

No. 2026-_____

In The
United States Supreme Court

In re:
Barbara Albyttine Gibbs,
M. EUGENE GIBBS, Esq., Pro-se,

Debtor,

Petitioner,

v.

SELECT PORTFOLIO SERVICING (SPS),

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE FOURTH CIRCUIT COURT

PETITIONER EMERGENCY MOTION FOR
LEAVE TO FILE OUT OF TIME

M. Eugene Gibbs, Esq., Pro-se Petitioner
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June 22, 2026

- A. Whether the bankruptcy court may change Debtor's mortgage note from 30 years, \$2,100 dollars per month to 5 years, \$10,000 per month in violation of U.S. Constitution, Article I, Section 10, Clause 1?
- B. Whether the bankruptcy court may deny Gibbs standing when Gibbs pays more than half of Debtor's \$10,000 per month payment plan?
- C. Whether the lower courts have a duty/obligation to refer Creditor to the Justice Department for prosecution when Creditor admits to having defrauded Gibbs, 30 million Homeowners, Fannie Mae, Freddie Mac and the Treasury Department of \$1.4 [t]rillion dollars?
- D. Whether the lower courts may accept a Proof of Claim (POC) when the Creditor admits they are not the mortgagee and have committed Perjury, Subornation of Perjury, Obstruction of Justice and Fraud on the courts?
 - 1. Does the courts, pursuant to a judge's oath and constitution, have a duty/obligation to refer creditor to the Justice Department for prosecution and sanction said crimes.

PARTIES:

M. EUGENE GIBBS, Esq., Pro-se, Petitioner

SELECT PORTFOLIO SERVICING (SPS), Respondent

CORPORATE DISCLOSURE STATEMENT

The Applicant has no parent corporation and no publicly held corporation owns any of their stock. No other publicly held corporation has a direct financial interest in the outcome of this litigation by reason of a franchise, lease, other profit- sharing agreement, insurance, or indemnity agreement.

RELATED PROCEEDINGS BELOW

United States Court of Appeals for the Fourth Circuit:

- *Gibbs v. Select Portfolio Servicing (SPS)*, No. 25-1794 (4th Cir.)

JURISDICTION

Sup. Ct. R. 13

NOW COMES the above-named Petitioner and moves the Honorable Court to grant Petitioner's motion to file out of time. The reasons for this motion are more fully set forth in Petitioner's affidavit (attached hereto) and *infra*.

The facts attest, *pursuant to the attached affidavit*, Petitioner was affected by Respondent's conduct in ways no litigant must bear. Where, as here, the intervening 13 years of Respondent's continuing criminal enterprise caused Gibbs having missed the 90-day filing deadline – the Court cannot allow Respondent's crimes to deprive Petitioner of [h]is day in court.

Respondents' crimes, as articulated in Petitioner's Affidavit, are solely responsible for Petitioner having failed to file the required petition within 90 days.

Respondents will not respond to this petition with an affidavit opposing the facts. Given the issues raised that provide clear and concise empirical evidence of Respondent's criminal conduct that includes but is not limited to the illegal foreclosure of Debtor and Petitioner's \$850,000 home.

If relief isn't granted – Petitioner will be “forced” to file, the same litigation that has continued for 30 years. More particular: the illegal foreclosure Respondent filed 13 years ago – having full knowledge Petitioner never missed a mortgage payment – self-proven by Respondents' business records, Respondent's admissions, Gibbs' bank record, and pleadings.

Respondent's continuing criminal enterprise directed against Petitioner: violations of the Racketeering Influence Corrupt Organization Act (RICO) and the False Claims Act (FCA).

STATEMENT

On December 6, 2025, Respondents sold Gibbs' \$850,000 home at foreclosure. Respondent did so with full knowledge Freddie Mac owned Gibbs mortgage – not Respondent.

This case involves an extraordinary attempt by Respondent to “cover-up” the theft of \$50 billion dollars of Black Art; and how those thefts merged with defrauding – Gibbs, 30 million Homeowners, the Treasury Department, Fannie Mae, Freddie Mac, and Fannie Mae and Freddie Mac Investors of \$1.4 trillion dollars.

Respondent's actions are – to ensure Gibbs' litigation does not return the stolen \$1.4 trillion dollars to the Treasury Department pursuant to RICO and the False Claims Act.¹

STATEMENT OF THE CASE TO BE PRESENTED

This case involves *U.S. Constitution, Article I, Section 10, Clause 1, the Contract Clause*: South Carolina bankruptcy law allowing judges to convert Debtor's mortgage note from 30-years \$2,100 per month to 5-years \$10,000 per month cannot stand.

¹ In or about 2008, Bank of America made two (2) of the worse corporate acquisitions in history (forced by the Treasury Department): Merrill Lynch and Countrywide Financial. And JP Morgan Chase was “required” to purchase Washington Mutual and Bear Sterns. The acquisitions “saddled” [them with \$3 trillion dollars of bad debt. Respondent joined and combined with the continuing criminal enterprise to defraud Debtor, Petitioner, 30 million Homeowners, Fannie Mae, Freddie Mac and the Treasury Department of \$1.4 trillion dollars in violation of the *Racketeering Influence Corrupt Organization Act* (RICO) and False Claims Act (FCA).

Petitioner, a Veteran, attorney, and retired New York City police officer.

STANDING

The bankruptcy court held Petitioner did not have STANDING. In a bankruptcy case, a "party in interest" is a person or entity that has a direct stake in the outcome of the case and is entitled to be heard by the court. Essentially, **they have standing to raise and be heard on any issue in the bankruptcy.**

The Court reasoned: "Where a proposed plan 'allows a party to put its hands into other people's pockets, the ones with the pockets are entitled to be fully heard and to have their legitimate objections addressed,'" **Truck Insurance Exchange v. Kaiser Gypsum Co., Inc., et al.**, 602 U.S. ____ (2024).

MEMORANDUM OF AUTHORITY **Argument**

See Petitioner's Affidavit attached hereto!

Petitioner filed opposition to Respondent's Proof of Claim (POC). Informing the Bankruptcy Court that Freddie Mac owned Debtor's mortgage note – not Respondent; Petitioner provided the court with Respondent's letter admitting Freddie Mac owned Debtor's mortgage; empirical evidence that Respondent was committing PERJURY, SUBORNATION OF PERJURY, OBSTRUCTION OF JUSTICE and FRAUD ON THE COURT. AND Respondent was engaged in the largest PONZI SCHEME in history - \$1.4 trillion dollars:

PONZI SCHEME: After Debtor qualified for mortgage modification under HAMP, that would have cost BOA \$100,000 – reducing the value of Debtor’s mortgage from \$292,000 to \$192,000 – BOA sold Debtor’s mortgage note to Freddie Mac for \$300,000 (**defrauding Freddie Mac of \$100,000**); without notice to Debtor as required by law.

BOA then executed a fraudulent Assignment of Mortgage with Nationstar – certifying that Nationstar was the owner of Debtor’s mortgage note. Nationstar with full knowledge Debtor and Petitioner never missed a mortgage payment, filed the illegal foreclosure, October 2013.

Based on Respondents’ crimes in general and the illegal sale of Petitioner’s \$850,000 home in particular, if the Court fails to grant leave to amend – Petitioner will be forced to file the same issues in federal court to avoid additional death and destruction to Petitioner’s family, and in two years the same case will return to the Court.

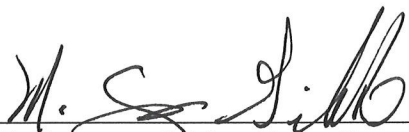
Respondent’s crimes against Debtor and Petitioner are deadly and pervasive because Debtor and Petitioner refuses to accept what Respondent[s] have labeled, “NIGGER MONEY” and refused to validate Respondent’s crimes.

CONCLUSION

For the reasons stated and Petitioner’s Affidavit, the Court must grant Petitioner leave to file out of time. **EMERGENCY**

And reduce the number of Homeowners committing suicide (20,000: 3-each day) due to factors than include Respondent’s criminal enterprise.

WHEREFORE, Gibbs prays the Court will grant leave to file out of time and/or refer Respondent to the Justice Department for prosecution and appointment of a Special Counsel.



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CERTIFICATE OF COMPLIANCE WITH SUP. CT. R. 33(1)(g)

I, M. Eugene Gibbs, hereby certify that the foregoing Appellants' opening brief complies with the requirements of Sup. Ct. R. 33(1)(g) because according to the word count of the word processing system used to prepare it, it contains 1,417 words (including footnotes), which is within the allowed word count.



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CERTIFICATE OF SERVICE

I, M. Eugene Gibbs, hereby certify that a copy of Applicant M. Eugene Gibbs's Motion for Leave to File Out of Time and Affidavit were mailed/emailed/CM/ECF this 24th day of June 2026, addressed to:

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Judge H. S. DeBerry, IV,

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A handwritten signature in black ink, appearing to read "M. Eugene Gibbs", is written over a horizontal line.

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