

NO. 24-6640

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IN THE
SUPREME COURT OF THE UNITED STATES

_____^_____
JORGE L. QUINTANA, SR.,

Petitioner,
Vs.

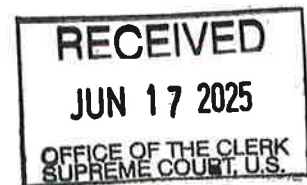
TANYA HOLZHAUS, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES,
AND STEWART TITLE COMPANY,

Respondents.
_____^_____

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE STATE OF TEXAS

_____^_____
RULE 44 - REHEARING
_____^_____

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=====

REASON FOR REARGUE

The Supremacy Clause of the United States Constitution provides that a state court judge cannot violate 11 U.S.C. § 522(c) immunity, which relates to exemptions in bankruptcy proceedings 11 U.S.C. § 522(c), “immunizes” exempt property against any liability for prepetition debts and trustees’ administrative fees, 11 U.S.C. § 522(k), Law v. Siegel, 571 U.S. 415, 134 S. Ct. 1188 (2014). This immunization continues even after the bankruptcy case is closed, Owen v. Owen, 500 U.S. 305, 314 n.6, 111 S. Ct. 1833, 1838 n.6, 114 L. Ed 2d 350 (1991), the practical implication is that such property is forever protected from and adverse party claims or defenses, and is essentially removed from the bankruptcy estate, Lowe v. Reed (In re Reed), 184 B.R. 733 (Bankr. W.D. Tex. 1995), citing, In re Donaldson, 156 B.R. 51, 53 (Bankr. N.D. Cal. 1989), and this protection applies even in state court proceedings.

The denial of the Petitioner's Writ of Certiorari is a clear violation of the laws of the United States and the Constitutional laws of the Citizens of the United States, since the judges of the State of Texas did not deny that they violated the Petitioner's Constitutional Rights and Rights to homestead in the terms of 11 U.S.C. § 522(c) and § 522(k).

The Texas court cannot have a final judgment because the final judgment in this case was granted in the Petitioner's favor on March 7, 2019, by the bankruptcy court for the Western District of Texas Pursuant to 28 U.S.C. § 158(a)(1) and Federal Rule of Bankruptcy Procedure 8002(a)(1) within fourteen [14] days, the losing party needs to file a notice of appeal to the United States Federal District Court or **waive all their rights and defenses forever**, In re Tennial, 978 F. 3d 1022 (6th Cir. 2020)(the appeal deadline to the defendants here was March 21, 2019, and was mandatory), PC Puerto

Rico, LLC v. Empresas Martinez Valentin Corp. (In re Empresas Martinez Valentin Corp.), No. 18-2103 U.S. App. LEXIS 2701 (1st Cir. Jan. 28, 2020), since the defendants here serving evidence that under the terms of In re Brayshaw, 912 F.2d 1255 (10th Cir. 1990); In re Scruggs, 392 F. 3d 124 (5th Cir. 2004) and the bankruptcy court lost its jurisdiction, Matter of Stoulig, 45 F. 3d 957 (5th Cir. 1995), all orders and deed after March 7, 2019, are *void ab initio*.

Pursuant to Law v. Siegel, 571 U.S. 415, 134 S. Ct. 1188 (2014), the United States Supreme Court unanimously ruled that a court exceeded its authority by denying (sold) a debtor's homestead exemption to cover administrative expenses and fees by the trustee 11 U.S.C. § 522(k), even though the debtor engaged in fraudulent conduct. The U.S. Supreme Court held that the Bankruptcy Code's exemption provisions, including those related to homestead, cannot be disregarded, even in the case of debtor misconduct, the U.S. Supreme Court affirmed that once a debtor property claims a homestead exemption under the Bankruptcy Code, it is protected from being seized or altered by the court, In re Castellano, 550 B.R. 214 (Bankr. E.D.N.Y. 2016).

QUESTION PRESENTED

Debtors who file for bankruptcy protection are permitted to claim property exemptions pursuant to 11 U.S.C. § 522. In § 522(a)(2) and (I), Congress delegated to the States virtually complete control over how to strike the appropriate balance between the interests of debtors and the rights of creditors in this arena of property rights. Most states have homestead exemptions that protect home ownership and allow a debtor to keep the exempted homestead. The Supreme Court has held that when a debtor claims a state-created property exemption, the scope of the exemption is determined by state law. Law v. Siegel, 134 S. Ct. 1188 (2014).

The question presented is:

Whether the bankruptcy court has jurisdiction after the bankruptcy court dismissed the trustee's objection to the exemption with a final exemption order as Moot on March 7, 2019, without the trustee's motion or appeal the final order after the expiration of the thirty days prescribed by Bankr. Rule 4003(b)...Matter of Stoulig, 45 F.3d 957 (5th Cir. 1995)?

Whether the bankruptcy trustee, after being final dismissed as Moot, has the right to sell the debtors' exempted real property to impose a "surcharge" to recover his trustees' administrative fees, 11 U.S.C. § 522(k), Law v. Siegel, 134 S. Ct. 1188 (2014)?

Whether the state court has jurisdiction in a final exemption order, Stoulig v. Traina, 169 B.R. 597, 599-600 (E.D.La. 1994), aff'd 45 F.3d 957 (5th Cir. 1995), thus the only federal court ruling left uninfected by mootness is the bankruptcy order dismissing the trustees' objection to the debtors exemption on March 7, 2019 that had become final, non-appealable, and executory, In re Scruggs, 392 F. 3d 124 (5th Cir. 2004)?

LIST OF THE PARTIES

Petitioner:

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RULE 29.6 STATEMENT

The Petitioner is an individual and is not a nongovernmental or private corporation. The Petitioner does not have a parent corporation or share help from a publicly traded company.

ORAL ARGUMENT REQUESTED

The Petitioner requests an oral argument pursuant to United States Supreme Court Rule 44 - Rehearing, since the only mandatory order in this case is the Final Bankruptcy Order Exempting all Property filed on March 7, 2019.

CITATION OF THE OFFICIAL AND UNOFFICIAL REPORTS

Quintana v. Holzhaus
(04-23-00599-CV) S.W.3d, decided March 13, 2024.

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STATEMENT OF THE BASIS FOR JURISDICTION

The basis for the jurisdiction of the United States Court in hearing this case is under Article III, Section II of the United States Constitution to review the decision of the State of Texas Supreme Court that includes a judgment of the Texas State Court ruling in a mandatory final exemption order of the United States Bankruptcy Court for the Western District of Texas that exempt the Petitioner Texas homestead in its entirety.

Article III, § 2, Clause 2 of the United States Constitution, the United States Bankruptcy Codes as 11 U.S.C. § 522(a)(1), § 522(c), § 522(k), § 522(l), the Texas Constitution Article 16 Section 50 establishes and guarantees the right of the homestead and prescribes the nature and extent of the homestead exemption and the statutory Section 41.002 were enacted by the Texas legislature which statutorily sets out the homestead exemption. The decision and order of this court are outlined in Law v. Siegel, 134 S. Ct. 1188 (2014).

CONSTITUTIONAL PROVISIONS

Article III, Section I of the United States states, "The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may occasionally ordain and establish." The United States Constitution establishes the United States Supreme Court, it permits Congress to decide how to organize it. The trustee was dismissed as moot on March 7, 2019, and never appealed the exemption final order. The only mandate in this case is the final bankruptcy order of the bankruptcy court filed on March 7, 2019, and reversed by the United States Supreme Court, which is mandatory since the State of Texas never had jurisdiction over the Plaintiff's exemption, Law v. Siegel, 134 S. Ct. 1188 (2014), In re Scruggs, 392 F. 3d 124 (5th Cir. 2004)(providing that any orders after the final order of March 7, 2019), are *void ab initio*, and that including the fraudulent deed of the Plaintiff homestead and that included the denial of this United States Supreme Court.

**THE BANKRUPTCY FINAL ORDER DISMISSING THE TRUSTEE'S
OBJECTION TO THE PLAINTIFF'S EXEMPTION IS A FEDERAL
MANDATE THAT PROHIBITS THIS STATE COURT FROM
CONTRADICTING THE ORDER**

It is well settled in this case that the bankruptcy court filed on March 7, 2019, a final order/decision dismissing the trustees' objection to the Plaintiff's exemption as *Moot*, *In re Brayshaw*, 912 F.2d 1255 (10th Cir. 1990); *In re Scruggs*, 392 F. 3d 124 (5th Cir. 2004) and the bankruptcy court lost its jurisdiction, *Matter of Stoulig*, 45 F. 3d 957 (5th Cir. 1995).

Matter of Kazi, 985 F.2d 318 (7th Cir. 1993), applied *Taylor v. Freeland & Kronz*, 503 U.S. 638, 643 (1992), emphasizing finality to an issue similar to the one before this Court, 985 F.2d at 323. Relying on "the principles of finality expressed in *Taylor's*, the court in *Kazi* found that "[t]hat even the filing of an amended schedule does not reopen the time to object to the original debtor exemptions order." *In re Boyd*, 243 B.R. 756 (N.D. Cal. 2000).

**THE DEFENDANTS HERE FAIL TO OBJECT TO THE PLAINTIFF'S
BANKRUPTCY EXEMPTION MARCH 7, 2019, BANKRUPTCY ORDER IS
UNTIMELY SINCE TIMELINESS IS CRUCIAL IN TERMS OF THE FEDERAL
RULE OF BANKRUPTCY PROCEDURE 4003(b)**

Timeliness is crucial, the 30-day period is strict, and the filing of an objection after the deadline that is **March 1, 2019**, is generally deemed untimely and void without merit, *In re Masingale*, 644 B.R. 530 (9th Cir. BAP 2022)(provides that the lack of a timely objection to the exemptions barred any challenge to the exemption as well vacate and void the jurisdiction of any court, *Matter of Stoulig*, 45 F. 3d 957 (5th Cir. 1995)...Plaintiff is and still the owner of his homestead located at 221 County Road 5720, Castroville, Texas, and in review of the

defendants' state motion to dismiss filed untimely after the exemption, shows no records that the defendants filed an objection to the Petitioner and his family exemption before March 1, 2019...this court has no jurisdiction to entertain defendants' Texas state motions that mandate void since March 2019.

As Masingale makes clear, the deadline to object to exemptions is a hard and unforgiving one - especially for trustees in converted cases who, for reasons of the Bankruptcy Rule 4003(b), the opportunity to object to debtors exemption claim, failing to bring a timely objection to an exemption claimed - or even ambiguous - objection result in a significant loss for the trustee and interested parties that should scrutinize a debtor's schedule of exemptions (Schedule C) and bring a timely objection if there is any question about whether a scheduled exemption amount is within the applicable statutory limit or is otherwise appropriate.

The exemption claim and objection expired 30 days after the conclusion of the Chapter 13 meeting of creditors back in March 2019. The fact that the trustee had no opportunity to object or appeal when the case converted to Chapter 7, and Bankruptcy Rule 1019(2)(B)(i) barred him from objecting post-conversion, did not change the result, In re Trujillo, 485 B.R. 238, 245 (Bankr. D. Colo, 2012)("once a debtor claims an exemption in the property, and the deadline passes for lodging an objection to the exemption, the objection is lodged but overruled, the exemption becomes final and the property ceases to be 'property of the bankruptcy estate.' It then reverts to its pre-bankruptcy status as "property of the debtor.")

**THE CONVERSION OF CHAPTER 13 TO CHAPTER 7 BANKRUPTCY DOES
NOT PROVIDE A NEW PERIOD FOR THE CHAPTER 7 TO OBJECT TO THE
DEBTORS FINAL ORDER OF ALLOWED
EXEMPTION FAILS HERE**

Pursuant to *In re Gregory*, BK No. 03-33321 (Bankr. S.D. Ill. June 8, 2005), the conversion of the Chapter 13 case to a Chapter 7 did not provide a new period for the Chapter 7 trustee, and any other party from objecting post-conversion, since the exemption order is a final and non-appealable order that deny all trustees' objection to all property ordered exempt by the final order as here the March 7, 2019 exemption order since all debtors properties become exempted by the terms of 11 U.S.C. § 522(l) of the United States Code, and Federal Rule of Bankruptcy Procedure 4003(b). It is well settled that the Plaintiff's homestead has been exempt since March 7, 2019, and the trustee sold property not owned by him and by the bankruptcy estate, and that is a crime in the State of Texas that this court needs to intervene in. This is explained more, *In re Gamble*, 168 F.3d 442 (11th Cir. 1999), mandating the returning of all Plaintiff's and his family's bankruptcy-exempt real property. In the terms of *Gamble*, requiring the return of the Petitioner's homestead immediately provides that the decision from the State of Texas Supreme Court mandates reversal.

THE BANKRUPTCY CLAUSE OF THE UNITED STATES CONSTITUTION

The final and mandamus order here is the Bankruptcy Order of Dismissing the Trustee's Objection to Exemption filed by the United States Bankruptcy Court for the Western District of Texas on March 7, 2019, and never appealed. *In re Brayshaw*, 912 F.2d 1255 (10th Cir. 1990); *In re Scruggs*, 392 F. 3d 124 (5th Cir. 2004), and the bankruptcy court lost its jurisdiction, *Matter of Stoulig*, 45 F. 3d 957 (5th Cir. 1995), and the Texas State Court violate the bankruptcy mandamus.

The Bankruptcy Clause of the United States Constitution gives Congress the power “[t]o establish . . . uniform Laws of the subject of Bankruptcies throughout the United States. . .” United States Constitution, art 1, CL. 8. “Under the Supremacy Clause of the Constitution, state and local laws that conflict with federal law are ‘without effect.’” New York SMSA Ltd. P’ship v. Town of Clarkstown, 612 F.3d 97, 103-04 (2d Cir. 2010)(citing Altria Group Inc. v. Good, 555 U.S. 70 (2008), providing the Texas order “without effect” and making nullity the denial of this U.S. Supreme Court, Altria Group Inc. at 543.

CONCLUSION

For the reasons stated above and for the reason, and because the Texas Supreme Court cannot revoke the Petitioner Exempt real property and the Homestead immunity under the terms of 11 U.S.C. § 522(c) and § 522(k) set forth by this United States Supreme Court in Law v. Siegel, 571 U.S. 415, 134, S. Ct. 1188 (2014), the decision of the Texas Supreme Court should be reversed.

Respectfully submitted:

By: 

/s/ Jorge L. Quintana, Sr.

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**CERTIFICATE OF SUBSTANTIAL GROUND
NOT PREVIOUSLY PRESENTED**

Petitioner, Jorge L. Quintana, Sr., certifies that stating that the grounds are limited to intervening circumstances of substantial or controlling effect as to other substantial grounds not previously presented under United States Constitution, art 1, CL. 8. "Under the Supremacy Clause of the Constitution, state and local laws that conflict with federal law are 'without effect.'" making the appeal order of the State of Texas courts without effect under the United States Supremacy Clause of the Constitution.

CERTIFICATE OF GOOD FAITH


Petitioner, Jorge L. Quintana, Sr., certifies that this petition for rehearing is presented in good faith and not for delay.

CERTIFICATE OF SERVICE

Petitioner, Jorge L. Quintana, Sr., do swear and affirm under penalty of perjury that on this 13th day of June, 2025, as required by Supreme Court Rule 29, served by the exclusive custody and care of the United States Postal Service the annexed (i) Petitioner Rule 44 Rehearing to the attorneys for the respondents, by depositing an envelope seal and address to:

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Respectfully submitted,

BY: 
/s/ Jorge L. Quintana, Sr.