

Case # 24-5148

IN THE SUPREME COURT OF THE UNITED STATES

ALEXANDER HARVIN,

Petitioner

Vs

JP MORGAN CHASE BANK, et.al.,

Respondents

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit**

**PETITIONER'S SUPPLEMENTAL BRIEF IN SUPPORT
OF PETITION FOR WRIT OF CERTIORARI**

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STATEMENT

Pending before the Court is Alexander Harvin's Petition for a Writ of Certiorari. This pleading is submitted pursuant Supreme Court Rule 15.8 and is intended to supplement the questions presented in the certiorari petition.

ARGUMENT

On August 5, 2024, the Eleventh Circuit Court of Appeals issued an opinion in the case of *Rodemaker vs City of Valdosta, et.al*; case # 22-13300 (11th Cir.2024). The opinion was based on a determination of the doctrine of res judicata.

In their discussion as to whether res judicata was applicable the 11th Cir. opined that:

"Causes of action share a nucleus of operative facts...if the same facts are involved in both cases, so that the present claim could have been effectively litigated with the prior one..." Lobo vs. Celebrity Cruise, Inc. 704 F.3d 882 (11th Cir.2013).

But if "*full relief was not available in the first action*" res judicata does not bar the second action.

TVPX ARS, Inc., vs Genworth Life & Annuity, 959 F.3d at 1325 (11th Cir.2020)

This is the exact argument presented below and rejected by the 11th Circuit because the appellate court erroneously concluded that O. C. G. A. § 9-2-20 must be strictly applied in all Georgia cases that challenge a non-judicial foreclosure. As noted in Appendix A the 11th Cir begins its opinion by declaring that Harvin is appealing the denial of his challenge of a **2018 foreclosure** by the district court.

The record is very clear and precise as to when the foreclosure occurred. In *Harvin One* and preceding cases Harvin's focus was the Assignment of Security Deed— "**full relief**" from foreclosure was unavailable to Harvin in 2014 (Harvin One) and those preceding years. Res Judicata in no way bars Harvin's challenge to a foreclosure that happened in 2018.

It appears that on August 5, 2024, In *Rodemaker, supra*, the 11th Cir Court of Appeals has answered question one of the certiorari petition in lieu of its reasoning mentioned in *Rodemaker, supra*.

Regarding question one, I urge the Court to adopt the reasoning of the 11th Cir cited herein.

See, also; *Lawlor vs National Screen Service Corp.*, 349 U. S. 322 (1955) (Holding that res judicata does not apply if the prior situation has become worse.) (foreclosure made the situation worse).

THE PETITION PRESENTS MATTERS OF PUBLIC IMPORTANCE

In Georgia whenever a homeowner files a legal challenge to a non-judicial foreclosure the courts literally, both state and federal, tell the homeowner that by operation of law O. C. G. A. § 9-2-20 does not allow you [the Homeowner] to petition any court in Georgia to challenge a foreclosure, This statute denies all litigants access to the courts. The 14th Amendment to the U. S. Constitution, Due Process and Equal Protection Clauses bans this antebellum practice of denying court access to citizens of Georgia under the guise of O. C. G. A. § 9-2-20.

The National Mortgage Settlement that occurred in 2012 taught us banks such as JP Morgan Chase Bank, N. A., created and used fake documents to acquire property in Georgia under the cloak of foreclosure—they have not stopped their use of fake documents to obtain property, and no one is holding them accountable.

When homeowners bring a legal challenge to a non-judicial foreclosure, they want to know whether the acts described within the Assignment of Security Deed occurred and is there foundation to support the contents of the assignment..


Forclosing entities have become so lax with their schemes, it is common for assignments, i.e. contracts, to only mention the name of one party to the contract—the forclosing entity. Basic contract law requires that all parties to the contract must be named within the document.

But in Georgia this is not happening, and courts are firmly stopping homeowners from defending their property in violation of their constitutional rights to due process and equal protection of law. Homeowners have a liberty interest in their property that must be recognized by the judiciary.

RELIEF SOUGHT

The petitioner, Alexander Harvin, urges this Court to grant the Petition for Writ of Certiorari.

Respectfully Submitted,



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