

No. \_\_\_\_\_

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In the  
**Supreme Court of the United States**

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JACQUELYN V. FITZHUGH,

Petitioner,

v.

WELLS FARGO BANK, N.A., AS INDENTURE  
TRUSTEE FOR THE IMPAC CMB SERIES 2005-3,

Respondent

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On Petition for a Writ of Certiorari from  
United States Court of Appeals for the First Circuit  
Case No. 23-1107

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**PROOF OF SERVICE**

I, Earl Fitzhugh, do swear or declare that on this  
date, February 2, 2026, as required by Supreme Court  
Rule 29 I have served the enclosed MOTION FOR  
LEAVE TO PROCEED IN FORMA PAUPERIS and

PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing three copies of the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Donald W. Seeley Jr.  
Hinshaw and Culbertson, LLP  
53 State Street, 27<sup>th</sup> Floor  
Boston, MA. 02109  
[dseeley@hinshawlaw.com](mailto:dseeley@hinshawlaw.com)

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 2, 2026.

/s/ Earl Fitzhugh  
Earl Fitzhugh

**CERTIFICATE OF COMPLIANCE**

No. \_\_\_\_\_

Jacquelyn Fitzhugh,

Petitioner

v.

Wells Fargo Bank, N. A. as Indenture Trustee for  
the Impac CMB Trust Series 2005-3

Respondents

As required by Supreme Court Rule 33.1(h), I certify  
that the petition for a writ of certiorari contains 3,378  
words, excluding the parts of the petition that are  
exempted by Supreme Court Rule 33.1(d).

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

Executed on February 2, 2026

/s/ Jacquelyn V. Fitzhugh  
Jacquelyn Fitzhugh

**United States Court of Appeals**

**For the First Circuit**

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No. 23-1107

JACQUELYN V. FITZHUGH,

Plaintiff - Appellant, v.

WELLS FARGO BANK, N.A., as Indenture Trustee

for the Impac CMB Trust Series 2005-3, Defendant

- Appellee.

Before Barron, Chief Judge,

Kayatta and Rikelman, Circuit Judges.

**JUDGMENT**

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Entered: August 11, 2025

Plaintiff-appellant Jacquelyn V. Fitzhugh appeals from the district court's grant of judgment on the pleadings in defendant's favor. We review the district court's decision de novo. See Great Lakes Inc. SE v. Andersson, 66 F.4th 20, 25 (1st Cir. 2023) (standard of review). Having carefully reviewed the parties' briefs and relevant portions of the record, we affirm.

First, Fitzhugh has not addressed the district court's dismissal of Counts II or IV with