

Application No. 24A 958

Supreme Court, U.S.
FILED

APR - 1 2025

OFFICE OF THE CLERK

In the Supreme Court of the United States

Anthony Michael Branch,

Applicant,

v.

Federal National Mortgage Association,

Respondent,

Roberto Pina Cardoso,

Respondent.

EMERGENCY APPLICATION BY ANTHONY MICHAEL BRANCH FOR AN IMMEDIATE STAY OF EXECUTION OF JUDGMENT AND EVICTION PENDENCY OF PETITION FOR REVIEW

On Application For Stay To
The Massachusetts Supreme Judicial Court

To the Honorable Ketanji Brown Jackson,
Associate Justice of the United States

Rev. Anthony Michael Branch
Pro Se
ANTHONY MICHAEL BRANCH
25 Montello Street Extension
Brockton, MA 02301
Phone: (617) 755-3535
Email: tonybranch@icloud.com
Applicant

April 1, 2025



**TO THE HONORABLE KETANJI BROWN JACKSON, ASSOCIATE JUSTICE
OF THE UNITED STATES SUPREME COURT**

Rev. Anthony Michael Branch respectfully applies for a stay of the execution of judgment and eviction, including all enforcement proceedings concerning the property located at 25 Montello Street Extension, Brockton, Massachusetts, pending this Court's disposition of his Petition for a Writ of Certiorari, which was timely filed on February 3, 2025. Execution to dispossess the Applicant is scheduled for 10:00 a.m. on Tuesday, April 8, 2025. (Appendix A). On April 1, 2025, the Massachusetts Supreme Judicial Court, in an unpublished decision, denied a stay pending review by the Supreme Court. (Appendix B).

This application arises from state court litigation in which Applicant challenges the constitutionality of foreclosure and eviction proceedings under the Fifth and Fourteenth Amendments. The petition for certiorari raises substantial questions of procedural due process and deprivation of property through defective foreclosure notices and post-judgment intervention by a third party.

The Applicant has recently discovered a previously concealed quiet title action filed by Respondent Cardoso and is now facing imminent eviction. Moreover, an arson attempt occurred at the property while the Applicant and his family were asleep. A criminal investigation remains ongoing. These serious developments dramatically heighten the risk of irreparable harm.

Regarding the Applicants' due process rights, the Massachusetts Appeals Court dismissed the case as moot, ruling that the initial judgment of possession for Fanne Mae did not permit the third-party purchaser to take possession and that the

order allowing intervention was, therefore, moot. The intervenor was required to initiate separate litigation against the Applicant to obtain possession while also protecting the Applicant's due process rights. The intervenor sought further appellate review, which the Supreme Judicial Court granted, overruling the Massachusetts Appeals Court's judgment in favor of Fannie Mae and Cardoso. The Courts did not address Federal constitutional arguments raised by the Applicant.

REASONS FOR GRANTING THE APPLICATION

I. LIKELIHOOD OF SUCCESS ON THE MERITS

Courts evaluate four factors when determining whether to grant a stay, as articulated in Nken v. Holder, 556 U.S. 418 (2009). The applicant must demonstrate a substantial case on the merits that warrants further judicial review, although certainty of success is not required.

In foreclosure cases, courts recognize the importance of due process. See Fuentes v. Shevin, 407 U.S. 67 (1972), which holds that procedural due process requires notice and an opportunity to be heard before property deprivation. Here, the Applicant's case presents compelling legal and constitutional issues involving procedural due process violations in a non-judicial foreclosure setting. He has demonstrated that the notice of default was legally deficient and failed to comply with Paragraph 22 of the mortgage and state law; an entity conducted the foreclosure without authority at the time of the sale, and he did not have a meaningful opportunity to challenge the title of the third-party intervenor.

These procedural defects and constitutional violations present substantial questions likely to attract this Court's review. See Fuentes v. Shevin, 407 U.S. 67

(1972); Jones v. Flowers, 547 U.S. 220 (2006); Mennonite Bd. of Missions v. Adams, 462 U.S. 791 (1983).

II. IRREPARABLE INJURY TO APPLICANT

Applicant is facing imminent eviction under an execution order scheduled for April 8, 2025. Loss of a home constitutes irreparable harm. See Los Angeles v. David, 538 U.S. 715, 717 (2003).

Additionally, an arson attempt was made at the Applicant's residence on May 21, 2023. See Declaration of Anthony Michael Branch. (Appendix C). The presence of a known threat to his safety, alongside an active criminal investigation, significantly escalates the gravity of any forced removal. Removal from the property would endanger Applicant and his family and disrupt law enforcement's ability to investigate the incident. Conversely, Cardoso's concealment from the Applicant, the Housing Court, the Appeals Court, and the Massachusetts Supreme Judicial Court of his earlier title action in the Massachusetts Superior Court puts him in no position to claim that the granting of this stay is inequitable.

III. NO SUBSTANTIAL INJURY TO RESPONDENTS

The Court must balance the equities, ensuring that a stay does not unfairly prejudice the opposing party's rights. Here, Respondents face minimal prejudice from a temporary stay. Only in the last couple of weeks did the Applicant become aware of a 2020 case that Cardoso initiated in the Massachusetts Superior Court without informing the Applicant or the court. The Applicant was a necessary party under Massachusetts law; however, Cardoso concealed the Applicant's existence from that court, including misleading the court that was in actual possession of 25

Montello Street Extension. Courts have held that misrepresentation or concealment of material facts violates due process rights because it prevents a fair trial. See Brady v. Maryland, 373 U.S. 83 (1963), which stresses the importance of fair trials based on full disclosure of facts. Additionally, denying the Superior Court knowledge that the Applicant was in possession of the home and was involved in concurrent judicial review was a due process infirmity to the Applicant. This Court held that due process requires that a judge be free from bias or any appearance of bias, especially when a party has been misled or excluded from proceedings that affect their legal rights. See Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813 (1986). With respect to economic loss, constitutional interests outweigh temporary economic harm, see Connecticut v. Doehr, 501 U.S. 1 (1991). The respondents' conduct in concealing parallel proceedings weighs against claims of prejudice or substantial injury. This Court held that a prior judgment cannot bind a party who was not provided notice and opportunity to be heard. See Richards v. Jefferson County, 517 U.S. 793 (1996). A temporary maintenance of the status quo is not injurious to the parties and will not affect their ability to relitigate in a proper forum.

IV. THE PUBLIC INTEREST FAVORS A STAY

Constitutional due process lies at the heart of this case. The public has a profound interest in ensuring that foreclosures and evictions comply with constitutional standards. Allowing this eviction to proceed would sanction a flawed legal process and signal a willingness to overlook due process violations in housing matters. In addition, eviction under threat of violence endangers not only Applicant but also community safety and the integrity of ongoing criminal proceedings. See

Mathews v. Eldridge, 424 U.S. 319, 344 (1976) (holding that due process rules are designed to minimize erroneous deprivations of property).

CONCLUSION

For the foregoing reasons, and to preserve the status quo pending this Court's disposition of the Petition for a Writ of Certiorari, the Applicant respectfully requests that this Court issue an immediate stay of execution and eviction from 25 Montello Street Extension, Brockton, Massachusetts. Without such a stay, the Applicant faces irreparable harm, including the loss of his home, interference with an active criminal investigation, and denial of due process rights. A temporary stay will not substantially injure Respondents and will serve the public interest in ensuring constitutional protections are respected in foreclosure and eviction proceedings.

Dated: April 1, 2025

Respectfully submitted,
ANTHONY MICHAEL BRANCH
Pro Se & Petitioner

A handwritten signature in blue ink, reading "Anthony Michael Branch", is written over a horizontal line.

Rev. Anthony Michael Branch
25 Montello Street Extension
Brockton, MA 02301
Phone: 617-755-3535
Email: tonybranch@icloud.com

CERTIFICATE OF SERVICE

In accordance with Supreme Court Rules 22.2 and 29.3, on Tuesday, April 1, 2025, a copy of the application was served by email and U.S. mail on the counsels listed below.

Attorney for Roberto Pina Cardoso,
Karl F. Stammen, Jr, Esq.
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Counsel for Plaintiff, Fannie Mae a/k/a Federal National Mortgage Association,
Thomas J. Santolucito, Esq.
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ANTHONY MICHAEL BRANCH
Pro-Se Petitioner
Rev. Anthony Michael Branch
25 Montello Street Extension
Brockton, MA 02301
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APPENDIX A

Matthew T. Pauliks
Special Process Server
500 Belmont Street, Suite 135
Brockton, MA 02301
(508)880-6000 (508)588-2638

48 HOUR NOTICE PRIOR TO POSSESSION OF PREMISES

ANTHONY MICHAEL BRANCH
25 MONTELLO STREET EXTENSION
BROCKTON, MA 02301

Pursuant to M.G.L. Chapter 239, Section 3, by virtue of **Execution for Possession of a Leased or Rented Dwelling - Docket No. 18H82SP00281** issued by METRO SOUTH HOUSING COURT - BROCKTON MA

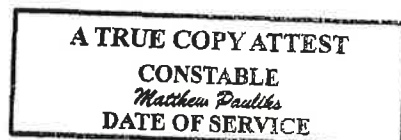
YOU ARE HEREBY NOTIFIED

That on TUESDAY APRIL 8, 2025 at 10:00AM ; I will serve and/or levy upon said Execution and physically remove the Defendant(s) and his or her property from the said premises if the said Defendant(s) has not prior to that time vacated the said premises voluntarily. Any personal property remaining on the premises at the time of this execution is levied upon will be removed and placed into a licensed public warehouse; Southcoast Moving 46 NORTH MONTELLO STREET, BROCKTON MA 02301 Telephone No. 508-984-4111. The warehouse may sell at auction any property that is unclaimed after 6 months and may retain that portion of the proceeds necessary to compensate them for any unpaid storage fees accrued as of the date of the auction. The warehouse's storage rates may be ascertained by contacting the Division of Occupational Licensure, 1000 Washington St Ste 1710 Boston MA 02188. 617-701-8600. You should notify the warehouse in writing, of any change in your mailing address in order to be contacted with the date and place where the auction will take place.

Dated: 3-31-2025



Matthew Pauliks, Special Process Server



3-31-2025

APPENDIX B

From: [SJC Full Court Clerk](#)
To: tonybranch@icloud.com
Subject: SJC-13510 - Notice of Docket Entry
Date: Tuesday, April 1, 2025 10:13:35 AM

Supreme Judicial Court for the Commonwealth of Massachusetts

RE: No. SJC-13510

FANNIE MAE & another
vs.
ANTHONY MICHAEL BRANCH

NOTICE OF DOCKET ENTRY

Please take note that the following entry was made on the docket of the above-referenced case:

Motion for a Stay filed by Anthony Michael Branch. (4/1/2025: The motion is Denied).

Very truly yours,
The Clerk's Office

Dated: April 1, 2025

To:
Thomas J. Santolucito, Esquire
Anthony Michael Branch
Karl F. Stammen, Esquire
Grace C. Ross

APPENDIX C

In the Supreme Court of the United States

DECLARATION OF ANTHONY MICHAEL BRANCH FOR HIS APPLICATION TO STAY BEFORE THE SUPREME COURT

I, Anthony Michael Branch, do depose:

1. I am the Applicant in the above-captioned matter. I make this declaration in support of my Emergency Application for a Stay of Execution and Eviction currently scheduled for April 8, 2025. I am competent to testify to the facts stated herein.
2. I recently became aware that Mr. Cardoso initiated a Quiet Title Case in the Massachusetts Superior Court, to which I was not served. Mr. Cardoso misrepresented the facts to the Superior Court by claiming he was in possession of 25 Montello Street Extension and never disclosed my cases to the court, which he was also involved in. Due process allows me to intervene in that case as it impacts my rights.
3. In the early hours of May 21, 2023, I was awakened by a strong smell of gasoline emanating from my bedroom's air conditioner. After checking on my daughter and running downstairs, I discovered flames flickering near the storm door. The arson attempt caused black smoke damage to the front porch, and the front porch stairs collapsed under the weight of the firemen. I immediately closed the door, called 911, and checked my security camera footage. The video showed a man at the location of the fire. Had I not woken

In the Supreme Court of the United States

up, my family and I could have been seriously injured. When I reopened the door, I heard someone running off, and I chased after him, shouting for him to stop. The individual was too far ahead, and as I entered the adjacent parking lot, I saw a gray or black pickup truck with utility racks speeding away.

4. On July 27, 2023, I observed a gray pickup truck with utility racks, driven by Roberto Pina Cardoso. The vehicle's license plate was Massachusetts 4GKW78, and it drove by my house while appearing to observe it. Previously, I was unaware that Mr. Cardoso owned a truck matching the description of the vehicle I had seen fleeing the scene of the arson attempt.
5. Since the arson attempt, I have lived in persistent fear for the safety of my family and myself. That fear has only deepened as the eviction date approaches. I believe that forcing me and my family to leave our home under these circumstances would subject us to serious risk of harm and trauma while undermining an active criminal investigation. This Court is the last safeguard to ensure that irreparable harm is prevented and that due process protections are not rendered meaningless before my constitutional claims can be heard.

In the Supreme Court of the United States

For these reasons, I respectfully urge the Court to grant the requested stay and maintain the status quo until my Petition for a Writ of Certiorari is resolved.

Sworn under the penalty of perjury.

Dated: April 1, 2025

Respectfully submitted,
ANTHONY MICHAEL BRANCH

A handwritten signature in blue ink that reads "Anthony Michael Branch" with a stylized flourish at the end.

Rev. Anthony Michael Branch, PRO SE
25 Montello Street Ext.
Brockton, MA 02301
Email: tonybranch@icloud.com

In the Supreme Court of the United States

CERTIFICATE OF SERVICE

In accordance with Supreme Court Rules 22.2 and 29.3, on Tuesday, April 1, 2025, a copy of the declaration was served by email and U.S. mail on the counsels listed below.

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