

No. 23-7589

**IN THE
SUPREME COURT OF THE UNITED STATES**

Yuri Imuta - *PETITIONER*,

v.

U.S. BANK NA, successor trustee to Bank of America, NA, successor in interest
to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage
Pass-Through Certificates, Series 2006-AR12 - *RESPONDENT*.

ON PETITION FOR A WRIT OF CERTIORARI TO
The Court of Appeal of the State of California,
Second Appellate District,
Appellate Division of the Superior Court,
State of California, County of Los Angeles

PETITIONER'S PETITION FOR REHEARING

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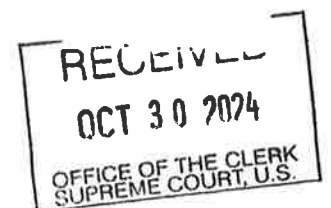


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SUPPORTIVE RULE FOR REHEARING

Petitioner, Yuri Imuta, respectfully submits this Petition for Rehearing following the denial of certiorari on October 7, 2024. This request is made under S. Ct. Rule 44 of the Rules of the U.S. Supreme Court and is timely filed.

GROUND FOR REHEARING

A Protecting Homeowners' Rights Nationwide

– A Constitutional Imperative

This case presents a pivotal opportunity for the Court to safeguard the constitutional rights of homeowners nationwide. This appeal centers on vital protections under the 4th, 5th, and 7th Amendments:

- **Right to Due Process (5th Amendment):** Many courts, including those in California, have adopted summary judgment in foreclosure and eviction cases, effectively bypassing due process protections. In this case, the lower courts rushed to judgment without fully reviewing the factual disputes regarding the foreclosure's validity, depriving Petitioner of due process. Such expedited proceedings often occur without meaningful examination of the foreclosure purchaser's title or procedural compliance. Due process requires that all contested facts be adjudicated fairly, especially when a person's home is at stake.
- **Protection from Unlawful Seizures (4th Amendment):** Foreclosure and eviction cases often result in the abrupt removal of homeowners from their property. In cases like Petitioner's, where material facts were contested, these evictions

resemble unlawful seizures, violating homeowners' right to be secure in their property. The 4th Amendment's protections against unjust seizure without adequate legal process apply here, as Petitioner's property was taken without thorough examination of the underlying foreclosure proceedings.

- **Right to Trial by Jury (7th Amendment):** The denial of a jury trial in civil matters involving property and significant equity represents a fundamental violation of the 7th Amendment. In this case, Petitioner was denied a jury trial despite substantial equity in the property and numerous disputed facts. This trend toward using summary judgment in such cases undermines the constitutional guarantee of a trial by jury and favors procedural speed over the homeowner's fundamental rights.

By hearing this case, the Court can reaffirm these protections, setting a critical precedent that ensures fairness in foreclosure and eviction proceedings for homeowners across the country.

B Discrepancies in Law and the Need for Uniformity

A significant challenge arises from differing interpretations of foreclosure and eviction laws across jurisdictions. In California, recent cases have created confusion regarding what constitutes "duly perfected title" under the unlawful detainer statute (California Code Civ. Proc. § 1161a(b)(3)). Earlier interpretations suggested that a recorded trustee's deed suffices, yet recent rulings require additional steps to establish clear, unclouded title before an eviction can proceed. This inconsistency not only creates

unfair outcomes but also fosters a lack of uniformity in how foreclosure purchasers can initiate eviction, depending on the state and court.

Without the Supreme Court's guidance, these discrepancies will continue to grow, leading to unjust outcomes and procedural unfairness for homeowners. Uniform interpretation is essential to ensure that the eviction and foreclosure process respects homeowners' rights nationwide, upholding constitutional due process and property rights across state lines.

C Curtailing Summary Judgments in Foreclosure and Eviction Cases

Summary proceedings, such as summary judgment, are increasingly used to expedite foreclosure and eviction cases, often sidelining the rights of homeowners. Foreclosure cases, especially those involving contested title or procedural irregularities, should not be handled through summary judgments, as they deny homeowners their fundamental right to a fair trial.

In this case, summary judgment was granted despite unresolved factual disputes and Petitioner's request for a jury trial. The decision disregarded essential procedural fairness and favored expedience over thorough judicial review. This approach is representative of a national trend, where procedural shortcuts are undermining homeowners' rights. The Court's review is essential to confirm that foreclosure and eviction cases must not bypass constitutional protections in the name of efficiency.

D The Supreme Court's Role

This Court's intervention is essential to reinforce constitutional protections for homeowners across the United States. The foreclosure and eviction process should uphold due process, require unclouded title, and respect homeowners' right to a jury trial. By hearing this case, the Court can establish that foreclosure and eviction cases require full judicial review and that summary judgments in these matters should be limited.

CONCLUSION


This case is of critical importance to homeowners past, present, and future. With nearly 650,000 Americans facing homelessness, a clear, uniform standard for foreclosure and eviction is essential. The Court's decision to rehear this case would set a powerful precedent affirming that constitutional protections must guide foreclosure and eviction proceedings, ensuring fairness for all.

The rights of homeowners are at stake, and this Court has the authority to clarify and protect those rights for generations to come.

DATED: October 25, 2024

Respectfully submitted,

By:


Yuri Imuta, In Pro Se


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CERTIFICATE OF GOOD FAITH – RULE 44

Pursuant to S. Ct. Rule 44, petitioner, to the best of her ability, hereby certifies that that is petition for rehearing complies with the restrictions of this rule and is presented in good faith and not for delay.

Dated October 25, 2024

Respectfully submitted,

By: 
Yuri Imuta, In Pro Se

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Through Certificates, Series 2006-AR12 - *RESPONDENT*.

PROOF OF SERVICE

I, Kikuyo Imuta, do swear or declare that on this date, October 26, 2024, as required by
Supreme Court Rule 29 I have served the enclosed PETITIONER'S PETITION FOR
REHEARING on each party to the above proceeding or that party's counsel, and on every
other person required to be served, by depositing an envelope containing the above
documents in the United States mail properly addressed to each of them and with first-
class postage prepaid, or by delivery to a third-party commercial carrier for delivery within
3 calendar days.

The names and addresses of those served are as follows:

Kayo-Manson Tompkins / Parnaz Parto
Steele LLP
17272 Red Hill Ave
Irvine, CA 92614-5628

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

Executed on October 26, 2024



Kikuyo Imuta
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