

No. 23-6867

In the
Supreme Court of the United States

Nelson L. Bruce,

Petitioner,

v.

BANK OF AMERICA, N.A.,.

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT

PETITION FOR REHEARING

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May 23, 2024

No. 20-6159

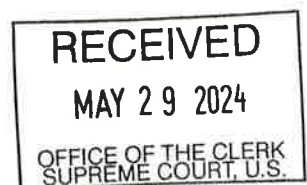


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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, Petitioner respectfully petitions for rehearing of the Court's denial issued on April 29, 2024. Petitioner moves this Court to grant this petition for rehearing and reconsider his case as Petitioner, **Nelson L. Bruce** respectfully prays that a writ of certiorari issue to review and reverse the judgment of appellate court as The Court overlooked or misapprehended points of law regarding the interpretation of the Fair Credit Reporting Act's (FCRA) statute of limitations and reinvestigation requirements and regarding the time limit for filing Rule 60(b) motions, which has led to conflicting decisions. Pursuant to Supreme Court Rule 44.1, this petition for rehearing is filed within 25 days of this Court's decision in this case.

REASONS FOR GRANTING THE PETITION

1. The Court overlooked or misapprehended points of law regarding the interpretation of the Fair Credit Reporting Act's (FCRA) statute of limitations and reinvestigation requirements.

The petition raised the recurring question of whether each dispute sent by a consumer to a credit reporting agency or data furnisher triggers a new FCRA statute of limitations for reasonable reinvestigation. Several courts have held that a new dispute restarts the limitations period,[*Broccuto v. Experian Info. Sols., Inc.*, 2008 WL 1969222, at *4 (E.D. Va. May 6, 2008); *Larson v. Ford Credit*, 2007 WL 1875989, at *2 (D. Minn. June 28, 2007); *Maiteki v. Marten Transportation Ltd.*, 4 F.Supp.3d 1249, 1252-54 (D. Colo. 2013); *Marcinski v. RBS Citizens Bank, N.A.*, 36 F.Supp.3d 286, 290 (S.D.N.Y. 2014); *Milgram v. Chase Bank USA, N.A.*, 2020

WL 409546, at *4 (S.D. Fla. Jan. 25, 2020); Owens v. TransUnion, LLC, 2021 WL 5086370, at *7 (E.D. Tex. Aug. 30, 2021); Thomas v. Wells Fargo Bank, N.A., 2018 WL 3719589, at *7 (N.D. Ga. May 30, 2018); Vasquez v. Bank of Am., N.A., 2015 WL 7075628, at *2 (N.D. Cal. Nov. 13, 2015); Wylie v. First Nat'l Bank Corp., 2019 WL 3006631, at *4 (W.D. Pa. July 10, 2019); Young v. LVNV Funding LLC, 2013 WL 4551722, at *1 (E.D. Mo. Aug. 28, 2013)] while others have held the opposite.[Blackwell v. Cap. One Bank, 2008 WL 793476, at *3 (S.D. Ga. Mar. 25, 2008); Bittick v. Experian Info. Sols., Inc., 419 F.Supp.2d 917, 919 (N.D. Tex. 2006); Hancock v. Charter One Mortg., 2008 WL 2246042, at *2 (E.D. Mich. May 30, 2008); Hatten v. Experian Info. Sols., Inc., 2013 WL 5179190, at *4 (E.D. Mich. Sept. 12, 2013)].

This conflict implicates the FCRA's core purposes of ensuring consumer disputes are reasonably reinvestigated and accurate information is reported.[15 U.S.C. §§ 1681i(a)(1)(A), 1681i(a)(3), 1681s-2(b)(1), 1681s-2(a)(8)(F), 1681p] The Court should grant rehearing to resolve this entrenched circuit split.

2. The Court overlooked the petition's question regarding the time limit for filing Rule 60(b) motions, which has led to conflicting decisions.

The petition raised whether Federal Rule of Civil Procedure 60(c) prescribes a 1-year statute of limitations to file a Rule 60(b)(1)(2)(3) motion, an issue that has caused and will continue to cause due process rights to be violated by the lower courts and will allow the courts to not follow their own rules as they are written which violates a parties rights to redress, right of grievances. [Mitchell v. Rivera,

C/A No. 4:13-1949-TMC, at 3 (D.S.C. Oct. 13, 2015); Tyler v. Williams, C.A. No. 9:19-2421-HMH-BM, at 5 (D.S.C. Oct. 20, 2020); United States v. McRae, 793 F.3d at 400 (4th Cir. 2015); Fortune v. Clarke, No. 17-7231, at 3 (4th Cir. Feb. 23, 2018); United States v. Shrader, No. 20-6728 at 2 (4th Cir. Sep. 25, 2020)] This question implicates the Rules Enabling Act's requirements for the federal rules.[28 U.S.C. §§ 2071(b), 2072].

3. The issues raised are exceptionally important and recurring nationwide.

The FCRA governs credit reporting for millions of Americans, making the statute's interpretation and enforcement critically important. Clarifying the law on FCRA reinvestigations, claim amendments, and Rule 60(b) motions would promote consistent application benefiting consumers and businesses alike.

CONCLUSION

For these reasons, the Court should grant rehearing to resolve the circuit splits on the FCRA's statute of limitations for reinvestigations, the good cause standard for amending complaints, and the time limit for Rule 60(b) motions. Rehearing is warranted given the importance of these recurring issues impacting consumer rights and credit reporting nationwide.

Respectfully Presented,

“Without Prejudice”

 5-23-24

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CERTIFICATE OF UNREPRESENTED PARTY

I HEREBY CERTIFY the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

That this petition for rehearing is presented in good faith and not for delay.

“Without Prejudice”

Nelson L. Bruce 5-23-24

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