

No. 19_____

In forma pauperis

**IN THE
SUPREME COURT OF THE UNITED STATES**

In re SAMI ALBRA

Petitioner,

vs.

SELENE FINANCE et al,

Respondent(s)

On Petition for
A WRIT OF CERTIORARI to the United States Court of Appeals
for the Ninth Circuit

**PETITION FOR
WRIT OF CERTIORARI**

Respectfully submitted,

s/Sami Albra 

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QUESTION(S) PRESENTED

Does the 9th Circuit's circuit rules supersede the Federal Rules of Appellate Procedures, particularly when it results in depriving an individual due process before the court?

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:

Co-Defendants

Selene Finance

Wilmington Saving Fund d/b/a Christiana Trust

Interested Parties that this Writ may Affect in Time

9th Circuit Court of Appeals

OPINIONS BELOW

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals denied the Motion for Injunctive Relief was January 31, 2019.

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

☒ A timely petition for rehearing on the Motion for Injunctive Relief was denied by the United States Court of Appeals on the following date: February 4, 2019 , and a copy of the order denying rehearing appears at Appendix b .

☐ 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 _____

JURISDICTION

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

APPELLATE RULES OF PROCEDURE

FRAP RULE 40

Rule 40. Petition for Panel Rehearing

(a) Time to File; Contents; Answer; Action by the Court if Granted.

(1) Time. Unless the time is shortened or extended by order or local rule, a petition for panel rehearing may be filed within 14 days after entry of judgment.

FRAP RULE 35

Rule 35. En Banc Determination

(a) When Hearing or Rehearing En Banc May Be Ordered. A majority of the circuit judges who are in regular active service and who are not disqualified may order that an appeal or other proceeding be heard or reheard by the court of appeals en banc. An en banc hearing or rehearing is not favored and ordinarily will not be ordered unless:

(1) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

(2) the proceeding involves a question of exceptional importance.

(b) Petition for Hearing or Rehearing En Banc. A party may petition for a hearing or rehearing en banc.

(1) The petition must begin with a statement that either:

(A) the panel decision conflicts with a decision of the United States Supreme Court or of the court to which the petition is addressed (with citation to the conflicting

case or cases) and consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decisions;

or

(B) the proceeding involves one or more questions of exceptional importance, each of which must be concisely stated; for example, a petition may assert that a proceeding presents a question of exceptional importance if it involves an issue on which the panel decision conflicts with the authoritative decisions of other United States Courts

of Appeals that have addressed the issue.

(2) Except by the court's permission:

(A) a petition for an en banc hearing.

RULES OF THE SUPREME COURT

SCOTUS RULE 10

RULE 10. Considerations Governing Review on Certiorari

- a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

SCOTUS RULE 11

Rule 11. Certiorari to a United States Court of Appeals Before Judgment

A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court,

STATEMENT OF THE CASE

This case is about the Petitioner requesting Injunctive Relief against the Respondents in this case where the Respondents claim ownership of Petitioner's property, which, is included in a pooled security instrument issued by Freddie Mac, of which, FHFA is the conservatorship, and where Respondents never admitted they obtained consent from FHFA in order to foreclosure on government property.

The 9th Circuit Court of Appeals rejected both Petitioner's Initial Motion for Injunctive Relief, as well as his en banc Rehearing on his Motion for Injunction. In doing so, the 9th Circuit operated contrary to the Federal Rules of Appellate Procedure. It is this Supreme Court that orders, and approves the Appellate Rules which, the 9th Circuit's decisions are in opposition to.

The 9th Circuit Court of Appeals in its ruling denying Petitioner's request for Injunctive Relief, violated the Federal Rules of Appellate procedure, in its order did not provide an explanation as to why the Court rejected his request, it states, "No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained."

Petitioner then filed for a Rehearing en Banc, in compliance with F.R.A.P. 40 (a) 1, and 2. The

petition for rehearing en banc was timely filed, and, it informed that court that the initial ruling did not provide for an explanation for denial

The 9th Circuit Court of Appeals denied Petitioner's request for an en banc rehearing. In fact, it was the same two judges who ruled on the initial motion, who, denied the motion for rehearing en banc.

That is in direct opposition to the Federal Rules of Appellate Procedure, which, this Supreme Court order approved usage in the federal Appellate Court Circuits.

Rule 35(b)(1)(B) is very clear that en banc can be requested if, "the proceeding involves one or more questions of exceptional importance, each of which must be concisely stated." Here, Petitioner's Motion for Injunctive Relief is of exceptional

importance as he requested relief to prohibit the Respondent from selling his property, where Respondents are not authorized.

This 9th Circuits rehearing determination, en banc, is also in direct opposition to the Supreme Court decision approving all of the Federal Rules of Appellate Procedure, including Rule 35(a).. In Appellant's situation, the same two judges who ruled on Appellant's initial motion, did not disqualify themselves, and, were the only two judges who decided to deny Appellant's Motion for Rehearing en banc. There was no panel ensemble to render that decision.

ARGUMENT

Pro se Petitioner is entitled to Due Process, the same way as any party represented by an attorney. The very rules the 9th Circuit deprived

Albra of, are undoubtedly the rules provide for due process.

It is still a shock to the conscious of Petitioner that the 9th Circuit Court of Appeals is allowing the Respondents to sell Government Property (of which Petitioner's mortgage is included), without even so much as a verbal statement from Respondents that they had received consent from FHFA.

REASONS FOR GRANTING THE PETITION

- 1) To maintain order and uniformity amongst the Circuit Court of Appeals.
- 2) This High Court set forth the Federal Rules of Appellate Procedure, and, the Appellate

Courts must comply with the procedures, particularly the procedures that directly impact due process, as in this case.

- 3) Ensure Petitioner is provided equal opportunity to due process before judiciary, same as all others before it.

CONCLUSION

This Writ is sought as Petitioner's case is still ongoing in the 9th Circuit. Therefore, if this Court agrees with the Petitioner, he respectfully requests that upon remand, require two different judges to be assigned to his case.

Finally, as you are the 9 Justices before the highest court of country, please understand that a petitioner suffering from Type-1 diabetes, and is poor, has a hard enough time presenting a case to the courts.

For the two 9th Circuit Judges that chose to deprive Albra of his rights, under Color of Law, Petitioner also requests that this Court review Judicial Misconduct of the Circuit Judges and not have their colleague, the Chief Justice of the 9th Circuit render a determination. Petitioner would be even more impressed if you selected two of your Justices – Gorsuch, and Sotomayer, to consider the misconduct of those two judges, and take the appropriate action.

Petitioner does not need to know the details, and respects whatever determination is made.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small loop at the end.

Sami Albra