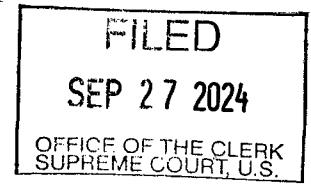


No. 24-5760



IN THE SUPREME COURT OF THE UNITED STATES

James Taylor,

Petitioner,

v.

McCalla Raymer Leibert Pierce, LLC

Respondent.

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

No. 23-14241-H

PETITIONER'S PETITION FOR A WRIT OF CERTIORARI

James Taylor

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Pro Se

Questions Presented

I. Under 15 U.S.C. § 1692a(6), does 15 U.S.C. § 1692 apply to McCalla Raymer Leibert Pierce, LLC, when McCalla Raymer Leibert Pierce, LLC is attempting to collect debt?

B. Under 15 U.S.C. § 1692, does evidence support that details are sufficient regarding claims that McCalla Raymer Leibert Pierce, LLC has committed violations when attempting to collect debt?

1. Under 15 U.S.C. § 1692a(6), does *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012), support that McCalla Raymer Leibert Pierce, LLC is a debt collector and that details are sufficient regarding claims under 15 U.S.C. § 1692 when McCalla Raymer Leibert Pierce, LLC is attempting to collect debt?

No.

Corporate Disclosure Statement

There is no parent or publicly held company owning 10% or more of the corporation's stock.

Related Proceedings

- ✓ *James Lamont Taylor v. McCalla Raymer Leibert Pierce, LLC*,
1:23-cv-00008-JRH-BKE, United States District Court for the
Southern District of Georgia, Augusta Division. Judgment
entered May 1, 2023.
- ✓ *James Taylor v. McCalla Raymer Leibert Pierce, LLC, Foreclosure
Attorney*, No. 23-14241, United States Court of Appeals for the
Eleventh Circuit. Judgment entered July 10, 2024.

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Petitioner respectfully prays that a writ of certiorari issue to review the judgments below.

Opinions Below

For cases from **federal courts**:

United States Court of Appeals for the Eleventh Circuit

On April 15, 2024, James Randal Hall denied Motion for Leave to Appeal in forma pauperis and denying Motion for Rehearing (Doc 20, Doc 21, Doc 22). On June 13, 2024, the Court of Appeals for the Eleventh Circuit, dismissed the Notice of Appeal for lack of jurisdiction in an unpublished opinion; appears at Appendix A to the petition (Doc 15, Doc 23). On July 10, 2024, the Court of Appeals for the Eleventh Circuit, denied the Petition for Panel Rehearing; appears at Appendix D to the petition and is unpublished (Doc 23, Doc 25). On July 18, 2024, Mandate of the Court of Appeals for the Eleventh Circuit opinion is entered as the judgment (Doc 15, Doc 23, Doc 25). On July 19, 2024, ordered that United States Court of Appeals for the Eleventh Circuit Mandate is made the Order of the Court, signed by James Randal Hall (Doc 25, Doc 26).

United States District Court for the Southern District of Georgia, Augusta Division

On February 15, 2023, Brian Keith Epps denied Motion to remove mortgaged property and dwelling 2023 Ashley Drive, Augusta, Georgia, 30906 from foreclosure (Doc 3, Doc 4). On February 21, 2023, Brian Keith Epps grants Motion for Leave to Proceed in forma pauperis and

request amended complaint (Doc 1, Doc 2, Doc 5). On March 8, 2023, Brian Keith Epps denied Motion for Reconsideration/Challenge to Order of February 21, 2023 (Doc 5, Doc 6, Doc 7). On March 29, 2023, Brian Keith Epps filed Report & Recommendations that the complaint be dismissed without prejudice and that this civil action be closed and also filing an order directing service on all parties; appears at Appendix C to the petition and is unpublished (Doc 1, Doc 9, Doc 10). On May 1, 2023, James Randal Hall filed order adopting Report & Recommendations, denying Motion for Recusal and dismissed case without prejudice and stands closed; appears at Appendix B to the petition and is unpublished (Doc 1, Doc 8, Doc 9).

Jurisdictional Statement

For cases from **federal courts**:

The date on which the United States Court of Appeals for the Eleventh Circuit decided my case was July 10, 2024. A timely Petition for Panel Rehearing was denied by the United States Court of Appeals for the Eleventh Circuit on the following date: July 10, 2024, and a copy of the order denying rehearing appears at Appendix D.

The United States Court of Appeals for the Eleventh Circuit dismissed the Notice of Appeal on June 13, 2024 because the final judgement from the United States District Court, Southern District of Georgia, Augusta Division, 1:23-cv-00008-JRH-BKE, was made on May 1, 2023 and I filed a Notice of Appeal on November 17, 2023 and copy of the opinion appears at Appendix A. The Petition for Panel Rehearing was denied on July 10, 2024, despite my health issues and failure to prevent nonjudicial foreclosure. The jurisdiction of this court is invoked under 28 U.S.C. § 1254(1).

Statutory Provisions

Chapter D of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692d, states

“A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.”

Chapter E of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e, states

“A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

Chapter F of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692f, states

“A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.”

Constitutional Provisions

Article III – Section 1: The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Article III – Section 2: The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority to Controversies between Citizens or Subjects.

In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Statement of the Case

Susan A. Taylor, my mother, as a consumer completed and submitted an application with Sheila Mae Mathis, a loan originator for servicer, Freedom Mortgage Corporation, for closed-end credit of \$72,298 to

satisfy the residential mortgage transaction of \$72,298 with a fully paid balance, enforcing the security interest on July 1, 2020, for consummation of 25 years for refinancing the mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia 30906 for personal, family or household purposes (Doc 1, Pg 10). The verification of mortgage is an advertisement (Doc 1 – Pg 10). Despite \$72,298 of closed-end credit satisfying the residential mortgage transaction of \$72,298 with a fully paid balance on July 1, 2020 for refinancing the mortgage property and dwelling at address 2023 Ashley Drive, Augusta, Georgia, 30906, the Respondent as a hired agent of Freedom Mortgage Corporation, sent communication to the mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia 30906, which was harassing, oppressive & abusive conduct and an unfair practice due to them collecting debt on the basis of and using the false, deceptive and misleading representations of the character (Freedom Mortgage Corporation as a lender and repeated transactions with an outstanding unpaid balance), reinstatement amount (\$4,653.04 - including late charges, escrow advance, property inspections, expense advances,

Foreclosure Attorney fees) and legal status (default) of debt which ran the risk of confusion and misunderstanding (Doc 1 - Pgs 11, 12).

After Susan A. Taylor passed away on August 18, 2020, Jacqueline S. Taylor and I, James Lamont Taylor, became the successors in interest, which is also an advertisement (Doc 1 - Pg 9). I requested that payments be placed on a COVID—19-related forbearance plan due to COVID—19-related hardship which began on April 1, 2021 (Doc 1, Pg 9).

The Respondent's communication claimed

“Be advised that under Federal Law, This Law Firm may be deemed a debt collector. Any information obtained may be used for the purpose of collecting a debt.”

(Doc 1, Pg 11). Communication from the Respondent as a hired agent of Freedom Mortgage Corporation, failed to disclose in initial written communication that they are a debt collector attempting to collect debt and that any information obtained will be used for that purpose, and they failed to disclose in subsequent communications that the communication is from a debt collector, is harassing, oppressive & abusive conduct because it is a false, deceptive & misleading

representation that ran the risk of confusion and misunderstanding (Doc 1, Pgs 11, 12).

The Respondent's communication stated that if reinstatement funds of \$4,653.04 (including late charges, escrow advance, property inspections, expense advances, Foreclosure Attorney fees) payable to Freedom Mortgage Corporation sent to the address of the Respondent at 1544 Old Alabama Road, Roswell, Georgia, 30076 is not paid by 5:00PM January 19, 2023, then a foreclosure sale of the mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia, 30906 will proceed, is harassing, abusive & oppressive conduct, a false, deceptive & misleading representation and an unfair practice that invades privacy of mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia, 30906 (Doc 1, Pgs 11, 12).

I filed a complaint against the Respondent on Friday January 20, 2023, along with a motion for the removal of the mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia, 30906 from foreclosure at the United States District Court, Southern District of Georgia, Augusta Division (Doc 1, Doc 3).

On Wednesday February 15, 2023 (Doc 4), Brian Keith Epps abused his discretion by denying my motion to remove the mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia 30906 from foreclosure, because details are sufficient regarding my Fair Debt Collection Practices Act claims 1 – 5 (Doc 1 - Pgs 5, 6, 9 – 12). In the Order of February 21, 2023 (Doc 5), Brian Keith Epps requested an amended complaint claiming,

“Second, has Plaintiff provided insufficient details regarding his FDCPA claims. Plaintiff alleges little on whether Defendant is a debt collector as defined in 15 U.S.C. § 1692a(6).”

Citing *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012) (Doc 5, Page 4).

On Monday March 6, 2023 (Doc 6), instead of submitting an amended complaint, I responded to the Order of February 21, 2023 (Doc 5) by Brian Keith Epps by acknowledging that details are sufficient regarding my Fair Debt Collection Practices Act claims 1 – 5 and that evidence supported that the Respondent is a debt collector (Doc 1 – Pgs 5, 6, 11, 12) (Doc 6). On Wednesday March 8, 2023 (Doc 7), Brian Keith Epps denied my response challenging Order of February 21, 2023 (Doc 5),

stating that in order to apply a motion for reconsideration one of three conditions have to be met,

“. . . there is a need to correct clear error or prevent manifest injustice.”

Burger King Corp. v. Ashland Equities, Inc., 181 F.Supp.2d 1366 (S.D. Fla. 2002); *Raiford v. Nat'l Hills Exchange, LLC*, 1:11-cv-152 (S.D. Ga. May 17, 2016) (Doc 7, Pg 1) and extended the deadline for amended pleadings to March 22, 2023. On Friday, March 10, 2023 (Doc 8), I filed a motion for the recusal of Brian Keith Epps that included my name printed and signed with my contact information, due to insufficient evidence to support request for amended complaint and contradiction of facts, instead of submitting an amended complaint. In the Order of March 29, 2023 (Doc 9), Brian Keith Epps filed and directed service to all parties a report and recommendations for dismissal of case without prejudice and closure (Doc 9). On March 29, 2023 (Doc 11), I filed an Objection to the Report and Recommendations of March 29, 2023 (Doc 9), which included my name printed and signed with my contact information, due to insufficient evidence to support the legal opinion of Brian Keith Epps, contradiction of facts and requested an explanation for “insufficient details regarding my FDCPA claims”, instead of

submitting an amended complaint (Doc 1, Pages 5, 6, 11, 12; Doc 5, Page 4; Doc 6). There was also a notice of filing deficiency regarding the objection to the report and recommendations on March 29, 2023 (Doc 12).

On Monday, May 1, 2023 (Doc 13), James Randal Hall denied my Motion for recusal and he also dismissed and closed the case, in Order of May 1, 2023 (Doc 13), after a de novo review, he adopted Order of March 29, 2023 by Brian Keith Epps (Doc 9, Page 3). In the Order of May 1, 2023 (Doc 13), James Randal Hall claims,

“Aside from the missing affidavit, Plaintiff’s motions also fail because they are based solely on his disagreement with the Magistrate Judge’s legal opinion on the sufficiency of his original complaints in each case. He disagrees with the Magistrate Judge’s assessment that his complaints fail to state a claim under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. His objections are unavailing and totally fail to address the basis for dismissal of . . . CV 123-008 where he failed to file an amended complaint.”

(Doc 13, Pages 2, 3). James Randal Hall dismissed the case on May 1, 2023 (Doc 13) without providing an explanation for why the details are insufficient regarding my FDCPA claims 1 – 5 to my request made in the Objection to the Report & Recommendations of Brian Keith Epps (Doc 5, Page 4; Doc 9; Doc 11; Doc 13, Pages 1 – 4).

I submitted a Notice of Appeal in the United States District Court, Southern District of Georgia, Augusta Division on November 17, 2023 (Doc 15) to Court of Appeals for the Eleventh Circuit without providing a basis of relief pursuant to Federal Rules of Appellate Procedure 4(a)(5)(A)(ii), prior and after May 1, 2023 – May 31, 2023. The Court of Appeals for the Eleventh Circuit dismissed the Notice of Appeal (Doc 15) for lack of Jurisdiction on June 13, 2024 (Doc 23). The Petition for Panel Rehearing was filed on June 27, 2024 (Doc 24), providing a basis for relief pursuant to Federal Rules of Appellate Procedure 4(a)(5)(A)(ii), addressing rationing my insulin usage as a diabetic, lacking diabetic supplies such as syringes, lancets and strips, lacking medication for high blood pressure and failure to prevent nonjudicial foreclosure via litigation with the United States District Court, Southern District of Georgia, Augusta Division after the final judgement and dismissal on May 1, 2023, as well as other attempts. The Court of Appeals for the Eleventh Circuit entered their Order of the Court and denial of the Petition for Panel Rehearing for their judgement as a Mandate on July 18, 2024 (Doc 25). James Randal Hall signed the Mandate from the Court of Appeals for the Eleventh Circuit on July 19, 2024 (Doc 26).

The United States District Court, Southern District of Georgia, Augusta Division had jurisdiction of the case that is docketed as No. 1:23-cv-00008-JRH-BKE pursuant to 28 U.S.C. § 1331. The Fair Debt Collection Practices Act, 15 U.S.C. § 1692 was the basis for the District Court's federal jurisdiction. The Court of Appeals for the Eleventh Circuit had jurisdiction of this appeal pursuant to 28 U.S.C. § 1291.

Argument

Does 15 U.S.C. § 1692a(6) apply to McCalla Raymer Leibert Pierce, LLC and are details sufficient regarding claims?

“The Respondent does not argue that it is not a debt collector within the meaning of the FDCPA.” *Berg v. McCalla Raymer Leibert Pierce, LLC*, No. 19 C 5113 (N.D. Ill. Oct. 30, 2019). Pursuant to *Berg v. McCalla Raymer Leibert Pierce, LLC*, No. 19 C 5113 (N.D. Ill. Oct 30, 2019), the Respondent was held accountable for violations of Sections 1692e(2)(6) and f(1) and *Stewart v. JP Morgan Chase Bank, N.A., et. al.*, 1:18-cv-07584 (N.D. Ill. Nov. 15, 2018), the Respondent was held accountable for violations of Sections §§ 1692e(2), 1692e(10) and 1692g(a), showing irrefutably that the Respondent is a debt collector as required by the primary definition 15 U.S.C. § 1692a(6), making the fact findings of

Brian Keith Epps clearly erroneous under Fed. R. Civ. P. 52(a) – Doc 1, Pgs 11, 12), because

“the Act applies to attorneys who ‘regularly’ engage in consumer-debt-collection activity, even when that activity consists of litigation.”

Heintz v. Jenkins, 514 U.S. 291, 294, 115 S.Ct. 1489, 131 L.Ed.2d 395 (1995) and

“that a party who satisfies § 1692a(6)’s general definition of a “debt collector” is a debt collector for the purposes of the entire FDCPA even when enforcing security interests.”

Kaltenbach v. Richards, 464 F.3d 524 (5th Cir. 2006).

The Respondent is a debt collector, who was hired as an agent to collect debt indirectly for servicer, Freedom Mortgage Corporation who was falsely represented as a Lender by the Respondent, for a Federally related mortgage loan (Doc 1, Pgs 9 – 12).

The Respondent failed to disclose in initial written communication that they are a debt collector attempting to collect debt and that any information obtained will be used for that purpose, and they failed to disclose in subsequent communications that the communication is from a debt collector, is a false, deceptive and misleading representation that ran the risk of confusion and misunderstanding (Doc 1 - Pgs 11, 12).

“A false representation in connection with the collection of a debt is sufficient to violate the FDCPA facially, even where no misleading or deception is claimed.”

Bourff v. Rubin Lublin, LLC, 674 F.3d 1238 (11th Cir. 2012).

Judge Edmond E. Chang proclaims, that misrepresenting the status of debt, attempting to collect illegal fees and costs not authorized by law, threatening foreclosure, assessing illegal foreclosure fees and refusing to communicate clearly is adequate to support a cause of action that conduct, the natural consequence of which was to abuse and oppress.

Gitters v. Ocwen Loan Servicing, LLC, No. 14 C 00916 (N.D. Ill. Dec 31, 2014).

“a threat to impose a penalty that the threatener knows is improper because unlawful is a good candidate for a violation of sections 1692d and e.”

Evory v. RJM Acquisitions Funding L.L.C., 505 F.3d 769, 778 (7th Cir. 2007).

***Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012)**

In the Order of February 21, 2023 (Doc 5, Page 4), Brian Keith Epps requested an amended complaint claiming,

“Second, has Plaintiff provided insufficient details regarding his FDCPA claims. Plaintiff alleges little on whether Defendant is a debt collector as defined in 15 U.S.C. § 1692a(6).”

Citing *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012) (Doc 5, Page 4).

“the district court dismissed the complaint because it concluded that the Reeses’ allegations were insufficient to state that the Ellis law firm was a “debt collector” and insufficient to state that the letter and documents were sent to the Reeses “in connection with the collection of [a] debt” within the meaning of §1692e.”

Reese v. Ellis, Painter, Ratterree & Adams, LLP, 678 F.3d 1211, 1216 (11th Cir. 2012).

The Order of February 21, 2023 (Doc 5), includes the basis for an amended complaint by Brian Keith Epps, which is similar to the district court’s dismissal of *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012) (Doc 5, Page 4). However, the United States Court of Appeals for the Eleventh Circuit reversed the decision because it disagreed with the district court. Most of the reasons for the disagreement and reversal include the following: the Ellis Law Firm mailed the Reeses a collection (dunning) notice that described their client,

“Provident as the “Lender” and “current holder of the above-referenced Note . . . and Security Deed,” and explains that the Ellis law firm represents Provident. This letter is to advise you that your Note has been and is declared to be in default for non-payment and Lender hereby demands full and immediate payment of all amounts due and

owing thereunder. Unless your loan is satisfied in accordance with this demand, the foreclosure sale of the above-referenced real property will be conducted . . .”

Under the signature of a partner of the Ellis Law Firm is a disclaimer in bold font that says:

“THIS LAW FIRM MAY BE ATTEMPTING TO COLLECT A DEBT ON BEHALF OF THE ABOVE-REFERENCED LENDER.”

The second document is entitled “NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT[,] 15 USC 1601 ET SEQ, AS AMENDED,””

“Printed in big, bold letters at the bottom of the second document is this warning: “THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED BY US WILL BE USED FOR THAT PURPOSE.””

“The bottom of the third document contains a similar warning: “THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT.””

“In light of all that language stating that the law firm is attempting to collect a debt, the complaint sufficiently alleges that the notice is a communication related to “the collection of [a] debt” within the meaning of § 1692e.”

Communication from the Respondent includes a disclaimer,

“that under Federal Law they may be deemed a debt collector and any information obtained may be used for the purpose of collecting a debt”

(Doc 1, Page 11). Although the communication of the Ellis Law firm has differences when compared with the communication of the Respondent, they are also similarities, which include, mentioning collecting debt as a

hired agent of Freedom Mortgage Corporation, who the Respondent acknowledges as a lender and servicer, if reinstatement funds of \$4,653.04 (including late charges, escrow advance, property inspections, expense advances, foreclosure Attorney fees) payable to Freedom Mortgage Corporation sent to the address of the Respondent at 1544 Old Alabama Road, Roswell, Georgia, 30076 are not paid by 5:00PM January 19, 2023, then a foreclosure sale of the mortgaged property and dwelling at address 2023 Ashley Drive, Augusta, Georgia, 30906 will proceed and to call and check if there have been any incurred fees and costs (Doc 1, Pgs 11, 12).

“Generally speaking, a communication from a debt collector to a debtor is not covered by the FDCPA unless it is made “in connection with the collection of any debt.””

Ruth v. Triumph Partnerships, 577 F.3d 790 (7th Cir. 2009); *Gburek v. Litton Loan Servicing LP*, 614 F.3d 380, 386 (7th Cir. 2010).

“A communication related to debt collection does not become unrelated to debt collection simply because it also relates to the enforcement of a security interest. A “debt” is still a “debt” even if it is secured.”

Reese v. Ellis, Painter, Ratterree & Adams, LLP, 678 F.3d 1211, 1216 (11th Cir. 2012); *Birster v. American Home Mortg. Servicing, Inc.*, No. 11-13574, D. C. Docket No. 9:10-cv-80735-WPD (11th Cir. Jul 18, 2012).

“holding that a letter threatening foreclosure while also offering to discuss “foreclosure alternatives” qualified as a communication related to debt collection activity within the meaning of § 1692e”

Gburek v. Litton Loan Servicing LP, 614 F.3d 380, 386 (7th Cir. 2010);

Reese v. Ellis, Painter, Ratterree & Adams, LLP, 678 F.3d 1211, 1216

(11th Cir. 2012).

The communication from the Ellis Law Firm is definitive, direct and explicit about being a debt collector, obtaining any information for the purpose of collecting debt and directly and explicitly references the Fair Debt Collection Practices Act. However, the communication from the Respondent fails to communicate clearly about being a debt collector and obtaining information for the purpose of collecting debt and indirectly references the Fair Debt Collection Practices Act without any denial that the Fair Debt Collection Practices Act applies to them (Doc 1, Pages 11, 12).

Reese v. Ellis, Painter, Ratterree & Adams, LLP, 678 F.3d 1211, 1216 (11th Cir. 2012), supports that details are sufficient regarding my Fair Debt Collection Practices Act claims 1 – 5, that the Respondent is a debt collector as a hired agent of Freedom Mortgage Corporation and contradicts the basis for an amended complaint (Doc 1 – Pgs 5, 6, 11,

12), making the fact findings of Brian Keith Epps clearly erroneous under Fed. R. Civ. P. 52(a) and supporting violations of Code of Conduct for United States Judges Canons One, 2A, 3A(1), 3A(3), 3A(4), 3A(5) & 3C(1)(a), Georgia Code of Judicial Conduct Canons One, Two and Rules 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.11 (Doc 5, Page 4).

On Monday March 6, 2023 (Doc 6), instead of submitting an amended complaint, I filed a Motion for Reconsideration/Challenge to the Order of February 21, 2023 (Doc 5) by Brian Keith Epps by acknowledging that the details are sufficient regarding my Fair Debt Collection Practices Act claims 1 – 5 (Doc 1 – Pgs 5, 6, 11, 12) and that evidence supported that the Respondent is a debt collector as a hired agent of Freedom Mortgage Corporation (Doc 6). On Wednesday March 8, 2023 (Doc 7), Brian Keith Epps denied my Motion for Reconsideration, challenging Order of February 21, 2023 (Doc 5, Doc 6), stating that in order to apply a motion for reconsideration one of three conditions have to be met,

“. . . there is a need to correct clear error or prevent manifest injustice.” (Doc 7, Pg 1), erring in applying Motion for Reconsideration/Challenge to Order of February 21, 2023 (Doc 5) because “. . . there is a need to

correct clear error or prevent manifest injustice.” *Burger King Corp. v. Ashland Equities, Inc.*, 181 F.Supp.2d 1366 (S.D. Fla. 2002); *Raiford v. Nat'l Hills Exchange, LLC*, 1:11-cv-152 (S.D. Ga. May 17, 2016).

Supporting violations of Code of Conduct for United States Judges Canons One, 2A, 3A(1), 3A(3), 3A(4), 3A(5) & 3C(1)(a), Georgia Code of Judicial Conduct Canons One, Two and Rules 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.11.

In the Order of March 29, 2023 (Doc 11), Brian Keith Epps filed and directed service to all parties a report and recommendations for dismissal of case without prejudice and closure, erring in applying Motion for Reconsideration/Challenge to Order of February 21, 2023 (Doc 5) because “. . . there is a need to correct clear error or prevent manifest injustice.” *Burger King Corp. v. Ashland Equities, Inc.*, 181 F.Supp.2d 1366 (S.D. Fla. 2002); *Raiford v. Nat'l Hills Exchange, LLC*, 1:11-cv-152 (S.D. Ga. May 17, 2016), because *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012), contradicts the basis for an amended complaint by Brian Keith Epps, support that the details are sufficient regarding my Fair Debt

Collection Practices Act claims 1 – 5 and that the Respondent is a debt collector (Doc 1, Pgs 5, 6, 11, 12; Doc 5, Page 4).

On March 29, 2023 (Doc 11), I objected to the Report & Recommendations (Doc 9) by Brian Keith Epps, where I inquired about an explanation for “insufficient details” regarding my FDCPA claims 1 – 5, in the Order of February 21, 2023 (Doc 5, Page 4). In the Order of May 1, 2023 (Doc 13), James Randal Hall claims

“Aside from the missing affidavit, Plaintiff’s motions also fail because they are based solely on his disagreement with the Magistrate Judge’s legal opinion on the sufficiency of his original complaints in each case. He disagrees with the Magistrate Judge’s assessment that his complaints fail to state a claim under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. His objections are unavailing and totally fail to address the basis for dismissal of . . . CV 123-008 where he failed to file an amended complaint.”

(Doc 13, Pages 2, 3). The fact findings of James Randal Hall are clearly erroneous under Fed. R. Civ. P. 52(a), because *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012) contradicts the basis for an amended complaint by Brian Keith Epps, support that the details are sufficient regarding my Fair Debt Collection Practices Act claims 1 – 5 and that the Respondent is a debt collector (Doc 1, Pgs 5, 6, 11, 12; Doc 5, Page 4).

James Randal Hall dismissed the case on May 1, 2023 (Doc 13) without providing an explanation for why the details are insufficient regarding my FDCPA claims 1 – 5, making the evidence insufficient to support the dismissal and supporting violations of Code of Conduct for United States Judges Canons One, 2A, 3A(1), 3A(3), 3A(4), 3A(5) & 3C(1)(a), Georgia Code of Judicial Conduct Canons One, Two and Rules 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.11, 2.15 (Doc 1, Pages 5, 6, 11, 12; Doc 11; Doc 13, Pages 1 – 4).

Reasons for Granting the Petition

Citing *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012), Brian Keith Epps construed the details of the case most favorable to the Respondent, instead of most favorable to the Petitioner. However, *Reese v. Ellis, Painter, Ratterree & Adams, LLP*, 678 F.3d 1211, 1216 (11th Cir. 2012) contradicts the basis for an amended complaint by Brian Keith Epps, supports that the details are sufficient regarding my Fair Debt Collection Practices Act claims and that the Respondent is a debt collector (Doc 1, Pgs 5, 6, 11, 12; Doc 5, Page 4). The basis of request for an amended complaint by Brian Keith Epps is also inconsistent with this Court’s precedent regarding *Heintz v.*

Jenkins, 514 U.S. 291, 294, 115 S.Ct. 1489, 131 L.Ed.2d 395 (1995).

“The Respondent does not argue that it is not a debt collector within the meaning of the FDCPA.” *Berg v. McCalla Raymer Leibert Pierce, LLC*, No. 19 C 5113 (N.D. Ill. Oct. 30, 2019) and *Stewart v. JP Morgan Chase Bank, N.A., et. al.*, 1:18-cv-07584 (N.D. Ill. Nov. 15, 2018), show irrefutably that the Respondent is a debt collector pursuant to 15 U.S.C. § 1692a(6). However, Freedom Mortgage Corporation as a servicer, was falsely represented as a lender by their hired agent, the Respondent, who sent communication while completely disregarding the consumer’s and successors in interest’s right to defer payment of debt, intentionally, knowingly and maliciously engaging in harassing, oppressive & abusive conduct, using false, deceptive & misleading representations and unfair practices while attempting to collect debt, causing invasion of the consumer’s and successors in interest’s privacy. James Randal Hall dismissed the case on May 1, 2023 (Doc 13) without providing an explanation for why the details are insufficient regarding my FDCPA claims (Doc 13, Pages 1 – 4). There was a failure to safeguard the consumer and successors in interest in connection with the utilization of closed-end credit that satisfied a residential mortgage

transaction with a fully paid balance, due to the disregard of the law by the Respondent and inadequacy of procedures utilized by Brian Keith Epps and James Randal Hall. “. . .district judges are not good proxies for the unsophisticated consumer whose interest the statute protects.” *McMillan v. Collection Prof'l Inc.*, 455 F.3d 754, 758 (7th Cir. 2006). Congress found that the extension of consumer credit would enhance economic stabilization, however better procedures are required to redress injuries resulting from the utilization of consumer credit to complement laws currently in place.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: September 25, 2024

James Lamont Taylor

James Lamont Taylor

James Lamont Taylor

Pro Se