

24-5386

No.

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The
Supreme Court of the United States

§
CHRISTOPHER M. HUNT, SR.
Petitioner,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANIES,
et al,
Respondents.

§
On Petition For Writ Of Certiorari To The
Supreme Court of Georgia

§
PETITION FOR WRIT OF CERTIORARI

§
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QUESTIONS PRESENTED

1. When a state court with no jurisdiction is dealing with an uncured first breach then abuses its discretion to illegally in violation to Bill of Rights and State Constitution deny timely requested jury trial and then violate O.C.G.A. to impose an illegal supersedeas bond, that in itself is additionally delusional excessive amount as New York v. Trump that shows a national conflict, is it unconstitutional for there not to be an appeal/review mechanism within the Georgia Court system to review the judge's illegal supersedeas order to obtain justice?
2. When there is admitted by courts conflict between the federal courts and state courts on such all-important matters such as jurisdiction per Petitioner's DeKalb GA 18CV4742 and Supreme Court of Georgia S24C0012, and the Federal Courts have refused to uphold its jurisdiction "do not disturb state orders", how can the conflict of jurisdiction be resolved if state refuses to address its own nullity, contemptuous orders per *Yellow Freight System, Incorporated v. Donnelly*, (1990) and *ROBB v. CONNOLLY* (1884) to close the loophole of conflicting oppositional jurisdiction?
3. When there is proven First Breach, do the appeal courts have to proactively consider as the number one priority over all others the First Breach because uncured First Breach makes Supersedeas and all other matters

moot per *PAUL E. MALONE, SR. & FAITH LANIER MALONE, Plaintiffs, v. FEDERAL HOME LOAN MORTGAGE CORPORATION and BANK OF AMERICA, N.A., Defendants.* Case No. 1:14-cv-193 (WLS) United States District Court, M.D. Georgia, Albany Division. May 12, 2016. “cannot enforce any part of contract until cure first breach”?

4. Did the Supreme Court of Georgia err by not honoring request to explain its position if chose to deny a certiorari that was asking court to review the constitutionality of state law that there is no appeal or review of a supersedeas so empowers a lone county judge to rule contrary to Bill of Rights and Georgia right to jury trial, Supreme Court of U.S. *JESINOSKI, USCA4 JOHNSON (homeowner class action winning member), USCA11 ruled Mortgagees first-beached contract, DCN.GA MALONE, O.C.G.A. §, etc. ?*

INTRODUCTION

This is the state courts of previous federal courts cases. *New York v. Trump* is proving the national conflict and unconstitutional “Lawfare” misuse of illegal supersedeas bonds required to get justice for an appeal! Supersedeas Order was meant to prevent misuse of judicial system through appeals that burden courts, but now the pendulum has swung to the opposite extreme where wealthy corporations with powerful multistate law firm debt collectors defraud/corrupt judges to misuse supersedeas to prevent truth and justice from prevailing on appeal. This misuse of supersedeas not only violates

Constitutional rights and defrauds the judicial system of appeal rights to uphold Spirit and intent of law.

Regrettably, Homeowner had to deal with getting JQC to remove corrupt two DeKalb judges for ordering their court reporters to illegally alter transcript to prevent appeals. Instant appeal deals with a judge violating state constitutional right for jury trial, refusal to correct clerical error, refuse quash hearing, etc. It is unconstitutional for a lone judge to have absolute power of no appeal or review. Petitioner "Homeowner" has suggested to Supreme Court of Georgia that there be a panel of three independent of courts forensic experts that are paid for by the appealing party to review a judge's supersedeas order on basis of law and values to avail justice for appellants and prevent abuse. This upholds intent of supersedeas to prevent burdening courts of frivolous bad faith appeals while protecting Constitutional right for legitimate appeals. *New York v. Trump* allowed an appeal review but Georgia has no such appeal of review and Supreme Court refused the request if deny the certiorari to legally explain its denial despite Homeowner citing a case wherein an admitted and convicted prisoner who had raped and brutally burned a mother in front of children had conviction overturned with lengthy legal description of why a technicality should prevail. Instant case a 100% legally correct senior citizen was never late on a payment!

Homeowner is a stellar senior citizen (www.MLKStoneMountin.com) with Ph.D. in Theology and MA in counseling. He built his home in subdivision he developed and named after his daughter and enjoyed

raising his children with home-based business for twenty years. Home has \$500,000+ equity Homeowner cannot access to pay for counsel and cannot refinance to pay illegal supersedeas due to court actions. Equity was being saved for three kids' college and Homeowner's retirement. The Homeowner had excellent credit and timely paid his mortgage until, as the 11th Circuit Court ruled, the first mortgagee breached their mortgage contract. Instant case is a carry-over from past years of mortgage industry corruption that caused the Great Recession.

Homeowner is self-employed and can afford a mortgage and planning to retain counsel as he refinances a property that was recently granted a rezoning. Homeowner works overwhelming 80 hours week work and all the illegal and contemptuous actions by mortgagees have created all these cases that only a multimillionaire could afford. All this after Mortgagees first breach and rejected Homeowner's request they cure breach. Instead, the greedy Mortgagees have tried to steal the home and \$500,000+ equity to extent they committed fraud on the courts and manipulated judges to rule in misuse of bias.

Respondents et al "Mortgagees" are the main cause of The Great Recession per movie *The Big Short*. Deutsch was fined \$7.2 Billion (*but where is justice for homeowners in that?*) for doing similar illegal acts to other homeowners as in instant case.

Mortgagees have only prevailed to date by their monopoly of fraud upon the courts. The fraud has become a Bernie Madoff Ponzi and Elizabeth Holmes Theranos scam adversely effecting the machinery of justice causing

the federal courts and state courts to become adversarial conflicted concerning jurisdiction instead of cooperative and complimentary *Yellow Freight System, Incorporated v. Donnelly*, (1990) and *ROBB v. CONNOLLY* (1884).

The Mortgagees have violated the Sarbanes-Oxley Act of 2002 created to prevent this repeat of the financial scandals, and the Dodd-Frank Wall Street Reform and Consumer Protection Act "Act" that overhauled the United States financial oversight regime to protect homeowners.

Original mortgagee breached fixed rate contract by illegally escalating interest rates each month. Homeowner fulfilled JESINOSKI when paid under written protest before refusing to be abused anymore, so sent in proper amount with letter showing their own employees said contract was breached. The payment was returned. All went quiet. Then a second mortgagee introduced itself and threatened foreclosure. Homeowner sent in proper payment with proof of breach asking to cure. Mortgagee returned payment and went silent. Over the years this was repeated five times as mortgagees kept breaking laws and fraudulently selling breached bad contract instead of curing. Respondents Deutsche and Mr. Cooper/Nationstar "Mortgagees" were the first to try to wrongfully foreclose. They illegally demanded \$300,000 in fraudulent money! The DeKalb court saw the Homeowner's evidence in lawsuit and granted TRO against foreclosure. Homeowner has been forced to file lawsuits in defense of Mortgagees' numerous contemptuous, illegal acts to protect his home. This Court ruling for nation's best: *JOSHUA BLACKMAN v. AMBER GASCHO*, 16-364, *WELCH V. UNITED*

STATES 15-6418, *LAW V. SIEGEL* 12-5196. Instant case has direct conflicts in federal courts and divides state and federal courts. The cases are all the same but deal with Federal Courts and State Courts of Georgia because neither Federal nor State would take action but were pointing at each other as to who had the jurisdiction and authority. What is ironic, that per 19A-423 neither have ever had jurisdiction or authority due to First Breach and the federal court of central Georgia and Georgia law both clearly stating the mortgagee's First Breach mandates they cure the breach before they can any legal rights in court and any court can take jurisdiction. Yet 11th Circuit refused to hold the Remand so not only did not uphold its jurisdiction but enabled state court erroneous Supersedeas! Only God's grace and Wisdom with overwhelming law and court authorities supporting Homeowner's original lawsuit save home to date!

UPDATE Homeowner is now homeless due to illegal surprise eviction in contempt of this Court's jurisdiction temporary theft of home with inaccessible \$500,000+ equity! Homeowner paid \$12,000+ in printing costs for previous appeals to prevent but now homeless.

LIST OF PARTIES

Petitioner

Christopher M. Hunt, Sr. Homeowner

Respondents, et al

Deutsche Bank National Trust Companies

Mr. Cooper/Nationstar mortgage company

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, SPIP Petitioner is an individual, not a corporation with no shares held by a publicly traded company.

RELATED CASES STATEMENT

This honorable Court has not accepted certioraris on these matters from the federal courts as it seems all federal courts are refusing to uphold its jurisdiction per misnomer “not interfere in state matters” despite it required federal intervention to end slavery, segregation, etc. DeKalb Superior Court 18cv4743, 19CV10619 wherein Respondents finally admitted to interrogatories in countersuit, and 20CV3778 COMPLAINT OF TORT MORTGAGEES FIRST BREACH OF CONTRACT, INTERSTATE BANKING AND ACCOUNTING FRAUD, WITH EMERGENCY MOTION FOR TRO OR PRELIMINARY INJUNCTION with exhibits of Admitted Interrogatories, contempt, violations Rule 3.3, wrongful foreclosure, improper acts in violation to federal court jurisdiction of their removal, etc. The illegal Supersedeas Bond from a court with no jurisdiction is being misused as a trick way to overcome TROs against eviction before there is a final, non-appealable order due to loophole.

HOMEOWNER'S HOME-BASED MINISTRY AND BUSINESS FOR MORE THAN TWENTY YEARS WILL BE ECONOMICALLY DESTROYED IF WRONGFULLY EVICTED. THE MORTGAGEE'S (TEMPORARY) ASSET IS IN PERFECT CONDITION AS BEING WELL

*MAINTAINED AND IS APPRECIATING – ESPECIALLY
AS REAL ESTATE VALUES INCREASING.*

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Appendix A

Supreme Court of Georgia Order Denying Certiorari

Appendix B

Supreme Court of Georgia Order Denying
Reconsideration of Denied Certiorari

DeKalb Case Erroneous Orders

TABLE OF AUTHORITIES
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Cases

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OPINIONS BELOW

Georgia Supreme Court cases and orders of the New York cases of Trump all experts are declaring as Lawfare.

JURISDICTION

The judgment of the Supreme Court of Georgia was issued on February 6, 2024. A timely petition for rehearing was denied on March 5, 2024. Writ has been mailed timely per rule by postage date.

RULES OF PROCEDURE INVOLVED

Instant case appeals are based on the legal cites and conflicts previous filed, but distinct in that it comes from the state while previous were from federal court. It is consequence of continuing compounding of “Cat in the Hat” court errors. A recent case of a Texas judge jailing a hairdresser for opening her business so her employees can

feed families is less severe than the superior court judge in instant case being incensed at Homeowner for exposing the truth of case status that she had no jurisdiction and was deceived like Emperor New Clothes but instead of objectively acknowledging federal courts' jurisdiction, first breach, etc. to enforce her authority as judge on a forced against desires pro se Homeowner trying to tell court and multi-state politically powerful attorneys what law is and truth while defending his home. Federal courts refused to uphold their jurisdiction and intervene against the state. So, all the federal cases and state cases over the same matter of irreconcilable conflicts are now before this honorable Court. There needs to be a strong, definitive ruling for all attorneys and citizens to be protected from such extreme conflicts of state courts imposing currently uncorrectable erroneous supersedeas orders that basically 90% of the time results on eviction and loss of home. The reason is legally right homeowners have to give up because costs too much to pay both supersedeas and pay attorneys to win case. By this Court giving a clear, strong ruling as *Jesonoski v. Countrywide* it would end the manipulation of judges and court and homeowner abuse. Wisest judge to ever live wrote by "she" Wisdom: "When it goes well with the righteous, the city rejoices; And when the wicked perish, *there is* jubilation. By the blessing of the upright the city is exalted, but it is overthrown by the mouth of the wicked." Prov. 11:10-11

STATEMENT

1. SUPERSEDEAS ORDERS NOT TO BE DISTURBED

Is the Georgia courts current O.C.G.A § unconstitutional by granting a lone county judge exclusive right to set Supersedeas Bonds with no appeal or review no matter if nullity obtained by fraud, violates state constitution for jury trial and illegal in violation to O.C.G.A. § ?

Neither the Appellant courts of Georgia nor federal courts would even entertain the consideration of looking at the nullity Supersedeas Bond order. The state appellant courts would not even consider the appeal because of unconstitutional O.C.G.A.. In *New York v Trump* the appeals court accepted the appeal of Supersedeas and corrected error of lower court. The Supreme Court of Georgia denied certiorari with no explanation despite requested.

The federal courts would not even consider the appeal in their courts despite Homeowner's En Banc: This Court and others are missing the proven fact of no jurisdiction to even grant the Amended Supersedeas Bond Order in deference to O.C.G.A. not disturbing the lower superior court right to impose the Supersedeas! Court knows jurisdiction supersedes (pun) all orders! This Court properly ruling into state courts gives a needed legal anchor court cite.

Federal courts by Plaintiff's Removal *ALREADY* have jurisdiction of the wrongful foreclosure and ALL the precedent legal matters upon instant appeal case is dependent. Mortgagee by their Removal to DCNG

AFTER their illegal foreclosure declared to DCNG, no supersedeas bond is required because the house is super adequate collateral! All Plaintiff's Deutsche jurisdiction was in federal courts before Court's erroneous order granting the Plaintiff's supersedeas bond that is nothing more than another illegal tactic to steal home.

***28 U.S. Code § 1446 (d)... Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such state court which shall effect the removal and the state **court shall proceed no further unless and until the case is remanded.**

The trial court judge Jackson properly granted the TRO as "court of equity", but then erred despite Georgia Supreme Court void ab initio in *Murphy v Murphy* ruling on no jurisdiction. Therefore, Nunc Pro Tunc no jurisdiction applies to all of improperly substituted plaintiff Deutsche's filings now being reviewed by the federal courts who are going to be very angry the foreclosure was illegally done, the dispossession and eviction were in violation of their jurisdiction, etc. while they were ascertaining the precedent matters in their court by appeal. (End Quote)

The Georgia O.C.G.A.

O.C.G.A. 15-6-9 (2010)

15-6-9. Authority of judges generally

The judges of the superior courts have authority:

(1) To grant for their respective circuits writs of certiorari, supersedeas, ...

2010 Georgia Code

TITLE 5 - APPEAL AND ERROR

CHAPTER 6 - CERTIORARI AND APPEALS TO
APPELLATE COURTS GENERALLY

ARTICLE 2 - APPELLATE PRACTICE

§ 5-6-46 - Operation of notice of appeal as supersedeas in civil cases; requirement of supersedeas bond or other form of security; fixing of amount; procedure upon no or insufficient filing; effect of bond as to liability of surety; punitive damages

5-6-46(a) ... When the judgment is for the recovery of money not otherwise secured ... (NOTE: House with undisputed \$200,00+ equity is “secured”!)

This is no minor conflict confined to Georgia. It is national as even same party instant cases Mortgagees Nationstar proves in Ohio case *NATIONSTAR v. BRIAN K. PAYNE, ET AL.*, NO. 2017-043 Case No. 16AP185 admitting conflict:

Second, assuming there is any applicable court rule that was intended to trump the statutory bond requirement, interpreting and applying the rule to deny an appellee of its

substantive rights (even if temporarily) would violate the Ohio Constitution. Article IV, Section 5(B) of the Ohio Constitution provides that court rules “shall not abridge, enlarge, or modify any substantive right.” Denying an appellee its judgment rights (even if only while an appeal is pending) without security is not merely a matter of “practice and procedure” under Article IV, Section 5(B) of Ohio’s Constitution which could take precedence over a conflicting statute. Instead, a stay abridges a judgment holder’s substantive judgment rights by preventing it from enforcing or enjoying its judgment rights. Moreover, R.C. 2505.09 creates a separate substantive right to a bond as security if the appellee’s judgment rights are to be suspended. It would be unconstitutional to apply Appellate Rule 7(B), or any other court rule, as enabling the abridgement or modification of a party’s substantive judgment or bond rights. A bond is necessary.

Instant case Mortgagees already had illegally obtained title to house and it’s \$500,000+ equity via illegal, contempt of state TRO and contempt of Federal Court jurisdiction foreclosure! The presiding superior court judge who should have granted the requested TRO was shown all the evidence of federal court jurisdiction, state court binding TRO, etc. grossly misused her discretion denying the TRO due solely “no proof of service” (proving Mortgagees ex parte interference as no TRO requires proof of service!) and “there is relief available by restitution” this from judge who has since been retired by JQC and previously recused herself from Homeowner’s previous case on child custody. It is impossible for Homeowner to get an unbiased legally sound

ruling from DeKalb county courts per affidavit by a court expert who has witnessed judges misbehavior in a county so corrupt the sheriff elect who ran on platform to clean up corruption was murdered by incumbent sheriff and the Homeowner had to get the state representative of judicial ethics to investigate judges misconduct. When Representative over judicial ethics could not get the second judge removed he was so enraged at compromised to ineffectual previous JQC that he got voters to disband the entire JQC and reform it! This proves it is mandated that the status quo of "not disturbing superior court judges exclusive right to impose Supersedeas bonds" even if first breach, no jurisdiction, contempt, etc. must be corrected by a ruling from this Court that mandates state courts must allow expedient appellant court review of supersedeas bonds to make sure legally sound.

Here is legal arguments the Supreme Court of Georgia refused to address due to unconstitutional O.C.G.A. § per www.SupremeCourtOfGeorgia.US

QUESTION FOR COURT AND ALL CITIZENS:

How can a senior citizen, ordained minister, CEO with Ph.D., who was never late on a mortgage payment and is a 100% legally correct whistle-blower of largest mortgage scam in U.S. history (Exhibit 1) of Mortgagees violating federal laws of Sarbanes-Oxley Act and The Dodd-Frank Wall Street Reform and Consumer Protection Act, etc. have any concern of losing his home? Homeowner personally built his home and over last 30 years raised his children in subdivision he developed and named after his daughter and has more than \$500,000 equity for kid's college education and his

retirement. He has home based ministry and businesses that will all be lost and destroyed if Court does not rule per law and case history evidence!

Court knows Homeowner is a whistle-blower proving Mortgagees have participated in the nation's largest illegal mortgage scam since they caused the Great Recession (Exhibit 1). Mortgagees proven misused the \$billions of homeowners paid bail-out monies congress gave them to buy as many of their caused defaulted loans as possible for possibly ten cents on the dollar and then instead of working with homeowners they acted unethically and even violated RESPA laws to steal all the homes possible WITH ALL THE APPRECIATED VALUE to make illegal usuary ROI exponential profits so were predatory lenders!!! Deutsche is operating illegally in USA to avoid state juries and taxes so is violating USA and courts sovereignty. Balch has senior partners in prison for corrupting government officials and the other bad acting debt colleting attorneys have lost cases as such! Are Mortgagees too powerful for Court to hold accountable and protect citizens?

If the Mortgagees are so legally and ethically correct, why have they refused to answer the previously filed and shared again questions Exhibit 3 but instead violate Rule 3.3 and defraud courts to avoid answering questions in any court and perpetuate the conflict of jurisdiction between federal courts and state? Only court's bias and prejudice against forced against desires pro se Homeowner has enabled Mortgagees felony white-collar crime. No judge can ever jail a burglar again for stealing TV's when Mortgagees are defrauding, gross willful contempt

stealing entire home with more than \$500,000 equity! Homeowner would have an attorney except the contemptuous wrongful foreclosure stole the equity and the complexity of cases in both federal and state courts has so far made it impossible to find an attorney - IS THERE AN ATTORNEY WHO WILL BE WELL PAID TO HELP?

2.

PER GA CODE § 9-12-16 AND RULE 60

DeKalb judge Asha Jackson refused to hold Mortgagees accountable to resolve irreconcilable conflict of jurisdiction they created and then manipulate courts! Federal courts are trusting Court to resolve per GA Code § 9-12-16 (2020):

The judgment of a court having no jurisdiction of the person or the subject matter or which is void for any other cause is a mere nullity and may be so held in any court when it becomes material to the interest of the parties to consider it.

Rule 60(d)(3) is a codification of the Court's "inherent power ... to investigate whether a judgment was obtained by fraud." *Universal Oil Products Co. v. Root Ref. Co.*, 328 U.S. 575, 580, 66 S.Ct. 1176, 90 L.Ed. 1447 (1946). "There is no statute of limitations for fraud on the court. And jurisdiction exists to consider such a claim even if there are no adversary parties then present before the court." *Valerio v. Boise Cascade Corp.*, 80 F.R.D. 626, 640 n. 10 (N.D.Cal.1978) *aff'd*, 645 F.2d 699 (9th Cir.1981).

Rule 60, (a), (b) 1-6 - each item is fulfilled per questions!!!

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record . . .

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

Homeowner contends Mortgagees' slander and fraud on court(s) caused this honorable Court to err to rule "frivolous" and threaten sanctions. Surely this Court is not so biased and prejudiced against forced pro se Homeowner that Court will be like justices of infamous Dred Scott case and per federal court justice honorable Judge Posner resigned in

protest “courts (mis)treat pro se like trash.”

The Homeowner’s original lawsuit in 2014 was properly granted a TPO has been proven 100% legally correct by U.S. Supreme Court *JESINOSKI V. COUNTRYWIDE HOME LOANS, INC.*, 574 U.S. 259 (2015) because Homeowner wrote the Mortgagees within three months complaining of breach with evidence by the closing attorney and Mortgagees own employees. Is Court calling the Supreme Court of U.S. frivolous and sanctionable?

Mortgagees’ first breach of contract was affirmed by USCA11! The USCA11 is expecting state to be competent and ethical per its rule “does not disturb state orders” even when proven in contempt of federal court orders, jurisdiction and illegal! Is this Court calling the USCA11 frivolous and sanctionable?

The proven Mortgagees breach of contract mandate Court uphold and enforce *PAUL E. MALONE, SR. & FAITH LANIER MALONE v. FEDERAL HOME LOAN MORTGAGE CORPORATION and BANK OF AMERICA, N.A.*, Defendants. Case No. 1:14-cv-193 (WLS) DCM.D.GA May 12, 2016 whose ruling on first breach means Mortgagees are the sanctionable and their every filing is frivolous because they have no standing in court, “cannot enforce any part of contract until cure first breach”! Is Court calling federal courts District Court of Middle Georgia frivolous and sanctionable?

Homeowner is winning member #FF64929439 of class action lawsuit District Court MD Greenbelt *ROBINSON V.*

NATIONSTAR TDC-14-3667 with \$70,000,000+/- in damages so it is legally impossible to evict Homeowner! Mortgagees violated RESPA laws trying to steal many homes and directly impacts instant case, so it is impossible for any competent ethical court to rule against Homeowner! Is Court going to be unethically manipulated by Mortgagees to call USCA4 ruling frivolous and sanctionable?

Instant case comes from the most corrupt county not only in Georgia but the nation! DeKalb county is the county where the sheriff-elect who ran on platform he would clean up the corruption but was murdered by the incumbent sheriff! The Homeowner was directly responsible for getting two corrupt judges removed because they were ordering their court reporters to alter the transcripts! When the second corrupt judge at first could not be removed, the Homeowner was the reason the entire ineffectual JQC was disbanded and reformed by voters on ballot. And since, a third bad DeKalb judge was "retired" after having made illegal ruling by not upholding federal court jurisdiction despite all proof in a filing for TPO and instead enabled the no jurisdiction, wrongful foreclosure with illegal excuse, "You can sue for wrongful foreclosure." She was later "retired" by JQC as many attorneys considered her one of worst judges in Georgia. This is shared because it is proven there are still bad judges in DeKalb trying to destroy Homeowner as payback – just as the incumbent sheriff murdered the good sheriff elect - for getting crony judges removed because their illegal orders resulted in Homeowner's forensic psychologist forewarned child abuse from which they are still healing! Now DeKalb Judge Asha Jackson is illegally enabling the

theft of Homeowner's home and all its equity! Is Court calling JQC and O.C.G.A. frivolous and sanctionable?

Instant case concerns the subordinate to priority nullity of all state orders due to no state jurisdiction, secondary issue of nullity illegal supersedeas bond that violated O.C.G.A. by a proven at best compromised DeKalb judge Asha Jackson who also violated Georgia Constitution by denying jury trial, prevented discovery and interrogatories of the questions presented herein, denied motion for quash hearing, refused to correct clerical error of filling appeal of magistrate case into wrong case, etc. All this perpetrated onto courts by Mortgagees. This is why Homeowner asked Court to address the question of current unconstitutional law that empowers clearly at best compromised judge to issue an de facto illegal eviction order that violates Constitutional right for review and/or appeal!

The Supreme Court has jurisdiction in:

- all cases involving the construction of a treaty or of the Georgia Constitution or of the Constitution of the United States and all cases in which the constitutionality of a law, ordinance, or constitutional provision has been drawn into question;

The Constitution vests "[t]he legislative power of the state" in the General Assembly, Ga. Const. of 1983, Art. III, Sec. I, Par. I, and as we have explained, the lawmaking power of the General Assembly is "plenary." *Bryan v. Ga. Public Service Comm.*, 238 Ga. 572, 573, 234 S.E.2d 784 (1977). See also *Sears v. State of Ga.*, 232 Ga. 547, 553-554 (3), 208

S.E.2d 93 (1974) (“The inherent powers of our State General Assembly are awesome . [The General Assembly] is absolutely unrestricted in the power to legislate, so long as it does not undertake to enact measures prohibited by the State or Federal Constitution.” (Citation omitted)). For that reason, when this Court is asked to consider the constitutionality of an act of the General Assembly, we must indulge a strong presumption that it is a proper exercise of the legislative power, *SEIU v. Perdue*, 280 Ga. 379, 380, 628 S.E.2d 589 (2006), and this presumption can be overcome only by a showing of a “clear and palpable” conflict with the Constitution. *Dev. Auth. of DeKalb County v. State of Ga.*, 286 Ga. 36, 38 (1), 684 S.E.2d 856 (2009).

The white-collar criminal Mortgagees got the judge to grant the *nullity*, illegal supersedeas bond as a ruse means to illegally evict Homeowner! The nullity, illegal supersedeas required five revisions of proposed order and then judge Asha Jackson backdated order in attempts to overcome Homeowner’s legally superior objections. The two lead attorneys for separate multi-state law firms on instant case have been fired. This “David vs. Goliath” case mandates truly honorable objective court of equity clean up this Mortgagees created Cat in the Hat legal mess. Is Court calling GA Code § 9-12-16 and Rule 60 frivolous and sanctionable?

Court per Canons can prove itself to everyone reading this filing online by mandating the proven white-collar criminal Mortgagees and their bad acting debt collectors misusing their entrusted position as “officers of the court” answer the

questions in Exhibit 3 that DeKalb judge illegally prevented from answering to protect the Mortgagees and their bad acting attorneys. Court is legally mandated to order the Mortgagees answer the following questions to establish jurisdiction per GA Code § 9-12-16 and Rule 60 to end the currently irreconcilable conflicts of jurisdiction of federal vs state and the unconstitutional no review, no appeal of a lower court's illegal, contemptuous, no jurisdiction nullity supersedeas order. Honorable Court gave great attention to the constitutionality of jurisdiction and venue in *MCINERNEY v. MCINERNEY* (2022) Docket No: S21A1068 Decided: March 15, 2022 yet here is matters of Federal and State jurisdiction/venue and constitutionality of a lone judge who has been defrauded and prejudiced to violate laws and enable white-collar criminals with no review or appeal?!?!?!?

This filing also serves as notice of intent to appeal to Supreme Court of U.S. should Emergency Motion be denied. If denied, it is requested Court give legal reasons since case concerns federal v. state jurisdiction, international sovereignty of U.S. and courts, and Georgia Constitution. With any and all other favorable rulings per Court's discretion, this 10th day of February 2024.

CONCLUSION

For the foregoing reasons, this Court should grant this petition for a writ of certiorari so:

1. there is a contemporary and compelling application of the antiquated and easily avoided Spirit and intent of Federal Court and State court cooperation *Yellow Freight System, Incorporated v. Donnelly*, (1990) and *ROBB v.*

CONNOLLY(1884) to close this loophole of conflicting oppositional jurisdiction the fraud created between federal and state courts.

2. there is national standard of emergency review by state appellant courts solely of legality and appropriateness of Supersedeas Bonds since the outcome of such bonds almost assure the homeowner is economically destroyed.

3. Sealed contracts statute of limitations of twenty years applied equally to all parties of contract and a party must cure a breached contract before they can foreclose or have court standing for supersedeas.

4. Candor to Tribunal Rule 3.3 invoked so fraud on courts prevented and Rule 60 functions against supersedeas.

Respectfully submitted,

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