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No.

IN THE
SUPREME COURT OF THE UNITED STATES

Tracie L. Green — PETITIONER

vs.

US Bank National Association et al — RESPONDENT(S)

To the Full Member Court of
The Supreme Court of the United States

**EMERGENCY APPLICATION FOR STAY PENDING REVIEW OF
WRIT OF CERTIORARI BEFORE JUDGEMENT UNDER RULE 11
To the United States Court of Appeals for the Fourth Circuit
for the Petitioner**

Tracie Mitchem-Green [aka Tracie L. Green]

ProSe Defendant

P.O. Box 521

1585 Central Park Avenue

Yonkers, NY 10710

(803) 361-0602

Email: drgreen@myyahoo.com

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SUPREME COURT, U.S.

PARTIES TO THE PROCEEDING

The Applicant is Tracie Green (defendant-applicant below). An associated defendant party to this case is Palmetto Citizens Federal Credit Union who has never disputed the transfer to Federal jurisdiction or other legal pursuits of the primary defendant-applicant.

The Respondent(s) (plaintiff-appellees below) is US Bank National Association. Additional respondents are not well defined, this named John Doe and Jane Doe.

LIST OF ALL PROCEEDINGS

Tracie L. Green v US Bank National (No. 23-1176, 23-6591, 23A888). The Supreme Court of the United States. 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 This Motion [With Appendix] filed December 3, 2024. Motion returned, indicating jurisdiction ended August 19, 2024.

Tracie L. Green v US Bank National (No case number provided). The Supreme Court of the United States. Application to Extend Time to File Writ of Certiorari filed January 29, 2025. Application returned February 4, 2025, ordering review by lower courts.

US Bank National Association v Tracie Green. No 2022CP3200784. Lexington County Courthouse. (Notice of Appeal filed January 31, 2025, and amended February 2, 2025). Order entered November 14, 2024, and January 29, 2025. Final Judgment Pending.

US Bank National Association v Tracie Green. No 2025-000179. SC Court of Appeals. (Notice of Removal filed February 7, 2025; Case dismissed March 18, 2025).

US Bank National Association v Tracie Green. No 3:22-cv-04215-SAL. US District Court of the District of South Carolina. (Notice of Appeal filed February 14, 2025. Final Judgment entered February 18, 2025.)

US Bank National Association v Tracie Green. No 25-1169. US Court of Appeals for the Fourth Circuit. (Notice of Appeal—extend time to file writ of certiorari filed March 3, 2025. Final Judgment pending).

DECISIONS BELOW

This court's denial to file the motion to vacate and request for the opinion of lower courts is housed in **Appendix A**. The district court's decision denying an injunction for stay is housed in **Appendix B**. Although Lexington County Courthouse did not issue a written decision denying an injunction for stay, the court holding a preliminary auction is indicative of the court's denial of injunction for stay. Details are discussed in the Argument section of this application. The South Carolina Court of Appeals decision to deny injunction for stay is indicative of the court dismissing the case while still active under federal jurisdiction; the decision is housed in **Appendix C**. The Fourth Circuit's decision is still pending.

JURISDICTION

Regarding federal courts, a copy of this superior Court's denial to file motion to vacate and denial to file extension of time to file writ of certiorari with request for the opinion of lower courts appears at Appendix A. The date is pending on which the United States Court of Appeals for the Fourth Circuit will decide on this case. A petition for rehearing and rehearing en banc was filed April 8, 2025, due to receiving the respondent's notice of home.

acquisition, dated March 28, 2025, without receiving a decision from the Fourth Circuit.

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.

Regarding state courts, the date on which the South Carolina Court of Appeals denied the stay this **federal** jurisdiction case was March 18, 2025. This decision came approximately 24 hours after **Lexington County Courthouse** scheduled Appeal Bond hearing was not held due to Petitioner illness. The date on which the Lexington County Courthouse issued its unwritten decision to deny stay in this case was February 3, 2025, by holding a preliminary auction despite receipt of the Petitioner's appeal and motion for stay. These occurrences are discussed in detail in the Argument section of this application.

This Court has jurisdiction under 28 U. S. C. § 1254(1) and Rule 23. In accordance with, Tracie L. Green is a party to the judgment for whom review is sought, and the now requested relief was first sought in the below courts.

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To the Honorable Full Member Court of
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EMERGENCY APPLICATION FOR STAY
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To the United States Court of Appeals for the Fourth Circuit for the Petitioner

To the Honorable Full Member Court of the Supreme Court of the United States:

Pursuant to Supreme Court Rule 23, this ProSe Petitioner requests the full member court to grant an immediate stay—of all activity in lower courts, including auction/sale of the property in dispute—pending review of the writ of certiorari before judgement under Rule 11. [In fairness to Respondent, Petitioner requests Chief Justice Roberts to excuse himself due to petitioner's direct communication with him prior to submission of this petition.]

This stay application continues with the question presented in the accompanying writ of

certiorari to US Court of Appeals for the Fourth Circuit before judgment under Rule 11: 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)? Due to the severity of the fraudulent activity and harm endured—as initially detailed in the unsealed writ of certiorari in associated cases number 23M16 and 23-6591, filed with this Court on December 13, 2023 and December 26, 2023, respectively—this Court may find that, in addition to an immediate stay, a nation-wide injunction may be applicable.

STATEMENT OF THE CASE

US Bank National Association and associated accomplices, with intent, moved to defraud Petitioner of property, benefits, and resources under the guise of foreclosure.

As discussed, and summarized in the Petitioner's November 3, 2024, response to US Bank National Association [respondent]'s motion for Summary Judgement, [Proposed] Master's Order and Judgement for the Defendant:

Pursuant to South Carolina Code 15-36-10 and the preponderance of the evidence submitted—inclusive of the cumulative seven-page filed document roster—, US Bank National orchestrated a frivolous foreclosure lawsuit that lacks factual basis with the intent to harass and embarrass Defendant Tracie L. Green [hereafter, "Mitchem-Green"]. Furthermore, US Bank National acts have compromised the sacredness of the judicial process and positioned many for additional litigation. A referral for criminal probe and investigation is warranted.

First, US Bank National intentionally refused to comply with federal procedure to offer Mitchem-Green COVID-19 Loan Modification instead of the COVID-19 Recovery Standalone Partial Claim, as she was unable to resume making current monthly mortgage payments as specified in the July 23, 2021, HUD 21-115 Public Release Notice "Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners." Though Mitchem-Green notified US Bank National of its noncompliance to Federal procedure, US Bank National continued in its unlawful pursuit to harass and embraces Mitchem-Green.

On November 9, 2021, instead of correcting its error, US Bank National Association requested Mitchem-Green to resubmit another comprehensive application for

Mortgage assistance, which is comprehensive in nature. After not receiving a response to the federally mandated loan modification, On December 6, 2021, Mitchem-Green "sent a follow-up email to US Bank National Association requesting a loan modification as per FHA guidelines again"; and again in mid-February 2022 with the request to clarify the need for her to submit another application. Still US Bank did not provide a response, which led Mitchem-Green to contact HUD/FHA on February 18, 2022 to assist in conflict resolution. US Bank National filed this foreclosure lawsuit 14 days later. Criminal probing is warranted to determine if the basis of this frivolous lawsuit is in retaliation of Mitchem-Green reporting the conflict to federal agencies.

Five months later, on August 3, 2022, US Bank National tried to solidify its attempt to harass and embarrass Mitchem-Green by notifying her of its intent to secure "summary judgment" by acquisition of her home—the currently contested property located at 123 Cardinal Pines Drive, Lexington, SC 29073—without due process, which is unlawful. In response, Mitchem-Green, ninety-five (95)-page document, Notice of Home Acquisition, was delay-filed on September 1, 2022, in which she poses the following question:

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? .

As a result, the following changes occurred: the September 13, 2022 foreclosure hearing was cancelled and a Status Conference held in its place; and this case was stricken from the active roster less than 48 hours later by Your Honor Walter J McLeod, a different judge not presiding over the case; ultimately resulting in direct noncompliance to directives given by Master-In-Equity James Spence during the status conference. It was an agreement between the Plaintiff and the Court that caused this case to be referred to the Master-In- Equity; Mitchem-Green never consented to this case transfer. These occurrences have not yet been formally addressed by this Court.

As a stipulation of this case being moved to the inactive roster on September 14, 2022 at 1043pm, "Failure to submit Motion and Order...within 180 days from the date of the filing of this Order shall result in the case being dismissed without prejudice for non-compliance. So dismissed, the case shall not be restored, but must be refiled." That equates to around March 14, 2023 as the dismissal date for Plaintiff non-compliance; this was not done. Instead—as documented in Mitchem-Green's filed 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 ActiveTerrorism—the Order Restoring Case to Active Docket, dated February 28, 2023, was filed February 2, 2024 156pm. Mitchem-Green questioned as to why this case had not been dismissed due to not being restore by the March 14, 2023 deadline. A response was not

received. However, suspect events occurred. For example, on February 25, 2024, all online documents have been removed (i.e. not downloadable). In addition, descriptions of this Defendants documents have been changed to just "Filing/Other" whereas US Bank National descriptions remain unchanged. It is important to note here that Plaintiff US Bank National not only unlawfully and against Judge McLeod's order, moved this case to an active roster instead of dismissal for non compliance, but initiated the resumption of the case when US Bank National was aware of the Federal Court cases occurring simultaneously, particularly the Supreme Court of the United States; this Court has already acknowledged this is against standard procedure.

US Bank National unlawfully submitted the Motion for Summary Judgement, being aided by the delay in Filing Mitchem-Green's Motion to Move to Inactive Roster, dated and submitted February 6, 2024 until February 12, 2024], in which time Summary Judgement was said to be filed by US Bank National on February 7, 2024 with a Status Conference [Summary Judgment proceeding]—instead of a hearing—being set for February 27, 2024, one day after the Respondent's Brief of Opposition is due to Supreme Court of the United States. Again, this Court has already acknowledged concurrent state and federal proceedings with the same case is a violation of standard procedure.

Based on the preponderance of evidence US Bank National, along with accomplices, succeeded its original intent to harass and embarrass Mitchem-Green by stealing her home under the guise of this frivolous foreclosure, as it was US Bank National that failed to follow HUD/FHA guidelines. Further, US Bank persistently circumvented state and federal rules requiring a US Bank National to respond to Mitchem-Green's timely filed discovery requests; to date, Mitchem-Green is still waiting on responses. US Bank National has walked to a beat of its own drum with this proceeding by also not providing Mitchem-Green with copies of all documents it says it filed, including the state-level Motion for Summary Judgement, and responses to proceedings in federal courts though mandated by the South Carolina Rules of Civil Procedure and Federal rules. US Bank National purported itself to be in compliance and Defendant Mitchem-Green out of compliance with the terms outlined in the Proposed Order, requesting foreclosure of Mitchem-Green's property. This Court finds these are willful violations of standard procedure on state and federal levels. In addition, US Bank National has caused harm to Mitchem-Green as aforementioned, and including Mitchem-Green's attached rebuttal to US Bank National Summary Judgement. It is because of like-occurrences that Mitchem-Green justifiably believes her safety will be jeopardized if she returns to South Carolina before resolution is complete.

ARGUMENT

The traditional stay-standard is in effect in this case. The four factors include "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether [he] will be irreparable injured absent a stay; (3) whether issuance of the stay will

substantially injure the other parties...; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418 (2009).

I. The Petitioner is Likely to Triumph on Appeal

In addition to the [Proposed] Master’s Order and Judgement for the Defendant aforementioned, the Federal emergency motion to vacate judgments of all lower courts in associated case No 23M16 and 23-6591 (linked to 23A888) submitted to this Court on December 3, 2024, discussed meritorious facts that support Petitioner’s likely success on appeal:

Pursuant to this Court’s Rule 21.2(b) and Federal Rule of Civil Procedure 60(b), this Petitioner respectfully moves that the Court vacate the judgments of the district court, the court of appeals; this court and remand to this most superior judicial body—before a full member Court; and hold all further action in abeyance pending the Court’s disposition of this motion. These actions are requested by December 17, 2024 due to Respondent issuing a Notice of Acquisition within 60 to 90 days.

...Respondent has repeatedly exhibited non-compliance with court rules, including violating Rule 26 (a)(1)(a)(ii) “...a party must...provide to the other parties a copy...of all documents...that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses...” Moreover, Lexington County Courthouse November 14, 2024 Judgment Order verifies that Respondent federal responses were made and provided to the appeals court as well as this Court. I find that since the inception of this action, Respondent...attorney Firm has been responsible for the preparation of ... pleadings in federal court where the Defendant sought to move the state court foreclosure case to federal court, including appeals to the Fourth Circuit Court of Appeals and the Supreme Court of the United States of America. However, either Respondent’s federal responses were not timely received or never received by this Petitioner, which is a violation of the rules of civil procedure.

... November 14, 2024 Judgement Order...confirmed Respondent submitted reply pleadings to the federal courts, including the Supreme Court of the United States. How is this possible, with this Petitioner not receiving the same documents, particularly to this highest superior Court? Investigation is required.

In a November 6, 2024 941am electronic admission, Respondent reassured the Lexington County Courthouse that there was not a Racketeer Influenced and Corrupt Organizations (RICO) case as reported by this Petitioner. However, this Petitioner’s conversation with the US Court of Appeals for the Second Circuit on October 25, 2024 proved otherwise by verifying jurisdiction of the said court. The reason for the extreme delay in processing of the RICO case remains unclear; investigation is needed. How could the Respondent reassure Lexington County Courthouse regarding the validity of the RICO case without unlawful inside knowledge? Investigation is required.

In addition, while awaiting this Courts decision on the Notice of Removal, and Motion to Stay Return to South Carolina, with transfer of State Level Proceeding to Federal

Jurisdiction for the Petitioner, Lexington County Courthouse ruled for the Respondant, initiating foreclosure on this Petitioners home. However, three egregious errors—guardian ad litem, attorney appointment, and attendance to motion hearing—were noted with Lexington County Court citing this Petitioners lack of attendance to the motion hearing directly impacting the decision making process. This error by the said Court is refuted in this Petitioner's June 21, 2024 submitted document where she details a conversation with Judge James Spence in which he denied this Petitioner access to the Motion Hearing, despite receiving notice of the restraining order filed against him. Moreover, the state-level Summary Judgement Motion Hearing was occurring simultaneously to federal proceedings in this court, the Supreme Court of the United States; such activity is unlawful and a violation of standard procedure:

In response to the egregious errors within the Judgement Order, this Petitioner issued a Notice to Cease and Desist/Motion to Reconsider on December 18, 2024...

..This Petitioner respectfully submits that the appropriate course of action for the Court in such compromising circumstances is to vacate the judgments of all lower courts and this Court and remand. Both cases, 23-1176 and 23-6591, should be remanded to this Court, the Supreme Court of the United States, with instructions to hold all further action in abeyance pending this Court's disposition of this motion (including Lexington County Courthouse current foreclosure proceeding).

The integrity of these cases is negligible outside of this court. The gravity of these cases is too substantial to be decided in lower courts. Furthermore, this court is the final jurisdictional court capable of intervening and vacating the beforementioned judgements.

This motion to vacate judgements was returned due to "...this court no longer has jurisdiction over your case." Moreover, subsequent filings to extend time to file writ of certiorari while staying all further foreclosure activity until review and disposition of the case was returned, directing the need to obtain lower court opinions. Thus, the filing of the writ of certiorari submitted with this application for stay of all foreclosure activity pending review of the petition.

A. Lexington County Courthouse erred in granting summary judgment; denying motion to vacate judgment; and conducting a preliminary sale of Petitioner's home despite appeal and motion for stay in place.

The aforementioned documents detail the unresolved occurrences before and after Lexington County Courthouse erred in granting summary judgement. Further, the Petitioner's February 7, 2025, Notice of Removal submitted to the District Court reviews the errors of the

Lexington County Courthouse January 29, 2025, denial to vacate judgment:

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

Rule 60, SCRPC 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

2. *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.*
3. *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.*
4. *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, 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.*
5. *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.
6. 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.
 7. 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.
 8. 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.
 9. Despite being informed of erroneous information in the November 14, 2025 Judgment Order, Lexington County Courthouse persists in publizing the errors, which continues to defame this Defendants character. The errors are:
 10. 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 errorenous 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.
 11. 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 Dismissal 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.
- 13. 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.
- 14. Fraud, Judge Spence reminded of pending Federal proceedings (RICO case, Supreme Court Notice of Removal); Plaintiff breaching 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).
- 15. 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.

16. **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]

17. Fraud, details Judge Spence operating on case actively being evaluated by Federal court **despite repeated notifications from Defense** (as discussed above)

18. 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.

19. 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.

20. 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.

...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.

12. 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.

13. *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.*
14. *In respectful objection of order denying the motion to vacate,; 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 informia 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 Defenses 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.*

...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.

15. *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.*
16. *Although some manners are reptitious, 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 Certorari to US District Court of South Carolina, Writ of Certorari to US Court of Appeals for the Fourth Circuit, and Supplement Brief with Appendix documents submitted to the Supreme Court of the United States, 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 Affidavit 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 Acquisition, 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.

I. REMOVAL IS REQUIRED

17. 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...
18. The removal statute applies to foreclosure cases.
19. In foreclosure-removal cases requesting sanctions over 1 year after commencement of the action, the Court applies a two-step test: First, did the plaintiff act in bad faith in an

attempt to prevent a defendant from removing the action? Second, has FRCP Rule 11 been violated with notice and a reasonable time to respond being provided? (28 U.S.C. Code 1446(a)(1)(3), 1332 (a)(1), and Federal Rules of Civil Procedure (FRCP) 11(c)(1))

20. This case satisfies both of these elements.

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

21. 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 Acquisition 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 Recusal And Change of Venue (From State to Federal Jurisdiction) with Federal Investigation into ActiveTerrorism 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 3hours 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.

22. 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 Certorari to the Distriict 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 tho to the said Bank, CPI Security last attempt to withdraw funds was September 2023. My requests for followup remain unanswered.*
- 3. In an assoicated racketerring 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 authoriites are aware.*

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

Furthermore, on April 12, 2025, the Petitioner received a Waiver of Deficiency, filed March 20, 2025, but postmarked April 9, 2025, indicating US Bank National Association “waives its right to a personal or deficiency judgment in the above foreclosure matter.” The Petitioner do not recall this document ever being listed on Lexington County public index or being referenced by the Respondent.

B. SC Court of Appeals erred in continuing to process this case after receiving notice of removal and dismissing a case it no longer held jurisdiction over.

After the motion to vacate judgment was denied on January 29, 2025, the Petitioner initially submitted an appeal to the Municipal Court (this was due to not being provided with appeal information). Then, after Lexington County Court indicated the SC Court of Appeals was the correct venue, the Petitioner immediately submitted an appeal on January 31, 2025, with the final amended Notice of Appeal documents, including a stay being submitted on February 2, 2025. A Notice of Removal was filed five days later, on February 7, 2025, to pursue federal jurisdiction.

However, on February 18, 2025, SC Court of Appeals issued a directive to correct the notice of appeal by February 28, 2025, or the case would be dismissed. This Peitioner requests for clarification went unanswered, as is noted in the following February 25, 2025 submission:

- 1. 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?***

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...”. The presumptively submitted petition for rehearing submitted to the Fourth Circuit Court of Appeals [due to not receiving any responses besides approval of *informa pauperis*], details Petitioner concerns regarding this occurrence:

... [SC Court of Appeals] 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. Lastly, on April 5, 2025, the Appellant received yet another Notice of Home Acquisition from the Appellee; this one dated March 28, 2025 [and mailed to the South Carolina property address] that indicates title transfer expected within the next sixty to ninety days. This indicates the Appellee is either participating in unlawful case activity outside of this Court or has knowledge unavailable to the Appellant.

Due to the egregious and gang-like occurrences the continue to occur, the Petitioner has resumed issuing notices of restraining order(s) to US Bank National accomplices and has now filed a third amended order to show cause/restraining order with the Fourth Circuit, with the last being submitted on March 30, 2025. To date, a response is pending from the said Court. Moreover, Congress and Law Enforcement have been notified.

C. The US District Court for South Carolina erred by Labeling this as a Closed Case, and Revoking Informa Pauperis status for the Petitioner.

As discussed in the Petitioner’s March 15, 2025 Informal Reply Brief:

The Appellee response brief, dated March 10, 2025, was received on March 13, 2025. The February 10, 2023 Informal Brief presented the following three issues:

- 1. **Issue 1:** U.S. Bank National Association failed to use ordinary care [i.e. follow guidelines and comply with applicable law(s)] in processing the Mortgage Assistance Program Application.*
- 2. **Issue 2:** US Bank failure in appropriately processing the Mortgage Assistance Program application appears to be intentional and deliberate in nature.*
- 3. **Issue 3:** Tracie L. Green received partial treatment from within the Judiciary process initiated by U.S. Bank National.*

Whereas, this present case presents a single issue:

1. **Issue 1: The elements of fraud are satisfied in this foreclosure case.**
[Specifically, there was and is a scheme to defraud, intent to defraud, a material false statement(s), reliance by victim on those statement(s), and resulting damages.]

Moreover, this current case was briefly appealed to the South Carolina Court of Appeals prior to being removed to federal jurisdiction. In addition, this present case, has been determined by The Supreme Court of the United States, that it is indeed a new case, thus mandating it be evaluated by lower federal courts. Specifically, this superior court stated on February 4 2025:

...You are informed you may not file an extension of time to file a petition for writ of certiorari for a case that has not been reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

Therefore the Appellee's argument is moot. This is a new, viable case.

In rebuttal to the Appellee's statement of two issues presented, this Appellant revisits the February 21, 2025 Informal Brief:

It's this Defense's expectation that ... 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.

*A state-level court is still **not** complying with this Courts jurisdiction, thus the filing of the February 27, 2025 Emergency Motion for Dismissal with Prejudice and To Compel in which this Appellant asks this court to assist in the Appellee and lower courts:*

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.

It is for this recurrent issue with non-compliance with federal and state rules of civil procedure that this Appellant has filed a motion before judgment with The Supreme Court of the United States, as the Appellant is still operating unlawfully; this superior court motion is included with this filing. Furthermore, as discussed in the February 7, 2025 Notice of Removal, co-defendants Cardinal Pines Homeowners' Association, Inc and Palmetto Citizens Federal Credit Union have never contested requests to transfer to Federal jurisdiction in either case; thus the Appellee's argument is again moot.

In summary, this Court should refute that the District Court properly denied this Appellant's attempt to remove this new case to federal court and uphold this Appellant's right to appeal.

II. The Disputed Property Warrants a Stay

To date, the Petitioner has submitted both a state (to SC Court of Appeals) and federal motion (initially to US District Court for South Carolina) for stay of foreclosure activity:

State (February 2, 2025)

Tracie L. Green [Mitchem-Green] appeals the order denying motion to vacate judgement order of the Honorable James O. Spence dated January 29, 2025. Appellant received written notice of entry of this order denying motion to vacate judgement order on January 30, 2025.

Staying Judgement for Sale or Delivery of Land: Pursuant to SC Code 18-9-170 (2023), the below signed appellant, during the possession of such property, will not commit or suffer to be committed any waste thereon and if the judgment be affirmed, will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking. When the judgment directs the sale of land to satisfy a mortgage thereon or other lien, the undertaking shall prove that in case the judgment appealed from be affirmed and the land be final sold for less than the judgment debt and costs then the appellant shall pay for any waste committed or suffered to be committed on the land and shall pay a reasonable rental value for the use and occupation of the land from the time of the execution of the undertaking to the time of the sale, but not exceeding the amount of such deficiency, which sum shall be duly entered as a payment on the judgement; and in case the land shall be unimproved land, then in any action or proceedings now pending or hereafter begun in any of the courts of this State the undertaking shall further provide for the payment by appellant, if the judgment be affirmed, or any taxes due at the time of the appeal or already paid by the mortgagee, or becoming due during the pendency of the appeal, and also for the payment by appellant of the interest on the debt falling due during the pendency of such appeal. Due to the presence of criminal activity occurring and this Defendants informa pauperis status, this court is requested to utilize the pending \$3 million judgement in lieu of the requested two sureties.

Federal (February 11, 2025)

Motion for Stay or Injunction Pending Appeal

Pursuant to Federal Rules of Civil Procedure 62, this ProSe Defendant moves for this Court to stay Lexington County Courthouse November 14, 2024 judgement order and January 29, 2025 denial to vacate judgment order to prevent further foreclosure and auctioning activities pending appeal completion. Copies of both orders were previously included with the Notice of

Removal on file with this Court.

*As discussed in the Notice of Appeal [Second Amendment] submitted to the South Carolina Court of Appeals on February 2, 2025 (2 pages; See **Appendix A**, which also includes Appellant Letter to the Court (9 pages)):*

...Staying Judgement for Sale or Delivery of Land: Pursuant to SC Code 18-9-170 (2023), the below signed appellant, during the possession of such property, will not commit or suffer to be committed any waste thereon and if the judgment be affirmed, will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking. When the judgment directs the sale of land to satisfy a mortgage thereon or other lien, the undertaking shall prove that in case the judgment appealed from be affirmed and the land be final sold for less than the judgment debt and costs then the appellant shall pay for any waste committed or suffered to be committed on the land and shall pay a reasonable rental value for the use and occupation of the land from the time of the execution of the undertaking to the time of the sale, but not exceeding the amount of such deficiency, which sum shall be duly entered as a payment on the judgement; and in case the land shall be unimproved land, then in any action or proceedings now pending or hereafter begun in any of the courts of this State the undertaking shall further provide for the payment by appellant, if the judgment be affirmed, or any taxes due at the time of the appeal or already paid by the mortgagee, or becoming due during the pendency of the appeal, and also for the payment by appellant of the interest on the debt falling due during the pendency of such appeal. Due to the presence of criminal activity occurring and this Defendants inform a pauperis status, this court is requested to utilize the pending \$3 million judgement in lieu of the requested two sureties.

The undersigned now understands that a stay is not automatic in this case. However, given the strong, compelling evidence of fraudulent activity detailed in the Notice of Removal, a stay is warranted in the interest of justice. Moreover, financial responsibility is evident, as the contested property, 123 Cardinal Pines Drive, Lexington, South Carolina 29073 (valued at approximately \$230,000, judgement order is for \$150,213.73), is occupied by the undersigned with a strong security system through CPI Security; while the undersigned remains a resident of New York (having left South Carolina for safety concerns). However, as discussed in the Notice of Removal, evidence shows that CPI Security may be involved with the fraud, thus law enforcement has been notified. Therefore, the judgement (i.e. acquisition of said property) is secure and not in danger of loss. Irreparable harm will be done if a stay is not granted halting the acutioning of this property, which has been a home of the undersigned for 18 years. Lastly, granting a stay or injuction is in the best interest of the public as noted in this January 31, 2025 500pm correspondence:

...If this court and plaintiff proceeds with sale despite notice of appeal, its considered theft. Thus danger to public as they would be encouraged to participate in fraudulent activity...

*Again, the undersigned now understands that a stay is not automatic. However, despite the February 2, 2025 submission to the Court of Appeals addressing the stay, Lexington County Courthouse **still** proceeded with the auction on February 3, 2025, now labeling it a preliminary*

auction, while adding a final auction date for March 2025. It is the duty of this Court to determine if Lexington County Courthouse actions were proper or intended to cause harm and distress given that a stay request had been filed the day prior.

Conclusion

For the foregoing reasons, the United States District Court for the District of South Carolina should grant a stay or injunction to Lexington County Courthouse November 14, 2024 judgement order and January 29, 2025 denial to vacate judgment order to prevent further foreclosure and auctioning activities pending appeal completion.

In addition, due to the persistent state-level activity despite federal jurisdiction, the Petitioner submitted another stay motion, this time directly to Lexington County Courthouse on March 17, 2025, the very day of the scheduled Appeal Bond hearing at the said Court;

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 SCRPC 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 SCRPC 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 Plaintiffs. 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.

III. This Court Will Likely Grant the Writ of Certiorari

Given the gravity of circumstances, there is reasonable probability this Court will grant review of the question presented: 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)?

In the initial March 17, 2025 order to show cause filed with the Fourth Circuit on, the Petitioner wrote:

I, Tracie L. Mitchem-Green, as plaintiff in the above-entitled action, respectfully

move this

court to order defendant to show cause why he should not be enjoined from/to cease and desist any and all unlawful activity pertaining to my property, money, and benefits; temporarily restrained from me until a final disposition on the merits in the above-entitled action.

Unless this order is issued, I will suffer immediate and irreparable injury, loss and damage

in that, as discussed in the attached March 17, 2025 Letter to the Court/Motion to Stay all State-level Court Activity Pending Federal Jurisdiction Completion and the March 14, 2025 chain-email correspondences, I will likely be physically harmed again; lose my residential property [123 Cardinal Pines Drive, Lexington, South Carolina 29073] and money and benefits to fraudulent Appeal bond activity based on fraudulent Summary Judgement activity; lose contact with my child; lose employment in New York; lose homeless shelter placement in...; as well as social services benefits. Details of the defendants most recent actions are detailed in the attached March 17, 2025 letter and in the 7-paged chain email dated March 14, 2025 (reads in descending order to March 4, 2025).

This court is encouraged to request a copy of the RICO and FCA complaint, as it details the Defendant has already attempted to fraudulently acquire my home, money, and benefits by blatant disregard to and for multiple state and federal laws.

Furthermore, the four factors required to grant a stay have been satisfied. They are: “1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; 2) whether [he] will be irreparable injured absent a stay; 3) whether issuance of the stay will substantially injure the other parties...; and 4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418 (2009).

CONCLUSION

The full member court Court should grant an immediate stay—of all activity in lower courts, including auction/sale of the property in dispute—pending review of the writ of certiorari before judgement under Rule 11. Due to the severity of the fraudulent activity and harm endured this Court may find that, in addition to an immediate stay, a concurrent nation-wide injunction

forever barring US Bank National, and associated accomplices, from contacting the

Petitioner by and through any and all means, may be applicable.

Respectfully submitted,

A handwritten signature in black ink that reads "Tracie Mitchem-Green". The signature is written in a cursive, flowing style. The first name "Tracie" is written with a large, stylized "T" and "M". The last name "Mitchem-Green" is written in a more standard cursive script.

Tracie Mitchem-Green

ProSe Defendent

P.O. Box 521

1585 Central Park Avenue

Yonkers, NY 10710

(803) 361-0602

Email: drgreen@myyahoo.com

April 14, 2025

Appendix A

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

December 6, 2024

Tracie L. Green
PO Box 521
Yonkers, NY 10710


RE: Green v. US Bank National Association/ Petition for Rehearing
"Emergency Motion to Vacate Judgments"
No: 23-6591

Dear Ms. Green:

Your application that was received December 6, 2024 is herewith returned for the following reason(s):

Your petition for a writ of certiorari was denied by the Court on May 20, 2024, with rehearing denied on August 19, 2024, therefore this Court no longer has jurisdiction over your case.

Sincerely,
Scott S. Harris, Clerk
By:


Robert Meek
(202) 479-3027

Enclosures

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

February 4, 2025

Tracie L. Green
PO Box 521
Yonkers, NY 10710

RE: Green v. US Bank National Association/ Extension of Time
Lexington County South Carolina (No Case No.)

Dear Ms. Green:

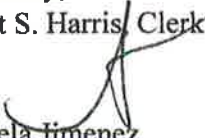
The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked January 29, 2025 and received February 4, 2025. The application is returned for the following reason(s):

The lower court opinion must be appended dated November 14, 2024. Rule 13.5.

You are informed you may not file an extension of time to file a petition for writ of certiorari for a case that has not been reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

It is impossible to determine the timeliness of your application for an extension of time without the lower court opinions.

Sincerely,
Scott S. Harris/ Clerk
By:


Angela Jimenez
(202) 479-3392

Enclosures

Appendix B

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

US Bank National Association,

Plaintiff,

v.

Tracie L. Green, a/k/a Tracie Ledora
Mitchem-Green; Cardinal Pines
Homeowners' Association, Inc.; Palmetto
Citizens Federal Credit Union,

Defendants.

C/A No. 3:22-cv-4215-SAL

ORDER

This is a closed case. In November 2022, Defendant Tracie L. Green, proceeding pro se and in forma pauperis, filed a notice of removal that purported to remove a mortgage foreclosure action ("foreclosure action") filed in the Court of Common Pleas in Lexington County, South Carolina. In December 2022, the magistrate judge assigned to this matter issued a Report and Recommendation ("Report"), recommending this court remand the case to the Court of Common Pleas of Lexington County, South Carolina, for lack of subject matter jurisdiction and because Defendant had not complied with the procedure required for removal under 28 U.S.C. § 1446. [ECF No. 13.] Defendant filed a response to the Report, but she failed to raise any specific objections to the Report or to address the jurisdictional and procedural defects in her case. [ECF No. 24.] Accordingly, the court adopted the report and remanded this matter to the Lexington County Court of Common Pleas. *Id.*

Defendant then appealed this court's decision to the Fourth Circuit. In October 2023, the Fourth Circuit dismissed the appeal for lack of jurisdiction, noting this court had expressly determined it lacked subject matter jurisdiction. [ECF No. 38.]

ELECTRONICALLY FILED - 2025 Feb 24 10:51 AM - LEXINGTON - COMMON PLEAS - CASE #2022CP3200784

On February 12, 2025, Defendant filed a packet of documents that have been docketed as a motion for reconsideration (ECF Nos. 42, 45),¹ a motion to stay and for preliminary injunction (ECF No. 43), and a motion for leave to proceed in forma pauperis (ECF Nos. 44, 46). But, for the same reasons already identified by this court, this court lacks subject matter jurisdiction over this matter. It has been remanded, and this is a closed case. None of the information provided in Defendant's submissions to the court cures the jurisdictional and procedural defects in her case. Accordingly, Defendant's pending motions for reconsideration (ECF Nos. 42, 45) and her motion to stay and for a preliminary injunction (ECF No. 43) are **DENIED**. Her motion for leave to proceed in forma pauperis (ECF Nos. 44, 46) is **TERMINATED AS MOOT**.²

IT IS SO ORDERED.

February 18, 2025
Columbia, South Carolina


Sherri A. Lydon
United States District Judge

¹ These are styled as a notice of removal, but they concern the same state court foreclosure action that this court has already remanded to state court.

² The magistrate judge previously granted a motion to proceed in forma pauperis in this case. *See* ECF No. 10.

Appendix C

The South Carolina Court of Appeals

U.S. Bank National Association, Respondent,

v.

Tracie L. Green; Palmetto Citizens Federal Credit Union,
Defendants,

of which Tracie L. Green is the Appellant.

Appellate Case No. 2025-000179

The Honorable James O. Spence
Lexington County
Trial Court Case No. 2022CP3200784

ORDER

Appellant has failed to serve and file an amended notice of appeal in the correct format, as required by Rule 203 of the South Carolina Appellate Court Rules (SCACR) and this Court's letter dated February 18, 2025. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT
BY Catherine Harrison, Deputy
CLERK

Columbia, South Carolina

cc:

Tracie L. Green

John Sanford Kay, Esquire

Sarah Oliver Leonard, Esquire

Ashley Zarrett Stanley, Esquire

Kenneth Gregory Wooten, III, Esquire

FILED
Mar 18 2025

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Bank National Association (Plaintiff/Appellee)

v.

Tracie Green, Palmetto Citizens Federal Credit Union, Cardinal Pines
Homeowners Association (Defendant/Appellant)

On Appeal From the United States District Court
for the District of South Carolina
(The Hon. Sherri Lydon)

EMERGENCY MOTION FOR STAY PENDING APPEAL

INTRODUCTION

Pursuant to Rule 8, Appellant Tracie Green petitions for the court, panel, or individual judge, to grant an immediate stay—of all activity in lower courts, including auction/sale of the property in dispute—pending appeal. This stay application continues with the question presented in the Informal Brief: 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)?

Reason For Granting Relief and Facts Relied On

Submitted to Lexington County Courthouse in response to Appellee's

submission for summary judgement, is the following:

Pursuant to South Carolina Code 15-36-10 and the preponderance of the evidence submitted –inclusive of the cumulative seven-page filed document roster—, US Bank National orchestrated a frivolous foreclosure lawsuit that lacks factual basis with the intent to harass and embarrass Defendant Tracie L. Green [hereafter, "Mitchem-Green"]...First, US Bank National intentionally refused to comply with federal procedure to offer Mitchem-Green COVID-19 Loan Modification instead of the COVID-19 Recovery Standalone Partial Claim, as she was unable to resume making current monthly mortgage payments as specified in the July 23, 2021, HUD 21-115 Public Release Notice "Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners." Though Mitchem-Green notified US Bank National of its noncompliance to Federal procedure, US Bank National continued in its unlawful pursuit to harass and embarrass Mitchem-Green.

On November 9, 2021, instead of correcting its error, US Bank National Association requested Mitchem-Green to resubmit another comprehensive application for Mortgage assistance, which is comprehensive in nature. After not receiving a response to the federally mandated loan modification, On December 6, 2021, Mitchem-Green "sent a follow-up email to US Bank National Association requesting a loan modification as per FHA guidelines again"; and again in mid-February 2022 with the request to clarify the need for her to submit another application. Still US Bank did not provide a response, which led Mitchem-Green to contact HUD/FHA on February 18, 2022 to assist in conflict resolution. US Bank National filed this foreclosure lawsuit 14 days later....

As a stipulation of this case being moved to the inactive roster on September 14, 2022 at 1043pm, "Failure to submit Motion and Order...within 180 days from the date of the filing of this Order shall result in the case being dismissed without prejudice for non-compliance. So dismissed, the case shall not be restored, but must be refiled." That equates to around March 14, 2023 as the dismissal date for Plaintiff non-compliance; this was not done. Instead... the Order Restoring Case to

Active Docket, dated February 28, 2023, was filed February 2, 2024 156pm...

US Bank National unlawfully submitted the Motion for Summary Judgement, being aided by the delay in Filing Mitchem-Green's Motion to Move to Inactive Roster, dated and submitted February 6, 2024...

In the February 20, 2025 Informal Brief filed with this court, the first relief requested is "Grant stay or injunction of all foreclosure proceedings pending Appeal completion." Initially, this Appellant understood courts instructions—of not including documents previously filed with the District Court due to this court having access—to indicate the stay submitted to District Court would be honored with this court. However, in corresponding with the Supreme Court of the United States (**Appendix A**), enlightenment recently occurred that a new stay application must be submitted to each court, hence this emergent stay application. Since the application for stay pending appeal was returned by the superior court, it is not appended with this application. Moreover, this stay application is still considered timely as per communication with the lower court (**Appendix B**):

Judge Spence 2/27/25 728am email received. In Summary (please correct me if summary incorrect): In general, decisions to sale properties are made before Judge leaves his office to go to court room to officiate public sale. A review of emails received, voice mail messages, and court documents are reviewed to determine if a property sale should be cancelled. Thus, the decision to cancel the March 5, 2025 auction will be made prior to the sale.

A fact relied on is a motion for stay was presented but denied by the district court, citing the case was remanded and considered closed; since these documents are available in the District Courts electronic record, they are not appended as per court instructions. As discussed in the February 11, 2025 Motion for Stay or Injunction Pending Appeal submitted to the District Court:

...Staying Judgement for Sale or Delivery of Land: Pursuant to SC Code 18-9-170 (2023), the below signed appellant, during the possession of such property, will not commit or suffer to be committed any waste thereon and if the judgment be affirmed, will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking. When the judgment directs the sale of land to satisfy a mortgage thereon or other lien, the undertaking shall prove that in case the judgment appealed from be affirmed and the land be final sold for less than the judgment debt and costs then the appellant shall pay for any waste committed or suffered to be committed on the land and shall pay a reasonable rental value for the use and occupation of the land from the time of the execution of the undertaking to the time of the sale, but not exceeding the amount of such deficiency, which sum shall be duly entered as a payment on the judgement; and in case the land shall be unimproved land, then in any action or proceedings now pending or hereafter begun in any of the courts of this State the undertaking shall further provide for the payment by appellant, if the judgment be affirmed, or any taxes due at the time of the appeal or already paid by the mortgagee, or becoming due during the pendency of the appeal, and also for the payment by appellant of the interest on the debt falling due during the pendency of such appeal. Due to the presence of criminal activity occurring and this Defendants informa pauperis status, this court is requested to utilize the pending \$3 million judgement in lieu of the requested two sureties.

The second and third facts relied on are financial responsibility is evident and irreparable harm will be done if a stay is not granted. Again, as discussed in the

February 11, 2025 Motion for Stay or Injunction Pending Appeal submitted to the District Court:

...given the strong, compelling evidence of fraudulent activity detailed in the Notice of Removal, a stay is warranted in the interest of justice. Moreover, financial responsibility is evident, as the contested property, 123 Cardinal Pines Drive, Lexington, South Carolina 29073 (valued at approximately \$230,000, judgement order is for \$150,213.73), is occupied by the undersigned with a strong security system through CPI Security; while the undersigned remains a resident of New York (having left South Carolina for safety concerns)... Therefore, the judgement (i.e. acquisition of said property) is secure and not in danger of loss. Irreparable harm will be done if a stay is not granted halting the acutioning of this property, which has been a home of the undersigned for 18 years...

As per Court instructions, the Notice of Removal has not been directly submitted to this Court, as it is already available since it was submitted to the District Court. Lastly, all parties were previously made aware of the appellant's desire to stay all foreclosure activity pending appeal (**Appendix C**).

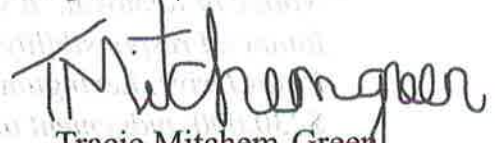
Lastly, the dismissal and remand by South Carolina Court of Appeals occurred after this case was removed to federal jurisdiction; which is a subject of concern addressed in the informal brief (**Appendix D**).

CONCLUSION

For all the above reasons, this Court should grant an immediate, emergent stay pending appeal.

May 22, 2025

Respectfully submitted,



Tracie Mitchem-Green

PO Box 521, 1585 Central Park Ave

Yonkers, NY 10710

803-361-0602

drgreen@myyahoo.com

CERTIFICATE OF COMPLIANCE

1. This emergent motion for stay has been prepared using Microsoft Word 365 and 14-point type size with Times New Roman font.
2. The body of this petition contains 1325 words (excludes case caption, title and signature block information, in compliance with not exceeding 5200 words.

I understand that a material misrepresentation can result in the Court's striking the motion and imposing sanctions. If the Court so requests, I will provide an electronic version of the motion or verification deemed appropriate by the Court.

May 22, 2025



Tracie Mitchem-Green
Pro se Appellant

CERTIFICATE OF SERVICE

I certify that on May 22, 2025, I served a complete copy of this Emergency Motion for Stay Pending Appeal on all parties addressed as shown below:

- Hutchens Law Firm, 240 Stoneridge Drive, Suite 400, Columbia, South Carolina 29210
- Richardson Plowden, 1900 Barnwell Street, Columbia, SC 29201


Signature

Emergency Motion for Stay Pending Appeal Appendix

Appendix A

Page 2

1. May 13, 2025 Letter from the Supreme Court of the United States. (1 page)
2. May 7, 2025 Letter from the Supreme Court of the United States (1 page)
3. April 23, 2025 Letter from the Supreme Court of the United States. (1 page)

Appendix B

Page 6

1. February 28, 2025 email communication with Lexington Courthouse and all parties (Page 1 of 3)

Appendix C

Page 8

1. April 25, 2025 Letter to Your Honor James Spence, Master-in-Equity, at Lexington County Courthouse provided to all parties (1 page)

z

Appendix D

Page 10

1. April 25, 2025 South Carolina Court of Appeals Remittitur (1 page)
2. March 18, 2025 South Carolina Court of Appeals Dismissal Order (1 page)
3. Lexington County Courthouse Order of Sale (3 pages)

Appendix A

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

May 13, 2025

Tracie L. Green
PO Box 521
Yonkers, NY 10710

RE: Green v. US Bank National Association/ "Emergency Motion Before Judgment"
USAP4 No. 25-1169

Dear Ms. Green:

The above-entitled petition for writ of certiorari was originally postmarked March 24, 2025 and received again on May 13, 2025. The papers are returned for the following reason(s):

They are returned for failure to reflect the changes requested in prior correspondence.

The motion to proceed in forma pauperis does not comply with Rule 39. You may use the enclosed form. A motion to proceed in forma pauperis to file a petition for writ of certiorari must be titled properly. It cannot be combined with an emergency application for stay in the same motion. To the extent you intend to file in forma pauperis to file a petition for writ of certiorari, the motion to proceed should pertain to filing a writ of certiorari only.

The lower court orders cannot be photo reduced or image captured submissions. Please refile the lower court orders in typeset format as handed down by the lower courts.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By:

Angela Jimenez
(202) 479-3392

Enclosures

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

May 7, 2025

Tracie L. Green
PO Box 521
Yonkers, NY 10710

RE: Green v. US Bank National Association/ "Emergency Motion For Stay Before
Judgment"
USAP4 No. 25-1169

Dear Ms. Green:

Your application for stay received May 2, 2025 is herewith returned for the following
reason(s):

For the reasons stated in the Court's letter from April 23, 2025. A copy of that
letter is enclosed.

Sincerely,
Scott S. Harris, Clerk
By:

Robert Meek
(202) 479-3027

Enclosures

COPY

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 23, 2025

Tracie L. Green
PO Box 521
Yonkers, NY 10710

RE: Green v. US Bank National Association/ "Emergency Motion For Stay Before Judgment"
USAP4 No. 25-1169

Dear Ms. Green:

Your application for stay received April 21, 2025 is herewith returned for the following reason(s):

You failed to comply with Rule 23.3 of the Rules of this Court which requires that you first seek the same relief in the appropriate lower courts and attach copies of the orders from the lower courts to your application filed in this Court.

In your case, you must first seek relief from the United States Court of Appeals for the Fourth Circuit. If you have sought that relief before a lower court, but that court has yet to rule, it would be legally premature for this Court to entertain an application for the same relief. This Court is without jurisdiction to entertain an application for a (stay/injunction) without an order from a circuit court. 28 USC 2101(f).

Sincerely,
Scott S. Harris, Clerk
By:

Robert Meek
(202) 479-3027

Enclosures

Appendix B

Fw: Notice of Appeal

From: Dr. Green (drgreen@myyahoo.com)

To: jspence@lexingtoncounty.sc.gov; lcomer@lex-co.com; wmcleod@lex-co.com; john.kay@hutchenslawfirm.com; gfaircloth@lex-co.com; brigitte.dull@hutchenslawfirm.com; k.gregory.wooten@hutchenslawfirm.com; jspence@lex-co.com; jfdavidson@lex-co.com; mhuggins@lex-co.com; nweston@richardsonplowden.com; alan.stewart@hutchenslawfirm.com; ashley.stanley@hutchenslawfirm.com; maryalice.coker@hutchenslawfirm.com; sarah.leonard@hutchenslawfirm.com; odcmail@sccourts.org; occemail@sccourts.org

Bcc: * REDACTED
gov

Date: Friday, February 28, 2025 at 05:45 AM EST

2.28.25

Good Morning,

Judge Spence 2/27/25 728am email received. In Summary (please correct me if summary incorrect):

- In general, decisions to sale properties are made before Judge leaves his office to go to court room to officiate public sale. A review of emails received, voice mail messages, and court documents are reviewed to determine if a property sale should be cancelled. Thus, the decision to cancel the March 5, 2025 auction will be made prior to the sale.

Defense Response:

Respectfully, if the above procedure is correct, then the preliminary sale that occurred on 2/3/25 11am should have been cancelled but wasn't, as Defense had submitted an Appeal to SC Court of Appeal and a Motion to Stay foreclosure activity the day prior (on 2/2/25, well before the close of business). Thus, the preliminary sale was a breach in standard procedure, yielding the preliminary auction/sale fraudulent and illegal. Hence the attached, 2 27 25 Response.pdf.

Clerk of Court, please file this and all previously submitted files with case 2022CP3200784.

Respectfully, Tracie

--- Forwarded Message ---

From: "Dr. Green" <drgreen@myyahoo.com>

To: "JAMES SPENCE" <jspence@lex-co.com>, "Judge James Spence" <jspence@lexingtoncounty.sc.gov>, "ahhicks@lexingtoncounty.sc.gov" <ahhicks@lexingtoncounty.sc.gov>, "rdolan@lexingtoncounty.sc.gov"

Appendix C

March 25, 2025

Page 1 of 1

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Letter to Your Honor James Spence, Master-in-Equity, at Lexington County Courthouse

As discussed in the April 22, 2025 Letter to SC Court of Appeals [Your Honor Deputy Clerk Catherine Harrison], the Defense is in receipt of your April 14, 2025 communication:

1. On April 14, 2025, at 751am---
 - a. Lexington County Courthouse [Judge James Spence] correspondence requesting US Bank National [via Counsel] to file confirmation that June 2, 2025 sale of Defendants home may occur with description indicating why; and there is no stay (state or federal) prohibiting the sale on or before Monday, May 26, 2025.

Defense Response:

The Defense respectfully requests the Court to address the following previously submitted document (it is attached for the Court's convenience):

1. Motion to Move to Inactive Roster with Previously Submitted Motions for Stay With Certificate of Service, dated March 4, 2025 (7 pages).

In addition, attached is a copy of the writ of certiorari before judgment and federal stay submitted to the Supreme Court of the United States on April 15, 2025.

The Defense apologizes for this extremely delayed response. If this Court desires an explanation, please advise.


Tracie Mitchem Green
PO Box 521, 1585 Central Park Avenue
Yonkers, NY 10710
(803) 3610602
drgreen@myyahoo.com

Clerk of Court, please file this document and applicable attachments. Thank you

Appendix D



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 25, 2025

The Honorable Lisa M. Comer
205 East Main Street
Suite 128
Lexington SC 29072

REMITTITUR

Re: US Bank National Association v. Tracie Green
Lower Court Case No. 2022CP3200784
Appellate Case No. 2025-000179

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Catherine Harrison, deputy
CLERK

Enclosure

cc: Tracie L. Green
John Sanford Kay, Esquire
Sarah Oliver Leonard, Esquire
Ashley Zarrett Stanley, Esquire
Kenneth Gregory Wooten, III, Esquire

The South Carolina Court of Appeals

U.S. Bank National Association, Respondent,

v.

Tracie L. Green; Palmetto Citizens Federal Credit Union,
Defendants,

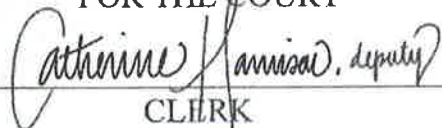
of which Tracie L. Green is the Appellant.

Appellate Case No. 2025-000179

The Honorable James O. Spence
Lexington County
Trial Court Case No. 2022CP3200784

ORDER

Appellant has failed to serve and file an amended notice of appeal in the correct format, as required by Rule 203 of the South Carolina Appellate Court Rules (SCACR) and this Court's letter dated February 18, 2025. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT
BY  CLERK

Columbia, South Carolina

cc:

Tracie L. Green

John Sanford Kay, Esquire

Sarah Oliver Leonard, Esquire

Ashley Zarrett Stanley, Esquire

Kenneth Gregory Wooten, III, Esquire

FILED
Mar 18 2025

Notice of SaleC/A No: **2022-CP-32-00784**

BY VIRTUE OF A DECREE of the Court of Common Pleas for Lexington County, South Carolina, heretofore issued in the case of U.S. Bank National Association vs. Tracie L Green; Palmetto Citizens Federal Credit Union I the undersigned as Master-in-Equity for Lexington County, will sell on June 2, 2025 at 11:00 AM, or on another date, thereafter as approved by the Court, at Lexington County Judicial Center in Courtroom 3-A, 205 East Main Street, Lexington, South Carolina to the highest bidder:

Legal Description and Property Address:

All that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, being shown and designated as Lot 6 on a Bonded plat of Cardinal Pines Subdivision prepared by Anderson and Associates Land Surveying, Inc., dated June 26, 2006, revised March 12, 2007 and recorded in the office of the Register of Deeds for Lexington County in Plat Slide 943 at Page 5. This further being shown on a plat prepared for Tracie L. Green by Anderson and Associates Land Surveying, Inc., dated June 12, 2007 to be recorded simultaneously herewith in Record Book 12135 at Page 7. reference to said plat is made for a more complete and accurate description, Be all measurements a little more or less.

Being the same parcel conveyed to Tracie L. Green from Hurricane Construction, Inc. by virtue of a deed dated June 29, 2007 and recorded July 3, 2007 in Deed Book 12135 at Page 8, in the Office of the Register of Deeds for Lexington County, South Carolina.

Assessor's Parcel No: 006614-01-006

123 Cardinal Pines Drive
Lexington, SC 29073
TMS# 006614-01-006

TERMS OF SALE: Interest at the current rate of 4.75% to be paid on balance of bid from date of sale to date of compliance. The purchaser to pay for papers and stamps, and that the successful bidder or bidders, other than the Plaintiff therein, will, upon the acceptance of his or her bid, deposit with the Master-in-Equity for Lexington County a certified check in the amount equal to five percent (5%) of the amount of bid on said premises at the sale as evidence of good faith in bidding, and subject to any resale of said premises under Order of this Court; and in the event the said purchaser or purchasers fail to comply with the terms of sale within Thirty (30) days, the Master-in-Equity for Lexington County shall forthwith resell the said property, after the due notice

and advertisement, and shall continue to sell the same each subsequent sales day until a purchaser, who shall comply with the terms of sale, shall be obtained, such sales to be made at the risk of the former purchaser. Since a personal or deficiency judgment is waived, the bidding will not remain open but compliance with the bid may be made immediately. If the Plaintiff or the Plaintiff's representative does not appear at the above-described sale, then the sale of the property will be null, void, and of no force and effect. In such event, the sale will be rescheduled for the next available sales day. Plaintiff may waive any of its rights prior to sale. Sold subject to taxes and assessments, existing easements and restrictions of record. Neither the Court, nor Plaintiff, nor Plaintiff's counsel makes any warranty of title or representations with regard to the condition or existence of any improvements on the subject property. Prospective bidders may wish to assess these matters to their satisfaction prior to sale.

Pursuant to South Carolina Supreme Court Administrative Order 2022-02-17-02, protective masks are no longer required in county courthouses; however, any person who is at risk or concerned about the dangers of COVID-19 may continue to wear a mask inside any courthouse, subject to a request from judges, courthouse staff, or law enforcement to briefly remove that mask during the presentation of a case or when necessary for security or identification purposes.

JUDGE'S SIGNATURE PAGE TO FOLLOW

Hutchens Law Firm LLP
P.O. Box 8237
Columbia, SC 29202
(803) 726-2700



Lexington Common Pleas

Case Caption: Us Bank National Association VS Tracie L Green , defendant, et al
Case Number: 2022CP3200784
Type: Master/Order/Notice of Foreclosure Sale

AND IT IS SO ORDERED.

S/JUDGE JAMES O. SPENCE-3068

No. 24 - 7325

IN THE
SUPREME COURT OF THE UNITED STATES

Tracie L. Green — PETITIONER

vs.

US Bank National et al — RESPONDENT(S)

PROOF OF SERVICE

I, Tracie L. Mitchem-Green, do swear or declare that on this date, April 14, 2025, as required by Supreme Court Rule 29 and previously permitted by this Court, I have served the enclosed EMERGENCY APPLICATION FOR STAY PENDING REVIEW OF WRIT OF CERTIORARI BEFORE JUDGEMENT UNDER RULE 11 on each party to the above proceeding or that party's counsel, and on every other person required to be served as indicated below:

1. Hutchens Law Firm, [email John Kay]
2. Richardson Plowden [email Nelson Weston]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 1, 2025


(Signature)

FILED: June 17, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1169
(3:22-cv-04215-SAL)

US BANK NATIONAL ASSOCIATION

Plaintiff - Appellee

v.

TRACIE L. GREEN, a/k/a Tracie Ledora Mitchem-Green

Defendant - Appellant

and

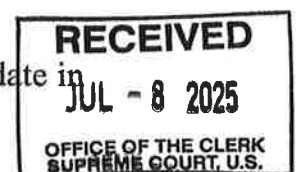
CARDINAL PINES HOMEOWNERS' ASSOCIATION, INC.; PALMETTO
CITIZENS FEDERAL CREDIT UNION

Defendants

J U D G M E N T

In accordance with the decision of this court, the judgment of the district
court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in



accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

RECEIVED

U.S. COURT OF APPEALS

FOR THE FOURTH CIRCUIT

CLERK'S OFFICE