

23A161
No. 23-5223

AUG 17 2023
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IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
AUG 17 2023
OFFICE OF THE CLERK

DOROTHY ELIZABETH LEWIS

Applicant,

V.

WELLS FARGO BANK, NA., as Trustee for the Registered Holders
of Structured Asset Securities Corporation Mortgage Pass-Through
Certificate, Series 2007-OSI ("the Trust"); PHH MORTGAGE
CORPORATION, successor by merger to Ocwen Loan Servicing, LLC,

Respondents

ON APPLICATION FOR PRIMILARY INJUNCTION TO JUSTICE ELENA KAGAN

**EMERGENCY APPLICATION FOR A PRIMILARY INJUNCTION DENIED BY
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

To the Honorable Elena Kagan, Associate Justice of the United States, and
Circuit Justice for the Ninth Circuit. I Dorothy Lewis, a bondservant of our
Heavenly Father and HIS Son Jesus Christ. Presents to the court with this
Application. As a bondservant, I must honor my Master and God, the God of Truth
by speaking truth at all times.

**Psalms 31: 5 Into thine hand I commit my spirit: thou hast redeemed me,
O Lord God of Truth.**

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This application includes a plea for justice and a plea from the heart of a mother. I have tried to not address this sensitive matter directly as it is very sensitive. And I am not court savvy to know how to seal it and time is of the essence. I have spoken around it but not directly of it. This is the true irreparable injury that I (and my son) will suffer. There is no money in the world that can compensate for the damage my son will suffer being out of the property and in limbo. I have been there where no money in the world could help. I do not wish to be there again. But for my cries to God, and His intervention my son would likely be dead.

I will begin in the middle being conscious of your time. My Son has Schizophrenia and has been committed twice—years apart. Initially it was to get him on his meds. The 2nd time was to get him back on it. Both times to stop psychosis and brain damage which results from every episodes.

Stress is one of major triggers for this condition. For my son it is the now the number one as none of the others apply. My son and his wife had financial problems because my son got off his meds and naturally was not able to be productive at work, (we don't know which came first the chicken or the egg.) He tried to be an independent contractor delivering items. He could not do the deliveries as his mind would tell him things about the meaning of the names of the streets all type of info. Of course, they gave him fewer and fewer and then none to deliver. He thought he had to deliver because he was the deliverer. Finally, his wife left him. And he hit bottom soon after. He lost weight, weight loss is a huge indicator. He walked like a giant then stopped going to his house. We would search for him, leave message with his neighbors. Every now and then he would pop up at my house and give me a hug. I would try to get him to go to the doctor /hospital he would refused. He wondered the streets.

Man could not help me so I went to my God. He heard my cries and told me to go to the Police and they would help me. This was at the time when people who were mentally ill were being shot by the police due to lack of training on the police's part. I obeyed my God and went to the police station after teaching bible study. And some hours before I went to the police station, my son's wife that left him called me and told me I needed stop my son from coming to her work and her apartment. And that her work was going to call the police the next time he came. I told her God had told me what told me to do, and would be doing it that day.

I went to the police station and told the clerk that my son was ill and God told me to come there to get help. She looked at me puzzled. And asked if I wanted a Christian police officer. I said, " I guess." She responded by telling me to wait in the waiting area until they located a Christian police officer. As I waited in the area, a beam of light came through the blinds and formed a perfect cross on the chair. I quickly got my phone and took pictures of it (copy provided for Justice Kagan's view). It remained there for a while. I knew then, that Father truly had spoken to me and would take care of my son. It was not the police officer that I saw that day that my God chose. He chose another officer whom I met some time later. For one night, there was a knock on the back door, which the family uses. To my shock it was my son. He had a box in his hand and he said "Mummy I came to live with you". I praised my God and called all concerned to tell them the good news. We had been trying to find him.

Soon after I called the crisis line and the response group came with the police. I met the officer God chose . My son was so afraid. He ran through the back door and up the street. We all went to that area and tried to get him to cooperate. He was very afraid. Then the police office my God chose took me a side and, " Miss Lewis, I know you want help. But tonight, is not it, as we do not want to hurt your

son". So they left. This officer, would check on my son from time to time. It was he, that physically placed a medical hold on my son so we could get him to the hospital.

I had called the crisis line again. I heard a sound I could not account for and I wanted to use every opportunity to get him the help he needed. The crisis line dispatched the police and two officers arrived. Shortly after, the officer God chose came. He said I heard your address and came to check on your son. He then assessed the situation and told me he could take my son, as the space was enclosed and my son would not get hurt. I ok's it. He was taken to the hospital by ambulance . The officer God chose testified on my behalf, (my son fighting all the way) and my son was committed, Praise and thank my Heavenly Father. While in the hospital receiving treatment, his wife served him with divorce papers.

My son was released into my custody and has remained on his meds and has been employed (after some initial struggles) although his doctor recommended he filed for disability benefits. This was not God's will. My son has worked very hard, and the house has been part of his recovery. He has security there. His stress is under control there. There were also rules tied to living there with me. I got to go to his doctor's appointments to give reports, and no use of any type of drugs, to include marijuana. His doctor encouraged no drinking, which he has not done.

My son has been the poster boy for his doctor . who retired after we were locked out of the house. These days are very trying and stressful for my son. He is still trying to find a new doctor and there is a shortage. The stress of being in limbo is getting to my son. He is already exhibiting change in behavior. His reasoning is off. He was swindled by someone on Craig list. He was looking for a cheaper place . I specifically and clearly told him not to give any money. When you are in limbo it is hard and stressful. He does not use the word stress. He says he is off balance. He has been off balance a lot. I told him to file a police report and he did. The report number is 23-207248. Even after being swindled. He still went back to Craig's list.

The set up was the same. I told him again these are scammers. He got an application. Against my counsel. And would have sent these people money. I just happen to be by him when he called the person (this one gave him a phone number. The person at the other end was startled by the call. Then composed themselves and got into the role. I could tell they were not genuine. I got the phone and told the person I knew he was a scammer. And was not in the USA as they claimed and had no personal assistant to receive money on their behalf (the reason they didn't want to accept money directly).

He, my son is displaying obsessive behaviors. And is getting worse and worse. Leading to poor decisions. This is a bad sign. Also, I have had to wake my son to check that he has taken his medicine. He would have to get up to take it. His sleep patterns and focus has also changed.

Public Good (the public gets equity)

It would be a public good for us to be able to return to the property while we await the outcome of the case before the Ninth Circuit. There are so many mentally ill people in Portland Oregon, and not only, Portland or Oregon alone. I am very sad when I see the mentally ill wondering the streets. They account for a lot of the homelessness in all states. But for God's help and the stability of the house, my son would be one of them, or dead, like many. At the property in question, My son never experienced the things he said he experienced in his mind while at his house. Without stability, my son could spiral all the way down again. It happens quickly. There is a shortage of mental health resources—(a shortage of medical workers, in general). Keeping even one person from using up this recourse is a Public good. It is difficult to make decisions that brings stability when everything is up in the air. If the other side prevails they can still have the house. If we prevail, there would be no house, as Respondents want to sell the house the first opportunity they get.

Another public good is that Respondents has done malicious acts that the public would benefit from them not getting away with what they have done.

How the case began

This began with foreclosure case brought by Wells Fargo Bank, N. A as Trustee. The Trust's summons was deficient, not complying with Oregon State's ORCP 7 D(1), 7D(2) (a), 7 D(2), 7 D (3) and 7 D(3)(a)(i) and 7 D(6)(f). The Oregon Court erred in not bringing the insufficiency of the summon to the Trust attention either dismissing their case for lack of sufficiency or ordering the trust to correct deficiency. The Court is the gatekeeper as it pertains to the 14th Amendment, and in particular, the Due Process clause. (When Applicant had to create and serve summons. The US Court made sure I had a summon for each person, and that the summon was specifically addressed to that individual. Or they would not sign off on it. I made mistake and had to start all over. Serving the summon again.)

The Respondents defrauded Applicant and the Court by certifying that their summon was sufficient. Respondents continued to defraud Applicant and the court, the court issuing a September 9, 2013 Default Judgement Foreclosure Order, which the court had no jurisdiction to do, given the deficiency of Respondent's summon. Respondent and Judge Christopher Marshall. Believes Appellant should not argue that the Summons was deficient and of such could not empower the court. It is a defense and a righteous defense that the rich uses at all times, I am not a liar. And Truth is truth.

Applicant had no knowledge of this order as no notice was sent to her. Applicant was denied her right to appeal the order. Applicant became aware of the September 9, 2023 order almost a year after and a few days before the Sheriff's Sale. Respondents did not give Applicant their response to Applicant's challenge until they were going into the court room for our hearing. Not being able to read

what was handed to me as we went into the courtroom, Applicant read it when she got home and did some investigating following, based on the content and found out that the summons itself was deficient. Beyond any problem with the actual service of the insufficient summons. I immediately got copies of what the correct summons looked like and presented an affidavit statement of the deficiency and a motion to present the new information to Judge Christopher Marshall. (Applicant was not versed in the rules and the laws, but wanted to bring this new information to the court as soon as possible.) Judge Marshall gave a venomous response, and told half-truths. This was a very bad sign. Our Heavenly Father had revealed his heart.

Illegal Judge Change

When Appellant brought her own case to get the matter heard and naming and serving also the attorney who certified the service of the summons heard Respondents went behind Applicant's back and had the judge changed. Judge Henry Kantor had been assigned and we had provided him with our motions and the hearing date set. Such interference with the judge assignment without giving Applicant notice and the ability to have her objection heard. Is serious and a direct violation of Applicant's constitutional rights and is unforgivable. Applicant is further defrauded by respondents. Respondents took actions to illegally deprive Applicant of the property without a fair trial. Judge Christopher Marshall was not an impartial judge and the reason Respondents went behind Applicant's back and had the case taken from Judge Kantor and reassigned to him.

Then Judge Shelley Russell and Eric Dahlin joined Christopher Marshall in his efforts to assist Respondents and to work against Applicant. Respondents actively worked and plotted to deny Applicant of her rights under the US

Bankruptcy laws. Evidence is included in the form of transcript portions and written communications.

THE WRIT OF ASSISTANCE ORDER WHICH EMPOWERED APPLICANT'S REMOVAL FROM THE PROPERTY AND FROM WHICH STEM THE NEED FOR THIS APPLICATION IS ILLEGAL AND UNCONSTITUTIONAL AND SHOULD NEVER HAVE BEEN EXECUTED.

A -- Judge Eric Dahlin had no jurisdiction to preside over the hearing

Judge Eric Dahlin did not have jurisdiction to preside over a hearing for the motion for Writ of Assistance. On November 18, 2022 Defendant timely appealed the order assigning Judge Eric Dahlin as the Motion Judge after Judge Shelley Russell recused herself. Jurisdiction, upon filing passed to the Appeals Court per ORS 19.240, 19.250 and 19.255; ORCP 21 A(1)(a) lack of jurisdiction over the subject matter; ORCP 71 B(1); ORS 19:270 (1) The Supreme Court or Court of Appeals has jurisdiction of the case when the notice of Appeal has been served and filed as provided in ORS 19.24, 19.25 and 19.255.; Also see ORS 19.270 (6) and ORS 19.270 (8).

When Applicant and Respondents Attorney, Miss Edling, went to ex parte at the County Court with a petition to unlock the property. Judge Judith Matarazzo said she could not help because once an appeal was filed Jurisdiction passed to the Appeals court immediately. Thus she could not address my request only the Oregon Appeals Court could. I received nothing in writing and my documents were returned to me. Judge Dahling was part of my November 14, 2022 Appeal.

B –The November 18, 2022 Order is unconstitutional.

The order is unconstitutional, in general, and more specifically, parts of the order criminalized Applicant and strip her of rights which can only be removed via a criminal proceeding. Applicant has never trespassed; Appellant has never been charged with trespass. Yet the order has provisions for actions for someone who was charged and found guilty of trespassing. This is very dangerous. Respondents included a clause that could cause Defendant to be removed from the property on their report of guilt, no questions asked. No due process would be required or granted to Applicant. Even people living in tents and are trespassing without question must be given due process. This November 18, 2022 order violates the constitution and, rules of Multnomah County, the City of Portland, the State of Oregon and the United States of America. I repeat, this is a very dangerous violation.

Respondents, have been sanctioned many times by the Bankruptcy Court for many violations. In Applicant's own experience with Respondents, Respondents have been known to do melodious acts such as making false police reports, closing out Applicant's electric account and putting the account in their name (July 2017 and November 2020) to gain access to the electricity of the house; to send their representative to illegally remove Applicant from the house and change the locks (January 8, 2021—the police was called and Officer Chapin came and informed the individuals that it was not legal.), and tell lies to the court to get a judge act in their favor (to sign order they wanted signed). The clause is written the November 18, 2022 order Respondents could make a false complaint against Applicant to have her removed from the property. And Applicant would have no due process right. She would have no recourse.

Plaintiff tried to do something similar in the Bankruptcy Court when Miss Edling petitioned the Bankruptcy Court for relief from the stay. She wrapped in her

request restriction to be placed on Defendant's ability to file future Bankruptcies and to have the property in question exempted from future filings and the Bankruptcy Court did not allow it. The court required that they made a separate request. And when separated Respondents could not meet the burden of proof and withdrew the request.

C -- The November 18, 2022 hearing came to be because of trickery, and deception and deception bad Faith actions on the part of Respondents and the Judges.

The hearing was scheduled without Applicant's knowledge or approval. On October 20, 2022 Appellant received a call from Miss Edling informing her the October 21, 2022 hearing had been cancelled and they wanted me to choose a new date. Applicant informed her that I needed to see the order she was referencing. Miss Edling became upset. I told her I would call her as soon as I received the order. And did so a day or two later when the order was received. (it appeared Miss Edling had access to the order on October 18, 2022 when it was signed, she had had email communication with Judge Russell.) At no time, even when I spoke with Miss Edling and informed her of my objection to have Judge Dahlin preside over me or the motion, did Miss Edling informed me that she had scheduled a hearing on October 20, 2022. I received no written notice (and no verbal notice until Approx. 4:00pm on November 17, 2022).

Applicant had sent written notice of her objection with no response from anyone. Applicant was shocked when she received the call from Miss Edling wanting to make sure I would be at the hearings. Miss Edling said they notified Applicant via email. (Applicant ever provided an email address to the State or to

Respondents) Applicant left urgent message on a phone number she believed was Judge Dahlin's. The next morning Applicant received a call telling her the message was left for the wrong judge. Not knowing what to do, Applicant appeared before Judge Dahlin under duress.

Fifth and fourteenth Amendments

Applicant has been denied equal protection under the law *Rostker v. Goldberg, 448 US 106 (1980)* due to the actions of Respondents. Appellants due process rights have also been violated. Applicant has suffered constitutional injuries. Respondents have defrauded Appellant.

In Conclusion

Applicant believes she has met the requirement for a Preliminary injunction,

Winter v. Natural Resources Defense Council Applicant Inc. (2008) and Rostker v. Goldberg, 448 US 106 (1980)

Applicant is asking the Honorable Justice to unlock the property at 5272 NE 20th Ave, Portland Or, 97211 and allow my son and I remain in the house; my son returning to stability so his mental state can return to what it was. Rather than to deteriorate further. The house will be there at the end of the litigation. However, waiting, outside of the house in limbo is unsettling my son and it will surely send him into psychosis as he is already headed there now. There are some things money cannot correct or compensate for. We also ask you Justice, Kagan, to give us any other relief that is within your power to give.

Applicant Thanks the Court.

To the Most High God be the glory, in all things. May the will of our Heavenly Father be done in this matter and in all things, as it is in heaven. In the name of my Lord Jesus Christ.

August 17, 2023



Dorothy E Lewis

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DOROTHY ELIZABETH LEWIS

Applicant,

V.

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Certificate, Series 2007-OSI ("the Trust"); PHH MORTGAGE
CORPORATION, successor by merger to Ocwen Loan Servicing, LLC,

Respondents

PROOF OF SERVICE

I, Dorothy Lewis, certify that I filed the original of the Emergency Application for Injunctive Relief via FedEx and that I served counsel for respondents also via FedEx, as stated below:

Emilie K Edling
Houser LLP
9600 SW Oak Street, Suite 570
Portland OR, 97211
503-914-1382

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

Executed on August 17, 2023



Dorothy E Lewis

No. 23-5223

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Applicant,

v.

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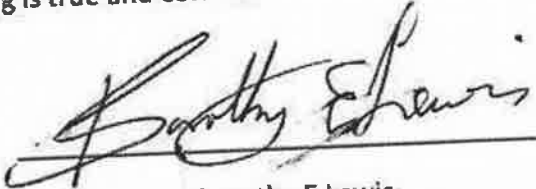
PROOF OF SERVICE

I, Dorothy Lewis, certify that I filed the original of the TABLE OF CONTENT, TABLE OF AUTHORITIES AND INDEX OF APPENDICES for the Emergency Application for Injunctive Relief via email I and that I served counsel for respondents also via Email, as stated below: *Copies also placed in the mail.*

Emilie K Edling
Houser LLP
9600 SW Oak Street, Suite 570
Portland OR, 97211
503-914-1382

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

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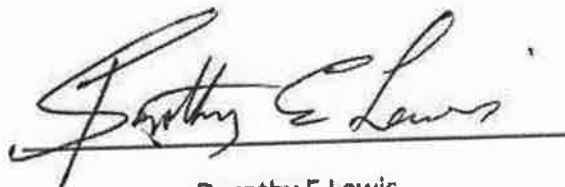
CORRECTION

I, Dorothy Lewis, certify that I filed the original of the Emergency Application for Injunctive Relief via USPS Express services and that I served counsel for respondents also via USPS Express Services on August 17, 2021, as stated below. (FedEx pickup was missed):

Emilie K Edling
Houser LLP
9600 SW Oak Street, Suite 570
Portland OR, 97211
503-914-1382

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

Executed on August 18, 2023



Dorothy E Lewis