

IN THE SUPREME COURT OF THE UNITED STATES

CASE # 24-5148

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 REHEARING**

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TABLE OF AUTHORITIES

Rodemaker vs. City of Valdosta, et., al; 5, 6

Case # 22-13300 (11th Cir. 2024)

Taylor vs. Sturgell, 553 U. S. 882 (2008) 5

OTHER AUTHORITIES

O. C. G. A. § 9-2-20 5,6,7

STATEMENT

Pending before the Court is Petitioner's request that the Court reconsider its decision whether to grant or deny certiorari. Harvin submits that at a minimum considering the argument and legal authorities presented herein, the Court should remand this case to the lower court with instructions to determine whether Petitioner had a full and fair opportunity to litigate his claims and issues in the first case aka HARVIN ONE.

ARGUMENT

The gist of this case is whether res judicata is applicable to bar the petitioner from challenging the illegal foreclosure of his home. The lower courts determined that because Harvin sued in other cases concerning the assignment, res judicata barred his challenge to the foreclosure because the assignment was foundation for the foreclosure.

The lower courts incorrectly assumed that issues regarding the assignment were decided on the merits in HARVIN ONE and other previous cases.

**A. Harvin has never had a full and
fair opportunity to litigate**

Harvin has never had a full and fair opportunity to litigate because from the outset of the first case he filed and succeeding cases the courts have always applied O. C. G. A. § 9-2-20 as a basis for granting the opponent's motion to dismiss.

In the State of Georgia, an assignment is the document that serves as foundation for a non-judicial foreclosure. O. C. G. A. § 9-2-20 is a preclusion statute—it precludes any challenge by the homeowner to the basis of the non-judicial foreclosure—the application of this preclusion denies the homeowner an opportunity to discovery or any other means of litigating the case.

In *Taylor vs. Sturgell*, 553 U. S. 880 (2008), this Court held that “the purpose of res judicata is to preclude parties from contesting matters that they have had a full and fair opportunity to litigate.”

See, also *Rodemaker vs. City of Valdosta*, case # 22-13300, (11th Cir. 2024).

Rodemaker, is a published opinion that is binding precedent within the Eleventh Circuit.

In Rodemaker, supra, the 11th Circuit determined that Rodemaker received a full and fair opportunity to litigate. The Rodemaker panel cited precedent from this Court, Taylor, supra, as the basis for determining whether Rodemaker received a full and fair opportunity to litigate.

However, in Harvin vs JP Morgan Chase Bank, N. A., et.al; the 11th Cir failed to determine whether Harvin had a full and fair opportunity to litigate his claims and issues.

Because of the bar imposed by O. C. G. A. § 9-2-20, Harvin has never had a full and fair opportunity to litigate any claim or issue that he has presented—no court, state or federal has ruled on the merits—they have consistently barred litigation by invoking and applying the Georgia statute.

RELIEF SOUGHT

As a pro se litigant it would be an honor for this Court to grant the certiorari petition. However, considering the argument presented Harvin thinks it would be more practical and cost effective for the Court to remand this case to the Court of Appeals with instructions that the District Court shall reconsider the application of res judicata and determine whether O. C. G. A. § 9-2-20 is (1) a preclusion statute that (2) has denied Harvin a full and fair opportunity to litigate the issues / claims.

Respectfully Submitted,


A blue ink signature, appearing to read 'A. Harvin', is written over a horizontal line. The signature is stylized with a long, sweeping underline that extends to the right.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November 2024, a true and correct copy of this Supplemental Brief in Support of Rehearing Petition was provided by U. S. Mail and / or electronic mail to:

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