

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Melissa L. Burnett — PETITIONER

VS.

Bank of America Et al. — RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Melissa L. Burnett
1717 5th Street
Madison, Illinois 62060
(314) 330-5318

QUESTION(S) PRESENTED

1. Whether Officers of the Court can be allowed to commit bankruptcy fraud in U.S. Bankruptcy Court in violation of 18 USC 157 in order to discriminately deny U.S. citizens, including petitioner, of their Fifth Amendment Constitutional right to due process after voting for a Republican President in 2000 and 2004 due to Christian beliefs, which would also violate U.S. citizens, including petitioner's First Amendment Constitutional right to Free exercise of religion?
2. Whether Officers of the Court can be allowed to commit fraud upon the court to cover up their politically motivated discrimination to cause intentional loss of property to U.S. citizens in bankruptcy court, including petitioner?
3. Whether the U.S. District Court for the Southern District of Illinois erred by mistaking Rule 60(b)(3) for Rule 60(d)(3), which has no time limitation to set aside a judgment for fraud upon the court?
4. Whether petitioner is allowed to timely file her appeal (within 60 days) under the jurisdiction of the U.S. Federal Circuit Court of Appeals, due to the U.S. Chapter 13 Trustee and his Attorney being employees of the U.S. Government and named defendants, instead of being Ordered by a prejudiced U.S. Seventh Circuit Court of Appeals to file with the U.S. Seventh Circuit Court of Appeals that violates 28 USC 455(a) mandatory recusal due to prior personal knowledge of disputed evidentiary facts concerning case?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

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

Taliana Buckley Asa & Reames
Larry Taliana & Joseph Reames
216 N. Main Street
P.O. Box 627
Edwardsville, IL 62025

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Becker Bldg.
401 Main St. Rm 1100
Peoria, IL 61602

Pierce & Associates
Cheryl Considine
1 N Dearborn, #1300
Chicago, IL 60602

James W. McRoberts/
Russell C. Simon
Chapter 13 Trustee
33 Bronze Pointe, Ste. 110
Swansea, IL 62221

Bank of America, N.A.
P.O. Box 650070
Dallas, TX 75265-0070

Bank of New York
Fremont Investment & Loan
P.O. Box 8239
Van Nuys, CA 91409

Ronald Buch
Chapter 13 Trustee Attorney
P.O. Box 998
Benton, IL 62812

Russell C. Simon
Chapter 13 Trustee
24 Bronze Point
Swansea, IL 62226

Law Offices of Mueller & Haller, LLC
James Mueller
5312 W. Main Street
Executive Drive, Rm 300
Belleville, IL 62226

Solicitor General of the United States
Rm 5614, U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

James A. Coale
Heavner, Beyers & Mihlar, LLC
P.O. Box 740
Decatur, IL 62525

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APPENDIX B	Decisions of The U.S. District Court for the Southern District of IL (To include: Memorandum and Orders dated 3/13/17 and 5/23/17)
APPENDIX C	Timely Notice of Appeal to U.S. Court of Appeals for the Federal Circuit filed stamped 5/12/17; U.S. Court of Appeals for the Seventh Circuit's Order denying Petitioner's Appeal to the U.S. Court of Appeals to the Federal Circuit dated June 29, 2017
APPENDIX D	Decision and Order finding cause for Bankruptcy Fraud from U.S. Bankruptcy Court for the Southern District of Illinois and a Motion
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TABLE OF AUTHORITIES CITED

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 6, 2017.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing to the U. S. Court of Appeals for the Federal Circuit was denied by the United States Court of Appeals for the Seventh Circuit on the following date: June 28, 2017, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment – Right to Due Process **Questions**

The First Amendment – Freedom of Religion **Questions**

18 USC 157 Bankruptcy Fraud **Appendix D**

Rule 60(d) Other Powers to Grant Relief. This rule does not limit a Court's power to: (3) set aside a judgment for fraud on the court. **Appendix B**

28 USC 455(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned **Appendix A**

28 USC 455(b)(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding **Appendix A**

STATEMENT OF THE CASE

That Petitioner filed her bankruptcy on October 11, 2004 in the U.S. Bankruptcy Court for the Southern District of Illinois by Defendant James Haller of The Law Office of Mueller & Haller, LLC d/b/a The Bankruptcy Center.

My attorney, Larry Taliana, Joseph Reames, Pierce & Associates, Bank of America, U.S. Bankruptcy Trustee James W. McRoberts and Russel C. Simon, Ronald Buch, and the Bankruptcy Clerk *all committed bankruptcy fraud and committed fraud upon the Court* as detailed within my complaint. I had attempted to file bankruptcy three times within the same state and court, but I could not get my plan right. Finally, I was referred to attorney James Haller by Ronald Buch (the trustee's attorney). My attorney intentionally did not file my bankruptcy timely in October 2004, and he had intentionally allowed my home to get foreclosed by Bank of New York as Trustee in Madison County Courthouse, Illinois 3rd Judicial Circuit. Well, I did not understand the bankruptcy laws. So, my attorney along with opposing counsel misrepresented to me that my home could be saved by filing a bankruptcy after it had been foreclosed on. My attorney and U.S. Trustee James W. McRoberts went as far as to act like my plan needed to be increased after confirmation from \$570 to \$860 to set me up for failure to make it look like I would be at fault if my bankruptcy case got dismissed. This way it would not look like my attorney allowed my home to get foreclosed. I relied upon my attorney to be honest with me. After I was able to keep up with the new increased payment plan of \$860, the new U.S. Trustee (Russell C. Simon) and his attorney (Ron Buch) joined the scheme to deceive, misrepresent, and defraud me as well by stating in open court that I failed to make bankruptcy payments and failed to show cause, which I did not. I had to fight to get my bankruptcy reinstated with

proofs of mailing and receipt by the trustee. Next, my home was about to be sold while in bankruptcy, because the bankruptcy clerk intentionally did not notice my creditors that my bankruptcy case had been reinstated. Also, other creditors like the City of Madison, MSD, and others filed suits while I was in bankruptcy. After I got reinstated, I was punished by the judge and my grace period was taken away from me to make my plan payment more difficult to make. Further, opposing counsel, Larry Taliana was local counsel for Pierce & Associates for Bank of New York, who foreclosed on my home. He had me to stand in court in the 3rd Judicial Circuit Court of Madison County, IL before his wife, Judge Barbara Crowder, as shown within the complaint filed in the U.S. District Court for the Southern District of Illinois. Larry Taliana was also listed as my child support attorney with the State's Attorney Office as attached. Also, Bank of America was listed in my bankruptcy and not Bank of New York as Trustees, who foreclosed on my home. It looks deceptive somehow. This was politically motivated and driven.

REASONS FOR GRANTING THE PETITION

1. That in the interest of justice and the public, this case should not be dismissed or overlooked due to the fraud on the court.
2. That there was misconduct by officers and/or defendants of the court during plaintiff's bankruptcy proceedings.
3. That said defendants' misconduct was directed to the judicial machinery itself to deceive the court as delineated below.
4. That said defendants' misconduct was intentional, willful or in reckless disregard for the truth as delineated below.
5. That said defendants' misconduct included positive averments or concealments when defendants were under a duty to disclose.
6. That Defendant Joseph Reames misrepresented and concealed evidence to an open court by saying that he did not initiate pleadings signed by himself, as shown in said Exhibit Y, whereby I had to appear in Madison County, Illinois state court for foreclosure hearings all during my bankruptcy proceedings (Dec 2004 thru Apr 2009).
7. That during said bankruptcy case, there were multiple misrepresentations made to the Court by defendants, Bank of America Home Loans f/k/a Countrywide Home Loans and Bank of New York as Trustee for Fremont Home Loan Owner Trust by and through their attorneys Pierce & Associates, Taliana Buckley Asa & Reames, The Law Offices of Mueller & Haller d/b/a

The Bankruptcy Center, Russell Simon, Ron Buch, and James R. Villani, and by the Court itself. Whereby the impartiality of the Court was so disrupted that it could not perform its task without bias or prejudice.

8. That petitioner also claims there was corruption or influence of a court member or official.
9. That petitioner claims there was intentional failure to inform the parties of necessary orders of the Judge and requirements in an effort to obstruct the judicial process.
10. That petitioner claims there were unconscionable schemes calculated to interfere with the judicial system's ability to impartially adjudicate said matters by improperly influencing the trier and to deceive and make misrepresentations through the court system.
11. That the U.S. Department of Justice stated at Stopfraud.gov, that Bank of America f/k/a Countrywide Home Loans inflate mortgage claims in Chapter 13 Bankruptcy, fail to credit payments, and fail to notify homeowners of extra charges added to the mortgage bill, two of which Petitioner still experiences to this day.
12. When I reported bankruptcy fraud and fraud upon the court, the judge should have made a decision to step in as in Finch v. Finch, to ensure and maintain the integrity of the court in order that justice may prevail.
13. The Ninth Circuit has also stated that fraud on the court is "an unconscionable plan or scheme which is designed to improperly influence the

court in its decision." *Abatti v. Commissioner*, 859 F.2d 115, 118 (9th Cir.1988) (internal quotation omitted), which occurred in Plaintiff's Bankruptcy case.

14. The United States Supreme Court has stated that lawyers are an officer of the Court. See *In re Snyder*, 472 U.S. 634, 643(1985) (courts have inherent authority to discipline lawyers which "derives from lawyer's role as an officer of the court which granted admission.")

I declare the above behaviors and personal experiences in Court actually took place in Court, under the penalty of perjury.

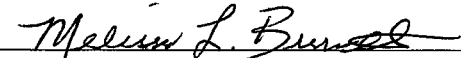
CONCLUSION

I am a U.S. Citizen. The Constitution of the United States should have protected me by guaranteeing me certain rights. Thus far, I have not been protected by the U.S. Constitution wherein all people are created equal and have protected unalienable rights. My rights of life, liberty, and the pursuit of happiness, religion, etc... under the Declaration of Independence have been infringed upon, hindered, stunted, and interrupted. Then, there is the other question, how many

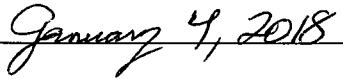
other American citizens has encountered and endured this kind of ill treatment?

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Melissa L. Burnett, Pro Se

Date:  _____