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Supreme Court, U.S.
FILED
AUG 25 2023
OFFICE OF THE CLERK

THE SUPREME COURT OF THE UNITED STATES

Re. Application No. 22A1131

from 22-1506 *In re. Metcalf*

Ron Metcalf, et. ux.

Fourth Circuit Court of Appeals

v.

U.S. District Court for the Western District of North Carolina

MOTION TO CHIEF JUSTICE ROBERTS FOR
EMERGENCY STAY OF MANDATE

of 22-1506 *In re Metcalf*,

From U.S. Fourth Circuit Court of Appeals

Ron and Claudia Metcalf, parents, legal guardians, advocates, and Relative as Provider employees of Abound Health LLC, North Carolina, of D.J.M., a disabled, incompetent adult, who has been a N.C. Innovations Medicaid Waiver client since Nov. 2016; as instructed by U.S. Supreme Court Assistant Clerk of Court Robert Meek: do hereby move this most honorable Court to Stay the above Mandate in this case, and grant the Emergency Stay of Execution of Eviction, as presented previously to this Court, file date stamped on August 21, 2023. Chief Justice Roberts has already approved our pro se in forma pauperis status.

Respectfully submitted,

Ron and Claudia Metcalf 8/25/2023

Ron and Claudia Metcalf

169 Atoah St. Robbinsville N.C. 28771

407-401-2445

cherubcalf747@gmail.com

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SUPREME COURT, U.S.

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

August 25, 2023

LOCAL RULE 40(d) NOTICE

No. 22-1506, In re: Metcalf
1:22-mc-00013-MR-WCM

TO: Claudia Metcalf
Ron David Metcalf

We are in receipt of your papers in this case.

This court's Local Rule 40(d) states that, except for timely petitions for rehearing en banc, cost and attorney fee matters, and other matters ancillary to the filing of an application for writ of certiorari with the Supreme Court, the office of the clerk shall not receive motions or other papers requesting further relief in a case after the court has denied a petition for rehearing or the time for filing a petition for rehearing has expired.

Pursuant to the provisions of Local Rule 40(d), no further action will be taken in this matter by this court. A petition for writ of certiorari may be filed in the Office of the Clerk, Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543-0001. Information on filing a petition for writ of certiorari is available on the Supreme Court's website, www.supremecourt.gov, or from the Supreme Court Clerk's Office at (202) 479-3000.

Rickie Edwards, Deputy Clerk
804-916-2702

THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

Re. Application No. 22A1131 (from 22-1506 *In re. Metcalf*
United States Supreme Court (Fourth Circuit Court of Appeals
(from 1:22-mc-00013-MR-WCM
(Western Fed. District Court of N.C.

Ron Metcalf, et. ux.

v.

U.S. District Court for the Western District of North Carolina

MOTION FOR
EMERGENCY STAY OF EXECUTION OF EVICTION,
AND APPLICATION FOR INJUNCTIVE RELIEF

Ron and Claudia Metcalf, parents, legal guardians, advocates, and Relative as
Provider employees of Abound Health LLC, North Carolina, of D.J.M., a disabled,
incompetent adult, who has been a N.C. Innovations Medicaid Waiver client since
Nov. 2016;

In accordance with the instructions of the U.S. Supreme Court, Office of the Clerk,

(See immediately following 6 pages) we hereby file this above-stated Motion, requesting that this be considered immediately by one or more Judges of the 4th Circuit C.O.A., and an Order be issued A.S.A.P., as it is an Extremely Urgent Matter.

The enclosed pages are exactly what has been presented to the U.S. Supreme Court, to avoid confusion. It was our pro se understanding that, after the Mandate had been issued, that we could not file any other Motions re. Case # 22-1506.

It is now our understanding, not being accepted Appellate Attorneys, that this now reopens the Case- and that we may once again move this Court for a Stay of Mandate from U.S. Western District Court of North Carolina Senior Judge Reidinger's (permanent, criminal) Gatekeeper Sanction Order.

The Mandate is a secondary issue; as is our Demand for a First Appeal Rights Attorney. Unlawfully evicting us from our home of 5 ½ years and taking possession of all of our belongings without a due process Hearing- is the IMMEDIATE CONTROVERSY; but by no means are we waiving any previous arguments.

We move this Court to incorporate all the following charges arguments statutes and opinions into consideration by one or more 4th Circuit C.O.A. Judges for merit, findings of fact, and conclusions of law, as presented to Chief Justice Roberts of the United States Supreme Court of America.

Liberty Solutions L.L.C. has already received Service of this exact same filing in the U.S. Supreme Court- and has not submitted a Reply Brief, as far as we know.

Respectfully Submitted,

Ron and Claudia Metcalf

169 Atoah St. Robbinsville N.C. 28771

407-401-2445

cherubcalf747@gmail.com

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

August 21, 2023

Ronald Metcalf
169 Atoah Street
Robbinsville, NC 28771

RE: Metcalf, et al.
USCA4# 22-1506

Dear Mr. Metcalf:

Your application for stay and/or injunction received August 21, 2023 is herewith returned for the following reason(s):

You failed to comply with Rule 23.3 of the Rules of this Court which requires that you first seek the same relief in the appropriate lower courts and attach copies of the orders from the lower courts to your application filed in this Court.

Specifically, a search of the docket at the Fourth Circuit shows you did not seek a stay of the eviction order or an injunction before that court. However, you did seek a stay of the Fourth Circuit's mandate, which was denied. This Court's Rules (23.3) require you seek the same relief at the lower court. Should you wish to seek a stay of the Fourth Circuit's mandate at this Court, please state so clearly and resubmit as soon as possible.

Sincerely,
Scott S. Harris, Clerk

By:



Robert Meek
(202) 479-3027

Enclosures

THE SUPREME COURT OF THE UNITED STATES

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EMERGENCY STAY OF EXECUTION OF EVICTION,
AND APPLICATION FOR INJUNCTIVE RELIEF

Ron and Claudia Metcalf, parents, legal guardians, advocates, and Relative as Provider employees of Abound Health LLC, North Carolina, of D.J.M., a disabled, incompetent adult, who has been a N.C. Innovations Medicaid Waiver client since Nov. 2016; Do hereby charge Liberty Solutions LLC, N.C., of willful and malevolent Obstruction of Justice in deliberately issuing NOTICE OF LEASE TERMINATION dated July 31, 2023, service by Fed Ex signed on August 10, 2023; when they clearly knew and were fully aware that we only had August 2023 to file a Petition of Writ of Certiorari to this United States Supreme Court (see Appendices A and B); thereby attempting to prevent us from doing so; when there is no rush to give their interstate clients Volvo Corp. the proceeds from the sale of this house; from the Graham County Land Company and National Civil LLC Bankruptcy proceedings in Western Federal District Court of

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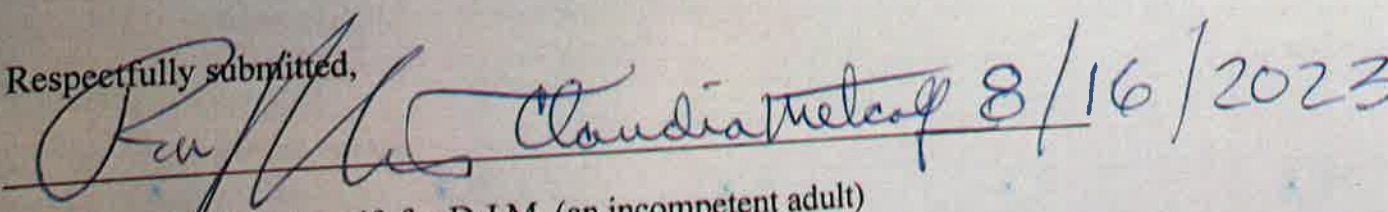
See v. Seattle, 387 U.S. 541 (1967) at 541, 545-547, 549, 552, 555, furthers the discussion on Inspections.

Loretto v. Teleprompter Manhattan, 458 U.S. 419 (1982) at 421, 424-426, 427-432, 435, 436, 438, 440, 451, 452 finishes relevant discussions on Takings. We are of course asserting our own Tenant rights in forceful possession by the Government without a Hearing, rather than what has already been lawfully settled in Bankruptcy court concerning our former landlords.

For all of the above reasons, this MOTION FOR EMERGENCY STAY OF EXECUTION OF EVICTION, AND APPLICATION FOR INJUNCTIVE RELIEF should be Granted, and this case Remanded to the Western Federal District Court of North Carolina, Charlotte Division, with a mandated and competent First Appeal Rights Attorney, for Review of the Whole Record, and subsequent mediation, or jury trial, or whatever is properly Decided and Determined by the Court.

We swear under penalty of perjury that a copy of this filing has been sent to Liberty Solutions LLC, at the address given in Appendix A.

Respectfully submitted,


Ron and Claudia Metcalf, for D.J.M. (an incompetent adult)

169 Atoah St., Robbinsville N.C. 28771

407-401-2445

cherubcalf747@gmail.com



APPENDIX 'A'

July 31, 2023

Ron and Claudia Metcalf
169 Atoah Street
Robbinsville, NC 28771

RE: NOTICE OF LEASE TERMINATION:

Residential Rental Contract dated January 2, 2018 (the "Lease") for the Rental Unit located At 169 Atoah Street, Robbinsville, Graham County, North Carolina (the "Premises") Between National Civil (the "Landlord") and Ron & Claudia Metcalf (the "Tenant")

Dear Mr. and Mrs. Metcalf,

The property you currently occupy located at 169 Atoah Street, Robbinsville, NC is subject to a judgment entered against National Civil, LLC in Guilford County Superior Court, File No. 22-CVS-2132. Pursuant to the Order of the Court dated November 14, 2022 (the "Order"). The Liberty Solution, LLC was appointed as Receiver to manage this Property.

Since **your** lease agreement has expired, you are currently a "month to month" tenant. It is with regret that I inform you of the intent not to renew the Lease.

NOTICE IS HEREBY GIVEN that Tenant's occupancy and use of the Leased Premises shall terminate and end at midnight, on August 31, 2023. ("Termination Date") All termination and vacate requirements set forth in the Lease, including without limitation removal of Tenant's personal property prior to the Termination Date and surrender of keys shall be adhered to.

Prior to the Termination Date, **the Receiver and Tenant** shall conduct a walk-through of the Leased Premises and conduct a move-out **inspection**.

Sincerely,

Brian Gribble
The Liberty Solution, LLC, as Receiver

PO Box 19149, Charlotte, NC 28219
1464 Center Park Drive Charlotte, NC 28217 • (704) 599-1010 Office • (704) 599-1120 Fax

8/8/23, 10:21 AM

FedEx Ship Manager - Print Your Label(s)

ORIGIN ID: PNVA (704) 594-1010
BRIAN GRIBBLE
LIBERTY SOLUTIONS
1464 CENTER PARK DRIVE
CHARLOTTE, NC 28217
UNITED STATES US

SHIP DATE: 08AUG23
ACTWTGT: 1.00 LB
CND: 3420450NET4640
BILL SENDER

TO
RON AND CLAUDIA METCALF
RON AND CLAUDIA METCALF
169 ATOAH STREET

ROBBINSVILLE NC 28771
REF
DEPT



J2311207230104

583J4/C6289AE3

TRK#
0201
7729 8351 8277

WED - 09 AUG 5:00P
PRIORITY OVERNIGHT
ASR

XGAVLA

NC-US
28771
GSP



After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

THE
LIBERTY
SOLUTION, LLC

November 21, 2022

RE: Notice of Appointment of Receiver – 169 Atoah Street, Robbinsville, NC / National Civil, LLC.

Dear Mr. and Mrs. Metcalf,

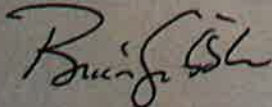
The property you currently occupy located at 169 Atoah Street, Robbinsville, NC is subject to a judgment entered against National Civil, LLC in Guilford County Superior Court, File No. 22-CVS-2132. Pursuant to the Order of the Court dated November 14, 2022 (the "Order"), The Liberty Solution, LLC was appointed as Receiver to manage this Property. For your convenience and review, we have enclosed a copy of the Order. As the court appointed receiver, we have the duty to review all leases and contracts and to collect any and all rents generated from the Property. This includes all past, present and future rent payments, including late fees.

We understand that you currently occupy the Property under a lease with National Civil, LLC dated January 2, 2018, whereby you pay \$800 per month. Please contact me at the address and phone number below to discuss your lease and so we may answer any questions that you may have about this matter. Please make sure that all payments for current, past due, or future rent are made payable to **"The Liberty Solution, LLC, as Receiver for National Civil, LLC."** in the form of check or money order:

Please remit all future payments to:
The Liberty Solution, LLC.
PO BOX 19149
Charlotte, NC 28219

A representative from Liberty will be visiting the property in the near future for inspections and to answer any additional questions you may have. In the meantime, please feel free to reach out to Brian Gribble at (704) 599-1010.

Sincerely,



Brian Gribble
The Liberty Solution, LLC

PO Box 19149, Charlotte, NC 28219
1464 Center Park Drive Charlotte, NC 28217 • (704) 599-1010 Office • (704) 599-1120 Fax

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Ron and Claudia Metcalf, parents, legal guardians, advocates, and Relative as Provider employees of Abound Health LLC, North Carolina, of D.J.M., a disabled, incompetent adult, who has been a N.C. Innovations Medicaid Waiver client since Nov. 2016; Do hereby charge Liberty Solutions LLC, N.C., of willful and malevolent Obstruction of Justice in deliberately issuing NOTICE OF LEASE TERMINATION dated July 31, 2023, service by Fed Ex signed on August 10, 2023; when they clearly knew and were fully aware that we only had August 2023 to file a Petition of Writ of Certiorari to this United States Supreme Court (see Appendices A and B); thereby attempting to prevent us from doing so; when there is no rush to give their

interstate clients Volvo Corp. the proceeds from the sale of this house; from the Graham County Land Company and National Civil LLC Bankruptcy proceedings in Western Federal District Court of North Carolina which (the Court) has been made the Respondents in this present civil and criminal lawsuit by the S.C.O.T.U.S. Clerk of Court; Chief Justice Roberts granting the extension of time to file in the above-numbered Application.

We understand that this may be a type of “extraordinary writ”. As pro se litigants who have been granted in forma pauperis status in this action, please allow us to argue points of law from the Opinions of this Court as best as we are able.

First, we believe that this Court has Jurisdiction to grant the relief requested under its Original Jurisdiction statutes and rules; and also more specifically because of the *Chrysafis v. Marks* 141 S.Ct. 2482 (2021) Opinion of this Court, showing that Chief Justice Roberts has the sua sponte right to present this Motion to all the Supreme Court Justices for due process consideration and determination.

However, Liberty Solutions LLC has now maliciously hijacked our daunting pro se task of contemplating and framing a proper Petition for a Writ of Certiorari in timely fashion and manner; perhaps why the 4th Circuit COA has repeatedly and cavalierly rubber-stamp affirmed Senior Judge Reidinger of Federal Western District NC Opinions of “frivolous claims”, rubber-stamping Rooker Feldman doctrine as his sole criteria, without actually carefully examining the claims presented for merit, citing findings of fact and conclusions of law in either Federal

Court. To summarize, there has never been a Hearing in any Court, state or federal, in eleven years and nine years, respectively, on the original allegation that our CP and legally blind son since birth, currently diagnosed as autistic, with epilepsy seizures and wheelchair-bound for now seven years, and other diagnoses requiring constant monthly monitoring by a complex care coordinator from Vaya Management Care Organization of Western NC, under authority of the 1915-C Innovation Medicaid Waiver and the Medicaid and Health Choice Clinical Coverage Policy No: 8-P, Amended date: May1, 2022; is a THREAT TO SOCIETY, as alleged by Swain and Graham County Department of Social Services, unconstitutionally denying any required Hearing on this whatsoever in State District 30A General and Superior Courts; resulting, solely upon this unsubstantiated allegation, that three of our grandchildren, and D.J.M.'s siblings' children (his nieces and nephew), were unconstitutionally seized and given to mothers-in-law without elementary due process of law- we, as grandparents with equal interests in the outcome, repeatedly being adjudged to have "no rights" to even file Motions to Intervene in both State and Federal Courts- solely because of the circular threat to society allegation against our disabled son that was allowed to stand without a hearing; because we have not found any law firm in the United States of America willing to go against the sovereign immunity of the State and Federal Governments of the USA; the threat of targeted retaliation against anyone willing to do so now much more severe than it was eleven years ago.

It probably should be mentioned at this juncture that the preclusion procedure demanded of Rooker Feldman has now been satisfied four times, in submitting Petitions Applications and Motions to this Supreme Court of the United States. No filing number has yet been received. All four times have been within the required two years statutes of limitations rules in order to keep the various related claims ripe and active; even with the lower courts' status quo procedure of holding onto the appeals for many months without acting on them; then all of a sudden being presented with a bundle of pro se actions which are hastily rubber stamp affirmed in a sudden rush to judgment without proper review or reciting any findings of fact or conclusions of law in the Judgments. So much for realtime statutory pro se leeway.

The past three times, the Supreme Court Clerk's office eventually returned all twelve carefully contemplated copies as "out-of-time"; to which we actually filed a complaint to the Federal Department of Justice- whose decision was that we "might have a case" but that they weren't going to pursue it- because we were able to file stamp dates to prove that the various legal filings were timely when they were received by the SCOTUS Clerk's office. These are part of lengthy Freedom of Information Act documents we obtained that we have in our possession.

The relief we are requesting in this already-apparent series of collateral counterclaim attacks on original unheard allegations, our apparent fault being that we are pro se, unable to afford a six-figure retainer to a law firm, all of them afraid

to offend all government entities to begin with, is really quite simple.

Senior Judge Reidinger issued permanent criminal three-strike rule gatekeeper sanctions against us, when no one was put in jail or prison to begin with, yet- though many legal threats have been given over the years for making waves against county municipality warships disguised as safe-harbor pleasure cruisers.

In this, the 4th Circuit COA has been a talking parrot to Judge Reidinger's piracy.

He may have been aware of the correlation between the Randy Jordan bankruptcy proceeding and our most recent complaint, both of them showing up in Western Federal District Court of NC at about the same time; and he was testing us to see how much we knew. There is no way for us to do anything but surmise motives without an attorney; as everyone will only laugh at any subpoena we file; we having no authority pro se to demand anything from anyone legally.

The problem is that the various courts "can" grant attorneys in civil actions, but probably don't in 99% of all situations- that being our educated guess.

But Judge Reidinger crossed over into a criminal sanctions Order; and the 4th Circuit COA refused to recognize our First Appeal Rights Attorney Federal Constitutional demand. The Fed District Court has exhibited extreme prejudice against us; the 4th Circuit COA has so far not acknowledged our existence at all. A Review of the Whole Record is the mandated Standard of Review in our action and requested remedy. All Courts appear terrified of this possibility for all sorts of reasons. No one wants to be forced to hold a Review and Hearing, even under First, Fourth, Fifth, Sixth, and Fourteenth Amendment Constitutional violations.

Judge Reidinger took a properly scheduled federal magistrate judge mediation hearing and turned it into a personal vendetta for reasons we don't know.

But the solution is to remand the hearing, beginning with a Review of the Whole Record, to Federal Western District Court NC in Charlotte- not Asheville- as the proper change in Venue- with a mandated competent First Appeals Rights Attorney representing us in mediation- and Judge Reidinger's sanctions Order rescinded- and a charge that he stay out of these and subsequent proceedings concerning our family- as there are several other Judges who could have impartially heard our complaints.

For judicial brevity, I wish that we could end here; but we can't.

As pro se litigants, we seem to have to "prove" our allegations over and over in every subsequent court, rather than referring to PACER filings now readily available to the public, but apparently not to this most-honored Court; especially as technology and technically archaic but hallowed rules are colliding more and more. Perhaps we are being respectfully audacious; but it is a learned, not common law natural, trait. The Forest must be preserved at all calculated earthly, ideal, and ethereal costs; but individual Trees inevitably comprise the concept of the Law of the Whole; and so Advocates, and maybe part-time whistleblowers, must also rightfully be given their proper due process Day in Court; no matter how inconvenient it is to the overburdened Judicial system in toto.

I was a local union steward for five of my fifteen years Fed employment with the

U.S.P.S. I was taught how to keep accurate records by the National Rural Letter Carrier's Association, who constantly "had my back". Now, no one "has our back". We have been on our own for far too long fighting for the rights of our disabled, legally incompetent son. When Superior Court Resident Chief Judge Coward of District 30A NC officially opined that "all juvenile court proceedings [and thus related incompetent, elder abuse, etc.] are under the SOLE JURISDICTION [my emphasis] of the general state district courts", eventually rubber stamp Affirmed by the NC Supreme Court, I repeatedly tried to draw attention to it as Precedent; but I am not a "celebrity". Burning this family tree down apparently means nothing to no one; except that now entire cities and nations are beginning to burn under the same type of callous indifference. One thing leads to another; apparently most forest fires are the result of a human striking a single match.

Have we lost anything "substantial"? Have we yet managed to "state a claim upon which relief may be granted"? Does the sovereign state seizing children and grandchildren because they have the power to do so in spite of any and all state and federal statutes and opinions count for anything in the political and social media forums now occupying much of our daily smartphone time; is this an "important matter"? So far, apparently not. It might be up to you to change that; we can only advocate for our necessarily just cause.

WE MOVE THIS MOST-HONORABLE COURT TO VACATE THE EVICTION AND REMAND WITH DIRECTION TO THE [Federal] DISTRICT COURT, as contemplated in Justice Brennan's dissent in *Lindsey v. Normet*, 405 U.S. 56

(1972), at 92.

II.

Having to abandon the “proper format” in lieu of this Emergency Motion, forcing us to rethink and reframe our anticipated Petition entirely; wasting some time soliciting local law firms to file an Emergency Stay of Eviction in Federal Court who now refuse to even return our phone calls; we turn to our revised First Question: Does Liberty Solutions LLC have the power to evict us based on the Jurisdiction of a Superior Court Judge in another North Carolina County 250 miles from where we live? We cannot readily find the answer to this. Our concern is that this Receiver from the Fed Western District Court NC National Civil judgment Order thinks that he does, without any dissent allowed; he assumes that he can go to the Graham County Sheriff’s Department, and they will forcefully remove us on August 31, 2023 without anyone being able to lawfully resist; and he will immediately take possession of everything contained in the house.

Under normal circumstances, this might be the case. But these are not “normal circumstances”, as lawful or unlawful as they may be status quo in the rural Smoky Mountain region of Western North Carolina- not quite “shoot first, ask questions later”- even with our infamous 185 year Trail of Tears heritage.

Our immediate problem, as we discussed in person with our Qualified Professional supervisor with Abound Health and our care coordinator with Vaya at our monthly meeting recently, is that Federal HIPPA confidentiality rules have made these state

disabled client provider service agencies that have oversight over most, if not all I.D.D. clients in N.C. outside of the State Institutes such as J.I. Riddle in Morganton NC, invisible; and most of the rural western county municipalities, do not acknowledge their existence even if they are aware of them. Both said that this is probably true. This not only affects the District 30A courts and D.S.S. services; but emergency services such as police, fire, and E.M.T. responses. This affects both the annual Vaya Member (client) signed annual Safety and Crisis Plan- local government services such as police and ambulance supposed to be aware of the plans as First Responders of any emergency, instead of knowing nothing about what is going on inside of residential homes; as well as the NC MCO Tailored Plan that transfers the bulk of Medicaid money directly to the MCOs for additional health and medical equipment codes, that now has been postponed three times within the past year to next summer- a year from now- that by definition every county must have its own unique insurance provider definition. To repeat, it appears that most of the Western NC counties and oversight D.S.S. offices at present know little to nothing about this, though the NC 122C statutes initializing maintaining and enforcing these policies have been Law for at least a decade and perhaps much longer.

This was the clear and repeated Unlicensed Facility argument I began making in the spring of 2021 that was appealed to the NC Board of Review 2 ½ years ago- that was repeated postponed for many months; both Hearing Officers refusing to mention this recorded (I have the CDs) oral argument in the written Judgments;

and the NC Board of (Appellate) Appeals rubber stamp affirming their decisions, two days after the 4th Circuit COA rubber stamp affirmed their own rejection of the Clerk-interpreted Motion for Rehearing- all refusing to even acknowledge our arguments for merit, without findings of fact or conclusions of law – mostly because we didn't have an attorney representing us, we believe.

We have asked Vaya Abound Health and Liberty Solutions several times each over the past eight months for a qualified Health and Safety Inspection; and were refused every time. The reason we did so was that we repeatedly asked National Civil, a Division of Graham Co. Land Co. owned by Randy Jordan, to as landlords fix our roof for five years; which they never did; though employees and/or friends of theirs bought and put on a new roof of the house next to ours (with a small vacant lot in-between). The latter house, along with 20 or 30 other National Civil properties, we strongly suspect, having some proof, never showed up in Bankruptcy Court to be liquidated by a Receivership; only our late 1930s-built house, and another property in Graham County. Although we were listed as a Party by the Liberty Solution law firm, we never participated in the Western Fed District NC Bankruptcy proceedings; nor even know what filing number it was given in its around year-and-a-half (or more) litigation. How can you be a Party when you aren't even given the decision Order after -the-fact? (We get most info from the local newspaper concerning this- even though it is our house that is directly involved.)

Besides badly needing a new roof, this house also has original electrical service and wiring, must have another fuel oil furnace, and the sewer pipe going to the Robbinsville Town sewer system is back-flushing and overflowing around twice a year, because Robbinsville does not have a sewer treatment plant in this section of town that includes the library community buildings and the elementary school next to Long Creek, eventually flowing into Santeelah Reservoir. The TVA and Federal Asheville Judicial system especially should be aware of this glaring grey water runoff, and would be negligent if they aren't; especially as Graham County contracted with the FEMA Federal Floodplain rules a decade or more ago. It appears that running us out of town might be considered a better solution than attempting to fix the problem on their end.

For our part, if Graham County wanted to be vindictive against us, which is possible, we could purchase the house for the offered 75K (\$75,000) and then an inspector condemn the house- without us being able to fight it. This is partly why my brother, whose wife is a corporate attorney (not licensed in NC), refused to loan us the money to buy the property.

More importantly, the reason we were granted the filing extension to begin with is that our daughter-in-law died in this house now nearly three months ago. We are still under official Graham County Sheriff's Dept. criminal investigation, though the toxicology and autopsy reports may not be available for another three to nine months. If we are forced out of this house immediately, whatever might be wrong

with the house (mold etc.) could be easily covered up, and we be charged with some kind of neglect, without being able to prove anything one way or another.

This also greatly contributes to our Unlicensed Facility argument that is being completely ignored. If this death happened in a Licensed NC Facility, be it a school, group assisted living or nursing home or state facility, or even a prison, there would have to be a full and thorough investigation of what happened immediately.

There is a dual standard at work here:

One for I.D.D. clients living being students wards or working in NC Licensed Facilities; and the probably vast majority (now) of clients who are cared for by Relative-as-Provider employees such as us; who by and large have NO RIGHTS as compared to the much more expensive living arrangements. That is, the frugal fiscal contracts benefitting North Carolina in considerable cost savings, are being accompanied by casual and even very lax standards in Health and Safety; and families are having to pay a heavy additional price in legal and other fees, whenever there is some kind of an emergency.

III

We have carefully considered our Standing to file in Federal Court re. all the above controversies, against Judge Reidinger's proclamation that anything and everything we have ever filed is "frivolous"; from first the Opinion of this Supreme Court of the U.S. in *Whitmore v. Arkansas*, 495 U.S. 149 (1990), at 155, 158, 163, 164, 178, 181.

Warth v. Seldin, 422 U.S. 490 (1975) at 498-502, 518-521, 524-530, confirms the above case re. Standing in our behalf.

Thorpe v. Housing Authority of Durham, 393 U.S.268 (1969) at 281-284 discusses “a decent home and a suitable living environment for every American family” ; however, we challenge this Court’s confidence in North Carolina’s willingness to freely and fairly provide a proper Hearing on due process evictions “without prejudice”, as this has not been our sworn testimony in the Review of the Whole Record over the past eleven years.

Kalb v. Feuerstein 308 US 433, 60 S. Ct. 343, 84 L. Ed. 370 (1940) discusses farm bankruptcy evictions, as the one in our case still going on after seven years that Senior Judge Reidinger refused to allow us to enter from our proper Motion to Intervene, for the third time dismissing our complaint and cause without reviewing it for merit. In our personal opinion, he does not regard pro se poor as having any particular rights- only if you can afford a Federal attorney on your own.

Wright v. Vinton Branch, 300 U.S. 440, 57 S. Ct. 556, 81 L. Ed. 786 (1937) further discusses Frazier-Lemke Act original and revised farm bankruptcy proceedings. It apparently, past and present is obvious that if you steal \$50,000,000 or so that you can be considered a hero by some or many; but if you are of the common law class, that swift eviction is always efficient and prudent, no matter what objections are brought forth. We are speaking of practical everyday solutions to ignored and despised state and federal statutes such as the Americans with Disabilities Act, as applied to regular and very common ten year or more HUD

waiting lists throughout an entire state. In North Carolina, Disability Rights and affordable housing are known bad jokes; and we have lived in three other states with remarkably similar problems.

Soldal v. Cook County, 506 U.S. 56, 113 S. Ct. 538, 121 L. Ed. 2nd 450 (1992)

begins the discussion on Fourth Amendment seizures in general; that by default should apply to unconstitutional evictions as much as any other category.

Alabama Assoc. of Realtors v. DHHS, 2021 WL 2221646 (C.A.D.C. 2021) talks specifically about C.D.C. COVID evictions such as 42 U.S.C. 264(a) and 42 C.F.R. 70.2, as North Carolina still has over two months left in its six month extension of COVID emergency Appendix K rules to the M.C.O. I.D.D. communities.

See also *Nken v. Holder*, 556 U.S. 418, 434, 129 S.Ct. 1749, 173 L.Ed.2d 550

(2009) (listing)) the four traditional stay factors: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies" (mited)). *Ibid.*, at 2487.

Bivens v. Six Unknown Fed. Narcotics Agents and *Colorado*

River Water Cons. Dist. v. US are very well-known pertinent cases

about stating relief claims such as our repeated seven-figure lawsuit against Swain and Graham Counties North Carolina as Harboring Municipalities in unconstitutional acts; and water rights in general.

Because Judge Reidinger three times denied all our claims as “frivolous”, rubber stamping Rooker Feldman doctrine as his reasoning, it is imperative that we briefly discuss the differences between what we presented and the Supreme Court cases themselves.

{T}he record did not disclose the presence of any question constituting a basis for such a review. *Rooker v. Fidelity Trust Co.*, 263 U.S. 114 (1923), at 414.

[T]he judgment was rendered in a cause wherein the circuit court had jurisdiction of both the subject matter and the parties; that a full hearing was had therein; that the judgment was responsive to the issues. *Ibid*, at 415.

[T]he period within which a proceeding might be begun for the correction of errors such as are charged in the bill had expired before it was filed at 416

Feldman's petition did not "claim that a refusal of his waiver request would deny him any right at all." Instead, the petition "invoked the administrative discretion of [the court]" *District of Columbia COA v. Feldman*, 460 U.S. 462 (1983), at 475.

We are unable to discern in the letter any desire that the court consider Feldman's legal criticisms of the rule on their merits, or hand down a decision dealing with them. *Ibid*, at 475.

"A case arises, within the meaning of the Constitution, when any question respecting the Constitution, treaties or laws of the United States has assumed `such a form that the judicial power is capable of acting on it.' . . . A declaration on rights as they stand must be sought, not on rights which may arise in the future, and there must be an actual controversy over an issue, not a desire for an abstract declaration of the law." At 478.

United States district courts, therefore, have subject-matter jurisdiction over general challenges to state bar rules, promulgated by state courts in nonjudicial proceedings, which do not require review of a final state-court judgment in a particular case. At 486.

[Without a Hearing, how can there be a Judgment? Judge Reidinger always ASSUMED that there had been proper due process state court cases- without ever looking at any of the Record at all.]

This case concerns what has come to be known as the *Rooker-Feldman* doctrine, applied by this Court only twice... Various interpretations in the lower courts, the doctrine has sometimes been construed to extend far beyond the contours of the *Rooker* and *Feldman* cases, overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law pursuant to 28 U. S. C. § 1738. *Exxon v. Saudi Basic Industries*, 544 U.S.280 (2005), at 283.

In the case before us, the Court of Appeals for the Third Circuit misperceived the narrow ground occupied by *Rooker-Feldman*, and consequently erred in ordering the federal action dismissed for lack of subject-matter jurisdiction. We therefore reverse the Third Circuit's judgment. *Ibid*, at 284.

The *Rooker-Feldman* doctrine merely recognizes that 28 U. S. C. § 1331 is a grant of original jurisdiction...

When there is parallel state and federal litigation, *Rooker-Feldman* is not triggered simply by the entry of judgment in state court. This Court has repeatedly held that "the pendency of an action in the state court is no bar to proceedings concerning the same matter in the Federal court having jurisdiction."...

[N]either *Rooker* nor *Feldman* supports the notion that properly invoked concurrent jurisdiction vanishes if a state court reaches judgment on the same or related question while the case remains *sub judice* in a federal court. *Ibid*, at 292

Preclusion, of course, is not a jurisdictional matter... In parallel litigation, a federal court may be bound to recognize the claim- and issue-preclusive effects of a state-court judgment, but federal jurisdiction over an action does not terminate automatically on the entry of judgment in the state court.

Nor does § 1257 stop a district court from exercising subject-matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court. If a federal plaintiff "present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party ..., then there is jurisdiction and state law determines whether the defendant prevails under principles of preclusion." *Ibid*, at 293.

Southland Corp. v. Keating, 465 U.S. 1 (1984) at 12-14, 19, 21A (Justice Stevens, concurring and dissenting), 22, 23 (Justice O'Connor, dissenting) speak of legal contracts and the Arbitration Act. This is the beginning of the parallel issues of

nuisance laws, property condemnation, eminent domain, pretrial bonding - \$75,000 being a hefty amount that could possibly be forfeited by an adverse court judgment- and similar subjects that must be mentioned, to later preserve these issues in Court (we suppose- except that the Standard Review of the Whole Record should account for everything?)

(See the very recent article: <https://foxnews.com/us/doj-eyeing-americans-like-atms-spending-6-billion-aid-civil-asset-forfeitures-watchdog-says>)

See also *Chapman v. U.S.*, 365 U.S. 610 (1961), at 613-615, 617.

Camara v. San Francisco, 387 U.S. 523 (1967) at 525, 528-540, is a thorough discussion of inspections v. 4th Amendment rights. Though we have legally charged state courts of 4th Amendment right violations in the past, in the present case we demanded Health and Safety inspections, and were refused- until, when our daughter-in-law died, this triggered an emergency invasion of our home with an ongoing mandatory(?) criminal investigation that might not be completed for several more months. This is dangerous where allegations innuendo and gossip mean much, and legal statutes and opinions, not as much.

Yee v. Escondido, 503 U.S. 519 (1992) at 522, 526, 527, 530, 535, 536, begins the discussion on Takings.

Lindsey v. Normet was cited at the beginning of this filing; but has some pertinent arguments concerning this case at 58, 60-63, 65, 66, 69-72, 77, 79, 82, 86, 87, 90.

See v. Seattle, 387 U.S. 541 (1967) at 541, 545-547, 549, 552, 555, furthers the discussion on Inspections.

Loretto v. Teleprompter Manhattan, 458 U.S. 419 (1982) at 421, 424-426, 427-432, 435, 436, 438, 440, 451, 452 finishes relevant discussions on Takings.

We are of course asserting our own Tenant rights in forceful possession by the Government without a Hearing, rather than what has already been lawfully settled in Bankruptcy court concerning our former landlords.

For all of the above reasons, this MOTION FOR EMERGENCY STAY OF EXECUTION OF EVICTION, AND APPLICATION FOR INJUNCTIVE RELIEF should be Granted, and this case Remanded to the Western Federal District Court of North Carolina, Charlotte Division, with a mandated and competent First Appeal Rights Attorney, for Review of the Whole Record, and subsequent mediation, or jury trial, or whatever is properly Decided and Determined by the Court.

We swear under penalty of perjury that a copy of this filing has been sent to Liberty Solutions LLC, at the address given in Appendix A.

Respectfully submitted,

Ron and Claudia Metcalf, for D.J.M. (an incompetent adult)

169 Atoah St., Robbinsville N.C. 28771

407-401-2445

cherubcalf747@gmail.com

STATUTES AND OPINIONS

1st, 4 th , 5 th , 6 th , 14 th Amendments to the U.S. Constitution	pg 5
122C, North Carolina General Statutes Chapter	pg 9
1915-C Innovation Medicaid Waiver Manual, North Carolina	pg 3
Health Choice Clinical Coverage Policy No: 8-P, North Carolina	pg 3
<u><i>Alabama Assoc. of Realtors v. DHHS</i></u> , 2021 WL 2221646 (C.A.D.C. 2021)	pg 14
<u><i>Bivens v. Six Unknown Fed. Narcotics Agents</i></u>	pg 14
<u><i>Camara v. San Francisco</i></u> , 387 U.S. 523 (1967)	pg 17
<u><i>Chapman v. U.S.</i></u> , 365 U.S. 610 (1961)	pg 17
<u><i>Chrysafis v. Marks</i></u> 141 S.Ct. 2482 (2021)	pg 2
<u><i>Colorado River Water Cons. Dist. v. US</i></u>	pg 14
<u><i>District of Columbia COA v. Feldman</i></u> , 460 U.S. 462 (1983)	pg 15
<u><i>Exxon v. Saudi Basic Industries</i></u> , 544 U.S.280 (2005)	pg 16
<u><i>Kalb v. Feuerstein</i></u> 308 US 433, 60 S. Ct. 343, 84 L. Ed. 370 (1940)	pg 13
<u><i>Lindsey v. Normet</i></u> , 405 U.S. 56 (1972)	pg 7, 8, 17
<u><i>Loretto v. Teleprompter Manhattan</i></u> , 458 U.S. 419 (1982)	pg 18
<u><i>Nken v. Holder</i></u> , 556 U.S. 418, 434, 129 S.Ct. 1749, 173 L.Ed.2d 550 (2009)	pg 14
<u><i>Rooker v. Fidelity Trust Co.</i></u> , 263 U.S. 114 (1923)	pg 15
<u><i>See v. Seattle</i></u> , 387 U.S. 541 (1967)	pg 18
<u><i>Soldal v. Cook County</i></u> , 506 U.S. 56, 113 S. Ct.5. 538, 121 L. Ed. 2 nd 450 (1992)	pg 14
<u><i>Southland Corp. v. Keating</i></u> , 465 U.S. 1 (1984)	pg 16
<u><i>Thorpe v. Housing Authority of Durham</i></u> , 393 U.S.268 (1969)	pg 13
<u><i>Warth v. Seldin</i></u> , 422 U.S. 490 (1975)	pg 13
<u><i>Whitmore v. Arkansas</i></u> , 495 U.S. 149 (1990)	pg 12

Wright v. Vinton Branch, 300 U.S. 440, 57 S. Ct. 556, 81 L. Ed. 786 (1937) pg 13

Yee v. Escondido, 503 U.S. 519 (1992) pg 17

APPENDICES

Appendix A: NOTICE OF LEASE TERMINATION

Appendix B: Email to Brian Gribble (Liberty Solutions Receiver) Re: 169 Atoah St.

Appendix C: Email to Paige (Supervisor of Vaya Care Coordinators) Take two



RE: Followup

1 message

Brian Gribble <bgribble@lscarolinas.com>
To: Ron Metcalf <cherubcalf747@gmail.com>

Mon, Jun 5, 2023 at 1:29 PM

Hi Ron,

I am very sorry to hear the tragic news of your daughter-in-laws passing. I would like to express my deepest condolences to you and the entire family.

I know you have a lot going on; however, I just wanted to confirm that you received the confirmation that Volvo was willing to accept the \$75,000 offer to purchase 169 Atoah Street. Depending on the timing, is this still a viable option and something you might still be interested in? If so, I can draft up a revised contract.

Many thanks Ron,

Brian

Brian Gribble

(o)704-599-1010

(c)704-301-4969



From: Ron Metcalf <cherubcalf747@gmail.com>**Sent:** Tuesday, May 30, 2023 6:10 AM**To:** Brian Gribble <bgribble@lscarolinas.com>**Cc:** Gary Metcalf <gary.s.metcalf@gmail.com>; Raheed Saunders <raheed.saunders@aboundhealth.com>;
asst2dy@mstarm.org**Subject:** Re: Followup

Hello Brian.

We must inform you that our daughter-in-law, Alessandra Dunn, age 39, passed away in the back part of our house a week ago Saturday morning, May 20, 2023. Many emergency personnel, sheriff deputies, and the medical examiner from Graham County were in this house late morning and early afternoon.

They (my second son and his wife) had been back for a couple of months from a six month absence, and her bedroom was that back room with half the ceiling tile gone. We had asked our landlords, Graham Co. Land Co., to repair the roof for over five years

We do not know what caused her death.

An autopsy was performed, but we were advised that it could take between six months to a year to get the results, unless we can somehow have that expedited.

Arrangements for her funeral have not yet been made. I will go this morning to begin talking about how that will be handled. Her mother lives in Portland, Ore., and Graham County DSS gave her full paid foster care custody of our granddaughter, as our disabled son DJ has been alleged a Threat to Society (without a hearing). This is the gist of our 4th Circuit COA 22-1506 Appeal, that now must be Petitioned to the US Supreme Court (we still have a bit less than two months to do so).

As we have discussed, this house was attached to the Appeal as a collateral NC State Statute Unlicensed Facility argument, that was over a two year Appeal that had been in the NC administrative Board of Hearing review for some time.

Our Qualified Professional supervisor and her Western NC supervisor from Abound Health (our employers as Relatives as Providers for our disabled son) came to this house last week at my insistence to see the house. They declared our son and the front part of the house "Safe", but refused to comment on the ceiling tiles that are down and falling in the back part of the house (nor touched anything in that area, we both noted).

In addition, we had a virtual meeting with our Vaya MCO Care Coordinator and her Supervisor, our former Vaya Care Coordinator, who advised us that they would have a meeting with a 'liason' to Graham Co. DSS, and promised to get back to us on what legal papers they could give us concerning that meeting today or tomorrow.

I also will get a copy of the police report and the death certificate this week. I was told that there would also be a toxicology report.

If this were a licensed NC facility, there would have to be a full and thorough health and safety investigation. Because it is a private home, there are a lot of 'grey areas' that are involved that are presently unknown. I do not know if Graham County DSS will do an investigation; I do know that Alessandra's mother, who has actively been working with their Attorney for five years or so, was extremely upset about her death, as to be expected.

Because of the sensitive legal nature of this email to you, I felt that I needed to CC a few witnesses to be included in it.

They are: my brother Gary Metcalf; Raheed Saunders, chief Advocate officer for Abound Health (Charlotte); and the office of David Yarnes, Vice President of Morningstar Ministries (Fort Mill, SC), in charge of legal matters, who I contacted around a month ago concerning buying this house and then letting us rent it; as it has some historical value to the Cherokee Tribe; as we also discussed a couple of weeks ago, when you and the appraiser came to this house, as Receiver for Volvo to satisfy the Randy Jordan/ Graham County Land Co./ National Civil Federal Bankruptcy ruling (Western NC Fed District Court, the same as our ongoing Federal Appeal).

For the record, I again protest that there were only two National Civil properties singled out for settlement; when there were at least twenty or thirty National Civil properties, as we offered to prove in court, from our rental receipts.

Thank you for treating us with respect, Brian, instead of merely as renters who must be evicted. We truly appreciate your professional courtesy.

Ron Metcalf, for all the Metcalfs

On Wed, May 24, 2023, 10:20 AM Brian Gribble <bgribble@lscarolinas.com> wrote:

Hi Ron,

Please give me a call when you get the chance.

Thanks,

Brian

Brian Gribble

(o)704-599-1010

(c)704-301-4969

From: Ron Metcalf <cherubcalf747@gmail.com>

Sent: Friday, May 12, 2023 12:08 PM

To: Brian Gribble <bgribble@lscarolinas.com>

Subject: Followup

Hi Brian,

I checked voice-mail this morning, nothing from you.

I keep phone on do not disturb most of the time now, as over 90% of the calls are spam.

As we discussed in person last week,

is there anything you can share with us from the Appraiser or Volvo?

Thanks, it was good seeing you,

Ron and Claudia Metcalf



Take two again

1 message

Ron Metcalf <cherubcalf747@gmail.com>

Thu, Aug 3, 2023 at 5:37 PM

To: Paige Epley-Williams <paige.epley-williams@vayahealth.com>, angela.biggs@vayahealth.com, Karen Roberts <karen.roberts@aboundhealth.com>, Nicole Parton <nicole.parton@aboundhealth.com>, Raheed Saunders <raheed.saunders@aboundhealth.com>

Once again, I tried to reply to the encrypted message and it timed me out. I even tried to hurry this time. But I have to start over anyway.

Remember Emily? I sent 3 one minute emails to her mom, Attorney Julie Walker; then a more desperate one to her. No response so far. Imagine that.

Disability Rights? (From the Vaya client tenant rights website.) Let's dispense with all the jokes to begin with, such as HUD and "emergency respite with a waiting list", and get right to the point.

Thanks for responding, Paige. We all know that you handle the purse strings in Vayaland the most in this Team Meeting group.

EMERGENCY means bypassing the hoops with no bed to land in on the other side, correct? How many times did you tell us that Homeless was one of the criteria for emergency placement at Riddle, again? We've been there, you remember. Their horse barns are nicer than most of the houses we've lived in. For a reason (\$\$\$).

You also said that if DJ were there less than a month, that we would not lose Innovations. So, based upon what you've told us in the past, we request that you begin filling out the emergency application to Riddle in our behalf ASAP. Especially since we're still officially under NC emergency App K rules for another couple of months.

You can explain the process in writing if you want. I'm not sure even Raheed knows how it works currently- as the rules shift constantly, it seems. We sure don't- never having access even to DJ's Vaya medical records, much less the legal ones.

We're not trying to cause problems- we're asking for help based on the promises we've been given if this happened over the last several years.

Thank you,
Ron Metcalf for Claudia and DJ

ADDENDUM I

(not included in U.S. Supreme Court Filing)

Further Federal Court arguments supporting this filing to the U.S. Fourth Circuit Court of Appeals, that should also be considered re. Granting this Emergency Stay of Eviction and Application for Injunctive Relief, should also include:

See *Lane Foods Inc.*, 213 F. Supp. 133 (1963) (U.S. Dist. Ct. S.D. N.Y.); *Smith Corset Shops v. Brodeur*, 696 F. 2d 971 (1982) at II. 976-977, (U.S. 1st Cir. COA); *Onio's Italian Restaurant*, 42 B.R. 319 (1984) (U.S. Bankruptcy Ct. S.D. N. Y.); *Whitt v. Philadelphia Housing Auth.*, 79 B.R. 611 (1987) (U.S. Bankruptcy Ct. E.D. Penn.); *Cooks v. Fowler*, 437 F. 2d 669 (1971) (U.S. Dist. Columbia COA); *Williams v. Chicago Housing Auth.*, 144 F. 3d 544 (1988) (U.S. 7th Cir. COA).

If our house were a “licensed facility” under North Carolina 122C General Statutes, the American with Disability Act State and Federal Constitutional violations would be glaringly apparent.

Thank you,

Ron and Claudia Metcalf, parents, legal guardians, advocates,

and North Carolina Relative as Provider employees of Abound Health L.L.C.,

in behalf of our disabled I.D.D. adult son D.J.M.

July 31, 2023

Ron and Claudia Metcalf
169 Atoah Street
Robbinsville, NC 28771

RE: NOTICE OF LEASE TERMINATION:

Residential Rental Contract dated January 2, 2018 (the "Lease") for the Rental Unit located At 169 Atoah Street, Robbinsville, Graham County, North Carolina (the "Premises") Between National Civil (the "Landlord") and Ron & Claudia Metcalf (the "Tenant")

Dear Mr. and Mrs. Metcalf,

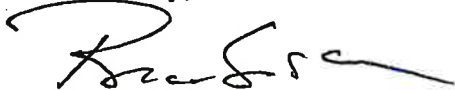
The property you currently occupy located at 169 Atoah Street, Robbinsville, NC is subject to a judgment entered against National Civil, LLC in Guilford County Superior Court, File No. 22-CVS-2132. Pursuant to the Order of the Court dated November 14, 2022 (the "Order"), The Liberty Solution, LLC was appointed as Receiver to manage this Property.

Since your lease agreement has expired, you are currently a "month to month" tenant. It is with regret that I inform you of the intent not to renew the Lease.

NOTICE IS HEREBY GIVEN that Tenant's occupancy and use of the Leased Premises shall terminate and end at midnight, on August 31, 2023. ("Termination Date") All termination and vacate requirements set forth in the Lease, including without limitation removal of Tenant's personal property prior to the Termination Date and surrender of keys shall be adhered to.

Prior to the Termination Date, the Receiver and Tenant shall conduct a walk-through of the Leased Premises and conduct a move-out inspection.

Sincerely,



Brian Gribble
The Liberty Solution, LLC, as Receiver

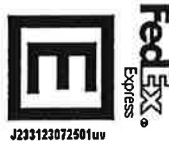
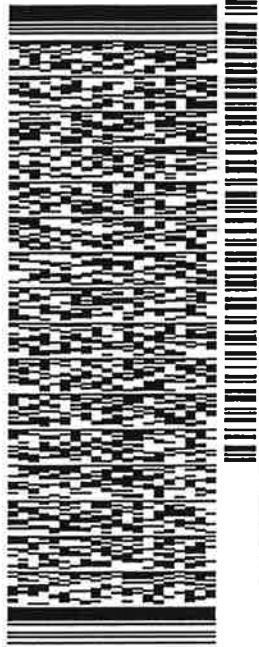
ORIGIN ID:PNVA (704) 599-1010
BRIAN GRIBBLE
LIBERTY SOLUTIONS
1464 CENTER PARK DRIVE
CHARLOTTE, NC 28217
UNITED STATES US

SHIP DATE: 08AUG23
ACTWGT: 1.00 LB
CAD: 3420450/NET/4640
BILL SENDER

TO
RON AND CLAUDIA METCALF
RON AND CLAUDIA METCALF
169 ATOAH STREET

ROBBINSVILLE NC 28771
REF: (704) 599-1010
PO: NV:

DEPT:



583J4/C6289AE3

TRK# 0201
7729 8351 8277

WED - 09 AUG 5:00P
PRIORITY OVERNIGHT

XGAVLA

ASR
28771
NC-US
GSP



After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

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THE 
LIBERTY
SOLUTION, LLC

November 21, 2022

RE: Notice of Appointment of Receiver – 169 Atoah Street, Robbinsville, NC / National Civil, LLC.

Dear Mr. and Mrs. Metcalf,

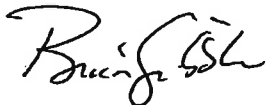
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We understand that you currently occupy the Property under a lease with National Civil, LLC dated January 2, 2018, whereby you pay \$800 per month. Please contact me at the address and phone number below to discuss your lease and so we may answer any questions that you may have about this matter. Please make sure that all payments for current, past due, or future rent are made payable to “**The Liberty Solution, LLC, as Receiver for National Civil, LLC.**” in the form of check or money order:

Please remit all future payments to:
The Liberty Solution, LLC.
PO BOX 19149
Charlotte, NC 28219

A representative from Liberty will be visiting the property in the near future for inspections and to answer any additional questions you may have. In the meantime, please feel free to reach out to Brian Gribble at (704) 599-1010.

Sincerely,



Brian Gribble
The Liberty Solution, LLC

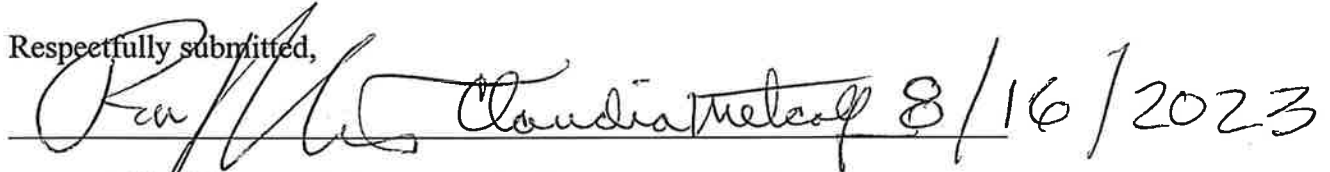
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Loretto v. Teleprompter Manhattan, 458 U.S. 419 (1982) at 421, 424-426, 427-432, 435, 436, 438, 440, 451, 452 finishes relevant discussions on Takings. We are of course asserting our own Tenant rights in forceful possession by the Government without a Hearing, rather than what has already been lawfully settled in Bankruptcy court concerning our former landlords.

For all of the above reasons, this MOTION FOR EMERGENCY STAY OF EXECUTION OF EVICTION, AND APPLICATION FOR INJUNCTIVE RELIEF should be Granted, and this case Remanded to the Western Federal District Court of North Carolina, Charlotte Division, with a mandated and competent First Appeal Rights Attorney, for Review of the Whole Record, and subsequent mediation, or jury trial, or whatever is properly Decided and Determined by the Court.

We swear under penalty of perjury that a copy of this filing has been sent to Liberty Solutions LLC, at the address given in Appendix A.

Respectfully submitted,

 8/16/2023

Ron and Claudia Metcalf, for D.J.M. (an incompetent adult)

169 Atoah St., Robbinsville N.C. 28771

407-401-2445

cherubcalf747@gmail.com