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Jan 31 2025

SC Court of Appeals

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Tracie L. Green — PETITIONER
vs.
US Bank National et al — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

ON PETITIONS FOR WRIT OF CERTIORARI

TO

Lexington County Courthouse in South Carolina

Petitioner Application to Extend Time To File Petition For Writ of Certiorari

without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Lexington County Courthouse

US District Court of South Carolina

US Court of Appeals for the Fourth Circuit

Supreme Court of the United States

Petitioner's affidavit or declaration in support of this motion is attached hereto.

A copy of the order of appointment is appended.

December 14, 2024

Signature

Case # 2022 CP3200784

Motion and Order/Affidavit to Proceed in Forma Pauperis

I, Tracie Mitchem-Green, being duly sworn, state that I am the Defendant and that I do not have the funds available to pay the costs of filing and service in this case. I request that motion hearing requests, form motions, and processed order/consent orders be made without cost to me.


Tracie Mitchem-Green
Defendant

Sworn to before me this 3rd day of May, 2022


Notary Public of South Carolina

My Commission expires: July 6, 2021



ORDER

- Leave is granted to proceed in forma pauperis.
- Leave is denied to proceed in forma pauperis. This case will be dismissed without further order of the court if the filing fee and associated costs are not paid on or before _____ 20_____. (Family Court Only)

Date: May 11, 2022


Circuit Court Judge

_____, S.C.

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

Evicted/Dispossessed (if applicable): _____

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Tracie L. Mitchem-Green, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$6,057	\$0	\$3,082	\$0
Self-employment	\$1	\$0	\$0	\$0
Income from real property (such as rental income)	\$0	\$0	\$0	\$0
Interest and dividends	\$1	\$0	\$0	\$0
Gifts	\$0	\$0	\$0	\$0
Alimony	\$0	\$0	\$0	\$0
Child Support (annual \$5280)	\$440	\$0	\$440	\$0
Retirement (such as social security, pensions, annuities, insurance)	\$167	\$0	\$0	\$0
Disability (such as social security, insurance payments)	\$0	\$0	\$0	\$0
Unemployment payments	\$0	\$0	\$0	\$0
Public-assistance (such as welfare)	\$204(SNAP)	\$0	\$245 (SNAP)	\$0
Other (specify): <u>Tax Refund/12months (same with retirement)</u>	\$404	\$0	\$0	\$0
Total monthly income:	\$7274	\$0	\$3767	\$0

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>VNS Health</u>	<u>220 E 42nd St, New York</u>	<u>12/22-Present</u>	<u>\$2767</u>
<u>Lexington Salsaritas</u>	<u>5135 Sunset Blvd, SC</u>	<u>10/22-12/22</u>	<u>\$500</u>
<u>Chicken Salad Chick</u>	<u>5135 Sunset Blvd, SC</u>	<u>5/22-9/22</u>	<u>\$756</u>
<u>Wyzant</u>	<u>online</u>	<u>2022</u>	<u>\$232</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>NA</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>

4. How much cash do you and your spouse have? \$120.00_____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>Checking/Savings</u>	<u>\$ 608.96/585.28</u>	<u>\$0</u>
<u>Checking/Savings</u>	<u>\$0.11/0</u>	<u>\$ _____</u>
<u>Checking/Savings</u>	<u>\$0.27/2.57</u>	<u>\$ _____</u>
<u>Savings/MMA</u>	<u>\$0.17/11.47</u>	<u>\$ _____</u>
<u>Checking/Savings</u>	<u>\$0.43</u>	<u>\$ _____</u>
<u>Checking</u>	<u>\$123.59</u>	<u>\$ _____</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

D Home
Value Being litigated_____

D Other real estate
Value NA_____

D Motor Vehicle #1
Year, make & model 2004 Toyota Sequoia
Value \$5000_____

D Motor Vehicle #2
Year, make & model NA
Value _____

D Other assets
Description NA_____

Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NA (Tax status unknown)	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

	Name	Relationship	Age
CG	_____	Son	17
	_____	_____	_____
	_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$In Homeless Shelter _____	\$NA _____
Are real estate taxes included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Is property insurance included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$315 _____	\$ _____
Home maintenance (repairs and upkeep)	\$0 _____	\$ _____
Food	\$255 _____	\$ _____
Clothing	\$200 _____	\$ _____
Laundry and dry-cleaning	\$100 _____	\$ _____
Medical and dental expenses	\$0 _____	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$400_____	\$_____
Recreation, entertainment, newspapers, magazines, etc.	\$100_____	\$_____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$being litigated__	\$_____
Life	\$0_____	\$_____
Health	\$0_____	\$_____
Motor Vehicle	\$679.90_____	\$_____
Other: _____	\$0_____	\$_____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$0_____	\$_____
Installment payments		
Motor Vehicle	\$0_____	\$_____
Credit card(s)	\$485_____	\$_____
Department store(s)	\$0_____	\$_____
Other: <u>Retirement loan/*Personal loan(*unable, pay what I can)</u>	\$44/*400_____	\$_____
Alimony, maintenance, and support paid to others	\$0_____	\$_____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$0_____	\$_____
Other (specify): <u>Tithe and Offering(10% of income)</u>	\$310_____	\$_____
Total monthly expenses:	\$3288.90_____	\$_____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?
xD Yes D No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? D Yes xD No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

Unable to pay and cautious about another derailment attempt as described in Writ of Certiorari to US District Court of South Carolina. However, I am in need of an attorney. **NOTE: I request attorney referrals but respectfully decline attorney appointments due to previous derailment experiences.**

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

D Yes xD No

If yes, how much? ___ I do have expenses related to document preparation and mailing. Approximately \$200+ monthly with both the State of South Carolina foreclosure case (No.2022CP3200784, US Bank vs Tracie Green, et al) and this Supreme Court Case (23-6591, Tracie Green vs US Bank, et al) occurring simultaneously.

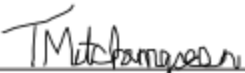
If yes, state the person's name, address, and telephone number: NA

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Currently, I live in a Homeless Shelter. Due to terrorism experienced since 2017, I exited Nursing (direct patient care) to keep the public safe, which severely affected my finances. Now that the government has been made aware of the terrorism, the terrorist are less likely to hurt anymore of my patients. However, the financial targeting against me is intense (i.e. high vehicle insurance, etc). The terrorism, coupled with the suspected murderous attempt on my life [and my child if present] has taken a negative toll on my health and income, though I remain at functional capacity. [It is suspected the terrorist are responsible for the death of Cristopher Washington, and the targeting of his mother Donna Washington Farmer.] HELP IS REQUESTED TODAY. PLEASE NOTIFY THE DEPARTMENT OF JUSTICE.

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

Executed on June 7, 2024



(Signature)

12/14/24 Addendum:

1. Income \$3653.85 bi-weekly.
2. Child age 18
3. Motor vehicle insurance \$380
4. Retirement loan approx \$85
5. I am residing at a homeless shelter.

Tracie Mitchem-Green

9. As allotted by the demands of both State of South Carolina foreclosure case (No. 2022CP3200784, US Bank National Association vs. Tracie Green, et al) and these Supreme Court of the United States cases (23-1176 and 23-6591, Tracie Green vs US Bank National Association), I desire to increase my income.

With the assistance of social services, I expect to secure an apartment.

No _____

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ON WRITS OF CERTIORARI
TO
Lexington County Courthouse in South Carolina

Petitioner Application to Extend Time To File Petition For Writ of Certiorari

DECEMBER 14, 2024

TRACIE MITCHEM-GREEN
ProSe Petitioner
PO Box 521, 1585 Central Park Avenue, Yonkers, NY 10710
drgreen@myyahoo.com
803-361-0602

No _____

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ON WRITS OF CERTIORARI
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Pursuant to Court’s Rule 13 and 21, this Petitioner respectfully requests this Court to grant a 60 day extension of time [until February 12, 2025] to file a writ of certiorari— before a full member Court—to appeal the Judgement Order for foreclosure from Lexington County Courthouse, issued on November 14, 2024; halting foreclosure activity until review and disposition of this case. Although this Court permits writs of certiorari to be filed within 90 days, this action is requested due to Respondent issuing a Notice of Acquisition within 60 to 90 days since the issuance of the November 14, 2024 Judgement Order. In addition, several motions in associated case No. 23-6591, Tracie Green v US Bank National, remain before this Court.

As discussed in the June 7, 2024, Petition for Rehearing to the Writ of Certiorari to US Court of Appeals for the Fourth Circuit:

Although instructed by HUD/FHA, US Bank National Association failed to comply with the latter two steps: determininng the appropriate assistance option, and assisting this Petitioner in completing the selected option... After receiving notice of a Partial Claim Approval and experiencing a concerning telephone encounter with a US Bank National representative, this Petitioner sent the following email to US Bank National Association on October 24, 2021 requesting more information... Again, US Bank National Association failed to comply with HUD/FHA guidelines by not providing the requested assistance. After conducting self-initiated research into Partial Claims Approval, this Petitioner uncovered US Bank National error as this Petitioner indeed did not qualify for the COVID-19 Recovery Standalone Partial Claim, as she was unable to resume making current monthly mortgage payments as specified in HUD 21-115, dated July 23, 2021, Public Release Notice entitled “Federal Housing Administration Announces Additional COVID-19 Recovery Options for Homeowners”...

Enlightened, this Petitioner emailed US Bank National Association on November 9, 2021, requesting a COVID-19 Loan Modification... After receiving a request to submit another Mortgage Assistance Application on the same day, this Petitioner emailed US Bank National on February 14th and 15th requesting clarification of the need to submit another application and requesting again COVID-19 loan modification due to not qualifying for the partial claim as outlined by the HUD/FHA... Again, US Bank National Association did not respond; that is, until this Petitioner received the March 4, 2022 Foreclosure summons.

REASONS FOR GRANTING AN EXTENSION OF TIME TO FILE WRIT OF CERTORARI TO SOUTH CAROLINA LEXINGTON COUNTY COURTHOUSE

The time to file a Petition for a Writ of Certiorari should be extended for 60 days—until February 12, 2025—to appeal the Judgement Order for foreclosure from Lexington County

Courthouse issued on November 14, 2024. Applicable reasons include the following:

1. There is evidence that US Bank National intended malicious harm from the beginning of its pursuit of foreclosure. As discussed in the multiple court documents, including but not limited to the Writ of Certiorari to US District Court of South Carolina and US Court of Appeals for the Fourth Circuit; Petition for Rehearing; Supplemental Brief, Stay Return to South Carolina, and Notice of Removal, U.S. Bank National Association failed to use ordinary care in processing the Mortgage Assistance Program Application; failed to follow guidelines as mandated by HUD/FHA; repeated requests for completion of additional Mortgage Assistance Program Applications appears to have been an attempt to cover the above stated failures; August 2022 acquisition of this Petitioner's home without due process all underscore US Bank National Association's underlying intention was to harm, harass, and violate this Petitioner's rights by pursuing a frivolous foreclosure.
2. An extension of time will not cause prejudice to Respondents, as this Court would likely grant at least one of the motions pending, regardless whether an extension is granted. In addition, an extension will ensure Respondent will not need to prepare a brief in opposition during the Christmas holidays.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the time to file the Petition for a Writ of Certiorari for this case be extended 60 days, until February 25, 2025, halting foreclosure activity until review and disposition of this case.

Respectfully submitted,

December 14, 2024

Tracie Mitchem-Green
ProSe Petitioner
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