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25A1119

IN THE SUPREME COURT OF THE UNITED STATES

In re Henry B. Berrocal, et al.

v.

Wells Fargo Bank, N.A., et al.

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**EMERGENCY APPLICATION FOR INJUNCTIVE RELIEF  
UNDER SUPREME COURT RULE 22 (RENEWED APPLICATION)**

To the Honorable Circuit Justice:

Applicant Henry B. Berrocal respectfully submits this **renewed Emergency Application for Injunctive Relief** pursuant to Supreme Court Rule 22. This renewed filing is necessitated by **material changes in procedural posture**, including a final adverse ruling by the United States Court of Appeals for the Fifth Circuit, which now removes any prior basis for deferral under 28 U.S.C. § 2101(f).

This case presents ongoing and irreparable constitutional violations arising from the **deprivation of real and personal property without due process of law**, compounded by procedural irregularities and the denial of any meaningful opportunity to be heard.

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**I. BACKGROUND**

Applicant filed a federal civil action on **March 14, 2025**, disputing an alleged foreclosure of his residence located at 8402 Timber Belt, San Antonio, Texas.

Applicant alleges:

- The foreclosure was **fraudulent and disputed prior to execution**
- He remained in **possession and active litigation** before and after the alleged sale
- A **federal court stay and representations by opposing counsel** indicated foreclosure would not proceed
- He was **removed from the property by law enforcement on May 28, 2025**, without a meaningful pre-deprivation hearing
- An eviction judgment was entered **June 3, 2025**, without his presence and allegedly based on improper service while he was detained

As a result, Applicant lost:

- His primary residence (valued approximately \$1.6 million)

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SUPREME COURT, U.S.

- Over \$1 million in equity
  - Vehicles, business assets, legal records, and personal property
  - His housing stability, and is now **homeless in Washington, D.C.**
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## II. PROCEDURAL POSTURE (UPDATED)

- July 30, 2025 – District court denies injunctive relief
- Appeal filed to the Fifth Circuit (No. 25-50617)
- Emergency Rule 22 application initially filed September 25, 2025
- Supreme Court declined to act at that time citing prematurity under 28 U.S.C. § 2101(f)
- **March 19, 2026 – Fifth Circuit dismisses appeal as frivolous**

The Fifth Circuit's ruling relied on:

- Judicial notice of a foreclosure sale
- Public records (Substitute Trustee's Deed)
- A conclusion that no hearing was required because the sale had already occurred

This renewed application follows that final action.

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## III. CORE CONSTITUTIONAL ISSUE

This case presents a fundamental due process violation:

**Whether a court may rely on “uncontroverted evidence” of a foreclosure sale to deny injunctive relief where the validity of that sale is actively disputed—without holding an evidentiary hearing.**

The Fifth Circuit affirmed denial of relief based on the existence of a recorded deed, despite:

- Sworn affidavits disputing the foreclosure
  - Evidence of prior litigation and objections
  - Allegations of fraud and procedural defects
  - Lack of any evidentiary hearing
- 

## IV. LEGAL AUTHORITY

The Supreme Court has repeatedly held that **property cannot be taken without meaningful due process:**

- *Fuentes v. Shevin*, 407 U.S. 67 (1972)  
→ Requires notice and opportunity to be heard **before deprivation of property**
- *United States v. James Daniel Good Real Property*, 510 U.S. 43 (1993)  
→ Real property cannot be seized without **prior notice and hearing**, absent extraordinary circumstances
- *Goldberg v. Kelly*, 397 U.S. 254 (1970)  
→ Due process requires a meaningful hearing when essential interests are at stake

Here, no such hearing occurred.

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## V. FIFTH CIRCUIT ERROR

The Fifth Circuit's reasoning presents a constitutional contradiction:

- It treated the foreclosure as an **established fact**
- While Applicant's lawsuit **directly disputes that fact**
- And no evidentiary hearing was ever held to resolve it

Additionally:

- Courts may take judicial notice of public records
- **But may not resolve disputed factual issues based solely on judicial notice**

See Fed. R. Evid. 201(e):

A party is entitled to be heard on the propriety of judicial notice.

This did not occur.

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## VI. IRREPARABLE HARM

Applicant is currently:

- Homeless
- Deprived of all personal property and legal materials
- Unable to access PACER due to financial hardship
- Unable to receive court mail due to lack of address

The harm includes:

- Loss of home and equity
- Loss of business operations and income
- Loss of legal access and ability to litigate

These are classic forms of **irreparable harm recognized by this Court.**

## **VII. NO ADEQUATE REMEDY**

Lower courts have:

- Denied emergency relief
- Failed to hold evidentiary hearings
- Relied on contested facts without adjudication
- Denied recusal and transfer motions

No adequate remedy remains except intervention by this Court.

## **VIII. RELIEF REQUESTED**

Applicant respectfully requests that this Court:

1. Issue an emergency injunction prohibiting:
  - Further transfer or disposition of the property
  - Enforcement of eviction or foreclosure-related actions
2. Order preservation of:
  - All property, records, and evidence
3. Grant relief sufficient to:
  - Restore Applicant's access to courts
  - Prevent further irreparable harm
4. Grant any additional relief deemed just and proper

## **IX. CONCLUSION**

This case presents a serious constitutional question:

**Can a person be deprived of their home based on disputed facts, without a hearing, and then be denied relief because the deprivation already occurred?**

If allowed to stand, such reasoning nullifies the protections of the Due Process Clause.

Applicant respectfully requests immediate intervention.

Respectfully submitted,

/s/ Henry B. Berrocal



Email: berrocalhenry08@gmail.com

Date: April 08 2026

United States Court of Appeals  
for the Fifth Circuit

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No. 25-50617  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 19, 2026

Lyle W. Cayce  
Clerk

HENRY B. BERROCAL,

*Plaintiff—Appellant,*

*versus*

PAMELA BONDI, *U.S. Attorney General*; KEN PAXTON, *Attorney  
General, State of Texas*; WELLS FARGO BANK, N.A.,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:25-CV-279

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**JUDGMENT**

Before GRAVES, HO, and DOUGLAS, *Circuit Judges*.

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED as frivolous.

IT IS ORDERED and ADJUDGED that the motion to proceed IFP is DENIED as moot.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.

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

**In Re Henry B Berrocal**

**V**

**Wells Fargo Bank, et al.**

**Orlando L. Garcia Federal District Judge**

**Henry B. Benporad Federal Magistrate District Judge**

**Vazquez Robert A. Texas District Judge**

**Elizabeth S chestney U.S. Magistrate District Judge**

**Respondents**

**CERTIFICATE OF SERVICE**

**I, Henry B. Berrocal, hereby certify under penalty of perjury pursuant to 28 U.S.C. § 1746, that**

**on the 08 day of april, 2026, I served a copy of the following document:**

- **Emergency Application for Injunctive Relief under Supreme Court Rule 22**
- **Notice of Application for Emergency Relief under Rule 29**

**upon the following parties by certified U.S. Mail in person and/or electronic service, in accordance with Rule 29 of the Rules of the Supreme Court of the United States:**

**Defendant Wells Fargo Bank**

**Register agent**

**211 E. 7th St, Suite 620, Austin, TX 78701-3218**

**Judge Orlando L. Garcia Federal District JUdge United States District Court Western District**

**of Texas 262 West Nueva Street San Antonio, TX 78207**

**Federal Magistrate Judge Henry B. Bemporad United States District Court Western District of**

**Texas 262 West Nueva Street San Antonio, TX 78207 Vazquez Robert A. Texas District Judge Precinct 2 Texas Bexar county justice of the**

**peace 7723 Guilbeau Rd Suite 105 San Antonio, TX 78250**

**Elizabeth S chestney Magistrate District JUDGE United States District Court Western District**

**of Texas 262 West Nueva Street San Antonio, TX 78207**

**Executed on date** 04/08/26

**Respectfully submitted,**

**/s/ Henry B. Berrocal**

**Henry B. Berrocal**

**Phone: 210-773-1148**

**Email: Berrocalhenry08@gmail.com, humanityforwisdomllc@gmail.com**

Henry B Berrocal