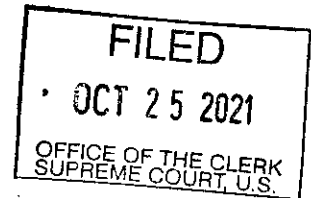


ORIGINAL

21-1002
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

ARTHUR LOPEZ – PETITIONER

vs.

HSBC BANK USA, N.A., HSBC HOLDINGS PLC,
THE HONG KONG AND SHANGHAI BANKING
CORPORATION LIMITED, JAMES BRIEN
COMEY, JR. – RESPONDENTS

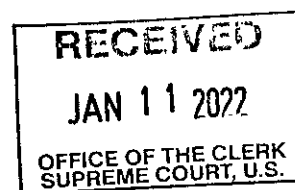
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ARTHUR LOPEZ
P.O. BOX 13081
NEWPORT BEACH, CA 92658
949.278.7793

i



QUESTION(S) PRESENTED

Should International Banking Conglomerate, HSBC Bank USA, NA, Defendant, and Director James Brien Comey Jr, Defendant and Former F.B.I. Director, be accountable To United States of America Mortgage/Home Equity Line of Credit protection statutes and Congress Enacted Consumer Protection Acts related to proper/complete disclosures and Truth In Lending violations.

Also should the head of this nation's Bureau of Investigations be held liable for deprivation of Petitioner Arthur Lopez's Civil Rights.

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:

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HSBC Bank as Defendant

- 1) United States of America v. HSBC Bank USA,
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- 2) Freeman v. HSBC Holdings PLC, 2021 United
States District Court Eastern District of New York.
January 7, 2021, 18-CV-7359; 19 CV 2146

- 3) Trevino v. HSBC Mortgage Services, 615 B.R.
108 January 31, 2020 Case No. 10-70594
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- 4) Johnson v. HSBC Bank USA, March 19, 2012
Case No. 3:11-cv-2091-JM-WVG

- 5) Charlotte Freeman v. HSBC Bank PLC. Case
No. 14 cv 6601 DLI (CLP), July 27th, 2018
U.S. District Court, ED N.Y.

- 6) Bayerische Landesbank v. HSBC Holdings PLC,
Case No. 13 cv 3906, Nov. 18, 2013.

- 7) Bradford v. HSBC Mortgage
Case No. 1:09cv1226 April 26, 2012
E.D. Virginia, Alexandria Division

TABLE OF AUTHORITIES

*HSBC as Defendant

8) Evelyn de Jesus v. Banco Popular de Puerto Rico
Case No. 90-1350 Sept. 11, 1990

9) Lewis v. HSBC Bank USA, US Court of Appeals,
9th Cir. 9/12/2017 Case No. 17-234 DKW-KSC

10) Hua Nan Comm. Bank v. HSBC 5/19/2011
Civ. 10-8773 U.S. Central Dist. of Ca

11) Skaggs v. HSBC Aug 31, 2011
Civ. No. 10-00247

12) Hoover v. HSBC March 27, 2014
Civ. No. 13 cv 149

TABLE OF AUTHORITIES

1) In re JP Morgan Chase Bank Home Equity Line of Credit Litigation

794 F. Supp. 2d 859, U.S. District Court N.D. Illinois, Eastern Division. June 30, 2011

2) Household Credit Services, Inc. and MBNA America Bank, N.A. v. Sharon R. Pfennig, 124 S. Ct. 1741 United States Supreme Court. April 21, 2004

3) Jesinoski v. Countrywide Home Loans, Inc., etal. 135 S. Ct. 790; Supreme Court of the United States. January 13th, 2015

4) Allen v. Beneficial Finance Company, 393 F. Supp 1382 U.S. District Court, N.D. Indiana. May 1st, 1975

5) Charles Christy and Tracy Christy v. Heights Finance Corporation, 101 B.R. 542. U.S. District Court, C.D. Illinois

6) Varner v. Century Finance Company, Inc. v. Termplan, Inc. v. Termplan, Inc. of Georgia, 738 F.2d 1143, 11th Circuit, U.S. Court of Appeals. Aug 9th, 1984.

7) Robert Griggs, etal v. Provident Consumer Discount Company 503 F. Supp. 246, U.S. District Court, E.D., Pennsylvania, Dec. 24, 1980

TABLE OF AUTHORITIES

8) Bradford v. HSBC Mortgage Corporation,
Virginia 859 F. Supp. 2d 783 U.S. District Court,
E.D. Alexandria Div. April 26, 2012

9) Gerasta v. Hibernia National Bank v. U.S.
Building Materials Co., Inc., 575 F.2d 580 U.S.
Court of Appeals Fifth Circuit. June 23rd, 1978.

10) Jones v. The TransOhio Savings Association,
747 F.2d 1037, U.S. Court of Appeals, Sixth Circuit.
June 12, 1984

11) Clemmer v. Liberty Financial Planning, Inc.
467 F. Supp. 272, U.S. District Court, W.D. No.
Car., Charlotte Div. Feb. 12, 1979

12) Jesus v. Banco Popular de Puerto Rico, 918
F.2d 232; U.S. Court of Appeals, First Cir. October
31, 1990

13) Basham v. Finance America Corporation.
583 F.2d 918, U.S. Court of Appeals Seventh Cir.
August 16th, 1978.

TABLE OF AUTHORITIES
United States Supreme Court

Title 42, Section § 1983

1) *City of Canton, Ohio v. Geraldine Harris*, 489 U.S. 378 (1989)

2) *Monell, June v. New York City Department of Social Services*, 436 U.S. 658 (1978)

Non-Immunity Case(s):

3) *Pearson v. Callahan*, 555 U.S. 223 (2009)

4) *Anderson v. Creighton*, 483 U.S. 635 (1987)

5) *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)

6) *Harlow v. Fitzgerald*, 457 U.S. 800 (1982)

7) *Davis v. Scherer*, 468 U.S. 183 (1984)

8) *Malley v. Briggs*, 475 U.S. 335 (1986)

*9) *Beck v. Ohio*, 379 U.S. 89 (1964)

10) *Saucier v. Katz*, 533 U.S. 194 (2001)

11) *United States v. Cervantes*, 703 F.3d 1135 (9th Cir. 2012)

12) *California v. Acevedo*, 500 U.S. 565 (1991)

13) *Illinois v. Gates*, 462 U.S. 213 (1983)

14) *Hope v. Pelzer*, 536 U.S. 730 (2002)

Pleadings from Pro Se Litigants:

15) *Haines v. Kerner*, 404 U.S. 519 (1972)

16) *Groh v. Ramirez*, 540 U.S. 551 (2004)

TABLE OF AUTHORITIES

*United States Supreme Court / U.S. Court of Appeals

Entrapment Cases:

- *1) Mathews v. United States, 485 U.S. 58, 63 (1988)
- *2) Jacobsen v. United States, 503 U.S. 540, 548 (1992)
- *3) Sherman v. United States, 356 U.S. 369 (1958)
- *4) Sorrells v. United States, 287 U.S. 435 (1932)
- 5) United States v. Howell, 37 F.3d 1197, 1204 (7th Cir. 1994)
- 6) United States v. Barta, 776 F.3d 931 (7th Cir. 2015)
- 7) United States v. Mayfield, 771 F.3d 417 (7th Cir. 2014)
- 8) United States v. Kopstein, 759 F.3d 168 (2d Cir. 2014)
- 9) United States v. McGill, 754 F.3d 452 (7th Cir. 2014)
- 10) United States v. Black, 750 F.3d 1053 (9th Cir. 2014)
- 11) United States v. Cartes, 757 F.3d 850 (9th Cir. 2013)
- 12) United States v. Pillado, 656 F.3d 754 (7th Cir. 2011)
- 13) United States v. Theagene, 565 F.3d 911 (5th Cir. 2009)
- 14) United States v. Luisi, 482 F.3d 43 (1st Cir. 2007)
- 15) United States v. Sandoval-Mendoza, 472 F.3d 645 (9th Cir. 2006)

TABLE OF AUTHORITIES

*United States Supreme Court / U.S. Court of Appeals

- 16) Bradley v. Duncan, 315 F.3d 1091 (9th Cir. 2002)
- 17) United States v. Mendoza-Prado, 314 F.3d 1099 (9th Cir. 2002)
- 18) United States v. Thomas, 134 F.3d 975 (9th Cir. 1998)
- 19) United States v. Duran, 133 F.3d 1324 (10th Cir. 1998)
- 20) United States v. Sligh, 142 F.3d 761 (4th Cir. 1998)
- 21) United States v. Burt, 143 F.3d 1215 (9th Cir. 1998)
- 22) United States v. Joost, 92 F.3d 7 (1st Cir. 1996)
- 23) United States v. Montanez, 105 F.3d 36 (1st Cir. 1997)
- 24) United States v. Gamache, 156 F.3d 1 (1st Cir. 1998)
- 25) United States v. Rodriguez, 858 F.2d 809 (1st Cir. 1988)
- 26) United States v. Bradley, 820 F.2d 3 (1st Cir. 1987)
- 27) United States v. Khubani, 791 F.2d 260 (2nd Cir. 1986)
- 28) United States v. Berkery, 889 F.2d 1281 (3rd Cir. 1989)
- 29) United States v. Fedroff, 874 F.2d 178 (3rd Cir. 1989)

TABLE OF AUTHORITIES

*United States Supreme Court / U.S. Court of Appeals

- 30) United States v. Pervez, 871 F.2d 310 (3rd Cir. 1989)
- 31) United States v. Bradfield, 113 F.3d 515 (5th Cir. 1997)
- 32) United States v. Sandoval, 20 F.3d 134 (5th Cir. 1994)
- 33) United States v. Kang, 934 F.2d 621 (5th Cir. 1991)
- 34) United States v. Cantu, 876 F.2d 1134 (5th Cir. 1989)
- 35) United States v. Robinson, 887 F.2d 651 (6th Cir. 1989)
- 36) United States v. Graham, 856 F.2d 756 (6th Cir. 1988)
- 37) United States v. Hollingsworth, 27 F.3d 1196 (7th Cir. 1994), en banc 9 F.3d 593 (7th Cir. 1993)
- 38) United States v. Fusko, 869 F.2d 1048 (7th Cir. 1989)
- 39) United States v. Martinez, 122 F.3d 1161 (9th Cir. 1997)
- 40) United States v. Rameriz-Rangel, 103 F.3d 1501 (9th Cir. 1996)
- 41) United States v. Reece, 60 F.3d 660 (9th Cir. 1995)
- 42) United States v. Sterner, 23 F.3d 250 (9th Cir. 1994)
- 43) United States v. Lessard, 17 F.3d 303 (9th Cir. 1994)

TABLE OF AUTHORITIES

*United States Supreme Court / U.S. Court of Appeals

- 44) United States v. Mkhsian, 5 F.3d 1306 (9th Cir. 1993)
- 45) United States v. Kessie, 992 F.2d 1001 (9th Cir. 1993)
- 46) United States v. Becerra, 992 F.2d 960 (9th Cir. 1993)
- 47) United States v. Skarie, 971 F.2d 317 (9th Cir. 1992)
- 48) United States v. Tallmadge, 829 F.2d 767 (9th Cir. 1987)
- 49) United States v. Beal, 961 F.2d 1512 (10th Cir. 1992)
- 50) United States v. Collazo, 885 F.2d 813 (11th Cir. 1989)
- *51) Raley v. Ohio, 360 U.S. 423 (1959)
- *52) Cox v. Louisiana, 379 U.S. 559 (1965)
- *53) United States v. Pennsylvania Indus. Chemical Corp., 411 U.S. 655 (1973)
- 54) United States v. Albertine, 830 F.2d 985 (9th Cir. 1987)
- 55) United States v. Walter, 434 F.3d 30, 37 (1st Cir. 2006)

TABLE OF AUTHORITIES

United States of America v HSBC Bank USA, N.A. and HSBC Holdings PLV, 12-CR-763 (JG) January 28, 2016.

Factual Background: In December 2012, the government charged HSBC Bank USA, N.A. with willfully failing to maintain an effective anti-money laundering ("AML") program, in violation of the Bank Secrecy Act, 31 U.S.C. § 5311 *et. seq.*, and HSBC Holdings PLC with willfully facilitating financial transactions on behalf of sanctioned entities, in violation of the International Emergency Economic Powers Act, 50 U.S.C. §§ 1702 & 1705, and the Trading with the Enemy Act ("TWEA"), 50 U.S.C. App. §§ 3, 5, 16. Information, ECF N. 3-1, Dec. 11, 2012. Simultaneously, the government publicly filed a DPA requesting that I hold the case in abeyance for five years in accordance with the terms of the DPA, a statement of facts describing HSBC's alleged misconduct, and a Corporate Compliance Monitor agreement. *See* ECF Nos. 3-2 (DPA), 3-3 (Statement of Facts), 3-4 (Corporate Compliance Monitor Agreement). According to the DPA, if after five years HSBC has complied with the terms and provisions of the DPA, the government will seek to dismiss the information with prejudice; if not, the government may prosecute HSBC "for any federal criminal violation of which [the government] has knowledge," including—but not limited to—the charges in the already-filed information. DPA ¶¶ 15-16. ...

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of
certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of
appeals appears at Appendix **A & B** to the
petition and is

reported at _____; or,

has been designated for publication but is
not yet reported, or,

is unpublished.

The opinion of the United States district
court at Appendix **C** to the petition and is

reported at _____; or,

has been designated for publication but is
not yet reported, or,

is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was **January 22, 2021**.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: **May 26th, 2021**, and a copy of the order denying rehearing appears at Appendix A.

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 . ***As per Order of the Court Granting 60 Day Extension.**

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

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

United States Constitution Civil Rights Including,
5th, 7th, 1st, 14th Amendments.

- Consumer Credit Protection Act of 1968
- Fair Debt Collection Practices Act of 1977
- Federal Truth In Lending Act of 1968
- Home Equity Loan Consumer Protection Act of 1988
- Home Ownership and Equity Protection Act of 1994
- Gross Negligence
- Intentional Misrepresentation
- Unjust Enrichment
- Unfair and Deceptive Business Practice
- Title 42 U.S.C. § 1983/1985

STATEMENT OF THE CASE

Plaintiff Arthur Lopez is an American born on February 7th, 1967 in Los Angeles, California with a Mexican Heritage and is Father to Four Lovely Children ages 17, 14, 13 and 7. Additionally, Plaintiff is a Catholic-Christian from birth.

On March 23, 1990 Plaintiff purchased a single Family Residential Property located at 2251 Bloomfield Lane in Corona, California 92882. This is a two story, brand new home developed by Standard Pacific Homes (Founded by Ron Foell and Arthur Svendsen in Costa Mesa, CA 1965 and is now known as CalAtlantic Group, Inc./CalAtlantic Homes a Lennar Company). This home was purchased along with Plaintiff's Mother and Stepfather, Jovita and Joaquin Alvarez as a 50/50 partnership. A Copy of the Original Deed of Trust is attached as Exhibit A and as part of the Complaint-Statement of Facts.

This home was sold on or about September 24th, 2008 by Jovita and Joaquin Alvarez in a Forced Sale for approximately \$570,000.00, see exhibit H.

Honorable United States Supreme Court this case before you involves Predatory Lending by the defendants stemming from the transactions related to Home Equity Line(s) of Credit – Single and Binary Family Residence Loan(s) that go back to 2008 and involved Plaintiff's Parents Jovita and Joaquin Alvarez as borrowers on the property

STATEMENT OF THE CASE

purchased by Plaintiff and his parents on March 23, 1990.

The defendants include a Massive Banking Conglomerate with Headquarters in the United Kingdom – 8 Canada Square, London – with roots in Hong Kong and Shanghai from its formation in 1865. It now ranks as the 7th largest bank in the world. Moreover, the fourth defendant James Brien Comey, Jr has roots in the United States Judicial branch going back to the "Clinton" era as U.S. Assist. Atty. (1996-2001), the "Bush" administration as U.S. Deputy Atty. General (2002-2005), to 7th Federal Bureau of Investigation Director (2013-2017) – until he was abruptly terminated/removed from this post of Integrity by President Donald J. Trump for conduct unbecoming of a Law Enforcement Officer/Director among other violations. In addition, this defendant joined the other three defendants – "HSBC" (London-based)/"Hong Kong and Shanghai..." as "Director" on their "Board of Directors" circa 2012 just before he became F.B.I. "Director", see exh. "C". This Chronology is significant to this case since Plaintiff had been in contact with the U.S. Department of Justice for several years and had also provided complaints and details pertaining to Mortgage fraud and Real Estate along w/ several other Civil Rights violations involving Law Enforcement, please see Exhibit "E" which is Dated December 22nd, 2011. Plaintiff had also filed complaints with

STATEMENT OF THE CASE

several other Federal Divisions including Office of the Comptroller related to Mortgage Fraud by MUFG Union Bank, N.A. a Japanese wholly owned Banking Conglomerate, Please take judicial Notice of United States Supreme Court Case/Docket #19 A 240 (U.S. Court of Appeals Case #18-55748) Arthur Lopez v. MUFG Union Bank and California Superior Court Case No. 30-2021-01192499. These timelines and events coinciding with the Resume of defendant "Comey" clearly establish the shadowing and concerted effort by the defendants to target and deprive the Plaintiff of 1) his property, 2) unbiased financial assistance and 3) rights, Not to mention to acquire \$1.9 Billion Settlement with the United States Department of Justice.

Specifically, defendant "Comey's" wife, "Patrice Failor" is a volunteer Superior Court employee while Plaintiff's State of California Level Lawsuit against MUFG Union Bank, N.A. was derailed by the fraudulent-misrepresentations of a volunteer judge of the Superior Court of California, County of Orange in 2012 who so happened to also be the defendants attorney and whose colleague presiding over the case was Judge Francisco Firmat please take judicial notice of active U.S. District Court case # 8:19-cv-01143 VBF(MRW). In addition, these defendants have consistently and as a standard operating practice have violated practically every United States Real Estate Related Law of the Land as related to Home Equity Lines of Credit (see

STATEMENT OF THE CASE

Causes of Action on Page 1). In fact, these brazen, arrogant and unlawful conduct/scheme(s) are so outlandish that even the most basic essential element of the loan, the "A.P.R." is inaccurate/wrong/misleading/misrepresented and a violation of State and Federal Law(s) as stated on the Home Equity Line Agreement on Day One, see exhibit "G" as it relates from the inception and consummation of the Real Estate Loan transaction. In plain language the Interest Rate is not correctly quoted or disclosed on the agreement period (Section 11). Moreover the Initial A.P.R. cited on the Agreement and the "Spread" cited on the Agreement is also incorrectly disclosed/cited/noted (Section #12). In summary, the A.P.R. and the "Spread" are both incorrectly cited on the Agreement and as such Plaintiff requests this court grant "Rescission" of this HELOC loan and reimbursement of all funds paid be ordered.

Furthermore, changes to the A.P.R. require new disclosures and new agreement under Truth In Lending Laws along with the Consumer Credit Protection Act of 1968 from the onset. This agreement has not been corrected and the attached Bank Statement reflecting a different "A.P.R." – Interest Rate from Day 1, exh. "G".

These lenders/defendants also failed to provide disclosures pertaining to the Total Costs anticipated by these rates over the duration of this

STATEMENT OF THE CASE

line of Credit fully amortized. This is to say what is the projected cost of the loan transaction, see Exh F – Home Equity Line Agreement.

Furthermore, the defendants failed to provide Total Cost – full disclosures of the Principal and Interest projected payments as the HELOC entered the latter 20 yr. – Repayment Period. This is also violation of the Truth In Lending and Consumer Credit Protection Act. Moreover, by not disclosing the enormous jump in the monthly payment thoroughly "Ability To Pay" requirements are also violated since borrowers are not fully apprised of the 400% increase in the monthly payment obligation that ensues. This is especially critical since retirement age also serves to dramatically reduce the monthly income by more than 50% and as such is the formula for catastrophic results and a Regulation Z – Truth In Lending violation of these defendants.

As if these ground level violations were not enough these defendants followed up these unlawful acts by then practicing unlawful and unfair Debt Collection Practices by systematically delaying posting of payments, credits so as to trigger late charges and bank fees the like. For example when borrower/representative would walk in to a local HSBC Bank branch to make a deposit or payment after a certain afternoon hour the defendants systematically would not reflect the payment on

STATEMENT OF THE CASE

deposit date as the transaction day. Rather they instead would carry it over to a later business day & in some cases when a weekend or holiday was involved would further delay the posting date by several days triggering a host of Fair Debt Collection Practices of 1977 violations (see Exh. D) since not only were artificially imposed late charges tacked on but also the Credit Line was then also compromised and as was the Credit standing since collection notices and collection harassment ensued all the while the payments/deposits had been timely presented. Moreover, when these violations were presented to the local branch staff in Irvine or Culver and then to the Customer Relations network nothing was done to correct these issues and instead was chastised and told the "New York" would not acknowledge the business hours of the local branches on the West Coast specifically Southern California where these violations occurred.

Furthermore, these defendants also engaged in Acts of Discrimination and failed to Financially Assist with Loan Modification requests despite the Federal Hardest Hit Fund (HHF) (Exh. "H") existing and \$7.6 Billion dollars being made available through December 31, 2020 for situations/circumstances related to the Financial Hardship created by the Defendants Violations and Inadequate Disclosures coupled with the enormous monthly payment increase in July of 2018 and the

STATEMENT OF THE CASE

lay-off of Plaintiff's Mother from her Aerospace Machining job of 40 years not long before the huge jump in monthly payment obligation imposed by these defendants. Also, please note defendant "Comey" also became associated with the Aerospace Industry through these related dates while employed at "Lockheed" see exhibit 'C'. The defendants Refusal to provide Financial Assistance to these borrowers where the vehicle to achieve the necessary modification is also a violation of not only the Consumer Credit Protection Act (1968), Home Equity Loan Consumer Protection Act (1988), Home Ownership and Equity Protection Act of (1994), Housing Discrimination Act (1977) but also is an Unfair and Deceptive Business Practice, Creates Unjust Enrichment and can be said is Extreme "Gross Negligence."

Summarily, the countless omitted Disclosures and Misrepresentations and Disregard for Good Faith conduct which Plaintiff and borrowers relied on throughout these processes can only amount Intentional Misrepresentation and Extreme Gross Negligence not to mention Criminal Conduct since the overwhelming number of violations have created a Homeless situation for the Plaintiff, have Forced the sale of the Family Home of nearly 30 years and has deprived Plaintiff of: 1) an Inheritance (Approx. Current Market Value \$620-\$650K) 2) Enjoyment of us, 3) Appreciation Value – Approximately \$50,000-\$70K this past year alone

STATEMENT OF THE CASE

and not to minimize in any way the quality of life and Family ties since these traumatic events have certainly strained the Family Bonds.

For all these reasons and many more Plaintiffs respectfully petitions this court for Relief and Compensation for the damages inflicted by these defendants lawlessness and corruption in the amount of \$440,000,000.00 (Four Hundred Forty Million Dollars) after taxes.

The court should also be made aware that these violations of Law have been discovered recently and following to a large extent, if not all, the September 24th, 2018 Forced Sale of the property also known as 2251 Bloomfield Lane, Corona, California 92882. Lastly, Plaintiff humbly cites United States Supreme Court Haines v. Kerner, 404 U.S. 519, 520 (1972) whereby "Pro Se Litigants should be Held to Less Stringent Standards than formal pleadings drafted by lawyers." As such if the court finds additional facts are necessary, Plaintiff seeks the court's granting of Motion to Leave to Amend Complaints as permitted under Federal Rules of Civil Procedure. Accordingly, Equitable Tolling is justified and petitioned for any possible Statute of Limitation Conflicts due to the Discovery of New Facts, Doctrine of Continued Violations, Ongoing Administrative Processes created by the Complaints Filed with the Consumer Financial Protection Bureau, etc.

STATEMENT OF THE CASE

The Lower Court erred and demonstrated bias by prematurely issuing a Mandate following Dismissal. A petition for panel rehearing may be filed within 14 days after entry of judgement. [FRAP 40(a)(1)]. But in a civil case, unless an order shortens or extends the time, the petition may be filed by any party within 45 days after entry of judgement if one of the parties is: ...(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf – including all instances in which the United States represents that person when the Court of Appeals' judgement is entered or files the petition for that person." Moreover, U.S. Court of Appeals, Ninth Circuit Rule 27.10(a)(1) also provides authority for this Request-Petition Petition-Motion(s) as it states: 27.10 Motions for Reconsideration, (a) Filing for Reconsideration (1) Time Limit for Orders that Terminate the case: "A party seeking further consideration of an order that disposes of the entire case on the merits, terminates a case, or otherwise concludes the proceedings in this court must comply with the time limits of FRAP 40(a)(1). Hence, with the court's Dismissal Order having been issued January 22, 2021 and as a matter of fact that codefendant is(and) Former Federal Bureau of Investigations, F.B.I., Director James Brien Comey, Jr. this Petition is timely submitted by March 8th, 2021. Therefore, the mandate issued February 16, 2021 is untimely and issued in error.

STATEMENT OF THE CASE

Now then, having clearly stated these defendants persistently targetted Plaintiff Arthur Lopez with acts of discrimination and harassment to harm and deprive Plaintiff of his rights as a Catholic-Christian, Mexican Heritage Hispanic Latino, Male Father of Four Lovely Children. In fact, these matters of deprivation of rights including Civil Rights are not the very least frivolous but rather quite the opposite, they are very serious and even criminal as provided by authority of United States Title 18 U.S.C. § 242 and § 241: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunity(ies) secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined under this Title or imprisoned not more than one year, or both ..., or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death"; and "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, ... in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, ... They shall be fined under this Title or imprisoned not more than ten years or both ..." respectively § 242 and § 241. Therefore,

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whereby defendant Comey, Jr. an American Lawyer employed by the United States in numerous capacities going back to 1996 or beyond through at least May of 2017 and holding U.S. Department of Justice Roles from F.B.I. Director (possibly 2013-2017) and FBI Agent of sorts going back to at least 2004 along side Director Robert S. Mueller III and holding offices/title(s) of Assistant U.S. Attorney – Virginia (1996-2001) and U.S. Atty. S. District of New York (2002-2003), and U.S. Deputy Atty. General (2003-2005), and Acting U.S. Atty. General (2004) during which Plaintiff, Arthur Lopez, had and has been targetted, persecuted, threatened, defrauded, deprived of rights including due process and equal protection under law in addition to the specific Causes of Action listed on the original complaint and all the while defendant Comey, Jr. has also held paid positions with U.S. Government Contractors/Affiliates the likes of Lockheed and U.S. Licensed/Chartered/Regulated International Banking Conglomerate Co-Defendant HSBC Bank USA, N.A. to execute his assaults upon Plaintiff with the assistance of these Conspirators/Complices over an extended period of years. These assaults with the premeditated goal/purpose of destroying Plaintiff to the point of death, entrapping, Robbing Plaintiff's wealth, Assets, Home, Solely Owned Auto Finance Business, Family, Wife, Children, Automobiles, Friends(ships), Peace, Enjoyment/Quality of Life, Food, everything to the extreme of leaving to die on the streets. In fact, Defendant Comey, Jr. has had

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many co-conspirators in these schemes including entrapment scheme(s) which have involved Tustin Police Department (who maliciously placed Diesel Fuel in Plaintiffs Gas Burning Engine Hybrid Automobile permanently damaging the catalytic converters barring any possibility of acquiring a smog check and as such barring the issuance of a License Plate Sticker/Tag by California Department of Motor Vehicles as part of the annual processes), Irvine Police Department (Whereby the Chief of Police David L. Maggard, Jr. was involved in issuing and Untruthful-Coverup Letter in 11/2007 in response to Plaintiff's April 7, 2007 Complaint involving the issuance of a bogus ticket for a non-existent veh. Code Violation and the Unlawful Seizure of his family from the automobile including his pregnant wife and two middle children preventing them from proceeding in the vehicle despite Plaintiff having signed the issued ticket with an acknowledgement to appear in Court. In fact, the Chief of Police also President of the California Association of Police Chiefs and moreover the California Designated Representative to the National Police Chief Association), Santa Ana Police Department (who has also participated in these entrapment schemes involving the Plaintiff's Vehicle Registration and the consequences of Tustin Police Dept. malicious acts involving the Diesel Fuel having issued 3 bogus citations related to this very issue), Newport Beach Police Department (also having issued 3 bogus citations on the same issue among other violations

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of Law and Plaintiff's civil rights well documented and ongoing litigation), Anaheim Police Department (Failing to Address Plaintiff's Complaint of Teacher Abuse upon his eldest daughter at Fairmont Private Schools which led to bullying from another student ultimately barring daughter's admission in Retaliation for Reporting incidents), O.C. Sheriff (ongoing harassment including collusion with unlawful Superior Court of Ca staff, barring court access and violations of the Americans with Disabilities Act), Costa Mesa Police Dept. (unlawful seizure following unlawful stop and bogus ticket issuance) and many more. Therefore, these Entrapment Schemes participated in executing by these above itemized conspirators including Defendant Comey, Jr. is unlawful under Federal Law and countless Case Law/Points of Authority herein contained, moreover please see Exhibit E dated December 22, 2011 whereby Plaintiff notified the United States Department of Justice in Washington, D.C. of the ongoing Deprivation of Rights involving the above mentioned entities including the F.B.I. who was not only apprised of the hostilities but was and has repeatedly been visited by Plaintiff in Person at their Santa Ana and Orange, California offices and also through the Los Angeles, Ca. Civil Rights Unit where handwritten complaints have been delivered.

Furthermore, as amazing as the extreme measures the United States Department of Justice, F.B.I. and

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James B. Comey, Jr. have stooped to destroy and kill Plaintiff Arthur Lopez these facts are not "fanciful" as the District Court Judge from Newport Beach, Ca roots described these claims. In fact, they are well documented and ultimately defendant Comey, Jr. was terminated from his FBI Director role once Plaintiff initiated his Civil Complaints whereby evidence was submitted of these Rogue operations. In fact, Plaintiff remains Indigent and homeless as a direct cause of these defendant acts of discrimination deprivation of rights and unlawful standard operating procedure. Hence, the Lower Court erred in contradicting the United States Supreme Court's holding in Foman v. Davis, 371 U.S. 178 (1962) "...Federal Rule of Civil Procedure 15(a) declares that leave to amend "shall be Freely Given when Justice So Requires, and denial of the motion without any apparent justifying reason was an abuse of discretion." In this case the Lower Court Judge was so eager to cover up FBI Director-Former's unlawful abusive, sinister actions that she never even afforded Pro-Se Litigant any such opportunity to add detail, cause of action or any such less drastic measure. Clearly, an abuse of discretion and authority. In addition, the United States Supreme Court has also ruled in Bivens v. Six Unknown Named Agents 403 U.S. 388 (1971) a violation of a Constitutionally Protected right by a Federal Agent can give rise to a Federal Cause of Action for damages.

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Hence please take judicial Notice of the following 55 Points of Authority related to the Entrapment Scheme since defendant Comey, Jr. engaged in the Entrapment Schemes of his cohorts targetting, depriving Plaintiff of his rights and inflicting punishment and harm without providing Plaintiff with his rights under an Entrapment Defense and without any formal charge ever! See United States Supreme Court ruling(s) in *Jacobson v. United States*, 503 U.S. 540 (1992), "The government must prove beyond a reasonable doubt that a defendant (target) was predisposed to commit a crime prior to any contact with government agents in order to overcome an entrapment defense"; also see *Sherman v. United States* 356 U.S. 369 (1958), "Government cannot overcome entrapment defense by dissociating itself from informant's conduct"; also see *Sorrells v. United States* 287 U.S. 435 (1932), "Entrapment is a valid defense"; also see *Mathews v. United States* 485 U.S. 58, 63 (1988) "Even if the defendant (target) in a federal criminal case denies one or more elements of the crime (alleged), he is entitled to an entrapment instruction whenever there is sufficient evidence from which a reasonable jury could find entrapment – a defense that has the two related elements of Government Indictment of the crime, and a lack of predisposition on the defendant's (target) part to engage in the criminal conduct; also see *Cox v. Louisiana* 379 U.S. 559 (1965) "and to permit him to be convicted for exercising the privilege they told him was available would be to

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allow a type of entrapment violative of the Due Process Clause"; and also *Raley v. Ohio* 360 U.S. 423 (1959), "The convictions of three of the appellants violated the Due Process Clause of the Fourteenth Amendment, since they were entrapped by being convicted for exercising a privilege which the Commission had led them to believe was available to them"; also see *United States v. Pennsylvania Ind. Chemical Corp.* 411 U.S. 655 (1973), "...and thus may have deprived respondent of fair warning as to what conduct the Government intended(s) to make criminal." Also find herein following points of authority related to exceptions to Qualified Immunity as to Law Enforcement Agents such as United States Supreme Court holding in *Beck v. Ohio* 379 U.S. 89 (1964) No Probable Cause for petitioner's arrest having been shown, the arrest (target), and therefore necessarily the search for and seizure of the slips incident thereto, were invalid under the Fourth and Fourteenth Amendments – Reversed"; also see *Harlow v. Fitzgerald* 457 U.S. 800 (1982), whereby the Supreme Court held Presidential Aides were not entitled to absolute immunity, but instead deserved qualified Immunity"; also see *Anderson v. Creighton* 483 U.S. 635 (1987), Holding "that an officer is entitled to Qualified Immunity if the officer proves that a reasonable officer could have believed the warrantless search to be lawful, considering clear established law and the information which the officer possessed"; also see *Hope v. Pelzer* 536 U.S. 730 (2002) in which the

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Supreme Court ruled Qualified Immunity is not available to prison officials for Civil Rights lawsuits alleging violations of the Eight Amendment ban on Cruel and unusual punishment for use of a hitching post"; Additionally, please take judicial notice of the additional Points of Authority following 13 under Exceptions to Qualified Immunity and also City of Canton, Ohio v. Geraldine Harris 489 U.S. 378 (1989) Whereby violations of U.S.

Constitutional Civil Rights due to a lack of proper training of its officer allows for Civil Cause of Action under Title 42 § 1983; and see Monell, June v. New York City Department of Social Services 436 U.S. 658 (1978) allowing for Civil Cause of Action against Government.

Lastly, please take judicial notice of points of authority allowing for appointment of counsel for indigent pro-se litigants under Title 28 U.S.C. 1915(d) as Plaintiff has repeatedly requested counsel for his Civil Cases as an indigent pro-se litigant from this lower district court but have been denied also to have been sought through amended complaint but deprived of said right as provided under FRCP Rule 15(a); see Foman v Davis 371 U.S. 178, "Leave To Amend Should be freely given..."

In summary, defendant HSBC Bank USA, N.A., etal has violated every cause of action listed in the initial complaint: 1.) Consumer Credit Protection

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Act of 1968 (and Subsequent Amendments), 2.) Fair Debt Collection Practices Act of 1977, 3.) Federal Truth In Lending Act of 1968 (and Subsequent Amendments), 4.) Home Equity Loan Consumer Protection Act of 1988, 5.) Home Ownership and Equity Protection Act of 1994, 6.) Gross Negligence, 7.) Intentional Misrepresentation(s), 8.) The Housing Discrimination Act of 1977 (Subsequent Amendments), 9.) Unjust Enrichment, 10.) Unfair and Deceptive Business Practices (For which Plaintiff seeks Injunctive Relief as part of the Remedies Sought). Moreover, defendant James Brien Comey, Jr. colluded with other codefendants to Discriminate against Plaintiff due to his Catholic-Christian Religion/Religious Beliefs Grounded In "Jesus Christ's Mandate To Love Thy Neighbor"; also discriminated against Plaintiff Lopez due to his Mexican Heritage Hispanic Latino Race and his Male Gender Father of 4 Lovely Children who have also been blessed by Our Lord and Creator with the intent of destroying Plaintiff's Familial Status as Father and his Family Unity in addition to causing loss of his newly launched Auto finance business as a sole owner and further orchestrating the demise of his multi million dollar home of nearly 10 years. Damages not only include the immeasurable elements listed above but also loss business income and growth over approximately 10 years as Ongoing Violations which warrant tollings; under the On Going – Continued Violations Doctrine.

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Beyond all of these loss of quality of life and Social Standing with Friends and Family in summary enormous, catastrophic damages and continuing loss of health and ongoing emotional distress for all these and many more inflicted harm Plaintiff seeks \$440,000,000.00 net after taxes (Four Hundred Forty Million Dollars net after taxes). This relief will not undue the harm premeditatively inflicted by these defendants but may help restore some degree of the dignant quality of life earned by Plaintiff after enduring enormous Torture. Additionally, Plaintiff brings enormous standing in this case as the original purchaser of the property described relevant in these causes of action and moreover one of only two children of his parents co-purchasers Mrs. Jovita and Mr. Joaquin Alvarez. Furthermore, Plaintiff is a U.S. Citizen with United States Constitutional Civil Rights including protections against unlawful seizure, Due Process and Equal Protection under Law and protections against Cruel and Unusual punishment (4th, 14th, 8th, 7th amends.)

Also please see United States of America v. HSBC Bank USA, NA and HSBC Holdings PLC Case No. 12-CR-763 (JG) 1/28/2016 In support of Plaintiff's claims since the United States District Court, E.D. New York held these defendants accountable to criminal violations of Law/Misconduct in this case cited. Also please see attached Table of Authorities In Support. Also please note Qualified Immunity is

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forfeited for misconduct in violation of well
Established Civil Rights, see *Harlow v. Fitzgerald*
457 U.S. 800 (1982) June 24, 1982; Also see Table
of Authorities in Support.

REASONS FOR GRANTING THIS PETITION

Petition should be granted to shield American Home Owners from unscrupulous predatory lenders and to safeguard the Home Equity of every household in the nation. Moreover, law enforcement officials must maintain protocols within the boundaries of the United States Constitutional Rights of Every Citizen and Resident.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ARTHUR LOPEZ

Date: **October 17th, 2021**