

ORIGINAL

No. _____

24-7325

FILED

MAR 24 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Tracie L. Green — PETITIONER

vs.

US Bank National et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI
BEFORE JUDGEMENT UNDER RULE 11

TO

United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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IN THE
SUPREME COURT OF THE UNITED STATES

Plaintiff, George - DEFENDANT

28

US Bank National City - PLAINTIFF(S)

ON PETITION FOR A Writ OF CERTIORARI
BY ORIGINAL JUDGEMENT UNDER RULE
10

Plaintiff, George - DEFENDANT

PETITION FOR A Writ OF CERTIORARI

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QUESTION(S) PRESENTED

Stated Issue: Invoking Rule 11, the facts will show that U.S. Bank National, with the assistance of accomplices, orchestrated and executed a plan to steal property under the guise of foreclosure.

The question presented is:

1. Are the elements of fraud satisfied in this foreclosure case (specifically, was and is there a scheme to defraud, intent to defraud, a material false statement(s), reliance by victim on those statement(s), and resulting damages)?

LIST OF PARTIES

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- John Doe
- Jane Doe

RELATED CASES

US Bank National Association v Tracie Green. No 25-1169. US Court of Appeals for the Fourth Circuit, Final Judgment pending.

US Bank National Association v Tracie Green. No 3:22-cv-04215-SAL. US District Court of the District of South Carolina. Final Judgment entered February 18, 2025.

US Bank National Association v Tracie Green. No 2022CP3200784. Lexington County
Courthouse. Final Judgment Pending.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	25
CONCLUSION.....	32

INDEX TO APPENDICES

APPENDIX A Documents Related to Supreme Court of the United States

- i. December 6, 2024, Letter from the Court
- ii. January 2, 2025, Letter from the Court
 - a. April 4, 2024, Letter from the Court
 - b. June 13, 2024, Letter from the Court
- iii. February 4, 2025, Letter from the Court
- iv. March 18, 2025, Letter from the Court

APPENDIX B Document Related to US Court of Appeals for the Fourth Circuit

- i. February 21, 2025, Informal Brief Schedule
- ii. March 11, 2025, Order granting Informa pauperis

APPENDIX C Decision of US District Court for South Carolina

- i. February 11, 2025, Motion for Stay Pending Appeal
- ii. February 18, 2025, Order denying removal, stay and preliminary injunction; and revoking Informa pauperis status

APPENDIX D Decision of SC Court of Appeals

- i. February 2, 2025 Notice of Appeal with Stay Judgement for Sale or Delivery of Land
- ii. February 2, 2025 Payment for Appeal
- iii. March 18, 2025 Order of Dismissal

APPENDIX E Document Related to Lexington County Courthouse

- i. November 14, 2024 Order for Foreclosure
- ii. January 29, 2025 Order Denying Vacate of Judgment

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Kemp v United States. No 21-5726	27
STATUTES AND RULES	
Constitution, Fourteenth Amendment, Section 1	2, 28, 31
28 U. S. C. § 1254(1)	2, 3, 31
Title VI Civil Rights Act of 1964	28, 31
Federal Rule Of Civil Procedure Rule 60,	27, 31
Supreme Cour of the United States Rule 11	4, 31

CASES	Document ID #, Date of Document, Description of Document, and Page Number
OTHER	Document ID #, Date of Document, Description of Document, and Page Number
U.S Department of Housing and Urban Development Public Release Notice	Document ID #, Date of Document, Description of Document, and Page Number
21-115, dated July 23, 2021, entitled "Federal Housing Administration	Document ID #, Date of Document, Description of Document, and Page Number
Announces Additional COVID-19 Recovery Options for Homeowners	Document ID #, Date of Document, Description of Document, and Page Number
U.S Department of Housing and Urban Development (Washington, DC)	Document ID #, Date of Document, Description of Document, and Page Number
April 11, 2022 Letter	Document ID #, Date of Document, Description of Document, and Page Number
May 18, 2022 Order of Dismissal	Document ID #, Date of Document, Description of Document, and Page Number
November 14, 2022 Order for Location of Judgment	Document ID #, Date of Document, Description of Document, and Page Number
January 28, 2023 Order Denying Motion for Judgment	Document ID #, Date of Document, Description of Document, and Page Number

THERAPY OF AUTONERGIC DISEASE

PAGE NUMBER	CASE
23	Ketap a United States, No 31-2730
	STATUTS AND RULES
2, 58, 31	Constitution, Government Amendment Section 1
2, 3, 31	28 U.S.C. § 1224(1)
38, 31	Title VI Civil Rights Act of 1964
22, 31	Federal Rule Of Civil Procedure Rule 60
4, 31	Supreme Court Of The United States Rule 11

IN THE COURT OF APPEALS OF SOUTH CAROLINA

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

Federal Court

The opinion of the United States Court of Appeals is pending.

The opinion of the United States District Court of South Carolina appears at

Appendix B and publishing is unknown.

State Court

The opinion of the SC Court of Appeals appears at Appendix C and publishing is unknown.

The final opinion of Lexington County Courthouse is pending. Initial opinions appears at Appendix D and publishing is unknown.

JURISDICTION

Federal courts:

The date is pending on which the United States Court of Appeals will decide on this case.

The jurisdiction of this Court is expressly invoked under Rule 11 and 28 U.S.C. § 1254(1).

The date on which the United States District Court of South Carolina decided this case was February 18, 2025. A copy of that decision appears at Appendix B. The jurisdiction of this Court is expressly invoked under Rule 11 and 28 U. S. C. § 1254(1).

State courts:

The date on which the South Carolina Court of Appeals decided this case was March 18, 2025. A copy of that decision appears at Appendix C. The jurisdiction of this Court is expressly invoked under Rule 11 and 28 U. S. C. § 1254(1).

The dates on which the Lexington County Courthouse issued initial decisions on this case were November 14, 2024 and January 29, 2025; transfer to Federal Jurisdiction is in process.

See Appendix D. The jurisdiction of the Court is expressly invoked under Rule 11 and 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitution, Fourteenth Amendment, Section 1:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

Federal Rule of Civil Procedure 60:

(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 the judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(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 judgement is void; (5) the judgement 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 (any other reason that justifies relief.

(c) *Timing and Effect of the Motion.* (1) *Timing.* A motion under Rule 60 (b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(d) *Other Powers to Grant Relief.* This rule does not limit a court's power to: (1) entertain an independent action to relieve a party from a judgment, order, or proceeding; (3) set aside a judgment for fraud on the court.

Title VII Civil Rights Act of 1964:

“...Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.”

As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate funding termination proceedings or refer the matter to the Department of Justice for appropriate legal action... Title VI inhibits intentional discrimination...”

Department of Justice

U.S Department of Housing and Urban Development (Washington, DC) [April 11, 2022 Letter]

FHA requires your mortgage servicer to review your situation, determine which assistance option you are eligible for, and then help you to complete the option.

HUD 21-115, dated July 23, 2021, Public Release Notice entitled “Federal Housing

Administration Announces Additional COVID-19 Recovery Options for Homeowners:

For homeowners who can resume making their existing monthly mortgage payments, FHA has revised a COVID-19 Recovery Standalone Partial Claim... COVID-19 Recovery Modification, for homeowners who cannot resume making their current monthly mortgage payments... The COVID-19 Pre-foreclosure Sale, for homeowners who, after all retention options are exhausted are unable to keep their home... The

COVID-19 Deed-in-Lieu of Foreclosure for homeowners who are unable to keep their home after all retention options are exhausted, and who are unable to complete a pre-foreclosure sale; the homeowner voluntarily offers the deed to HUD in exchange for release from all obligations under the mortgage.

STATEMENT OF THE CASE

This petition invokes Rule 11 with oral argument requested. This Petitioner respectfully moves the Court to grant writ of certiorari before judgement from US Court of Appeals for the 4th Circuit—before a full member Court and grant an immediate stay of all activity in lower courts, including auction/sale of the property in dispute. [In fairness to Respondent, this petitioner requests Chief Justice Roberts to excuse himself due to petitioner's direct communication with him prior to submission of this petition.]

As indicated in the Petitioner's February 7, 2025 Notice of Removal submitted to the District Court of South Carolina:

Tracie L. Green, as a ProSe Defendant, hereby removes this case from the South Carolina Court of Appeals to the United States District Court for the District of South Carolina, pursuant to 28 U.S.C. Codes, 1446, 1332 and FRCP 60.

1. The pending action is styled 'US Bank National Association v. Tracie L. Green; Cardinal Pines Homeowners' Association, Inc; Palmetto Citizens Federal Credit Union, Case#2022CP3200784, on appeal—from the State of South Carolina County of Lexington Court of Common Pleas, located at 205 East Main Street, Lexington, South Carolina 29072—before the South Carolina Court of Appeals, located at 1220 Senate Street, Columbia, South Carolina. A true and correct copy of the summons, complaint, and CARES ACT certification are attached as Appendix A.
2. As explained below, this Court has original subject matter jurisdiction over this civil action because the case involves important federal questions since the complaint charges Tracie L. Green breached a mortgage contract causing a deficiency; and the charges involve alleged federal and state law violations that have a federal preemption defense. In addition, diversity of citizenship is a factor, as Tracie is a resident of the state of New York. Moreover, co-defendants Cardinal Pines Homeowners' Association, Inc and Palmetto Citizens Federal Credit Union have never contested requests to transfer to Federal jurisdiction.
3. This case appears to be unique in nature, as multi-level fraud appears to be at work. As explained below, removal is required.
4. This removal is timely, since it is filed within 30 days of the January 29, 2025, order

denying Defendants motion to vacate judgement and within 10 days—of January 30, 2025, the date in which this Defendant was notified of the said order—to file an appeal.

II. VENUE IS PROPRER IN THE DISTRICT OF SOUTH CAROLINA

III. Under 28 U.S.C. 121, the United States District Court for the District of South Carolina is the proper venue for removal under 28 U.S.C. 1446 because the District of South Carolina encompasses Lexington and Richland Counties, where this state action is currently pending.

IV. BACKGROUND

5. Though the Defense appeals the entirety of the January 29, 2025 Order Denying Motion to Vacate, the Court stated the following:

Rule 60, SCRCR provides typical motion to vacate fact and legal patterns. Fraud, mistake, Inadvertence or excusable neglect are reasons to grant, as is lack of subject matter jurisdiction. The court note that "Relief is granted for extrinsic fraud because it prevents full litigation of the case. Intrinsic fraud does not invalidate the judgement because that type of deception should have been discovered during the litigation itself...The fraud must be established by clear and convincing evidence and the movant must also show a meritorious defense. South Carolina Rules of Civil Procedure Second Edition by Professor James E. Flanagan University of South Carolina School of Law, Page 486. (1996).

Thereby, the Defense will focus on the fraudulent activity, though the Defense remains in stark objection to the entirety of both the November 14, 2024 Summary Judgement Order for the Plaintiff and the January 29, 2025 Order Denying Motion to Vacate (see Appendix B). The Defense has already detailed its objection to the Summary Judgement order in the documents recently returned to the Supreme Court of the United States after this Defendant noted what appeared to be additional fraudulent activity. A response is pending.

Extrinsic and Intrinsic Fraud

6. The foreclosure complaint is against this Defendants home, located at 123 Cardinal Pines Drive, Lexington, South Carolina 29073. According to the April 11, 2022 Letter from U.S Department of Housing and Urban Development/Federal Housing Administration (HUD/FHA), US Bank National Association was responsible for reviewing this Defendant's financial situation, determininng the appropriate assistance option, and assisting this Defendant in completing the selected option. US Bank National Association failed to comply with the latter two steps.
7. On October 6, 2021, a pleasant US Bank National representative abruptly hung up on this Defendant during the recorded conversation. Then, after receiving notice of a Partial Claim Approval, this Defendant sent an email to US Bank National Association on October 24, 2021 requesting more information and inquiring about being hung up on when recorded conversations had previously occurred. US Bank National did not respond; again, failing to comply with HUD/FHA guidelines by not providing the requested assistance.
8. After conducting self-initiated research into Partial Claims Approval, this Defendant uncovered US Bank National error as this Defendant indeed did not qualify for the COVID-19 Recovery Standalone Partial Claim, as she was unable to resume making current monthly mortgage payments as specified in HUD 21-115, dated July 23,

10. In 2021, Public Release Notice entitled "Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners." Enlightened, this Defendant emailed US Bank National Association on November 9, 2021, requesting a COVID-19 Loan Modification. US Bank National Association responded with a request for this Defendant to submit a new Mortgage Assistance Application.

11. This Defendant received another packet from US Bank, dated November 12, 2021 regarding continuation of the Partial Claim with around \$894 due December 1, 2021. On December 6, 2021, after receiving notifications that taxes and insurance had been paid but no response to the request for a loan modification, this Defendant sent a follow-up email to US Bank National Association requesting a loan modification as per FHA guidelines again.

12. On February 14 and February 15, 2022, this Defendant requested clarification of the need to submit another application; requesting again COVID-19 loan modification due to not qualifying for the partial claim as outlined by the HUD/FHA. Again, US Bank National Association did not respond.

13. Around February 18, 2022, this Defendant contacted HUD/FHA, to assist in conflict resolution, also informing them of the following unusual circumstances surrounding communications with US Bank National Association:

- October 24, 2021—a pleasant US bank representative abruptly hangs up because the call was being recorded (even though notified of the recording at the initiation of the call).

- December 7, 2021—a certified default letter from US Bank National Association, (dated December 3, 2021), giving this Defendant until January 2, 2022 to pay over \$17,000 with the remnants of a removed return receipt was retrieved from the mailbox. Then on December 28, 2021, receiving a letter from US Bank National Association, extending the date I needed to pay a total of \$17,372.34 from January 2, 2022 to January 23, 2022.

- December 30, 2021—Retrieved from the mailbox a notice of certified mail from US Bank National Association: "12/29/21 Sorry we missed you while you were out" notice. Though this Defendant does not recall anyone coming to the door on the said date. A trip to the Post Office later revealed the mail to be a certified copy of the December 28, 2021 letter referenced above.

14. A case was opened (#461-5967115/Ticket #CAS-9985611). However, US Bank National proceeded to file the Summons for Foreclosure with the State of South Carolina County of Lexington Court of Common Pleas on March 4, 2022. The HUD/FHA case was closed due to the HUD/FHA inability to get involved in a legal dispute.

15. Despite being informed of erroneous information in the November 14, 2025 Judgment Order, Lexington County Courthouse persists in publicizing the errors, which continues to defame this Defendant's character. The errors are:

16. Attorney Appointment and Guardian Ad Litem appointment. This Defendant's November 15, 2024 response reads:

Be it known, I never requested an attorney be provided for me; I ask again for the erroneous statement regarding the guardian ad litem to be corrected, please. Here again is the filed copy of USBank's demand that I file for the guardian ad litem...[was

[included in the summons and complaint]

Yet the errors remain available for public viewing. This is fraud.

15. As detailed in the January 31, 2025 Amended complaint filed with the US Court of Appeals, the Defendant's non-inclusive list of issues are as follows (with associated documents submitted for filing listed; NOTE: During the virtual Motion to Vacate hearing, the Defense was banned and sternly warned not to repeat topics already verbalized, thus repetitive items are not listed. However, the below occurrences were REPETITIVE in nature, of which the Court failed to adequately and appropriately address despite MULTIPLE requests from this Defendant):

1 22 25 CD3. PDF, CEASE AND DESIST No. 3 [UPDATED Criminal Complaint, Charges Requested with Certificate of Service] (4 pages)

- 1. Discrimination, made to provide court reporter though *informa pauperis* status.*
- 2. Fraud, missing/ altered documents; printing e-filed documents.*
- 3. Fraud, suspected association to Federal Case 3:20cv00054 BJDPDB.*

1 14 25 Response.pdf, DEFENDANT'S REBUTTAL, Motion for Dismissal with Prejudice and Certificate of Service (75 pages)

- 4. Fraud, Plaintiff did not provide Defense with copy of PLANTIFF'S OBJECTION TO THE DEFENDANT'S MOTION TO VACATE JUDGEMENT, FILED JANUARY 13, 2025 1251PM*
- 5. Fraud, Supreme Court jurisdiction active February 2023 -August 19, 2024. (detailed below)*
- 6. Fraud, blatant illegal, unlawful activity ignored. (detailed below)*
- 7. Fraud, concurrent jurisdiction proper procedure violated as per 15 U.S. Code 3612 and 45 U.S. Code 56. (detailed below)*
- 8. Fraud, court activity ceased while case at District Court and Court of appeals; inconsistent with activity that occurred while at Supreme Court of the United States.*

[11 3 24 Defendants' Proposed Order, entitled MASTER'S ORDER AND JUDGEMENT FOR DEFENDANT, (8 pages) based on SC Code 15-36-10 was rejected by Judge Spence]

- 9. Fraud, US Bank National intentionally offered COVID-19 Recover Standalone Partial Claim instead of COVID-19 Loan Modification as per July 23, 2021, HUD 21-115 Public Release Notice Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners. US Bank National ignored Defendants' multiple notices of the same.*
- 10. Fraud, lawsuit is malicious in intent, filed 14 days after Defense contacted FHA/HUD to assist in conflict resolution.*
- 11. Fraud, 7/13/22 Motion to Change Venue to Federal Jurisdiction; 8/22/22 allegations of perjury, mockery of judicial process, state law, and federal law; intentional non-adherence to federal guidelines; predatory lending; targeting/malicious intent; federal tampering never addressed by Court/Judge Spence.*

12. Multiple Frauds* [“First Summary Judgement Attempt” (just 5 months after filing foreclosure lawsuit):

- a. * 8/3/22, Defendant received US Bank National’s certified Notice of Home Acquisition in 60 to 90 days, dated July 28, 2022.
- b. 8/3/22, Defendant submitted concern in filing Response to U.S. Bank National Certified Mail Letters, Dated July 28, 2022 (1 page).
- c. *8/20/22, Defendant received a Notice of Foreclosure Hearing before Judge Spence for 9/13/22, with the said notice being filed 2 days earlier (on August 18, 2022).
- d. 8/22/22, Defendant submitted 95-page “Notice of Home Acquisition” detailing unlawful activity.
- e. * 9/1/22, Clerk of Court filed Defendant’s 8/22/22 document (10 days after submitted). On same day, US Bank National via Attorney Kay filed a NOTARIZED Attorney Affidavit of Fees stating “A hearing was held by the Master, who requires an order to be proposed by Plaintiff Counsel.” DEFENDANT WAS NEVER NOTIFIED OF THIS HEARING AND NEVER RECEIVED PLAINTIFF PROPOSED ORDER, but did receive Plaintiff’s 7/28/22 Notice of Pending Acquisition earlier. This indicates said meeting likely occurred in July 2022, without Defense knowledge or lawful participation.
- f. * 9/13/22 Foreclosure Hearing cancelled, Status Conference held in its place.
- g. *Less than 48 hours later, 9/14/22 1043pm, Judge McLeod struck case from active roster, causing direct conflict with Judge Spence directives.
 - i. Order for dismissal if not restored to active roster in 180 days due to non-compliance.
- h. *Case restored to active docket February 2, 2024 (past the 180-day timeframe), with the Order restoring to active roster being dated February 28, 2023.
- i. After Defense raised concern, the following occurred:
 - i. * 2/25/24, Clerk of Court removed all documents indexed online (i.e. not downloadable).
 - ii. *Clerk of Court changed name of Defendant’s indexed documents to
 - iii. generic labeling, while name of Plaintiff’s documents remained unchanged with detailed labeling.
 - iv. *Court ignored Defendants’ 3/15/24 Motion to Dismiss with Prejudice due to Judge McLeod’s order and simultaneous, concurrency with Federal jurisdictional proceedings. Motion hearing’s were not held for Defense motions, only Plaintiff’s initiated motions, as 1/24/25 Motion hearing is the second hearing Defendant is aware of since the 3/4/22 filing of this case.
- j. *Referral to Master-In-Equity Judge Spence occurred with agreement between Plaintiff and Clerk of Court Mona Huggins. Defense never

*consented to case transfer. *Court never addressed this concern, though requested by Defense.*

14. *Fraud, Clerk of Court filed Defendant's Motion to Move to Inactive Roster, dated 2/6/24, six days later, on 2/12/24; whereas Plaintiff's Motion for Summary Judgement was filed and indexed on 2/7/24.*
15. *Fraud, Judge Spence reminded of pending Federal proceedings (RICO case, Supreme Court Notice of Removal); Plaintiff breeching FHA/HUD COVID-19 guidelines, multiple "Summary Judgement" attempts; partial treatment with Clerk of Court (missing documents; altered documents; electronically filed documents not electronically filed).*
16. *Fraud, 1 14 25 Defendants Motion for Dismissal with prejudice ignored by Court.*
[11 18 24 Response email correspondence, entitled Notice to Cease and Desist/Motion to Reconsider [detailing errors noted in Judge Spence 11 14 24 Judgement Order for Foreclosure], requesting correction ignored.
17. *Multiple Frauds*, Judge Spence Judgement Order document continued to be profiled publicly until January 24, 2025, despite Defendant's notifications.*
 - a. **Page 2 of Judge Spence Judgement Order states Defendant failed to show up for Summary Judgment Hearing, but fails to mention Defense present via phone(even speaking with Judge Spence directly) due to Court refusal to acknowledge the notice of restraining order issued by Defense, limiting ability to be in person because of safety concerns.*
 - i. *Defendant details barring by Judge Spence in the Notice to Cease and Desist/Motion to Reconsider document, though Defense still attempted to attend due to Judge Spence not honoring the notice of restraining order.*
 - ii. **Court ignores and fails to intervene in Defense report of persistent filing issues with Clerk of Court, fraudulently filed Summary Judgement by Plaintiff, mail fraud concerns, motion to reconsider judgement. Motion hearing was not scheduled.*

[1 6 25 CEASE AND DESIST No. 2 [Criminal Complaint, Charges Requested with Certificate of Service]

18. *Fraud, details Judge Spence operating on case actively being evaluated by Federal court despite repeated notifications from Defense (as discussed above)*
19. *Fraud, details Judge Spence 3/29/24 permitting Zoom attendance to Summary Judgement Hearing then changing his mind, knowing it would bar Defendant's attendance, due to out-of-state residency, safety concerns, and financial limitation.*
 - a. *Fraud, this was doubled as Judge Spence stated all outstanding motions would be heard. Thus, Judge Spence knowing majority of the motions were Defendant-derived, gives rise to possible reason Defendant was barred from 6.21.24 Summary Judgement Hearing by Judge Spence.*

20. Fraud, court documents do not indicate that anyone, including Judge Spence, ever contacted law enforcement given the multiple reports of targeting, criminal activity, and harm reported by the Defense.
21. Fraud, Defense request for Judge Spence to assist in getting June 14, 2024 submitted document filed and indexed online by Clerk of Court never addressed to Defense's knowledge.

In Summary, Pursuant to SC Code Title 14 Chapter 11 and Rule 60 of the SC Rules of Civil Procedure, the Court erred by not vacating the November 14, 2024, judgement for foreclosure with prejudice due to fraud, misrepresentation or other misconduct of listed and unlisted adverse parties in this case as detailed above.

Communication with the Court on January 30, 2025 at 5:56am

Good Morning:

1. Judge Spence, have you ruled yet? I have not been notified however, I notice US Bank filed a Master Order 1.29 25 1636, which appears to indicate your judgement remains with the Plaintiff?

PLEASE PROFILE JUDGE SPENCE RULING ONLINE.

2. Public Index shows multiple filings but NO documents are indexed. I repeat, **ALL DOCUMENTS HAVE BEEN REMOVED.**

<https://publicindex.sccourts.org/lexington/publicindex/filings>

CLERK OF COURT, PLEASE RETURN ALL DOCUMENTS ONLINE.

Judge Spence's 13-page order for the Plaintiff (denying Motion to Vacate Judgement for foreclosure), was delivered via email at 1131am with a confidentiality clause instead of being indexed online as previous orders, despite this order being in response to a public hearing. A Request for Production is being issued.

16. The Defense stance is that the Court very well could have permitted this Defendants attendance to the Summary Judgement Hearing on June 21, 2024 but declined to (again, directly contradicting what the Court had already granted in March 2024). This is fraud.
17. The Clerks Office, responded that all documents were online, this Defense stands by its repetitive statements of documents either not being filed, delay-filed, or being removed from the public index online, as is also notated in federally-filed documents; yet, the fraudulent activity persisted and is the only reason Plaintiff was able to file Summary Judgement on February 7, 2024. Whereas Plaintiff Motion to Move to an Inactive Roster, originally filed on February 6, 2024 was not filed and indexed online until February 12, 2024. All of this the Court was made aware of on multiple occasions, yet this case remained active.
18. In respectful objection of order denying the motion to vacate, the court reports that only this Defendant and Attorney John Kay were present. This is an error, as

Plaintiff Attorney Gregory Wooten, and Defendant supporters Donna Washington Farmer and Ms. Givins were in attendance. This can be corroborated with the court transcript, however; fraud also plagues this process as follows:

- *Defense being mandated to provide a court reporter until presenting the court with a notarized order acknowledging the Defense's *informa pauperis* status. It is important to note here that the Defense was in objection the Hearing on the Motion to Vacate Judgement due to the severity of fraudulent activity and communication with the Supreme Court of the United States being incomplete, which still persists. Yet, Lexington County Courthouse persisted in state court activity anyway. As with the Plaintiff ignoring Defendant's requests, Lexington County Courthouse has ignored Defendant-issued Cease and Desist notices, particularly in the Summary Judgement order, ultimately defaming the Defense's character and persisting in displaying the errors in its public index online and daring to restate the errors in the order denying Motion to Vacate. There errors are as follows:*
- *Here are email correspondences between the Defense and the Garber Court Reporting Agency on January 26, 2025 and January 28, 2025:*

1.26.25

Dear Garber Reporting,

1. *Please advise on all transcript details and costs for Case #2022CP3200784 Lexington Courthouse Common Pleas.*
2. *Below is a prior related contact, dated July 22, 2024. No response was received.*

[end]

1.28.25

Good Morning Mr. Greathouse,

Your 1.27.25 929am response was received and is summarized as follows:

1. *Garber Reporting did not receive my July 2024 communication.*
2. *Two hearing transcripts exist--*
 - a. *6.21.24, \$347.16 (digital copy)*
 - b. *1.24.25, completion pending.*

In response:

1. *How many pages is the 6.21.24 transcript? Time duration?*
2. *When will the 1.24.25 transcript be completed? Cost?...*

[end]

1.28.25 (Second Email)

Mr. Greathouse,

Thank you, Sir; I received your 936am correspondence. So what I understand is this:

1. *The 6.21.24 transcript is 98 pages long, plus 8 exhibits, lasting over 2 hours. The reporters appearance fee has been paid and was EXcluded from the \$347.16 quoted price.*

1.24.25 transcript turnaround time is standardly 20 business days (approximate ready date 2/21/25). However, that you are aware of the attorney who scheduled the reporter has not decided if he wants a transcribed copy. Thus, the "ready date" time clock does not start until you receive a request for transcription. IF the scheduling attorney declines transcription, then I may request transcription, at an increased cost, including but not limited to paying for the "sealed original" transcript that would be provided to the Court. Please correct me if I am wrong.

My response:

1. How much is the total cost for the 1.24.25 transcript, if the scheduling attorney declines transcription, everything included?
2. What is the procedure if corrections are required/requested?
3. What is the procedure for criminal cases?

[end]

1 28 25 (Third Email)

Mr. Greenhouse,

Please forgive the detailed questions, Sir, as I am just trying to get a clear picture of the process and costs. I received your 240pm email; here is what I understand (again, feel free to correct me where I am wrong):

1. The exact cost of the 1 24 25 transcript is unknown. As per estimates, 115 pages may range between \$450 to \$800.
2. A Errata sheet can be attached to the transcript for items requested to be corrected, though not usual for hearings. The Errata sheet will then be shared with all parties, but are not actually corrected in the transcript.

My response to your request for clarification of my question regarding criminal cases: What I am requesting is the procedure to obtain transcripts the same for criminal cases?

Thank you, Mr. Greenhouse, for your quick response and patience with the successive emails.

The Defense stance is the details provided by communication with the Garber Court reporter agency was not provided by the Plaintiff or the court, as the Defense made it clear of its inability to pay any legal fees. Now that the transcript has been taken, the Defense is obligated to request and pay for a transcript, given the level of fraudulent activity.

19. In summary, multi-faceted extrinsic and intrinsic fraud is clearly evident. Foremost, US Bank National certifying that it had complied with federal COVID-19 guidelines when in fact it had not, raises deliberate, malicious intent, as evidenced by Defense's multiple requests for assistance and explanation of partial claim approval going unanswered; and US Bank National Association refusing to comply with federal COVID-19 guidelines—specifically in HUD 21-115, dated July 23, 2021, Public Release Notice entitled "Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners", which instructs loan modification was the appropriate program the Defense qualified for. Based on these

facts alone, this case should have been dismissed over three years ago, in 2022, soon after the March 4th filing date. Instead, Summary Judgement as well as Motion to Vacate the Summary Judgement orders have been granted, which are evidentiary of fraud.

Although some manners are repetitious, the Defense requests the Courts patience as the Plaintiff and state Court's awareness of fraudulent activity, with a lack of intervention, is presented. In the Writ of Certiorari to US District Court of South Carolina, Writ of Certiorari to US Court of Appeals for the Fourth Circuit, and Supplement Brief with Appendix documents submitted to the Supreme Court of the United States,

20: the following case occurrences are highlighted:

- The March 4, 2022 summons certified compliance to applicable law(s), despite US Bank National being informed on more than one occasion of the error in offering this Defendant a Partial Claims instead of a loan modification as outlined by HUD/FHA.
- This Defendant receiving:

- i. a Notice of Pending Acquisition dated July 28, 2022;
- ii. a Notice of Foreclosure hearing filed August 18, 2022, to review facts before Master-in-Equity James Spence so a final judgment can be entered.
- iii. A Notice of the hearing being cancelled and a Status Conference scheduled in its place after this Defendant filed the following response (submitted on August 22, 2022 but not filed by the Clerk's office until September 1, 2022):

Question: If US Bank National, ...has acquired the rights to 123 Cardinal Pines Drive, Lexington, SC 29073 [DATED 7/28/22 AND NOT FILED WITH THE COURT], then why now has US Bank National scheduled a meeting [FILED 8/18/22] with the Honorable James O. Spence, Master-in-Equity, "...for the purpose of taking testimony, finding of facts and conclusions of law and to enter final judgment therein without further order of the court"? Has not US Bank National already obtained a final judgement without lawful judicial process?

- iv. Also filed September 1, 2022, a notarized Affadavit of Attorney Fees, Number 4 Section A "Nature, Extent, and Difficulty of Legal Services Rendered", where US Bank National Association admits to attending a meeting held by the Master in Equity, that this Defendant was not made aware of.

- The Status Conference filed and posted on the State of South Carolina County of Lexington Court of Common Pleas public index, whereas the Notice and subsequent cancellation of the Foreclosure hearing not being filed and posted online.
- This Defendant's 95-paged document, Notice of Home Acquisiton, being filed September 1, 2022 801AM, though delivered to Lexington County Courthouse on six days prior.
- Lexington County Courthouse never addressing this Defendants multiple, filed

objections to this case being referred to the Master-in- Equity, dating as far back to May 23, 2022; instead requesting a Jury trial. Other unanswered Motions and filed requests include:

- *Enforcement of Notice to Compel, filed April 20, 2022.*
 - *Motion for Jury Trial with Permission to Release Documents, filed May 23, 2022.*
 - *Enforcement of First Request for Production, filed June 20, 2022.*
 - *Online posting of Plaintiff's Responses to First Set of Requests for Admissions, dated July 12, 2022.*
 - *Enforcement of Second Request for Production, filed July 13, 2022.*
- *On June 8, 2022, Clerk of Court representative denied this Defendant the right to file Response to Notice of Denial of Loss Mitigation (30 pages) due to double-sided printing [though double-sided printing was accepted previously].*
- *On July 1, 2022, US Bank National [Plaintiff] filed Order to Referee to Special Referee [citing mutual agreement with this Defendant, which is incorrect as this Defendant was never informed]; order granted by Lexington County Courthouse on 7/5/22 [in FOUR DAYS, including a federal holiday]. NOTE: Despite being notified of this perjurious occurrence, Lexington County Courthouse did not attempt to correct this error.*
- *On the morning of July 6, 2022, documents electronically submitted to Lexington Courthouse not available for public viewing as of 7/7/22 1233 AM. [NOTE: Hand-delivered document, filed 7/6/22 832 AM, also not available for public viewing at 1233 AM [16 hour delay], but available at 232PM.]*
- *Multiple civil and criminal violations detailed in the 95-paged Notice of Home Acquisition [mailed 8/24/22; delivered 8/25/22; delayed filed 9/1/22, still not profiled online as of 9/5/22]*
- *As discussed in the Supplemental Brief with Appendix:*
 - *Clerk of Court Delay in Filing Submitted Documents*
 - *Delayed filing Defendant's Motion to Move to Inactive Roster, dated and submitted February 6, 2024 until February 12, 2024] thus permitting and accepting US Bank National Association to file Summary Judgement proceeding on February 7, 2024. Lexington County Courthouse then scheduled Status Conference [Summary Judgment proceeding] for February 27, 2024, one day after the Respondent's Brief of Opposition is due to Supreme Court of the United States.*
 - *Delayed filing Defendant's December 13, 2023 On Petition for Writ of Certiorari to US District Court of South Carolina [still not filed as of February 12, 2024].*
 - *Judge Spence failure to intervene in disclosed partial treatment by Clerk of Court; in Attorney Weston blocking receipt of Supreme Court documents.*
 - *Resumption of State Level Foreclosure Proceedings despite Current Supreme Court Proceedings [Respondent filed Motion to Resume Proceedings; and on February 7, 2024 Summary Judgment] with Judge subsequently ordering a Status Conference, scheduled for February 27, 2024 despite being notified of Supreme Court proceedings as well as Defendant's persistent objection to*

Master in Equity in lieu of a jury trial].

It is of importance to note that the Court reaffirmed in its January 29, 2025 order denying the Motion to Vacate Judgement that all motions not argued during the June 21, 2025 Summary Judgement and Motion Hearing are deemed abandoned. Yet again, the Court errors in not acknowledging it barring the Defense for the hearing directly caused abandonment of multiple Defense motions. This is fraud.

V. REMOVAL IS REQUIRED

21. Pursuant to 28 U.S.C. Code 1446 and 1332, a case may not be removed "on the basis of jurisdiction more than 1 year after the commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action." In addition, as already acknowledged by the Lexington County Courthouse, extrinsic evidence is grounds for vacating judgment of which there was a plethora of evidence provided; yet this case remains active. In as much as a preliminary auction was held on February 3, 2025 despite the appeal to South Carolina Appeals Court, which discussed the elements to validate a stay. However, Lexington County courthouse declined to cancel the auction despite the Defense multiple requests.
22. Governing guidelines and oaths from both federal and South Carolina Appellate Court Rules (SCACR), have been violated.

Federal

- Ethics Policies; Code of Conduct for United States Judges and Judicial Employees (United States Courts Ethics Policies; Code of Conduct for United States Judges; Code of Conduct for Judicial Employees; Guide to Judiciary Policy, Vol 2A, Ch. 3)
...Judges may not hear cases in which they have either personal knowledge of the disputed facts, a personal bias concerning a party to the case, earlier involvement in the case...or a financial interest in any party or subject matter of the case...A judge should respect and comply with the law...should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgement.

Employees of the Federal Judiciary are expected to observe high standards of conduct so that the integrity and independence of the Judiciary are preserved and the judicial employee's office reflects a devotion to serving the public...A judicial employee should not engage in any activities that would put into question the propriety of the judicial employee's conduct in carrying out the duties of the office. A judicial employee should not allow family, social, or other relationships to influence official conduct or judgement. A judicial employee should not lend the prestige of the office to advance or to appear to advance the private interests of others. A judicial employee should not use public office for private gain.

- Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks, (2011) Five (5) canons of Code of Conduct for Judicial Employees:

- *Uphold the independence and integrity of the judiciary and of your office;*
- *Avoid impropriety and the appearance of impropriety in all activities;*
- *Adhere to appropriate standards in performing your duties;*
- *Avoid conflict with official duties and the appearance of impropriety in all outside activities; and*
- *Refrain from inappropriate political activities.*

Scrupulously follow these canons and the other rules that govern your conduct. Do not assume that good intentions are enough... You are responsible for conducting yourself to stop, think, and evaluate before you take action ...that may have ethical implications...

- ***Judge Oath (Supreme Court of the United States)***

I...do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ...under the Constitution and laws of the United States. So help me God...

A. State-Level Plaintiff US Bank National Association Acted in Bad Faith Attempting to Prevent This State-Level Defendant From Removing The Action.

23. As discussed in detail above, US Bank National Association has attempted on more than one occasion to prevent this case from being removed. Some occurrences are re-highlighted here.

- *July 1, 2022, US Bank National [Plaintiff] filed Order to Referee to Special Referee [citing mutual agreement with this Defendant, knowing this was a perjurious action.*
- *In July 2022, US Bank National Association sending an Notice of Acquistion knowing it violated the law, but not filing a copy with Lexington County Courthouse and the said Court not requiring a copy be filed after receiving notification. Preceding this occurrence, having met with the Master-in-Equity James Spence without the State-level Defendant receiving notice or being present, all knowing this was fraud.*
- *February 7, 2024, US Bank National Association filing for Summary Judgement without first providing this Defendant a copy, while having knowledge of Lexington County Clerk of Court delaying this Defendant's Motion to Move to Inactive Roster, filed February 6, 2024, the day before as well as knowing Lexington County Courthouse error in agreeing to resume the state-level case having knowledge that the Supreme Court Case was still ongoing. Again, all knowing this was a perjurious action. This Defendant's, February 26, 2024 Defendant's Response and Rebuttal to Summary Judgement/Response to Email Communications/Motion for Recrusal And Change of Venue (From State to Federal Jurisdiction) with Federal Investigation into Active Terrorism highlights the persistent fraud:*

It is important to note that the status conference scheduled for Tuesday,

February 26, 2024 was scheduled 5 hours 16 minutes after US Bank filed the Motion for Summary Judgement and 3 hours 12 minutes after the NEF filing on February 7, 2024. In stark contrast, Lexington Courthouse was and remains silent to this Defendant's submitted Motion to Move to Inactive Roster on February 6, 2024. Moreover, these occurrences mirror, in reverse, the events that occurred after the initial status conference held September 13, 2022, in which US Bank National's Motion to Move to Inactive Roster was SIGNED BY YOUR HONOR JUDGE WALTON MCCLEOD ON THE SAME DAY AT 1043PM, BEFORE BEING FILED WITH THE COURT [filed September 15, 2022 939am] while this Defendants Motion to Change Venue, submitted months earlier on JULY 13, 2022, was filing delayed by two days, and NEVER addressed by the Court...

B. FRCP Rule 11 Has Been Violated with Notice and Reasonable Time to Respond Being Provided.

24. After being sent to US Bank National Association via appointed Counsel and submitted to Lexington County Courthouse, this Defendant requested a Justice or the Supreme Court to address, the EMERGENCY MOTION with Relief Requested by April 3, 2024: Petitioners' Motion to Stay Return to South Carolina, with transfer of State Level Proceeding to Federal Jurisdiction for the Petitioner (March 26, 2024, 40 pages. FedEx #272679762263); with additional requested documents housed in attached Appendix (April 11, 2024; pages 1a-12a. USPS #9505512956084103758090), in which persistent fraudulent activity are discussed in detail:

Suspected Document Tampering and Partial Treatment at Lexington County Courthouse... Thus, the above documents contain clear evidence of suspected intentional mishandling of court documents by Lexington County Courthouse as well as egregious legal and civil right violations, of which multiple South Carolina based judges have been made aware, yet the problems persist. In fact, according to the February 28, 2023 [not 2024] motion, signed by a Judge on February 2, 2024 that restored the state level case back to an active roster, it is noted that US Bank National—with Judge approval—wants the state-level case's appeal to remain in the confines of South Carolina, extend only to South Carolina's Supreme Court;. Why?

In addition, the EMERGENCY MOTION included concerning events that occurred outside of judicial proceedings, prompting this Defendant to request a stay of Return to South Carolina.

Due to the evidence presented above—which clearly shows egregious safety breaches and the high probability of continuation if I return to South Carolina; and an immediate need for Federal transfer of all state-level court proceedings—this Emergency Motion is seeking for Chief Justice Roberts or the Supreme Court of the United States to stay my return to the state of South Carolina; and transfer South Carolina state-level proceedings to Federal Jurisdiction by April 3, 2024. Irreparable harm is imminent if the the

Supreme Court does not intervene.

A response is pending. Additionally, there have been new occurrences that transpired recently, such as:

1. *The Lexington County Assessors office changing the real estate tax from approximately \$800 to \$4000 based on a fraudulent mailing they reportedly received. The tax payment was due on January 15, 2025 to be paid by the Plaintiff. My requests for updates remain unanswered.*
2. *As noted with other entities outlined in the Writ of Certiorari to the District Court of SC, a new business CPI Security, reported an inability to retrieve the monthly payment from a Palmetto Citizens Federal Credit Union account. According to the said Bank, CPI Security last attempt to withdraw funds was September 2023. My requests for followup remain unanswered.*
3. *In an associated racketeering case filed in New York, there appears to be a suspicious delay in processing, giving rise to yet another likely derailment attempt. Federal and State authorities are aware.*

Ultimately, the preponderance of evidence indicates this case is overripe from removal to federal jurisdiction.

C. This Court Has Jurisdiction

25. *The federal question is "Are the elements of fraud satisfied in this foreclosure case?" Specifically, is/was there a scheme to defraud, intent to defraud, a material false statement(s), reliance by victim on those statement(s), and resulting damages? The answer is unequivocally affirmative. Furthermore, US Bank National Association acting in bad faith in multiple attempts to prevent removal of the case to federal jurisdiction; some persons and members of the State of South Carolina persisting in showing clear hostility and unfair treatment toward this New York State Defendant, who resides in New York State now because of the said hostility. Appealing to SC Court of Appeals occurred only after the Court verbalized post judgement that an appeal had not been filed in the state Court of Appeals, completely ignoring this Defendants federal filings still pending with the Supreme Court of the United States. This appears to be yet another fraudulent occurrence. Ultimately, criminal charge requests have begun.*

As indicated in February 14, 2025 Defendants Response to Pending Report and Recommendation submitted to US District Court of South Carolina:

Documents from this Court have not been received yet. In respectful anticipation of this Court upholding its December 2, 2022 Report and Recommendation from case No.3:22-cv-4215-SAL-SVH—remanding the case back to Lexington County Courthouse—and issuing the projected Notice of Right to File Objections to Report and Recommendations, this Defense Response is being submitted. To date in this new case, the Defense has submitted the following documents for filing with this Court:

1. 2.7.25 [USPS Priority #9502606586865038859106]: Civil Cover Sheet (1 page) and Attachment (2 pages); 2.7.25 Informa Pauperis Application (2 pages) and Addendum (3 pages); Notice of Removal (35 pages) with Appendix A (3.4.22 summons and complaint) and Appendix B (11.14.24 and 1.29.25 judgment orders).

2. *2.10.25 [USPS Express #EI216984767US]: Addendum to Notice of Removal (CARES ACT certification; 4.11.22 FHA/HUD letter to Defense; 7.23.21 FHA/HUD 21-115 COVID Recovery Options for Homeowners, 9 pages); Proof of Service (3 pages); 2.9.25 Updated Informa Pauperis Application (2 pages) and Updated Addendum (4 pages)*
3. *2.11.25 [USPS Express #ER187705848US]: Motion for Stay or Injunction Pending Appeal (3 pages); Appendix A [SC Court of Appeals Notice of Appeal [Second Amendment] (2 pages), Appellant Letter to the Court (9 pages, Letter to SC Court of Appeals)]*
4. *2.12.25 Letter to the Clerk of Court [3 pages, Supreme Court of the United States document, contains Certificate of Service]—filing today.*
5. *2.14.25 [this current document] Defendants Response to Pending Report and Recommendation (7 pages); Notice of Appeal to the US Court of Appeals for the Fourth Circuit (1 page)—filing today...*

...In summary, two people have died [the second died along with Christopher Washington]; and three [if my child were present] attempted murders have occurred (now including Donna Washington Farmer). Notification to the appropriate Authorities is still requested.

As discussed in the February 21, 2025, Informal Brief submitted to US Court of Appeals for the Fourth Circuit:

...Due to not receiving a response yet and prior documented mail tampering occurrences, Tracie L. Green [Mitchem-Green] appeals to the United States Court of Appeals for the Fourth Circuit from final judgment, date unknown.

As indicated in the above Notice of Appeal, fraud is clearly evident; and persists in this case. Mailed certified to the United States District Court the District of South Carolina; South Carolina (SC) Court of Appeals; Lexington County Courthouse; and associated parties, US Bank National Association Counsel, and Palmetto Citizens Federal Credit Union Counsel associated parties on February 14, 2024 (with expected arrival, February 18, 2025) were the following:

- *Defendants Response to Pending Report and Recommendation (7 pages)*
- *Notice of Appeal to the US Court of Appeals for the Fourth Circuit (1 page)*

According to the United States Postal Service, however, as of February 19, 2025, all certified mailed documents had not arrived to any of the parties or courts. Thus, the following day on February 20, 2025, the Defense faxed the following documents to all —all were previously mailed [with tracking] (*a fax number was not located for Palmetto Citizens Federal Credit Union Counsel):*

- *Form 1 Notice of Appeal in a Civil Case [Second Amendment] (included Staying Judgement for Sale or Delivery of Land section)*
- *Form 8 Letter to the Appellate Court Clerk Filing the Notice of Appeal*
- *Form 9 Letter to Clerk of Lower Court Filing Notice of Appeal [*

- *Letter to Clerk of Lower Court Filing Notice of Appeal [Second Amendment]*
- *Appellant Letter to the Court*
- *November 14, 2024 Judgement Order*
- *Copy of the money order, \$250 filing fee.*
- *Defendants Response to Pending Report and Recommendation (7 pages)*
- *Notice of Appeal to the US Court of Appeals for the Fourth Circuit (1 page)*
- *Form 7 Proof of Service of a Notice of Appeal [Second Amendment] (February 2, 2025 electronic delivered documents; and second Proof of Service included mailed items and mailing addresses]; third, Proof of Service included February 14, 2025 mailed items.*

Documents faxed to SC Court of Appeals transmitted successfully; whereas, transmission was reportedly interrupted to the District Court of South Carolina; thus, it is unknown which documents transmitted successfully. All other courts and parties' reports show a "communication error". Thus, electronic delivery is pending completion of this Informal Brief.

It is important to address that on February 18, 2025, the very day the certified mailed documents (Defendants Response to Pending Report and Recommendation, Notice of Appeal to the US Court of Appeals for the Fourth Circuit, with Proof of Service of mailing) were scheduled to arrive, this Defense received an email at 337pm from the SC Court of Appeals regarding the following:

- *Appellate Case Number*
- *Admonishing filings needing to be Rule 267-compliant.*
- *Reference to inclusion of personal data identifiers pursuant to Order 2014-04-15-02.*
- *Notification of 10-day grace period to correct insufficiencies in formatting of Proof of Service and Notice of Appeal. Otherwise, case will be dismissed.*

In response, this Defense sent the following response less than 10 hours later:

Dear Ms. Harrison: I am in receipt of your two letters dated and received electronically on February 18, 2025 337pm. Below is my response:

1. *This case was removed from your court on February 7, 2025 prior to the assignment of a case number; below is the February 8, 2025 notification with the first page and signature page of the Notice of Removal (35 pages; total file 75pages). Please advise if compliance to your directives is required.*
2. *I still am unsure what sensitive information you are referring to. Please advise.*
3. *Did this court accept my *informa pauperis* status?*

Although I received notice of receipt from the SC Court of Appeals, I have not received a response. Moreover, as of the date of the letters received from the said court, the Express-mailed requested documents (including payment) has been awaiting a signature for pickup since February 4, 2025 650am, according the United States Postal Service. Below is delivery details for other entities (all mailed same time, in same manner):

- *Lexington County Courthouse, signature-required, delivered February 5, 2025 153pm.*

- *US Bank National Association, available for pick-up February 6, 2025 1054am.*
- *Palmetto Citizens Federal Credit Union, available for pick-up February 7, 2025 801am.*

It is important to note, this Defense has not received a response from US Bank National Association in this matter either. However, the SC Court of Appeals admonishing attorneys to include Attorney ID number gives rise that, once again, US Bank National Association has submitted a response to the courts, excluding this Defense once again. This is unlawful. This is fraud. [All documents received from SC Court of Appeals with a confidentiality clause; the Defense still awaits response regarding ability to freely distribute.] As of date of this document, this Defense is not in personal receipt of any mailed documents from any court or party...

...5. 2.14.25 [this current document] Defendants Response to Pending Report and Recommendation (7 pages); Notice of Appeal to the US Court of Appeals for the Fourth Circuit (1 page)—filing today

The tracking information for the latter mailed documents is as follows:

- *US District Court of South Carolina, certified USPS#9589 0710 5270 1835 9352 81*
- *SC Court of Appeals, certified USPS#9589 0710 5270 1835 9353 04*
- *Lexington County Courthouse, certified USPS#9589 0710 5270 1835 9352 74*
- *Richardson Plowden [Counsel for Palmetto Citizens Federal Credit Union], certified USPS#9589 0710 5270 1835 9352 98*
- *Hutchen's Law Firm [Counsel for US Bank National Association], certified USPS#9589 0710 5270 1835 9353 11*

Moreover, again according to USPS, an associated party still had not picked up the Express-delivered Motion for Stay or Injunction Pending Appeal packet as of February 15, 2025 although the important document had been available for pick up since February 12, 2025. Additional fraudulent activity is detailed in the February 7, 2025 Notice of Removal delivered to US District Court of South Carolina on February 13, 2025....

... In addition, the February 12, 2025 Supreme Court of the United States priority-mailed document, with an expected delivery of February 14, 2025, still had not arrived as of February 15, 2025. Here is an excerpt of the letter that accompanied the mailing (NOTE: A copy of the letter was electronically provided to the SC Court of Appeals, Lexington County Courthouse, and both associated parties on the same date):

Letter to the Clerk of Court

Dear Clerk Harris (Angela Jimenez),

I am in receipt of your February 4, 2025 letter as of yesterday, February 11, 2025; a copy is included below. As requested, a copy of the November 14, 2024 judgement order is included. In addition, I am returning, as-is, the documents received rubber-band together. Please be advised that this case has already been referred to the US District Court for the District of South Carolina.

This 3-paged letter included a copy of the Supreme Court of the United States Clerk's February 4, 2025 Letter and a Certificate of Service. The documents returned as-is should have included documents mailed to the Supreme Court since November 14, 2024 Judge Order for foreclosure. They are:

- December 3, 2024 (USPS Priority, #9505515221334338556124):
 - 12/2/24 Emergency Motion with Relief Requested by December 17, 2024: Motion to Vacate the Judgements of the US District Court of South Carolina, US Court of Appeals for the Fourth Circuit; and the Supreme Court of the United States and Remand; and Hold All Further Action in Abeyance Pending Disposition of the Motion (9 pages) with Appendix and Proof of Service (28 pages)
- December 30, 2024 (USPS Express #ER155361474US):
 - 12/2/24 Emergency Motion with Relief Requested by December 17, 2024: Motion to Vacate the Judgements of the US District Court of South Carolina, US Court of Appeals for the Fourth Circuit; and the Supreme Court of the United States and Remand; and Hold All Further Action in Abeyance Pending Disposition of the Motion (9 pages) with Appendix and Proof of Service (28 pages)
 - 12/27/24 Petitioner Application to Extend Time to File Petition for Writ of Certiorari [includes *informa pauperis*] (13 pages); with Appendix: (2 pages [titlepage, table of contents]), 12/2/24 Emergency Motion with Relief Requested by December 17, 2024: Motion to Vacate the Judgements of the US District Court of South Carolina, US Court of Appeals for the Fourth Circuit; and the Supreme Court of the United States and Remand; and Hold All Further Action in Abeyance Pending Disposition of the Motion (9 pages) with Appendix and Proof of Service (28 pages); December 6, 2024 Response Letter Received (1 page).
 - 12/28/24 Proof of Service (1 page)

To avoid confusion, this Defense only served documents on the associated parties as specified in this Courts FAQs—Pro Se Parties; thus, no other Court system was served copies of this Informal Brief or associated documents. It's this Defense's expectation that the SC Court of Appeals and other lower courts will comply with the authority and jurisdiction of the US Court of Appeals for the Fourth Circuit by not dismissing a case they no longer have jurisdiction over. In summary, fraudulent activity is apparent and this Court, the US Court of Appeals for the Fourth Circuit, is again jurisdictionally positioned to address this issue.

On March 18, 2025, which is 28 days after the stated date of dismissal [February 28, 2025], South Carolina Court of Appeals dismissed this Case, citing “Appellant has failed to serve and file an amended notice of appeal in the correct format...”. However, this Petitioner never received a response from the said Court to the following February 25, 2025 submission:

Defense Response

I am in receipt of the following 2/24/25 emailed communications:

1. Judge Spence at 734am states:

- a. *Is uncertain that both Federal and State can have simultaneous jurisdiction.*
- b. *Requests Plaintiff to request SC Court of Appeals to issue ruling stating which court has jurisdiction; and if with present filings, should the March 5, 2025 deficiency sale be postponed.*
- 2. *Attorney Kay, at 950am states:*
 - a. *Burden of proof to stop March 5th sale is on the Defense.*
 - b. *Defense admits in 2/22/25 pleadings a "now" understanding that stay is not automatic.*
 - c. *Defense tried this maneuver in 2023 seeking to stall foreclosure action.*
 - d. *Previously, the Federal Court denied the previous removal for a lack of subject matter, therefore the Federal Court cannot have jurisdiction at this time for the same reason.*
 - e. *Has a copy of Order issued by US District Court on February 18, 2025 denying removal attempt. States this is a closed case from previous removal attempt with case remanded back to state court. A case previously denied cannot be removed. Case remains in state jurisdiction.*
 - f. *Defense will likely attempt to appeal US District Court decision, however, there is no state-level stay of foreclosure. Also, the Fourth Circuit found it lacked jurisdiction to review the remand order; thus unlikely for the Fourth Circuit to change its mind. The Rooker-Feldman Doctrine does bar the Defense from appealing to a federal court that does not have jurisdiction.*
 - g. *As of now, there isn't federal court action pending and no state court stay in place. If Defense appeals to US Court of Appeals for the Fourth Circuit, there is no stay of state court action unless Defense stay issued.*
- 3. *Judge Spence, at 950am states:*
 - a. *Unaware of US District Court February 18, 2025 ruling. Instructs Plaintiff to file most recent email message.*

****If the Defense is not correct in the above synopsis, please correct. ****

Mailed items received today, February 25, 2025:

1. *South Carolina Court of Appeals (postmarked February 18, 2025) appears to be exact same letters (2) received via email on said date.*
 - a. *Appellate Case Number*
 - b. *Admonishing filings needing to be Rule 267-compliant.*
 - c. *Reference to inclusion of personal data identifiers pursuant to Order 2014-04-15-02.*
 - d. *Notification of 10-day grace period to correct insufficiencies in formatting of Proof of Service and Notice of Appeal. Otherwise, case will be dismissed.*
2. *US District Court District of South Carolina (postmarked February 18, 2025) Copy of order denying motion for reconsideration; motion for stay and motion for a preliminary injunction; and also terminating as moot motion for leave to proceed in forma pauperis by Judge Lydon.*
3. *US District Court of District of South Carolina (postmarked February 21, 2025)*

- a. *February 20, 2025 Filed copy of Notice of Appeal (to 4th Circuit), Defendants Response to Pending Report and Recommendations, Letter to the Clerk of Court (Supreme Court of the United States); February 14, 2025 Proof of Service; photograph of envelope with apparent tracking number atop'; Appeal Transmittal Sheet. Also, Civil Docket for Case (5 pages); and Name and Address Update Form*
4. *United States Court of Appeals for the Fourth Circuit (postmarked February 21, 2025). New Case No 25-1169, with due dates provided for informal opening brief, informal response brief, and informal reply brief.*
5. *Supreme Court of the United States (postmarked February 20, 2025). Letter, dated February 19, 2025, indicating Defense inability to file an extension of time to file a petition for writ of certiorari for a case not reviewed by US Court of Appeals or by highest state court.*

Defense Response:

1. *Defense will reserve its response to Plaintiff's statement for submission to the US Court of Appeals for the 4th Circuit.*
2. *In the same manner of verbal pleading Plaintiff extended to Defense in the February 3, 2025 428pm email, the Defense humbly reciprocates: Attorney Kay, Sir, I strongly urge you to get with your client and discuss the events surrounding its quest to acquire my home. It would be best for your team to willingly divulge its actions than for the actions to be found out by other means.*

Correspondences Defense requests responses to:

1. *Lexington County Courthouse, please advise if the March 5, 2025 final auction is stayed with current Federal activity. [Below is the current federal motion for stay as well as the February 2, 2025 state-level stay submitted.]*
2. *SC Court of Appeals, is the February 18, 2025 directives redacted, including the pending February 28, 2025 dismissal due to this case still being under federal jurisdiction since February 7, 2025?*

Again, a response was not received from South Carolina Court of Appeals; that is, until its dismissal of this already removed case just 24 hours after Defense did not lawfully attend Lexington County Courthouse March 17, 2025 Appeal Bond hearing, of which was within the jurisdiction of South Carolina Court of Appeals only to perform as the stay was submitted to the latter court. Law enforcement has been alerted. In the interest of justice, Defendant invokes Rule 11, requesting oral arguments and transfer to Federal Jurisdiction with a criminal investigation initiated.

REASONS FOR GRANTING THE PETITION

As discussed in the February 27, 2025 *Emergency Motion for Dismissal with Prejudice*

and To Compel submitted to the US Court of Appeals for the Fourth Circuit:

The Defense submits this emergency motion for immediate dismissal with prejudice and request the attached proposed order to be awarded to the Defense for the following reasons:

1. *Defense submitted multiple documents for filing on 2/22/25 712pm to SC Court of Appeals and Lexington County Courthouse; neither Court has filed the documents as evidenced by SC Court of Appeals responding with an electronic copy of the filed documents and Lexington County Courthouse profiling a copy of the documents on the public index.*
2. *The Plaintiff 2/24/25 1051am documents has been filed with Lexington County Courthouse and now one of the two documents is available for viewing after Defense notified Clerk of Court documents on 2/26/25 that those two documents are the only recent documents not downloadable; still the Plaintiffs letter is not available. This is fraud and discrimination.*
3. *Defense 2/25/25 1159pm and 2/26/25 1216am electronic communications also have not been filed and profiled on Lexington County Courthouse public index.*
4. *Standard civil procedure demands Plaintiff provides Defense with a copy of all documents provided to the Court. Despite Defense request to compel Plaintiff to follow the law, the Defense has not been provided with said documents and all courts remain silent. This is fraud and discrimination.*
5. *As is discussed in the attached 2/25/25 Defense Response, the Plaintiff was respectfully admonished to divulge its actions willingly before they are uncovered. The Plaintiff has not responded. Due to the above occurrences, Defense feels pressed to respond urgently:
 - a. *Various breeches have been repetitive in nature without requested intervention, ultimately contributing and furthering fraudulent activity at Lexington County Courthouse. Specifically:
 - i. As per the Supreme Court of the United States, federal jurisdiction ended August 19, 2024; Plaintiff state-level motion for summary judgment was submitted on February 7, 2024. This is fraud, state court did not have jurisdiction at this time. Thus, the summary judgement order is fraudulent and illegal.*
 - ii. *All were made aware of Defense communication with Supreme Court of the United States being incomplete. Yet, state proceedings persisted. This is fraud.**
- b. *Defense statement "now" understands stay is not automatic [in the 2/11/25 –not 2/25/25 as Plaintiff reports—Motion for Stay or Injunction Pending Appeal—is in reference to Defense ever evolving awareness of the legal process. Regardless, Defense timely submitted a state-level motion to stay foreclosure activity with a copy provided on 2/2/25, but the preliminary auction was conducted anyway. This is fraud. Again, the motion for stay requirement was met and submitted*

- the day before the 2/3/25 auction; hence, the auction should have been postponed pending SC Court of Appeals ruling.*
- c. *Regarding retrying a case, there is a legal position where cases can be revisited if additional evidence is discovered post-judgment; this is what fuels the Defense claim of fraud.*
- d. *Plaintiff seems to be referencing year 2022 after issuing notice of Home Acquisition on July 28, 2022 without due process. Defense asks Plaintiff this one question: Plaintiff you referenced similarity to the past, then what prevented a deficiency sale from occurring in 2022?*
- e. *The question that Plaintiff fails to answer is how was Defense able to prevent a deficiency sale in 2022, as it is now 3 years later? The Defense persists that in 2022 Plaintiff illegally obtained permission to acquire Defense home and once Defense submitted the 8/22/22 Notice of Home Acquisition, the Plaintiff and its accomplices attempted—and still are—to cover the fraud returning to civil rules of procedure (i.e. scheduling a status conference in lieu of a hearing scheduled after Plaintiff mailed acquisition documents to Defense. This is fraud.*
- 6. *With Judge Spence acknowledgement that both state and federal court cannot have jurisdiction simultaneously, the Defense submits the following requests with this Motion to Dismiss with Prejudice:*
 - a. *Compel State of South Carolina courts to comply with civil procedure in this case. Specifically,*
 - i. *Respect Defense legal right to appeal and honor the federal stay submitted by halting any and all foreclosure activity associated with 123 Cardinal Pines Drive, Lexington, SC 29073. NOTE: The state-level stay was not honored as Lexington County Courthouse held the preliminary auction on 2/3/25 despite a stay in place. This is illegal and discrimination.*
 - ii. *Compel Lexington County Courthouse to respond to Defense request: Please advise if the March 5, 2025 final auction is stayed with current Federal activity. [Below is the current federal motion for stay as well as the February 2, 2025 state-level stay submitted.]*
 - iii. *Compel SC Court of Appeals to provide Defense an electronically-filed copy of all submitted documents as it has done before and provide a response to the Defense question: Is the February 18, 2025 directives redacted, including the pending February 28, 2025 dismissal due to this case still being under federal jurisdiction since February 7, 2025?*
 - b. *Dismiss case based on gross breach of civil procedure, discrimination, and fraud.*
 - c. *Award Defense attached proposed order in its entirety (previously submitted to Lexington County Courthouse)*
 - d. *Submit a referral to law enforcement for investigation, including delayed mail occurrences.*

A response is pending.

The egregious circumstances provided above underscore and satisfy the legal requirements of fraud. U.S. Bank National Association, along with multiple accomplices, persistent attempts to obscure the truth and subvert law are clearly evident. On February 4 2025, this court determined this is a new case, thus the District Court's order indicating the case is a closed case; denying removal, stay and preliminary injunction; and revoking *informa pauperis* status cannot be upheld. In addititon, the SC Court of Appeals dismissal is untimely and in error as it no longer has jurisdiction and was issued past the stated 10-day grace period. Lastly, Lexington County Courthouse attempting to execute a task lawfully delegated to SC Court of Appeals, when the latter court no longer held jurisdiction is fraud.

This Court ruled in the June 13, 2022 decision on *Kemp v United States* (No 21-5726):

In sum, nothing in the text, structure, or history of Rule (b) persuades us to narrowly interpret the otherwise broad term "mistake" to exclude judicial error of law. Because Kemp's Rule 60(b) motion alleged such a legal error, we affirm the Eleventh Circuit's judgment that the motion was cognizable under Rule 60(b)(1), subject to a 1-year limitations period, and therefore, untimely.

This petition is within the 1-year limitation period alleging legal error, thus this petition is timely.

The Constitution, Fourteenth Amendment, Section 1 expressly indicates states shall **not** enforce laws that limit the privileges, steal property without due process, and/or deny equal legal protection of any American citizen. In regards to Title VI Civil Rights Act of 1964, the Department of Justice wrote....*Title VI inhibits intentional discrimination...* this petition details recurrent breeches of the Constitution and Title VI Civil Rights Act of 1964, clearly indicating intentional discrimination. In additon, in the Petitioner's March 6, 2025 *AMENDED Motion to Dismiss with Prejudice with Previously Submitted Motions for Stay and Certificate of Service* and March 17, 2025, *Letter to the Court/Motion to Stay all State-level Court Activity Pending*

Federal Jurisdiction Completion submitted to Lexington County Courthouse:

**Motion to Dismiss with Prejudice with Previously Submitted Motions for Stay
and Certificate of Service**

Reasons for Dismissal with Prejudice:

1. Request for hearing to appeal bond not held prior to preliminary auction/sale.
2. Simultaneous, concurrent State and Federal jurisdiction is unlawful. **This is fraud.**
 - a. Federal jurisdiction (US Court of Appeals for the Fourth Circuit) is in progress, with pleadings due on same day (March 17, 2025) of requested hearing for appeal bond.
 - i. Federal question: "Are the elements of fraud satisfied in this case?"
3. March 4, 2025 Defendant's Motion to Move to Inactive Roster has not been scheduled for hearing yet.
4. **Intrinsic and Extrinsic Fraud**
 - a. Supreme Court of the United States Jurisdiction Feb 13, 2023 to Aug 19, 2024.
 - b. State-Level Summary Judgement filed and accepted by Lexington County Courthouse February 7, 2024, outside of its jurisdiction. **This is fraud.**
 - i. Clerk of Court delay-filing Defense February 6, 2024 Motion to Move to Inactive Roster until February 12, 2025. **This is fraud.**
 - c. Summary Judgement state-level hearing held on June 21, 2024, outside of its jurisdiction. **This is fraud.**
 - d. February 2, 2025 preliminary auction/sale conducted despite appeal and motion for stay submitted to South Carolina Court of Appeals. **This is fraud.**
 - e. Multiple Defense documents not filed by Lexington County Clerk of Court despite repeated requests. **This is fraud.**
 - f. Multiple, repetitive incidences of suspected mail tampering/delayed mail. **This is fraud.**

Here is the motion filed yesterday; a response has not been received from the Court.

March 4, 2025 Motion to Move to Inactive Roster with Previously Submitted Motions for Stay With Certificate of Service

Due to current federal jurisdiction and this Courts acknowledgement simultaneous state jurisdiction is unlawful, the Defense motions to move this case to inactive roster [including canceling any and all auctions and further state level activity] pending completion of all federal activity as per the rules of civil procedure. Included below are the Motion for stays.

Note: Federal documents submitted for filing on March 3, 2025 appear to also be unusually delayed [as per multiple previous reports of suspected mail tampering]; these documents remain in New York as of the date and time of this filing. Hence, attached are copies with requests for all courts to file the documents as mailing delays seem to be a persistent issue. The Defense request for investigation please. Note2: Multiple Defense documents are missing from Lexington County Public Index, as last filed document is dated 2/7/25. Please file any and all documents submitted.

Express United States Postal Service, mailed with tracking:

1. Supreme Court of the United States	ER174167028US
2. United States Court of Appeals for the Fourth Circuit	ER174166994US
3. Lexington County Courthouse	ER174167005US
4. Hutchens Law Firm	ER174166985US
5. Richardson Plowden	ER174167014US

Letter to the Court/Motion to Stay all State-level Court Activity Pending Federal Jurisdiction Completion

Dear Lexington County Courthouse:

In response to this Defense' March 14, 2025 1237AM correspondence—discussing including but not limited to notice of Defense inability to attend March 17, 2025 9am Appeal bond hearing, case currently under FEDERAL jurisdiction, noted document tampering with Defense submitted records, and request for Clerk to file Federal documents submitted by Defense—the following were received:

1. *Judge Spence at 928am:*
 - a. *The mandatory Monday 17, 2025 hearing will be held.*
 - b. *Valid reason and proof must be furnished to court and opposing party for continuance. Court will examine the request evidence and advise parties.*
 - c. *Request advisement if there are any state or federal action that requires postponement of Defense bond hearing request.*
2. *Attorney Kay*
 - a. *Denies any state or federal action that requires postponement of Defense bond hearing request.*
 - b. *Requests Defense to pay court reporters appearance fee if hearing is postponed and/or if Defense chooses not to attend.*

In response, the Defense submits the following:

1. *Postponement due to illness. Please advise what verification to provide to court and Plaintiff.*
2. *Defense March 7, 2025 1132pm correspondence remains unaddressed; here is an excerpt:*
 7. *When will the court address the harm done to the Defense with holding the*

*initial auction/sale unlawfully due to appeal and motion for stay in place?
When will the recurrent bullying, harm, discrimination, and maltreatment
committed against the Defense be remedied?*

*Be advised the SCRCP 60 states RELIEF IS DUE from this Courts judgment
for foreclosure and denial to vacate; and the current actions of this Court
is UNLAWFUL as corrections can ONLY be made with the Appeals Court.
Here is an excerpt from the SCRCP 60 law verbatim:*

"(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 the judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

Attached is a copy of the Defense's March 14, 2025, March 7, 2025, two March 6, 2025, and March 4, 2025 correspondences. The Defense kindly requests again this Court and the Plaintiff to follow the law; this attempt to correct is unlawful. Furthermore, the stay of foreclosure was not submitted to this court but to the SC Court of Appeals and the federal judiciary; thus, the hearing is unlawful.

*Both this Court and the Plaintiff is aware of current Federal jurisdiction over this case. Specifically, the US Court of Appeals for the Fourth Circuit has current jurisdiction, of which this state-level courts actions are contested. Again, please honor the rule of law. Lastly, the Defense regrets the any expense the Plaintiff or anyone else has because of the scheduling of the hearing. However, Plaintiff was made aware of Defense contesting the hearing. Thus any expense accrued is fully the Plaintiff's. In addition, the Plaintiff is also fully aware of the Defense *informa pauperis* status.*

The Defense thereby motions this state-level court to halt any and all state proceedings, granting the already submitted March 4, 2025 Motion to move to inactive roster request pending completion of federal jurisdiction. The Plaintiff is aware of federal proceedings.

Both motions were ignored and never addressed by the said Court. In accordance to the Constitution and Title VI Civil Rights Act of 1964 and the Department of Justice, the criteria for fraud has been satisfied. Moreover, Rule 60(a), (b)(1)(2)(3)(4)(5)(6), (c) (1)(3), and (d)(1)(3) of the Federal Rule of Civil Procedure are also all satisfied.

The U.S Department of Housing and Urban Development Public Release Notice 21-115, dated July 23, 2021, entitled *Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners* was not adhered to because US Bank National

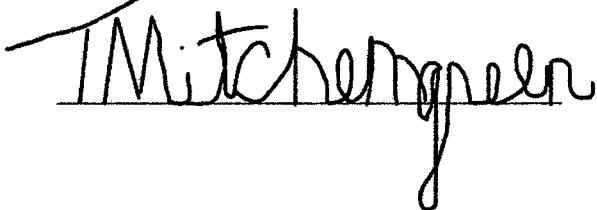
Association refused to assist the Petitioner as required by federal mandate and failed to offer loan modification, including Deed-in-Lieu-Of-Foreclosure options as mandated by HUD/FHA despite repeated requests from the Petitioner. Thus the request for foreclosure is unlawful and fraudulent, with intent in question.

In summary, The Petitioner invokes the jurisdiction of the Supreme Court of the United States under 28 U. S. C. § 1254(1) and Rule 11. This petition invokes Rule 11 with oral argument requested. This Petitioner respectfully moves the Court to grant writ of certiorari before judgement from US Court of Appeals for the 4th Circuit—before a full member Court and grant an immediate stay of all activity in lower courts, including auction/sale of the property in dispute. It is apparent, this case presents issues of importance beyond the particular facts and parties involved, making it “ ...imperative to public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.”

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracie Mitchem-Green". The signature is fluid and cursive, with a long horizontal line extending from the left side of the "T" in "Tracie".

April 10, 2025

Tracie Mitchem-Green
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