

No. _____

In the Supreme Court of the United States

BILLIE RENÉ FRANCES LILLIAN POWERS,
Petitioner,

v.

THE BANK OF NEW YORK MELLON, FKA Bank
of New York, as Trustee, on behalf of the holders of
the alternative Loan Trust 2007-HY9 Mortgage
Pass Through Certificates Series 2007-HY9, et al.,
Respondents

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1a

APPENDIX A

NOT FOR PUBLICATION

FILED

UNITED STATES CIRCUIT COURT OF APPEALS

JUL 22 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER,
CLERK U.S. COURT OF APPEALS

BILLIE RENEE FRANCES LILLIAN POWERS,

Petitioner,

No. 19-55013

LORIE-ANN COLE; D.C. No. 8:17-cv-01386-

VALERIE-YNN NAIF, DOC-KES

Intervenors-Pending

v.

THE BANK OF NEW YORK MELLON, FKA Bank
of New York, as Trustee, on behalf of the holders of
the alternative Loan Trust 2007-HY9 Mortgage
Pass Through Certificates Series 2007-HY9;
SELECT PORTFOLIO SERVICING, INC.;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; JON SECRIST; NICHOLE
CLAVADETSCHER; COMMONWEALTH LAND
TITLE COMPANY; BANK OF AMERICA, NA;
DOES, 1-10,

Respondents

Before: O'SCANNLAIN, TROTT, and N.R. SMITH,
Circuit Judges.

Billie Rene Francis Lillian Powers appeals the dismissal of her fourth amended complaint. The facts are known to the parties, so we do not repeat them here.

In her opening brief, Powers lists thirty-four issues that she asks to be reviewed. However, she provides no legal argument whatsoever. “Although we are sensitive to [her] pro se status . . . , our leniency is not without limit and does not excuse [her] utter failure to provide any legal support or argument” *Ventress v. Japan Airlines*, 747 F.3d 716, 723 n.8 (9th Cir. 2014).¹

AFFIRMED.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

¹ The Motions for Third Party Intervention, filed with this court on January 9, 2020 (Docket Entry No. 41) and June 30, 2020 (Docket Entry No. 62) are **DENIED**. Powers’s Motion for Default of Appellee Thomas Peppers for Failure to Respond, filed with this court on June 3, 2020 (Docket Entry No. 53), is **DENIED**. Her Motions to File Multiple Reply Briefs, filed with this court on June 23, 2020 (Docket Entry Nos. 58 and 59), are **DENIED**.

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APPENDIX B

FILED

UNITED STATES CIRCUIT COURT OF APPEALS
JUL 22 2020
FOR THE NINTH CIRCUIT MOLLY C. DWYER,
CLERK U.S. COURT OF APPEALS

BILLIE RENEE FRANCES LILLIAN POWERS,
Petitioner,

No. 19-55013

LORIE-ANN COLE; et al. D.C. No. 8:17-cv-01386
Intervenors-Pending DOC-KES

v.

THE BANK OF NEW YORK MELLON, FKA Bank
of New York, as Trustee, on behalf of the holders of
the alternative Loan Trust 2007-HY9 Mortgage
Pass Through Certificates Series 2007-HY9; et al.,
Respondents

The judgment of this Court, entered July 22,
2020, takes effect this date.

This constitutes the formal mandate of this
Court issued pursuant to Rule 41(a) of the Federal
Rules of Appellate Procedure.

FOR THE COURT:
MOLLY C. DWYER
CLERK OF COURT
By: Craig Westbrooke
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX C

Article III, Section 1 of the *Constitution of the United States*

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Fifth Amendment to the *Constitution of the United States*

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment to the *Constitution of the United States*, Section 1

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Supreme Court Rule 10(a)

Rule 10. Considerations Governing Review on Writ of Certiorari

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

(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; . . .

FRAP 28. Briefs

(a) Appellant's Brief. The appellant's brief must contain, under appropriate headings and in the order indicated:

- (1) a disclosure statement if required by Rule 26.1;
- (2) a table of contents, with page references;
- (3) a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited;
- (4) a jurisdictional statement, including:
 - (A) the basis for the district court's or agency's subject-matter jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;
 - (B) the basis for the court of appeals' jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;
 - (C) the filing dates establishing the timeliness of the appeal or petition for review; and
 - (D) an assertion that the appeal is from a final order or judgment that disposes of all parties' claims, or information establishing the court of appeals'

jurisdiction on some other basis;

(5) a statement of the issues presented for review;

(6) a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the record (see Rule 28(e));

(7) a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings;

(8) the argument, which must contain:

(A) appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies; and

(B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);

(9) a short conclusion stating the precise relief sought; and

(10) the certificate of compliance, if required by Rule 32(g)(1).

(b) Appellee's Brief. The appellee's brief must conform to the requirements of Rule 28(a)(1)–(8) and (10), except that none of the following need appear unless the appellee is dissatisfied with the

appellant's statement:

- (1) the jurisdictional statement;
- (2) the statement of the issues;
- (3) the statement of the case; and
- (4) the statement of the standard of review.

(c) Reply Brief. The appellant may file a brief in reply to the appellee's brief. Unless the court permits, no further briefs may be filed. A reply brief must contain a table of contents, with page references, and a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the reply brief where they are cited.

(d) References to Parties. In briefs and at oral argument, counsel should minimize use of the terms “appellant” and “appellee.” To make briefs clear, counsel should use the parties' actual names or the designations used in the lower court or agency proceeding, or such descriptive terms as “the employee,” “the injured person,” “the taxpayer,” “the ship,” “the stevedore.”

(e) References to the Record. References to the parts of the record contained in the appendix filed with the appellant's brief must be to the pages of the appendix. If the appendix is prepared after the briefs are filed, a party referring to the record must follow one of the methods detailed in Rule 30(c). If the original record is used under Rule 30(f) and is not consecutively paginated, or if the brief refers to an unreproduced part of the record, any reference must be to the page of the original document. For example:

- Answer p. 7;

- Motion for Judgment p. 2;
- Transcript p. 231.

Only clear abbreviations may be used. A party referring to evidence whose admissibility is in controversy must cite the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

(f) **Reproduction of Statutes, Rules, Regulations, etc.** If the court's determination of the issues presented requires the study of statutes, rules, regulations, etc., the relevant parts must be set out in the brief or in an addendum at the end, or may be supplied to the court in pamphlet form.

(g) [Reserved]

(h) [Reserved]

(i) **Briefs in a Case Involving Multiple Appellants or Appellees.** In a case involving more than one appellant or appellee, including consolidated cases, any number of appellants or appellees may join in a brief, and any party may adopt by reference a part of another's brief. Parties may also join in reply briefs.

(j) **Citation of Supplemental Authorities.** If pertinent and significant authorities come to a party's attention after the party's brief has been filed—or after oral argument but before decision—a party may promptly advise the circuit clerk by letter, with a copy to all other parties, setting forth the citations. The letter must state the reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words. Any response must be made promptly and must be similarly

limited.

Circuit Rule 28-1. Briefs, Applicable Rules

(a) Briefs shall be prepared and filed in accordance with the Federal Rules of Appellate Procedure except as otherwise provided by these rules. See FRAP 28, 29, 31 and 32. Briefs not complying with FRAP and these rules may be stricken by the Court.

(b) Parties must not append or incorporate by reference briefs submitted to the district court or agency or this Court in a prior appeal, or refer this Court to such briefs for the arguments on the merits of the appeal. (New Rule 7/1/00)

(c) Appellants proceeding without assistance of counsel may file the informal form briefs provided by the Clerk in lieu of the briefs described in FRAP 28(a) and (c), and need not comply with the technical requirements of FRAP. (Rev. 1/96; 12/1/19)