another "amended" Chapter 13 Plan.

Thereafter, by order dated January 25, 2023 (B.Ct.Dkt. #286 located in App. C), Respondent Bankruptcy Judge Norton rejected Petitioner's motion to vacate the dismissal and reinstate the case, rejected submission of a new "amended" plan (*filed under a reservation of right that the Court lacked subject matter jurisdiction over matters pending before this Court pursuant to the doctrine of "exclusive appellate jurisdiction"*), and simultaneously denied a "stay" and "IFP" relief to appeal (B.Ct.Dkt #287). Note: Petitioner was compelled to file several Notices of Appeals which after being reviewed in the District Court and/or BAP, were referred to the Court of Appeals and as Petitioner predicted due to the "exclusive appellate

jurisdiction" of this Court, the appeals were dismissed for lack of jurisdiction. See, Cases #23-1353, #22-3314, #23-1098, #23-1250 etc..

Respondent Richard V. Fink, Chapter 13 Trustee, appeared as movant in the Bankruptcy Court and as Appellee in the lower appellate Courts, was assigned to this case, conducted two 341(a) meeting of creditors via teleconference (due to Covid-19), which were concluded on August 25, 2020 (*B.Dkt #57, #62*). Although Trustee Fink filed an objection to Petitioner's "wild-card" exemption due to her inadvertent failure to designate the property to which it attached (*B.Dkt #50*), No Objections to the subject controversial 100% "homestead" exempt property, were filed by Trustee Fink and/or any other creditor or party-in-interest.

It should be noted that as early as December 22, 2020 at the request of Petitioner and with the approval of Respondent Trustee Fink, Respondent Bankruptcy Judge Norton, while not confirming Petitioner's proposed 100% Plan, entered an amended order (*App. D @ D-279*) authorizing Trustee Fink to commence distribution of payments to her three remaining legitimate unsecured creditors with a total indebtedness of approximately $1,886, plus the Trustees fees, over a 36-month period of time.

Trustee Fink's alleged but disingenuous concern for denying confirmation was focused on the outcome of pending appellate "lift-stay" related litigation in federal and/or state courts, regarding Petitioner's ironclad 100% "homestead" exempt property, which the Trustee *wrongly perceived would somehow determine "ownership" of the "revested" and unchallengeable subject homestead "exempt" property* over which Respondent Fink had no statutory authority to

administer and Respondent Norton lacked subject matter jurisdiction (i.e., Petitioner's "revested" and unchallengeable "homestead" exempt property)(i.e., "property of the debtor").

On several occasions thereafter, Trustee Fink and Respondent Bankruptcy Judge Norton, repeatedly denied confirmation (without further explanation in response to Petitioner's inquiries and challenges to the process) (See, App. D for Petitioner's March 18, 2022 Cross-Motion for Entry of Confirmation Order and Summary Judgment on the Pleadings requesting Respondent Judge Norton to direct entry of an order pursuant to Section 522(l), confirming the "exempt" status of the subject "homestead" property. However, in an attempt to "aid and abet" her favored "silent" litigants {i.e., pretender/lender/fraudster Deutsche Bank, as Trustee of Soundview Home Loan Trust 2006-OPT2 et al., and its purported successor in interest, Danny Hylton}, neither of whom filed claims in the respective phases of this in spirit Chapter 20 case (*nor did they have any valid claims. which if they would have filed, would have been defeated by Petitioner in the claims allowance process*), and both of whom "fatally" failed to file objections to the claimed 100% "homestead" exempt property, thereby "forfeiting" their purported, but invalid, respective interests in the property.

Other Members of the Judiciary involved. The Court of Appeals, Eighth Circuit panel members who participated in the within and related appeals; and U.S. District Court for the Western District of Missouri, Article III lifetime appointed Judges, including The Hon. Beth Phillips, Chief Judge of the U.S. District Court for the Western District of Missouri and The Hon. Judge Roseann A. Ketchmark who in her well-reasoned laughable decision dated September 27, 2022 (#22-cv-03096-RK), (located in Appendix B) mis-identified Petitioner as a Chapter 7 debtor without standing to protect her exempt property which

the Chapter 7 Trustee (allegedly Fink) was trying to sell. When an Article III District Judge cannot read and comprehend the English language and lacks knowledge of the subject matter before her Court . . .

SCOTUS, we have a serious problem !

Daniel Casamatta, the "MIA" U.S. Trustee for the Western District of Missouri, the "gatekeeper" of the integrity of the bankruptcy code's process pursuant to 28 U.S.C. § 586 who over a four year period of time assumed the position of an "ostrich" – *head buried deep in sand*, ignoring Petitioner's constant invitations and his non-discretionary statutory duties to intervene.

Whatever happened to the DOJ's and U.S. Trustees nationwide investigations into Deutsche Bank's and other major lender's fraudulent and deceptive business practices in foreclosure actions particulary in bankruptcy cases where they would obtain a judgment by misleading and practicing "fraud on the Court" by presenting fraudulently fabricated purported but invalid and void "corporate assignments" from "defunct" entities to strictly regulated closed "remic" securitized trusts ? SEE, *In re Kritharakis*, No. 10-51328 (Bankr. Ct., Dst. Of Conn., Bridgeport Division where the U.S. Trustee initiated investigations into the business practices of Deutsche Bank et al. . as Trustee for hundreds of securitized "remic" Trusts.

Deutsche Bank National Trust Co., as Trustee for Soundview Home Loan Trust 2006-OPT2, Asset-Backed Certificates, Series 2006-OPT 2 (fraudulently misrepresenting itself as purported mortgagee holding a valid perfected secured lien interest in Petitioner's subject "homestead" property when it held "none" whatsoever, and Deutsche Bank's purported successor in interest, DANNY HYLTON, who never claimed BFP status, and "fatally" failed to file an objection to the property claimed

exempt and pursuant to the doctrine of "*NEMO DAT QUOD NON HABET*" has no valid interests in the subject 100% exempt "homestead" property – from which he wrongfully, fraudulently, heartlessly and unconscionably evicted Petitioner and her recently deceased dependent disabled daughter in the midst of the Covid-19 pandemic (notwithstanding their high risk comorbidities), rendering them "homeless," "emotionally traumatized" and due to their housing uncertainties unable to schedule and receive required specialized medical care for over a year. As a result thereof, Hylton (along with the other Respondents) are major contributors responsible for the untimely tragic death of Petitioner's beloved daughter.

RELATED CASES

In re Karen Gail Brainen Kleinman, **U.S. Bankruptcy Court, W.D. of Missouri: Case #18-30457-can7, filed August 14, 2018; discharge granted November 28, 2018, closed September 10, 2019 (Norman P. Rouse, Chapter 7 Trustee).**

In re Karen Gail Brainen Kleinman**, U.S. Bankruptcy Court, W.D. of Missouri: Case #20-30252-can 13, filed June 4, 2020; dismissed *without prejudice*, January 5, 2023; motion to vacate and reinstate case, denied by Respondent Bankruptcy Judge Norton on January 24, 2023.**

The subject "cert" Appeals, 8th Circuit, 2022-23: Case #22-1953 consolidated with #22-2051: Two distinct but related Judgments dated and entered on August 1, 2022 (*Kleinman v. The Hon. Judge Cynthia A. Norton & Kleinman v. Chapter 13 Trustee Richard V. Fink, et al.*),*granting "IFP" relief and summarily affirming* District Judge Roseann Ketchmark's Orders/Judgments repeatedly *denying"IFP" relief* on the

grounds of Petitioner's "frivolity" and lack of merit, and *dismissing the related appeals on the alleged grounds of "judicial immunity."*

Related Appeals recently dismissed for lack of jurisdiction by the 8th Circuit Court of Appeals:
Cases: #22-3314, #23-1098, #23-1250, #23-1353; #23-1666

Related Appeals, 8th Circuit, 2021: Case #21-1351 consolidated with #21-1626 (corresponding to District Court #6:20-cv-03319-NKL)(*Kleinman v. Danny Hylton*, purported successor-in-interest to Pretender/ Lender/Fraudster Deutsche Bank National Trust Co., as Trustee for Soundview Home Loan Trust 2006-OPT2, Asset-Backed Certificates, Series 2006-OPT2) (hereafter "Deutsche Bank" and/or remic trust "Soundview").

> **Note: Petitioner was unable to perfect these appeals due to her preoccupation, duties and responsibilities of caring for her dependent disabled daughter through Missouri's CDS program.**

Missouri State Court Unlawful Detainer and related appeals:

> **#SD37055 (dismissed for failure to timely perfect appeals in June 2022, due to Petitioner's daughter's severe medical issues and final hospitalizations before her tragic death).**

Relevant Bankruptcy proceedings (1991-1997) S.D.N.Y.

> **SEE, Petition for Writ of Certiorari @ Statement of Case**
>
> **Petitioner's *"trials and tribulations"* and unsuccessful efforts to enforce this Court's newly announced precedential and controlling decision in *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992)(Thomas, J).**
>
> ***See*, (S.D.N.Y. 1991-93) Chapter 11 related cases, filed *pro se*, wherein Petitioner served as "DIP" in all 3 related cases, U.S. Bankruptcy Court, S.D.N.Y., *In re: Karen de Kleinman "DIP"* (#91-B11913 PBA/SMB), *In re: Sabrina Eve Kleinman* and *In re: Apartment Locating, Inc.* (1992).**

TABLE OF CONTENTS

Pages

APPENDICES A, B, C (Yellow File) and D (Blue File)
***Appendix D – Petitioner's Docs in the Blue File has been previously served on all non-federal respondents, and will not be re-served at this time due to Petitioner's "in forma pauperis" status.**

APPENDIX A: COURT OF APPEALS:

Two separate but related Judgments dated August 1, 2022 (Nos. 22-1953 & 22-2051), summarily affirming the *district court file and judgment* which erroneously dismissed the appeals on the alleged grounds of "judicial immunity." SCOTUS Orders granting Extensions of Time to timely refile Petitioner's Writ of Certiorari, the last of which is dated September 5, 2023 which is dated September 5, 2023, permitting refiling within 60 days thereof pursuant to Rule 29, i.e., postmarked by or on Monday, November 6, 2023.

APPENDIX B: U.S. DISTRICT COURT

Orders/Judgments repeatedly denying Petitioner's Request to Proceed "in forma pauperis" in the District court and/or on appeal to the Court of Appeals; and erroneously dismissing the Appeals on the alleged grounds of absolute "judicial immunity," citing *inter alia, Stump v. Sparkman*

APPENDIX C: U.S. BANKRUPTCY COURT: Chapter 7 & 13 Respondent Judge Norton's Decisions, Orders, Judgments, Transcripts & Docket Sheets in both the controlling discharged Chapter 7 and related Chapter 13 cases, contumaciously refusing to acknowledge 11 U.S.C.§ 522(l), Fed.R.Bankr.P 4003(b) and/or 11 U.S.C.§ 524(a)(2)(the Permanent Federal Discharge Injunction of the Bankruptcy Code and/or the goals and purposes of the "fresh start" policy and/or to even discuss and/or obey the "rule of law" and "stare decisis" – particularly as commanded by this Court's precedential and controlling decision in *Taylor v. Freeland & Kronz*, and *Law v. Siegel, supra, upon which Petitioner relied.*

APPENDIX D: PETITIONER'S voluminous DOCUMENTATION as detailed in the Table of Contents of the Appendix, evidencing her endless persistent crusade to regain her statutorily and constitutionally protected 100% "homestead" exempt property and to finally enjoy the promises of the Code's beneficial "fresh start" policy, of which she has been "deprived and defrauded" since 2018 until the present time, by Respondent Bankruptcy Judge Cynthia A. Norton and Chapter 13 Trustee, Richard V. Fink, and several other third party participants.

CASES

Pages

ADDITIONAL AUTHORITIES

1. "*Advanced Standing Issues in Secuitized Mortgage Foreclosures*," by Charles H. Wallshein, NYSBA NY Business Law Journal, Summer 2012, Vol 16. No. 1 (Appendix D @ D-69-76.)

2. "*Amicus Brief*" on "*Judicial Immunity*" submitted by The Institute for Justice on behalf of Plaintiff, D. Bart Rockett v. The Honorable Eric Eighmy (Case #21-3903) (*See*, Petition @ page 16, footnotes ## 10 & 11.)

3. "*Amicus Curiae Brief*" on the Doctrine of "*Nemo Dat Quod Non Habet*" *submitted by Professors Adam J. Levitin, Christopher L. Peterson, Katherine Porter & John A.E. Pottow, in* Bevilacqua v. Rodriguez, 560 Mass Supreme Ct. 762; 955 N.E. 2d 884 (2011) (App. D)

> "The principle of "*Nemo Dat*" must prevail over the Rights of a Good Faith Purchaser; The recording of a Deed is a Ministerial Act that cannot create title"
>
> "No person can sell a thing he does not own, unless as the duly authorized agent of the owner. "*Nemo Dat Quod Non Habet,*" Barnard v. Norwich & W.R. Co., 2 F. Cas. 841, 845 (Cir. Ct. Comm. Mass. 1876)."

Continued discussions of the doctrine of "Nemo Dat" are found throughout the Petition and Appendices:

See, Petition @ page 14 line 1 & footnote 8; Appendix D @ D-86; D-115 (Part V), Nov 5, 2020; D-134-135; D-145-146; D-156-161(Revocation of Refinance Lender, Option One Mortgage Corp.'s Residential Mortgage Lender and Mortgage Loan Servicer Licenses on September 23, 2009; D-169-174: Copy of Amicus Brief cited hereinabove.)

4. ANTONIN SCALIA:
Associate Justice of the U.S. Supreme Court:
"THE RULE OF LAW AS A LAW OF RULES"
University of Chicago Law Review, Vol. 56, No. Fall 1989 (See, Petition Statement of Case; & throughout Petitioner's Documentation in App. D.)

5. "Applying the doctrine of '*exclusive appellate Jurisdiction*' in Bankruptcy Appeals," by Gregory W. Werkheiser and Chritopher M. Hayes, American Bar Association, Bankruptcy and Insolvency Litigation Committee, Winter 2014, Vol. 19 No. 2

6. ATTORNEY GENERAL JOHN D. ASHCROFT'S Remarks on " FIGHTING CORRUPTION IN BANKRUPTCY COURTS," delivered at the Second Global Forum, The Hague, Netherlands, May 31, 2001 (See, Petition: Statement of Case @ page 32.)

7. "THE BANKRUPTCY DISCHARGE INJUNCTION: HOW CREDITORS CAN AVOID GETTING CAUGHT WITH THEIR HANDS IN THE COOKIE JAR," April 30, 2019, by Kane Russell Coleman Logan PC – Paul Hammer

8. BLACK'S Law Dictionary, 11th Ed.

9. COLLIER on Bankruptcy (Alan N. Resnick & Henry J. Sommer eds., 15th ed. Rev. 2009), Vol. 9. ¶ 4003.02, ¶ 4003.03

10. "COMPREHENSIVE FORENSIC EXAMINATION OF THE REAL PROPERTY RECORDS OF OSCEOLA COUNTY, FLORIDA" :

Commissioned by the Clerk of the Circuit Court of Osceola County to investigate rampant fraud in the recordings of mortgages, assignments and deeds in foreclosure cases in his Circuit). Report Issued by DK Consultants, LLC, San Antonio, Texas, on December 29, 2014.

This extensive Report exposed a national scheme of widespread "corruption & fraud" regarding mortgage foreclosure cases and recordation of fraudulent titles, using fabricated documentation including, *inter alia*, "assignments" by "defunct" entities to closed "remic" trusts, etc., by named major institutional and nonbanking mortgage lenders, servicing agents, document reproduction companies, and their equally

corrupt attorneys – none of whom had any legal authority *or standing to institute and/or prosecute* hundreds of thousands of judicial and non-judicial foreclosures throughout the U.S.A..

10. "DEUTSCHE BANK exists but not as Trustee for Trusts in Remic Foreclosures," published by Neal Garfield in "Livinglies Blog" – (Appendix D @

11. FEDERAL PRACTICE AND PROCEDURE (3d. ed. 2018) by Charles Alan Wright & Arthur R. Miller

12. HOUSE & SENATE LEGISLATIVE HISTORY:

H.R. Rep. No. 595, 95th Cong., 2d Sess. 363, (1977) reprinted in 1978 U.S. Code Cong. & Admin. News 5983, 5964-5965, 6319.

S. Rep. No. 989, 95th Cong. 2d Sess. 77, reprinted 1978, U.S. Code Cong. & Admin. News 5787, 5863

13. "PROPERTY TITLE TROUBLE IN NON-JUDICIAL FORECLOSURE STATES: THE IBANEZ TIME BOMB" ? by Elizabeth Renuart, 4 Wm & Mary Bus. L. Rev. 111 (2013)

14. California Department of Corporation's Revocation of (Petitioner's "REFINANCE" lender in 2005) Option One Mortgage Corp.'s business license, September 2009 (SEE, Petition Appendix D @ 111, 112 etc.) & Affidavit by Sand Canyon/Option One's CEO, Dale Sugimoto's attesting to the fact that upon merger Option One, changed its name and in 2008 the entity SOLD its entire residential mortgage portfolio (which included Petitioner's subject Mortgage as evidenced by her billing statements and payments to American Home Mortgage Servicing, Inc. ("AHMSI") and thereafter the subsidiary of H&R Block "exited" the residential mortgage business.

15. Reuters: US INVESTIGATES DEUTSCHE BANK In FORECLOSURE CASE: Jan. 28, 2011. A branch of the U.S. Department of Justice is investigating whether Deutsche Bank DBKGn.DE filed false documents and attempted to mislead a bankruptcy judge in a foreclosure action. The Office of the United States said it wants to elicit information about Deutsche Bank's practices in general in forclosure cases.

16. See, In re: Tiffany Kritharakis, Case # No. 10-51328
(Bankr. Ct., District of Conn., Bridgeport Division
(U.S. Trustee Tracy Davis)
Investigation commenced by U.S. Trustee, Tracy Davis, who currently serves as the U.S. Trustee for California and Nevada

17. Judge Schack SLAMS DEUTSCHE BANK with Prejudice, March 25, 2011 (Eastern District of NY) Judge Arthur Schack Tosses out Foreclosure Cases, August 31, 2009 NY Times.com.

18. SUPREME COURT PRACTICE, Sixth Ed., Stern, Gressman and Shapiro.

Relevant STATUTORY PROVISIONS and RULES of the U.S. BANKRUPTCY CODE, an "Act of Congress" promulgated pursuant to the "*supremacy*" clause (11 U.S.C. § 101- 1501) & Civil/Criminal Rules of Procedure

11 U.S.C. § 341(a).....meeting of creditors, App. D @ D-239-242; D @ 321- 324 ("Notices" sent to all creditors and parties in interest in the Chapter 7 & 13 cases)

11 U.S.C. § 362(a)(5)..."automatic stay" protecting a debtor's "revested" exempt property

11 U.S.C. § 362(d)(1),(2): "Lift-Stay" Motions by Deutsche Bank in Chapter 7 @ C–23 – C-68 [Deutsche Bank's unverified, misleading and fraudulent "lift-stay" motion with fabricated robo-signed, unauthenticated, and void, purported "Corporate Assignment of the Deed of Trust" from defunct Option One/Sand Canyon *("refinance"* lenders) to closed remic trust Soundview, 9 yrs. after its strictly enforced "closing date" and notwithstanding Option One/Sand Canyon's prior 2008 SALE of the subject mortgage to AHMSI, thereby having no valid interest to sell or assign in 2015 & Petitioner's Objections @ D-4]; & Petitioner's Objections to Danny Hylton's motion in the Chapter 13 case - App. D-211-225 (Tr. Aug. 25, '20); App. C-63.

11 U.S.C. § 521(a)...Statement of Intent, App. D @ D-305

11 U.S.C. § 522(b)(3) – Pet. @ 26; Schedule C's; Pet. 12,

11 U.S.C. § 522(c) – only valid perfected secured liens survive bankruptcy

11 U.S.C. § 522(l)... Claiming Property Exemptions: Q 1@ (1), Q 6 @ (iv), (v), Pet. 8 & footnote 6; Pet. @ 12, 25, 26;

APPENDIX D @ D-269; CHAPTER 7 SCHEDULES: A/B @ 300; C @ 302-304; D @ 305 – disputing 100% validity of any claims against the subject "homestead" property claimed 100% exempt; & SCHEDULE OF INTENT @ D-307 – "alerting" all parties of her intent to "KEEP" her "homestead" and sue to Quiet Title. SEE also, CHAPTER 13 SCHEDULES A/B @ 309; C @ 311-312; D @ D-313; & Statement of Financial Affairs @ D-317-319; & the Court's "notices" of the 341(a) creditor meetings in both the Chapter 7 and 13 cases, which included procedures for creditors to timely file objections to the debtor's exemptions claimed @ D-321-324.

11 U.S.C. § 524(a)(2) ...Q 2 @ (ii); Pet. @ 2, 34;.....*passim*

11 U.S.C. § 541(a) .....Pet. @ 25
11 U.S.C. § 1325.....Q 6. @ (v) ¶ 3; Pet. 9 (and footnote 7)
11 U.S.C. § 1326(c) .....App. D @ D-253-254

18 U.S.C. § 152 .....*passim*
18 U.S.C. § 242 .....*passim*
18 U.S.C. § 371 .....*passim*
18 U.S.C. § 1964(a),(c) ...App. D @ D-14 -D -20

28 U.S.C. § 157 (a) ..... Pet. @ 22
28 U.S.C. § 157 (b) .....Pet. @ 22
28 U.S.C. § 158 (a) .....Pet. @ 21
28 U.S.C. § 158 (c)(1) .....Pet. @ 21
28 U.S.C. § 158 (d) .....Pet. @ 21

28 U.S.C. § 451 .....Q 3 @ (iii); Pet. @ 27;
28 U.S.C. § 586 .....U.S. Trustee Program, Pet. @ 27
28 U.S.C. § 1291 .....Pet. @ 20
28 U.S.C. § 1292 (a)("*interlocutory appeals*")....Q 5. @ (iii), Pet. 6.

28 U.S.C. § 1292 (b) (*collateral order doctrine, "Cohen" rule and/or Forgay/Congrad rule)*
.....Q 5. @ (iii), Pet. 6-8

Doctrines, Terminology & Policies Involved

1. *"Rule of Law"*
2. *"stare decisis"/ mandatory obedience*
3. *"property of the estate" v. "property of the debtor"*
4. *the sanctity of a debtor's "homestead" and other exemptions claimed pursuant to 11 U.S.C. § 522(l)*
5. *"bright-line" procedural rules with substantive jurisdictional impacts and results*

16. mandatory "recusal and/or removal" of Members of the Federal Judiciary from a Case and/or the Bench

17. "Rooker-Feldman" Doctrine

18. "conspiracy" to deprive, defeat and defraud persons of their statutorily and constitutionally protected exempt property, justice, and/or liberty interests

19. "Equity" will not come to the aid of one who has abandoned his rights and negligently failed to protect them

20. Absolute power corrupts absolutely;

21. Absolute immunity corrupts with impunity.

22. "judicial immunity" = "Black Robe Disease"

23. "Nemo Dat Quod Non-Habet"

24. "Fraud on the Court"

25. The "Clean Hands" doctrine

26. Judicial Oaths of Allegiance to uphold, defend and preserve the Constitution of the United States and at bar, to administer the U.S. Bankruptcy Code process fairly and impartially.

27. The ABA's Canons of Judicial and Attorney Code of Ethics

28. Doctrine of Federal Preemption of Law

PETITION

Karen Gail Brainen Kleinman, Chapter 13 Debtor/ Petitioner ("Petitioner") at all times appearing *pro se* in her discharged, controlling and closed Chapter 7 (#18-30457-can7) and related within Chapter 13 case (#20-30252-can13) invokes the jurisdiction of the Court pursuant to 28 U.S.C. § 1254(1), 28 U.S.C. §1651 – "All Writs" Statute, and most importantly pursuant to the Court's inherent "*supervisory*" jurisdiction and authority.

Petitioner respectfully prays for issuance of writ(s) of certiorari to Respondents and all relevant participating parties and entities to review their egregious fraudulent misconduct and the total "*collapse*" of the entire judicial system and integrity of the U.S. Bankruptcy Code process, evidencing a "*cultural swamp of corruption and fraud*" and total disregard for their respective sworn official oaths of allegiance to support, uphold and defend the Constitution and Laws of the U.S. and their mandatory duties of obedience to the "*rule of law*" and "*stare decisis*" – specifically this Court's precedential, controlling and dispositive decisions (upon which Petitioner relied)

in (1) *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992) (Thomas, J.) *affirming* the Third Circuit's decision @ 938 F.2d 420 (wherein Justice Alito was then a panel member) and its well-reasoned extensive analysis of the procedures for claiming and timely objecting to a debtor's claimed "exemptions" pursuant to 11 U.S.C. § 522(l) and Fed R. Bankr.P. 4003(b), which in resolving a "split" amongst the Circuits wherein the Eighth and Sixth Circuits' erroneous approach to the issue was strongly criticized and *affirmed* by SCOTUS in its precedential and controlling decision; (2) *Law v. Siegel* 571 U.S. 415 (2014) (Scalia, J. for a *unanimous* court) prohibiting a Trustee's and Bankruptcy Judge's jurisdictional authority to override specific ironclad protections of exempt property pursuant to Section 522(l) of the Code; and (3) *Taggart v. Lorenzen*, 587 U.S. ___ (2019) (Breyer, J.) analyzing the Federal Permanent Discharge Inunction pursuant to 11 U.S.C. § 524(a)(2) and announcing a new standard for holding violator's in contempt.

OPINIONS BELOW
(Scotus #22A382 & #22A383)

Petitioner seeks joint review of two related but distinct judgments simultaneously issued and dated August 1, 2022 by the Eighth Circuit Court of Appeals (Circuit Judges Gruender, Stras and Kobes) identified as follows:

I. Case #22-1953 (Scotus #22A382)
Petitioner v. Respondents Chapter 13 Trustee, Richard V. Fink and Bankruptcy Judge, The Hon. Cynthia A. Norton; (See, Amended Appendix B @ B 1-15 submitted herewith.)

II. Case #22-2051 (Scotus #22A383)
Petitioner v. Respondent Bankruptcy Judge, The Hon. Cynthia A. Norton. (See, Amended Appendix B @ B-16-20.)

In both of the above-cited cases, the Court of Appeals "after reviewing the files in the *District* Court," granted "*in forma pauperis*" relief, *denied Petitioner's requested waiver for* Pacer access, and *summarily affirmed* (i.e., "*rubber-stamped*") the District Court's final orders, copies of which appear in Appendix A @ A-2 and A-4, and are unpublished. [1]

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[1] **Pursuant to the standard of review in Bankruptcy cases, in an appeal from district court review of a bankruptcy court order, the Court of Appeals supposedly *independently reviews the Bankruptcy Court's decisions*, applying the "clearly erroneous" standard to findings of fact and *de novo* review to conclusions of law *without special deference to the district court's determinations.***

I. Case #6:22-cv-06096-RK

***Petitioner (Appellant) v. Richard Fink, Chapter 13 Trustee & The Hon. Cynthia A. Norton, Bankruptcy Judge* (Appellees). Orders/Judgments dated May 12, 2022; September 27, 2022; & October 27, 2022.**

U.S. District Judge, the Hon. Roseann A. Ketchmark's final order dated May 12, 2022, denying Petitioner's application to proceed *"in forma pauperis"* in connection with three related appeals regarding Respondent Bankruptcy Judge Norton's orders dated March 25, 2022, April 13, 2022 and April 26, 2022, for the reasons set forth in the *Bankruptcy Court's* thorough order denying [2] leave to proceed *"in forma pauperis,"* copy of which is located in Amended App. B @ B-6, and unpublished.

District Judge Ketchmark's (docket text only) order dated April 28, 2022, directed Appellant to pay the $298 appellate filing fee on or before May 9, 2022.[3] As the order unconstitutionally

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(*See, Grella v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982)(Court of Appeals, 3rd Circuit).

[2] Petitioner challenges whether the Bankruptcy Court is a "court of the United States" for the purposes of granting or denying *"in forma pauperis"* relief pursuant to 28 U.S.C. § 1915.

[3] Appellant has not paid the $298 filing fee, nor has she moved for leave to proceed *in forma pauperis*. 28 U.S.C. § 1930 (c). If Appellant makes any additional filings in this case, the Court will order her

infringed upon Petitioner's Constitutional Rights under the 1st, 5th and 14th Amendments, by denying her access to the Courts (in effect an "Injunction") to redress her meritorious grievances and protect her statutorily and constitutionally protected 100% "homestead" exempt property because of her "poverty," Petitioner timely filed a notice of immediate appeal to the Eighth Circuit Court of Appeals on May 5, 2022 [4] pursuant to 28

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to pay the $298 filing fee. If Appellant moves for leave to proceed *in forma pauperis*, as she has done in another bankruptcy appeal from the same underlying case (*Kleinman v. Fink et al*, 6:22-cv-03098-RK), that motion will be similarly denied).

[4] "The filing of a notice of appeal is an event of jurisdictional significance" and at bar, as of May 5, 2022, deprived the district court of jurisdiction. (*Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982). Accordingly, in light of the above Petitioner contends the District Court's orders dated May 12th and May 13th, 2022 were rendered "*null, void ab initio and of no legal effect*." Petitioner additionally contends that Respondents Bankruptcy Judge Norton and Chapter 13 Trustee Richard V. Fink, lacked jurisdiction and authority over Petitioner's subject controversial 100% homestead "exempt" property as of September 25, 2020 in the Chapter 13 case, i.e., 30 days after the conclusion of the 341(a) meeting of creditors on August 26, 2020, thereby nullifying the "lift-stay" order granted to Deutsche Bank's purported successor in interest, Danny Hylton, which was issued on September 23, 2020 *subject to the 14-day of stay of execution pursuant to Fed.R.Bankr.P. 4001(a)(3).*

U.S.C. § 1292(a)(1) the "*collateral order*" doctrine *See, Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949) resolving claims of right "too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated"; and in addition to being separate from the merits of the controversy, *the issue to be resolved must be an important one which requirement* "boils down to a judgment about the value of the interests that would be lost through rigorous application of the final judgment requirement." *Will v. Hallock*, 546 U.S. 345, 349 (2006).

The subject district court order was additionally reviewable pursuant to 28 U.S.C. §1292(b) "affording prompt review of nonfinal orders," *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 474 (1978), by establishing a mechanism for interlocutory review of difficult, potentially dispositive questions of law. In the words of the statute, 1292(b) permits interlocutory appeals of orders that "involve a controlling question of law as to which there is a substantial ground for difference of opinion, but only if an immediate appeal from the

order may materially advance the ultimate termination of the litigation."

The District Court's related order/judgment dated September 27, 2022 (Amended App. B @ B-7-11), granted Appellee/Respondents' individual motions to dismiss[5] and denied review of three Bankruptcy Court Orders as follows:

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[5] **Footnote 1: Appellant has not paid the $298 filing fee as ordered (and she has unsuccessfully appealed the order requiring her to do so). (Docs. 3, 24.) Nonetheless, for expediency and because the appeal from the bankruptcy court is plainly non-meritorious, the Court takes up Appellees' motions to dismiss.**

Footnote 2: Order Granting in Part and Denying in Part Debtor's Responde, Objection and Request for Clarificataion and Modifying the Order Denying Confirmation and Granting the Debtor an Additional 21 days to file an Amended Plan.

Footnote 3: Order: The Court considers the Debtor's combined Notice of Compliance & MOTION PURSUANT TO FED.R.BANKR.P. 7052 and 9023 OBJECTING IN OPPOSITION AND DISBELIEF TO THE COURTS MISGUIDED AND DISINGENUOUS CONTENTION THAT IT LACKS SUBJECT MATTER JURISDICTION PURSUANT TO THE ROOKER-FELDMAN DOCTRINE TO ADDRESS THE PROVISIONS OF DEBTORS CROSS-MOTION FOR JUDICIAL NOTICE AND SUMMARY JUDGMENT ON THE PLEADINGS AND REQUESTING THE COURTS COMPLIANCE WITH ITS MANDATORY DUTIES OF OBEDIENCE TO RENDER A DECISION CONSISTENT WITH THE U.S. CONSTITUTION, THE U.S. BANKRUPTCY CODE, THE RULE OF LAW AND STARE DECISIS.

Footnote 4: Order denying Confirmation.

(a) regarding the Order dated March 25, 2022 on the grounds it was untimely filed; (b) regarding the April 13th, 2022 order denying plan confirmation on the grounds it was a "nonfinal" interlocutory order.

The Court further refused Petitioner's request for "certification" under 28 U.S.C. §1292(b) which challenged Respondent Norton's disingenuous contention that due to the *Rooker-Feldman* doctrine (not one of which four criteria was applicable to the case at bar), she was unable to perform a non-discretionary "*ministerial*" function of directing entry of a long overdue order implementing the *"self-executing"* statutory exemption provision of the U.S. Bankruptcy Code pursuant to 11 U.S.C. §522(l) . . . protecting Petitioner's 100% homestead exemption to which no objections were filed as required pursuant to Fed.R.Bankr.P. 4003(b).[6]

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[6] ***In the Chapter 7 case, the self-executing order was effective as of November 8, 2018; and in the Chapter 13 case, the order was effective as of September 25, 2020.*** **Yet Respondent Norton and the learned lower appellate Courts have all individually and collectively unconscionably refused to acknowledge Petitioner's ironclad statutory rights under the Bankruptcy Code and its fundamental *"fresh start"* policy and have "shredded" Petitioner's guaranteed and protected Constitutional Rights to "due process" and the "equal protection" of the law, and above**

Petitioner's substantive 25 page substantive incriminating STIPULATION and STATEMENT OF ISSUES dated May 2, 2022 requesting "Certification" for direct appeal to the Court of Appeals (Appendix D @ D-333-357) on an important matter of law previously decided by this Court citing *Exxon Mobil v. Saudi Basic Industrial Corp.*, 544 U.S. 280, 284 (2005) in support of her contentions . . . was deceitfully and disingenuously disregarded without consideration; and finally (c) as to the Bankruptcy Court's order dated April 26, 2022[7] once again denying confirmation of Petitioner's Amended 100 % 36-month proposed Plan which met all statutory requirements pursuant to 11 U.S.C. § 1325 of the Code, on motion filed by Respondent Chapter 13 Trustee Fink, the District Court stated

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all, have inexcusably breached their duties of "*mandatory obedience*" to this Court's precedential, controlling and dispositive decisions.

[7] Simultaneously with the filing of her proposed 100% 36-month amended plan which otherwise complied with 11 U.S.C. § 1325, Petitioner filed a notice of appeal (divesting the bankruptcy court of further jurisdiction on the matter) challenging Respondents' jurisdiction and authority to administer Petitioner's 100% "homestead" exempt property which was statutorily protected by Section 522(l) and constitutionally protected pursuant to the "equal protection" of the law under the 5th and 14th Amendments.

"it is well settled that such order is not a final order subject to appeal," citing *In re Zahn*, 526 F.3d 1140 (8th Cir.) (App. B @ B-8 ¶3).

The Court's order dated September 27, 2022 (Amended Appendix B @ B-7-11), demonstrates Article III District Judge Roseann Ketchmark's "gross incompetence," "confusion" and/or "corruption," irrefutably evidenced by her inability to read and/or comprehend the English Language or identify the parties and issues being adjudicated before the Court; her total lack of familiarity with the statutory provisions and rules under the U.S. Bankruptcy Code; and the principles of "fundamental fairness" and "procedural justice" wherein "abusing whatever discretion" the Court might have had under the extraordinary facts and circumstances presented herein, @ footnote 5 on page 2, the learned life-time appointed Article III Judge astonishingly, incredulously, misleadingly, and clearly erroneously proclaimed her analysis of the case as follows:

> "Relatedly, it appears Appellant does not have standing to bring this appeal. Since chapter 7 debtors are divested of all right, title, and interest in nonexempt property through the creation of the bankruptcy estate at the commencement of their cases, these debtors generally

lack any pecuniary interest in the trustee's disposition of that property; it is generally the trustee alone who possesses standing and under the 'persons aggrieved' standard to appeal bankruptcy court orders concerning the sale of property of the estate." *In re Levitt*, 632 B.R. 527, 530 (B.A.P. 8th Cir. 2021) (numerous citations omitted). A debtor may still have standing if the debtor can show that one of the two exceptions applies: (1) there is a reasonable possibility – not just a theoretical chance – that a successful appeal would entitle the debtor to the distribution of a surplus under 11 U. S. C. 726(a)(6); or (2) the appealed order impacts the terms of the debtor's bankruptcy discharge. *Id.* (citation omitted). The appellant asserting standing to appeal bears the burden of proving the appellant qualifies as a "person aggrieved." *Id.* Here, appellant has not met her burden of establishing she has standing.

SCOTUS, we have a serious PROBLEM with this life-time appointed Article III Judge – who is clearly guilty, inter alia, of rendering decisions without regards to the merits. See, U.S. v. Martin Manton, 107 F.2d 834 and "Operation Greylord" involving dozens of Chicago's judges convicted of willfully, fraudulently and corruptly obstructing the "due administration of justice."

Judge Ketchmark should have voluntarily recused herself from this case, or upon appeal have been compelled to do so by the distinguished learned Court of Appeals. It's now incumbent upon this Court and/or the U.S. Senate Judiciary Committee to remove her from the bench. Respondent Judge Norton's apparent "incompetence," "corruption," and "defiance" of this Court's jurisprudence and her treasonous "betrayal" of her "oath" of office and sworn allegiance to uphold, protect and defend the Constitution, should qualify her for removal as well, vacating her recent elevation to the 8th Circuit's "B.A.P." !

At bar, Petitioner, clearly identified herself throughout her Petitioner, Schedules, notices of appeal, the Stipulation for Certification and all other motions and documents as a *pro se* CHAPTER 13 DEBTOR. The within controversy is over Petitioner's "REVESTED" statutorily and constitutionally protected "homestead" exempt property – claimed 100% exempt pursuant to state and federal nonbankruptcy law pursuant to 11 U.S.C. §§ 522(b)(3) and 522(l) on Schedule C, to which no objections were filed as required pursuant to Fed.R.Bankr.P. 4003(b).

And finally, Trustee Fink is a Chapter 13 Trustee (not a Chapter 7 Trustee) and has no authority to administer, nor was he planning to sell the subject "revested" exempt property of the debtor, which was removed from the "bankruptcy estate" years ago.

Petitioner respectfully disagrees and challenges the District Court's erroneous decision inasmuch as the motion, disguised and labeled a motion to deny confirmation, in truth fact. and substance was "final" as it constituted an impermissible belated objection, challenge and denial of Petitioner's statutorily and constitutionally protected unchallengeable "revested" homestead exempt property.

For reasons which should be the subject of investigation by this Court and other investigative authorities, Respondent Chapter 13 Trustee Fink and Bankruptcy Judge Norton and apparently the their co-conspiring lower appellate courts, are "obsessed" with "aiding, abetting and/or protecting" their favored litigant, pretender/lender/fraudster Deutsche Bank National Trust Co., as Trustee for Soundview Home Loan Trust et. al. and its purported successor in interest, Danny Hylton.

Pursuant to the doctrine of "*NEMO DAT QUOD NON HABET,*"[8] neither Detusche Bank nor Danny Hylton had or has any valid perfected secured lien and/or any other valid interest in the subject "homestead" exempt property at any time.

The district court's related order/judgment dated October 27, 2022 (Amended Appendix B @ B-14-15), consistent with its earlier predetermination to deny Petitioner's similar requests (*See*, Footnote 3, @ page 4 above), once again denied "*in forma pauperis*" relief to review the Court's order of dismissal . . . "if the trial court certifies in writing that it is not taken in good faith". *In this context, good faith is demonstrated when an appellant seeks appellate review of any issue that is not frivolous* (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962) and *Popson v. City of Kansas City*, No. 20-00682-CV-W-BP, 2020 WL, at

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[8] *See*, AMICUS CURIAE BRIEF on the doctrine of "*nemo dat quod non habet*," (the bedrock principle upon which all commercial law is built) prepared by Professors Adam J. Levitin, Christopher L. Peterson, Katherine Porter & John A.D. Pottow submitted in *Bevilaqua v. Rodriguez*, in the Commonwealth of Massachusetts Appeals Court, S.J.C. NO. 10880 - the substance of which Petitioner hereby adopts herewith as if fully set forth herein, copy of which is located in Appendix D @ D-169-174.

***1 (W.D. Mo. Oct. 22, 2020) (denying leave to appeal *in forma pauperis* where appeal is frivolous, that is the appeal indisputably lacks "any factual or legal basis"). The district court's order is located in Amended Appendix B @ B-14) and is unpublished.**

II. Case #6:22-03115-BP/RK
Petitioner v. The Honorable Judge Cynthia Norton
Order dated May 13, 2022. (Amended App. B @ B-16-20)

With apparent intervention and assistance from Chief District Judge Beth Phillips who after being assigned the case and issuing her Scheduling Order, suddenly recused herself for reasons unknown and redirected the appeal in the purported "interests" of justice" back to District Judge Ketchmark who by order dated May 13th, 2022,[9] dismissed the appeals of orders dated March 25, 2022, April 13, 2022 and April 26, 2022 made by Respondent Bankruptcy Judge Norton (who after being unable to respond to Petitioner's previous two challenges to the Bankruptcy Court's authority and jurisdiction over Petitioner's statutorily and constitutionally protected "homestead" exempt

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[9] See, Footnote 3 at page 4 above..

property and/or her refusal and failure to perform a non-discretionary "*ministerial*" *function* of directing entry of an order pursuant to the "nondiscretionary" "self-executing" statutory provision of Section 522(l), *suddenly and mysteriously was* represented *by AUSA Jeffrey Ray.*

The district court's alleged grounds for dismissal were: (a) generally, a trial judge is not properly named as party to an appeal "unless the aggrieved party is seeking an extraordinary writ of mandamus and/or prohibition directly against the trial judge," citing *Ex Parte Fahey*, 322 U.S. 258, 260 (1947); and (b) on the grounds of absolute "*judicial immunity*" citing *inter alia*, *Stump v. Sparkman,*[10] 435 U.S. 349, 355-56 (1976) and stating at p. 2 line 1: "Further, a judge is absolutely immune from liability if (1) the judge has subject matter jurisdiction and (2) the acts complained of were judicial acts." [11]

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10 *See*, Institute of Justice's Amicus Brief in *Rockett v. Judge Eighmy*, #21-3903 (8th Cir. 2023) on the issue of "judicial immunity" which Petitioner adopts as if fully set forth herein.

11 Petitioner contends that Judge Norton lacked subject matter jurisdiction over her "revested" "homestead" exempt property and that the act she refused to perform was a non-discretionary "ministerial" function, not a "judicial act."

BANKRUPTCY COURT DECISIONS/ORDERS

CHAPTER 7 CASE #18-30457-CAN7 & CHAPTER 13

CASE #20-30252-CAN-13

The Court is respectfully referred to APPENDIX C @ C-1 – C-68 (Chapter 7) and C-69 –149 (Chapter 13). At the outset, notwithstanding Petitioner's constant defense pursuant to this Court's precedential and controlling decision in *Taylor v. Freeland & Kronz, at no time did Respondent Judge Norton discuss the case.*

(The Index @ C-1 (a) – (f) enlightens the Court to Petitioner's Schedules, their filing dates, particularly Schedules C, A/B, D and Statement of Intent where she clearly alerted all creditors and parties in interest by her answers to questions #1 and #3, of her claiming a 100% "homestead" exemption pursuant to 11 U.S.C. § § 522 (b)(3) and 522(l) and that she disputed 100%, the validity of any/all creditors' claims to her residence which she "intended" to KEEP.

Notwithstanding the above, the experienced Bankruptcy Judge Norton could find "no bankruptcy issues" to be resolved in the Bankruptcy Court, including issues of her subject matter jurisdiction over Petitioner's "revested" exempt property; the lack of validity of any claim and standing of Deutsche Bank and Danny Hylton; and in both cases, granted "lift-stay" relief, subject to the 14-day stay of execution pursuant to Fed.R.Bankr.P. 4001(a)(3) – which in both cases the orders were "trumped" and "nullified" by Fed.R.Bankr. P. 4003(b).

Significantly, neither Deutsche Bank nor Danny Hylton attended the 341(a) meeting of creditors in the respective cases, did not file a claim and "FATALLY" "failed to file an objection to Petitioner's 100% claim of exemption in the subject "homestead" property.

Notwithstanding the Code's "self-executing" statutory exemption provisions, or this Court's controlling jurisprudence, not to mention the Code's

Permanent Federal Discharge Injunction pursuant to Section 524(a)(2), Deutsche Bank nevertheless held a "sham" non-judicial foreclosure sale on July 9, 2019, at which the successor trustee, although not in attendance, mysteriously "bid-in" to purchase the subject property (notwithstanding its ineligibility to do so). Shortly thereafter Deutsche Bank purportedly SOLD the subject exempt property at an online auction to Danny Hylton, who under the doctrine of "*nemo dat quod non habet" bought and owns "nothing.*" In the midst of the Covid-19 global pandemic, Danny Hylton maliciously "evicted" Petitioner and her disabled and medically vulnerable daughter in early April, 2021.

Petitioner's voluminous Appendix D located in a separate BLUE file, evidences that the learned Bankruptcy Judge "treasonously" betrayed her "oath" of office, the United States of America, Petitioner and the general public. This is inconsistent with the "rule of law."

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1), 28 U.S.C. §1651 ("All Writs" Statute), and its inherent "*supervisory*" powers and authority. The Court of Appeals entered two separate but related judgments dated August 1, 2022 (App. A @ A-2, A-4), no rehearings were requested and Petitioner seeks "joint review" pursuant to Scotus R. 12.4.

The Court of Appeals had jurisdiction over the district court's interlocutory order dated May 12, 2022,[1] denying "*in forma pauperis*" relief (Case #22-cv-03096) under 28 U.S.C. 1292(a) and/or 1292(b) pursuant to the "*collateral order doctrine*" under *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541, 546 (1949) permitting interlocutory appeals of matters too important and fundamental to await appellate review, which alter and deprive Petitioner's status and substantive statutory and constitutional rights, *inter alia,* to her 100% "homestead" exempt property pursuant to her rights to procedural and substantive "due process" and the "equal protection" of the law under the 5th and 14th Amendments.

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[1] The District Court subsequently also rendered related orders/judgments dated September 27 and October 27, 2022, both denying "*in forma pauperis*" relief and dismissing the appeals.

The Court of Appeals had jurisdiction over the related but distinct final order entered May 13, 2022 in Case #22-cv-03115BP/RK pursuant to 28 U.S.C. § 158(d) and § 1291.

SCOTUS ORDERS

EXTENDING PETITIONER'S TIME IN WHICH TO FILE HER PETITION FOR WRIT OF CERTIORARI (copies of which are arranged in chronological order and located in Appendix A @ A1-13).

In the interest of judicial economy, the Court is respectfully referred to Appendix A for copies of the Clerk of Court's Orders dated November 2, 2022, January 10, 2023, April 5, 2023, June 20, 2023 and September 5, 2023 – returning her Petition for further corrections, omissions and compliance with the Court's rules. Petitioner refiled her Petitions timely pursuant to S.Ct. Rule 29.2 on each occasion as required and plans to resubmit her Petition and voluminous Appendices via U.S. Priority Mail, postmarked on November 6, 2023.

The District Court had jurisdiction to review the Bankruptcy Courts' final appealable orders under 28 U.S.C. § 158(a), §158(c)(1). Petitioner's request for *"certification"* to proceed directly to the Court of Appeals pursuant to § 158 (d)

(1)(2)(Ai-iii) to challenge the inapplicability of the Rooker *Feldman doctrine* cited by Respondent Bankruptcy Judge Norton as the reasons for denying performance of a "non-discretionary," "ministerial" function directing entry of an order pursuant to the "*self-executing*" statutory provisions under § 522(l) of the Code.

The Bankruptcy Court for the Western District of Missouri had jurisdiction pursuant to 28 U.S.C. § 1334, the Standing Order of Reference from the U.S. District Court for the Western District of Missouri dated August 1984; and §§ 157 (a) and (b) – all "core" bankruptcy proceedings. Notwithstanding the above, Petitioner, under a reservation of rights, disputes the Bankruptcy Court's subject matter jurisdiction in the case at bar over Petitioner's "revested" 100% "homestead" exempt property, as well as, the Chapter 13 Trustee's authority to administer same.[13]

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[13] **Petitioner contends Respondent Bankruptcy Judge Norton also lacked subject matter jurisdiction over the subject "revested" "homestead" exempt property in the Chapter 7 proceedings as of November 8, 2018, thereby rendering the "lift-stay" order dated November 7, 2018 granting Deutsche Bank's requested relief issued pursuant to Fed.R.Bankr.P. 4001(a)(3)'s 14-day stay of execution) "*null, void, unenforceable and of no legal effect*.**

CONSTITUTIONAL PROVISIONS

Article I, § 8, cl. 4:

(in relevant part provides)

The Congress shall have power . . . To establish . . . uniform Laws on the subject of Bankruptcies throughout the United States.

Article III, § I:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Article VI, cl. 2: The "Supremacy" Clause

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made or which shall be made, under the authority of the United States shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the constitution or Laws of any State to the Contrary notwithstanding.

Art. VI, cl. 3: "Judicial Oaths"

(in relevant part provides)

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and <u>all</u> executive and <u>judicial Officers, both of the United States and of the several States</u>, shall be bound by Oath or Affirmation, to support this Constitution . . .

U.S. CONSTITUTIONAL AMENDMENTS 1st, 5th, 14th

First Amendment in relevant part:

Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Fifth Amendment in relevant part:

. . . nor be deprived of life, liberty, or property, without due process of law . . .

Fourteenth Amendment: Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATUTORY PROVISIONS

42 U.S.C. § 1983

(Civil action for deprivation of rights)

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State of Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

THE U.S. BANKRUPTCY CODE'S STATUTORY PROVISIONS & FEDERAL RULES OF BANKRUPTCY and CIVIL PROCEDURE

The U.S. Bankruptcy Code , 11 U.S.C. §§ 101 - 1503 et seq., an *"Act of Congress" promulgated pursuant to the "supremacy" clause of the U.S. Constitution (Article VI, cl.2).*

11 U.S.C. § 541(a) provides for the creation of the *"bankruptcy estate"* upon the filing of a petition for relief as follows:

> **The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all of the following property, wherever located and by whomever held: (a)(1) Except as provided in subsections (b) and (c)(3) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case.**

11 U.S. Code § 522 – EXEMPTIONS *(To be claimed on Schedule C)*

> **(a) In this section –**
> **(1) "dependent" includes spouse, whether or not actually dependent; and**
> **(2) "value" means fair market value as of the date of the filing of the petition or, with respect to property that becomes property of the estate after such date, as of the date such property becomes property of the estate.**
>
> **(b)(1) Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate the property listed in either paragraph (2) or, in the alternative, paragraph (3) of this subsection . . .**

(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(a) specifically does not so authorize.

[Note: Missouri has "opted out" of the federal exemptions. However, a debtor may combine State exemptions with federal nonbankruptcy exemptions, as in the case at bar.]

(3) Property listed in this paragraph is –

. . . any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition to the place in which the debtor's domicile has been located for the 730 days immediately preceding the date of the filing of the petition . . .

11 U.S.C. § 522(l) is controlling and provides in relevant part:

The debtor shall file a list of property that the debtor claims as exempt . . . "*[U]nless a party in interest objects, the property claimed as exempt on such list is exempt.*"

11 U.S.C. § 105(a) – Power of Court (in relevant part) provides:

(a) The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, *sua sponte*, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules or to prevent an abuse of process

28 U.S.C. § 451 (in relevant part) provides:

> The term "*court of the United States*" includes the Supreme Court of the United States, courts of appeals, district courts constituted by chapter 5 of this title ... and any court created by Act of Congress *the judges of which are entitled to hold office during good behavior.* The term "judge of the United States" includes judges of the courts of appeals, district courts, Court of International Trade and any court created by Act of Congress, *the judges of which are entitled to hold office during good behavior.*

28 U.S.C. § 586 – The United States Trustee Program

> The United States Trustee Program is the component of the Department of Justice responsible for overseeing the administration of bankruptcy cases and private trustees under 28 U.S.C. § 586 and 11 U.S.C. § 101, et seq. We are a national program with broad administrative, regulatory, and litigation/ enforcement authorities whose mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public. The USTP consists of an Executive Office in Washington, DC, and 21 regions with 90 field office locations nationwide.

28 U.S.C. § 1915(a) (in relevant part) provides:

> (a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceedings, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefore. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(a)(3) An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

28 U.S.C. § 2075 (in relevant part) provides:

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11. *Such rules shall not abridge, enlarge, or modify any substantive rights.*

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Fed. R.Bankr.P. 4003 (a), (b) and (c) provide:

(a) Claim of Exemptions.
A debtor shall list the property claimed as exempt under Sec. 522 of the Code on the schedule of assets required to be filed by Rule 1007. If the debtor fails to claim exemptions or file the schedule within the time specified in Rule 1007, a dependent of the debtor may file the list within 30 days thereafter.

(b) Objecting to Claims of Exemptions.
Except as provided in paragraphs (2) and (3), a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under Sec. 341(a) is concluded or within 30 days after any amendment to the list of supplemental schedules is filed, whichever is later. The Court may, for cause, extend the time for filing objections if, before the time to object expires, a party in interest files a request for an extension.

(c) Burden of Proof.
In any hearing under this rule, the objecting party has the burden of proving that the exemptions are not properly claimed. After hearing on notice, the court shall determine the issues presented by the objections.

Fed.R.Bankr.P. 9006(b)(3) - Computing and Extending Time and Enlargement:

> **The Court may enlarge the time for taking action under Rules. . .4003(b) . . .only to the extent and under the conditions stated in those rules . . .which limits the bankruptcy court's authority to enlarge the time for taking action under Rule 4003(b) to *"only to the extent and under the conditions stated in those rules."***

Fed.R.Bankr.P. 4001(a)(3): "Relief form Automatic Stay"

> **(a) Relief from Stay**
> **(3) Stay of Order. An order granting a motion for relief from the automatic stay made in accordance with Rules 4001(a)91) is stayed until the expiration of 14 days after the entry of the order, unless the court orders otherwise.**

Fed.R.Bankr.P. 9011: Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers (in relevant part) provides:

> **(a) Signature. Every petition, pleading, written motion, and other paper, except a list, schedule, or statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign all papers.**
>
> **(b) Representations to the Court: By presenting to the court (whether signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:**

(1) It is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increases in the cost of litigation;
(2) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(3) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

Fed.R.Civ.P. 60(a) and (b) (in relevant part) provides:

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions: The Court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(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 proceedings for the following reasons:

Rule 60(b)(*continued)*

(1) Mistake, inadvertence, surprise or excusable neglect;
(2) Newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
(3) Fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
(4) The judgment is void;
(5) The judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is not longer equitable; or
(6) Any other reason that justifies relief.

(c) Timing and Effect of the Motion.
(1) Timing.* A motion under rule 60(b) must be made within a reasonable time – and for reasons (1), (2), *and (3), no more than a year after the entry of the judgment or order or the date of the proceeding.
(2) Effect of Finality. The motion does not affect the judgment's finality or suspend its operation.

(d) Other Powers to Grant Relief. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceedings;

(2) Grant relief under 28 U.S.C.§ 1655 to a defendant who was not personally notified of the action; or

(3) <u>Set aside a judgment for fraud on the court</u>.

STATEMENT OF THE CASE

INTRODUCTION

Petitioner adopts and respectfully refers the Court to the following remarks attributable to Attorney General John D. Ashcroft at the Second Global Forum in Fighting Corruption, The Hague, Netherlands, May 31, 2001, which succinctly summarizes what this case is really about.

"Bankruptcy court corruption is not just a matter of bankruptcy trustees in collusion with corrupt bankruptcy judges. The corruption is supported, and justice hindered by high ranking officials in the United States Trustee Program. The corruption has advanced to punishing any and all who mention the criminal acts of trustees and organized crime operating through the United States Bankruptcy Courts. As though greed is not enough, the trustees, in collusion with others, intentionally go forth to destroy lives. Exemptions provided by law are denied debtors. Cases are intentionally, and unreasonably kept open for years. Parties in cases are sanctioned to discourage them from pursuing justice. Contempt of court powers are misused to coerce litigants into agreeing with extortion demands. This does not ensure integrity and restore public confidence.

The American public,

victimized and held hostage

by bankruptcy court corruption

have nowhere to turn"

ARGUMENT

"In a judicial system such as ours, in which judges are bound, not only by the text of code or Constitution, but also by the prior decisions of superior courts, and even by the prior decisions of their own court . . . [w]hen the Supreme Court of the federal system, or of one of the state systems, decides a case, not merely the *outcome* of that decision, but the *mode of analysis* that it applies will thereafter be followed by the lower courts within that system, and even by that supreme court itself."

Antonin Scalia, Associate Justice, United States Supreme Court in his Essay "The Rule of Law as a Law of Rules" first delivered on February 14, 1989, as the Oliver Wendell Holmes, Jr. Lecture at Harvard University.

At bar, Petitioner relies on this Court's precedential and controlling decision in *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992)(Thomas, J.) and the Third Circuit Court of Appeals decision in which Justice Alito was a panel member.

In summation, as provided by Petitioner's voluminous documents and evidence contained within the enclosed Blue File i.e., Pet. Appendix D –Petitioner's Docs, Petitioner claimed her "homestead" property 100% exempt in both her discharged and controlling Chapter 7 case, as well as, in her related Chapter 13, pursuant to both state and federal nonbankruptcy law under Section 522(l) of the Code (11 U.S.C. § 522(l). The 341(a) meetings of creditors were held and concluded by the respective appointed Chapter 7 and Chapter 13 Trustees and in both cases, NO OBJECTIONS to her "homestead" exemption were filed as required pursuant to Fed.R.Bankr.P. 4003(b), nor were any extensions of time in which to object requested pursuant to Fed.R.Bankr.P. 9006(b)(3).

Notwithstanding the above, before the watchful eyes of Respondent Bankruptcy Judge Norton and the U.S. Trustee, the "gatekeeper" of the integrity of the Bankruptcy Code process, and in blatant violation of the Federal Permanent Discharge Injunction pursuant to 11 U.S.C. § 524(a)(2) which

attached along with the principles of "res judicata," and "collateral estoppel" which prohibited any further challenges to the subject "homestead" property's 100% exempt status, Deutsche Bank National Trust Co., as Trustee for Soundview Home Loan Trust 2006-OPT2, Asset-Backed Certificates, Series 2006-OPT2 (a securitized "remic" trust subject to the Uniform Commercial Code, particularly Articles 3 and 9, in addition to its own Pooling and Servicing Agreement) which had no valid perfected secured lien interest in the subject property under state law inasmuch as the original refinance Lender Option One Mortgage Corp., changed its name and/or merged with Sand Canyon Mortgage (a subsidiary of H & R Block) and SOLD its residential mortgage portfolio in 2008 to American Home Mortgage Servicing Corp. ("AHMSI") in preparation for the revocation of its mortgage business license by the California Department of Corporations in September 2009. Thus, in 2015, having sold its mortgage business and exited the field in 2008, defunct Option One/Sand Canyon Mortgage Corp. had no interest in the subject controversial property (a/k/a 1759 Cedar Ridge Way, Branson West, MO. 65737) to "sell,

assign and/or otherwise transfer" to Deutsche Bank, as Trustee for Soundview, nor is there any assignment from AHMSI to DEUTSCHE BANK, as TRUSTEE for SOUNDVIEW on record. Obviously the 2015 fraudulently fabricated purported "corporate assignment" of the deed of trust to the subject property, on which Deutsche Bank based its unconstitutional, fraudulent and wrongful foreclosure in July 2019, could never have occurred. SEE, *Drouins v. American Home Mortgage Servicing, Inc., Wells Fargo Bank, N.A. and Option One Mortgage Corp.*, 11-CV-59 (District Court., N.H. '12) (Laplante, C.J.); *In re Veal, Veal v. American Home Mortgage Servicing, In; Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2006-3 Asset-Backed Certificates, Series 2006-3,, and its successor and/or assignees*, 450 B.R. 897 (B.A.P. 9th Cir.).

In the interests of "judicial economy" and to provide the Court with the endless pages of Petitioner's reliance upon *Taylor, supra, Law v. Siegel*, 571 U.S. 415 (2014)(Scalia, J. for a unanimous Court), the "rule of law," "stare decisis," the

doctrine of "*nemo dat quod non habet*" as it applies to Deutsche Bank and its purported successor in interest, Danny Hylton, and the "supremacy" of the statutory provisions of the U.S. Bankruptcy Code and the guaranteed and protected rights to procedural and substantive "due process" and the "equal protection" of the law under the 5th and 14th Amendments - none of which fundamental principles of our democracy have been enforceable by Petitioner, she respectfully refers the Court to the abundance of material contained in her Docs located in Pet. Appendix D which she hopes will assist the Court in witnessing and assessing the serious "decline, decay and demise" of the cornerstone of our "judicial system."

Petitioner is hopeful that her tragic experiences within the Bankruptcy Code process, will serve to benefit the thousands of debtors similarly situated, now and in the future.

REASONS TO GRANT THE WRIT

I. **This case is of monumental national public importance and affects not only Petitioner and her statutory "homestead" exemption rights under the U.S. Bankruptcy Code, but hundreds of thousands of debtors similarly situated now and/or in the future, seeking expeditious, fair and efficient resolution of their financial affairs and thereafter enjoying and enforcing the promised benefits of the Code's fundamental "fresh-start" policy.**

II. **To address the "*clear and present*" danger to the survival of our "*topsy-turvy*" Nation and Constitutional Republic when the relied upon fundamental foundations of our judicial system,**

including the "rule of law," the statutory provisions of the U.S. Bankruptcy Code (an "Act of Congress" promulgated pursuant to the "supremacy" clause), and the United States Constitution and its guarantees and protections to procedural and substantive "*due process*" and the "*equal protection*" of the law under the Fifth and Fourteenth Amendments, are no longer respected, valid and/or enforceable.

III. To curtail, supervise, prevent and punish the perceived and/or actual corruption and fraud, involving many Big Bank pretender/lender/fraudsters, like Deutsche Bank, who have literally defrauded hundreds of thousands, if not millions of homeowners of their residential property in purported non-judicial

and judicial foreclosures, by obtaining Judgments of Foreclosure using fraudulent and deceptive business practices, fabricating documents and misleading and practicing "fraud on the Court," when in truth and in fact, they had no valid secured lien interests in the subject properties.

IV. To address the public's outrage and lack of confidence and dissatisfaction with our government, due to the rampant CORRUPTION throughout the Nation's Institutions of Justice, Members of the Judiciary, Congress, the White House, the FBI, CIA, etc., and to restore the general public's trust and confidence in the fundamental impartiality, fairness and integrity of our judicial system, without which our Country will "cease to exist."

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CONCLUSION

"TAMPERING with the ADMINISTRATION of JUSTICE" in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of justice be not so impotent that they must always be mute and helpless victims of deception and fraud." Hazel-Atlas Glass Company v. Harford-Empire Company, **322 U.S. 338.**

WHEREFORE, Petitioner respectfully prays the Court grant her meritorious Petition for Writ(s) of Certiorari to all participating Federal Respondents within the Eighth Circuit (consisting of many Members of the Judiciary in the lower Courts, particularly Bankruptcy Judge Cynthia A. Norton and District Judge Roseann A. Ketchmark; the Chapter 13 Trustee Richard V. Fink; and the Office of the U.S. Trustee and Daniel Casamatta, U.S. Trustee for the Western District of Missouri (purported "gatekeepers" of the integrity of the U.S. Bankruptcy Code process) . . . all of whom are guilty of "treasonously" betraying their oaths of "allegiance" to the United States of America and the "general public," requiring their immediate "removal/recall" from the bench and other offices plus disciplinary actions against all members of the Bar.

Regarding the non-federal Respondents, BigBANK and well-known pretender/lender/fraudster DEUTSCHE BANK National Trust Co., as Trustee for Soundview Home Loan Trust Co., 2006-OPT2, Asset-backed-Certificates 2006, OPT2 and its purported "*successor in interest*" DANNY HYLTON, and their equally corrupt servicing agents and/or attorneys (none of which entities under the doctrine of "*NEMO DAT QUOD NON HABET*" have ever had any valid perfected secured lien interests, P.E.T.E. authority or other valid legal interest in the subject 100% "homestead" exempt property), Petitioner requests in addition to her "homestead" being promptly returned to her, a substantial award of damages and sanctions, individually, personally, corporatively, governmentally and/or collectively with their Federal employee accomplices who have threatened the

"survival" of our judicial system, the "rule of law," and our Constitutional Republic, the sum of $100,000,000 (One Hundred Million Dollars) for the severe emotional and financial pain, suffering and irreparable harm sustained by Petitioner (which criminal misconduct greatly contributed to her beloved disabled daughter Sabrina's untimely and tragic death, depriving Petitioner of her daughter's love, devotion and companionship for the rest of her life), including tremendous sanctions and compensatory, consequential, direct and indirect, special and punitive damages so as to punish the offenders and send a strong message of deterrence to all others similarly situated from "treasonously" betraying their "oaths" of office, the United States of America and destroying the general public's

confidence and trust in the fairness of our fragile judicial system . . . and for such other, further and/or different relief as may be just and proper in the premises in light of the "totality" and "urgency" of the important extraordinary monumental national circumstances and issues presented herein for review, and to "reverse" a gross "*miscarriage of justice*" suffered and sustained by Petitioner and her beloved deceased disabled daughter Sabrina, which tragedies can only be remedied and resolved by this unique, preeminent and powerful Supreme Court.

Dated: November 6, 2023

Respectfully submitted,

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