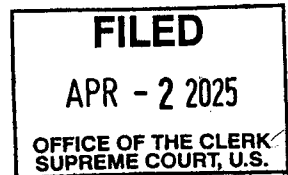


24-7377

No. _____

In the
Supreme Court of the United States



ORIGINAL

JAY LIN,

Petitioner,

v.

HUDSON CITY SAVINGS BANK, ET AL.,

Respondents.

**On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Third Circuit**

PETITION FOR A WRIT OF CERTIORARI

JAY J. LIN *PETITIONER PRO SE*
18 SHEPPARD PLACE SUITE E
EDISON, E, NJ 08818
(732) 549-8800
JLIN168888@AOL.COM

June 2, 2025

QUESTIONS PRESENTED

The United States Court of Appeals for the Third Circuit as a party to this case erred in failure to review the violation of the Supremacy Clause of the Constitution of the United States by the United States District Court for the District of New Jersey. The District Court of New Jersey denied the supreme power of the Court of Appeals to review the violation to the Constitution by circumventing the Supremacy Clause with the wrong case and wrong laws.

The questions presented are:

1. The United States Court of Appeals for the Third Circuit should review the case that it was the party to the violation of the Supremacy Clause of the Constitution of the United States by the United States District Court for the District of New Jersey.
2. The United States Court of Appeals for the Third Circuit should review the case that it had ordered and completed the briefing of the case re the violation and circumvented the Supremacy Clause of the Constitution of the United States with the wrong case and wrong laws by the District Court.

LIST OF PARTIES

A List of all parties to the preceding in the court whose judgment is the subject of this petition is as follows:

1. United States Court of Appeals for the Third Circuit.
2. James P. Berg Esq. - Counsel for Defendant M&T Bank.

CORPORATE DISCLOSURE STATEMENT

Petitioner, an individual, has no parent company, and no publicly- held company holds 10% or more of its shares.

LIST OF PROCEEDINGS

United States Court of Appeals for the Third Circuit.

No. 24-2603

Jay Lin, Irene Lin, on Behalf of Themselves and All Others similarly Situated, Appellants
v. Hudson City Savings Bank; M&T Bank, Parker McCay P.A. Appellees.

Date of Final Order: December 12, 2024.

Date of Rehearing Denial: January 13, 2025.

United States District Court, District of New Jersey

Case No. 18-15387

Jay Lin, Irene Lin, on Behalf of Themselves and All Others similarly Situated, Plaintiffs v.
Hudson City Savings Bank; M&T Bank, Parker McCay P.A. Defendants

Date of Final Order: August 12, 2024.

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment below:

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Third Circuit at Appendix to the Petition is unpublished. It is available at Pet. App. 1a-3a.

The opinions of the United States District Court of New Jersey at Appendix to the Petition are unpublished. They are available at Pet. App. 4a-7a.

Order of the United States Court of Appeals for the Third Circuit denying Petition for Rehearing En Banc (January 13, 2025) App. 8a-9a.

JURISDICTION

The court of appeals entered Order on December 12, 2024, and the court of appeals denied rehearing on January 13, 2025. This Court's jurisdiction rests on 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Supremacy Clause, **U.S. Constitution** Art. VI, el. 2, reads:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws or any State to the Contrary notwithstanding.”

STATEMENT OF THE CASE

The Court of Appeals for The Third Circuit reviewed and deferred appellants' appeal case involving a violation of the Supremacy Clause of the United States Constitution by the District Court of New Jersey where The Third Circuit Court was the party of the appeal case. The Third Circuit Court of Appeals in a deference to En Banc review the appeal entered the order granting Appellees' Motion for Summary Affirmance without any reasoning or opinion. The Court of Appeals for The Third Circuit by a majority of the judges of the circuit in regular service voted to deny Petition for Rehearing En Banc. See App. 1a-3a. & 8a-9a.

This case started as Plaintiffs' Actions against Defendant M&T Bank and other Defendants for violating FDCPA and other offenses. The case is pending in the New Jersey District Court (18-15387) and The Court of Appeals for the Third circuit. No. 24-1936.

After the appeal to the Court of Appeal, Defendants' Attorneys continued to prosecute the collection actions against Plaintiff on the pending New Jersey District Court Case No. 18-15387 despite Plaintiff's No. 24-1936 appeal to The Court of Appeals for the Third Circuit.

Plaintiff filed Motion for Order to Show Cause, Motion for an injunction, and Motion for sanction Defendant for violation of the Supremacy Clause of the United States Constitution.

The New Jersey District Court denied Plaintiffs' Motion relying on the wrong facts, wrong cases, and ignored the law: The District Court was mistaken Defendant Attorney' false and deceptive statement in an email with Defendant Attorney's letter inquiring the status of a payment and applied two law cases which were unrelated and unsupportive in defending Defendants' violation of Supremacy Clause of the United States Constitution.

REASON FOR GRANTING THE WRIT

I. The United States Court of Appeals for the Third Circuit should review the case that it was the party to the violation of the Supremacy Clause of the Constitution of the United States by the United States District Court for the District of New Jersey.

The Court of Appeals for The Third Circuit reviewed and deferred appellants' case involving a violation of the Supremacy Clause of the United States Constitution by the District Court of New Jersey where it was the party of the appeal case. The Third Circuit Court of Appeals in a deference to En Banc review the appeal entered the order granting Appellees' Motion for Summary Affirmance without any reasoning or opinion. The Court of Appeals for The Third Circuit by a majority of the judges of the circuit in regular service voted to deny Petition for Rehearing En Banc.

The Court should grant the Writ:

1. The issues presented in this case are of exceptional importance for the Court to grant a Writ: The Supremacy Clause of the Constitution of the United States Art. VI, el. 2.
2. The Third Circuit Court of Appeals had ordered the Briefing Schedule and the Appellees had submitted Response Brief to Appellant's Brief in completion of the Briefing of the Appeal case.
3. The Third Circuit Court of Appeals in a deference to En Banc review the appeal entered the order granting Appellees' Motion for Summary Affirmance without any reasoning or opinion.

4. Appellees' Motion for Summary Affirmance without any reasoning or opinion. The Court of Appeals for The Third Circuit by a majority of the judges of the circuit in regular service voted to deny Petition for Rehearing En Banc.

II. The United States Court of Appeals for the Third Circuit should review the case that it had ordered and completed the briefing of the case re the violation and circumvented the Supremacy Clause of the Constitution of the United States with the wrong case and wrong laws by the District Court.

1. The District Court erred in failure to comply with Supremacy Clause of the United States Constitution.

The Supremacy Clause, Art. VI, el. 2, reads:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws or any State to the Contrary notwithstanding.”

This clause creates a rule of decision the Judges in every State shall be bound thereby, any thing in the Constitution or Laws to the Contrary notwithstanding.

This case in the District Court of New Jersey, the Judge was asked to decide an emergency Motion against Defendants' violation of the Supremacy Clause. Rather than decide the motion based on the merits of the case and Defendants' Response, the Judge in the District Court repeated and relied on the previous Orders entered by the District Court, which had been appealed to The Third Circuit Court of Appeal. The Orders entered by the District Court are unsettled and not final when they are appealed to the

Third Circuit Court of Appeal Under the Supremacy Clause of the constitution of the United States.

2. The District Court erred in failure to temporarily restraining Defendants stay further prosecution of all debt collection actions against Plaintiffs Under the Supremacy Clause of Constitution the United States.

Defendants continued their debt collection actions against Plaintiff after Plaintiff appealed the case to the Third Circuit Court of Appeals. Defendants also emailed Plaintiffs false and deceptive statements.

Defendants' email statements that the filing of an appeal to the Third Circuit of Appeal, does not stay the operation of the New Jersey District Court's Order, which allowed Defendants to continue to prosecute Debt Collection Action against Plaintiffs, was false and deceptive and violations of the Supremacy Clause of the United States Constitution, and FDCPA.

The District Court of New Jersey in denying Plaintiffs' Motion for an injunction to stay Defendants' continued prosecution of debts collection actions against Plaintiff's while Plaintiffs appeal to the Third Circuit Court of Appeal. The New Jersey District Court relied on:

Wrong Facts: The New Jersey District Court mistaked Defendants emailed Plaintiffs the statement that the filing of an appeal to the Appeal Court does not stay the operation of the District Court's Order with another Defendant's Statement that Defendants contacted Plaintiffs, requesting that they remit the payment owed.

Wrong Cases: Defendants brought up two Court cases in their Response in opposition to Plaintiffs' Motion for an injunction which the New Jersey District Court also relied on them: *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324-25 (2015) and *Spiegel v. Kim*, 952 F.3d 844, 846 (7th Cir. 2020). The *Armstrong* case was a state law that conflicted with federal laws. The case is unrelated and unsupportive to this case involving the federal laws that conflict with federal laws, and the law of the appeal court conflict with the law of the district court.

In this case, Defendants' statement that the filing of an appeal does not stay the operation of the Court's Order was an Appeal Court federal law that conflicts with District Court federal laws. The Appeal Court federal laws of Stay the District Court Orders pending on appeal conflict with the Defendants' District Court laws that an appeal does not stay the operation of the Court's Order.

Both the laws of the appeal court and the laws of the district court are involved in the federal laws. The *Armstrong* case that involved federal laws conflict with state laws could not be applicable at all.

In *Spiegel*, the disputes of the case arose from parties' requested attorneys' fees in the state court litigation. In this case, Defendant's that the filing of an appeal does not stay the operation of the Court's Order were totally different from Defendants' arguments that a request of the attorneys' fees in disputes can not be subject to the FDCPA.

It is a violation of 15 U.S.C. §1692 e. (2) (A). The false representation of the character, amount, or legal status of any debt, and sale of any property is not related to

Defendants' claim that obligation to pay attorneys fees was not within the meaning of FDCPA.

Wrong Laws: Defendants wrote to Plaintiffs inquiring as to the status of the payment" and emailed to Plaintiffs that the filing of an appeal does not stay the operation of the Court's Order. Whether the Supremacy Clause of the United States Constitution and FDCPA had been violated or not, the District Court in deciding the case, repeatedly relied on the Orders entered by the District Court which were appealed to the Third Circuit Court of Appeal.

The District Court repeated and relied on the Order appealed as final and not subject to appeal to the Third Circuit Court of Appeal Court is a violation of the Supremacy Clause of the Constitution of the United States that gave the Appeal Court the jurisdiction of reviewing the District Court orders and Stay the District Court Order pending on Appeal.

3. The District Court erred in failure to sanction Defendants of civil Liability violating Stay Power of Supremacy Clause of the United States Constitution and FDCPA.

Plaintiffs brought this Action case against Defendants in the New Jersey District Court, for violations of FDCPA and other offenses. After years of litigation, the District Court had concluded the case, and Plaintiffs appealed the District Court Orders to the Third Circuit Court of Appeal for the plannary review. Despite the appeal to the Third Circuit Court of Appeal, Defendants continued to pursue debt collection actions and selling Plaintiffs Resident Property after Plaintiffs' appeal to the Appeal Court, a violation of the Supremacy Clause of the Constitution and FDCPA.

In addition to the Supremacy Clause mandates the Third Circuit of Appeal to review this case, in cases of FDCPA violation, the Third Circuit Court had long approved an interest in avoiding the harms inherent to receiving misleading information and disapproved of the receipt of deceptive collection letters. See *Huber v. Simmon's Agency, Inc.* 84 F. 4th 132 (3rd Cir. 2023). In *Huber*, the Third Appeal Court furthered that it takes the receipt of a deceptive collection letter as an oblique reference to the tort of fraudulent misrepresentation. The Third Appeal Court stated that a 15 U.S.C. §1692 e. violation involves deception, and the statutory prohibition on the use of any "false, deceptive, or misleading representation or means in connection with the collection of any debt. ", and the 15 U.S.C. §1692 e. protects essentially the same interests as that traditional cause of tort action.

The Third Circuit Court cannot ignore and pass the review on the Mandate of Supremacy Clause of the Constitution of the United States and its owned Mandate on the violation of FDCPA.

CONCLUSION

The Court should grant the Petition for Writ of Certiorari. In the alternative, this Court should reverse, vacate, and remand this case for reconsideration by the Third Circuit.

Dated: June 2, 2025

Respectfully Submitted,

BY: Jay J. Lin

Jay J. Lin
Petitioner pro se