

In the Supreme Court of the United States

—
MARK WARREN TETZLAFF, PETITIONER
v.
EDUCATIONAL CREDIT MANAGEMENT CORPORATION

—
*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT*

—
**** Motion to allow filing *nisi* Clarification *contra* **
concurrent with Oral Argument request – and
RULE 25.4 Motion for Approval to expand Page Limitations**

—
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FRIDAY, 18 March 2016

PARTIES TO THE PROCEEDING

The only two parties to the proceeding are shown in the caption, so I will move on the the next point.

MOTION TABLE OF CONTENTS

| | <u>Page</u> |
|---|--------------------|
| Cover Page..... | 0. |
| Parties to the Proceeding..... | i. |
| Motion Table of Contents..... | i. |
| Statement of the Case..... | 1 |
| Summary of Argument..... | 2 |
| Document List..... | 2 |
| Reasons for granting the Motion (argument)..... | 3—4 |
| CONCLUSION..... | 5 |
| Rule 29 PROOF (CERTIFICATE) OF SERVICE..... | P1 |
| Rule 33.1(h) PROOF (CERTIFICATE) OF COMPLIANCE..... | P2 |
| Rule 44.2 PROOF (CERTIFICATE) OF COMPLIANCE..... | P2 |

INDEX TO THE APPENDIX

APPENDIX A: Letter from Hon. Jeffery Atkins, Deputy Clerk for case initiation

APPENDIX B: College Loan statement (mail) – Proof of substantial interest for Intervention/Joinder

APPENDIX C: College Loan statement (screenshot) – *Ibid.*

Statement of the Case

On Oct 15, 2015, This Court received a petition for Certiorari from Petitioner, Mark W. Tetzlaff in the above-captioned 'College Loan' bankruptcy case—subsequently denying Certiorari on Jan 11, 2016.

The undersigned Movant, Gordon W. Watts, sought both Intervention and Joinder **in a timely manner**, with the intent to obtain party status, thus giving him legal “standing” to seek rehearing when it became apparent that Mr. Tetzlaff's attorney had dropped the ball & failed to petition for rehearing.

As demonstrated in the online docket Movant has provided at:

http://GordonWatts.com/FannyDeregulation/Tetzlaff-case/DOCKET-15-485_Tetzlaff-v-ECMC.html

or:

GordonWayneWatts.com/FannyDeregulation/Tetzlaff-case/DOCKET-15-485_Tetzlaff-v-ECMC.html

Hon. Erik Fossum, Associate Clerk, **responded that Movant had not timely filed** his Intervention/Joinder motions, since the paperwork arrived on the 6th, not the 5th, and (moreover) that it would be late even if had arrived on the 5th, since the case had been denied Cert.

With no objection from Mr. Fossum, Movant responded to these points, and objected, citing various Federal case law and related statutory authority to rebut this claim.

On Feb 22, 2016, Hon. Jeffery Atkins, Deputy Clerk for case initiation, responded, effectively upholding Mr. Fossum's refusal to file the Intervention/Joinder.

Movant then spoke by phone with Mr. Atkins who asserted that the Intervention case law in question was not binding upon court since it was from a Circuit Court of Appeals (a lower appellate court). However, Mr. Atkins had no answer to Movant's question about why the Joinder case law was inapplicable.

The instant “Motion to allow filing *nisi* Clarification *contra*,...” in the case at bar, is herewith submitted to This Court **with the request to file.**

Summary of Argument

The full title of the instant filing is: **“** Motion to allow filing *nisi* Clarification *contra* ** concurrent with Oral Argument request – and RULE 25.4 Motion for Approval to expand Page Limitations.”**

In other words, this motion asks The Court to allow the timely-submitted **Intervention/Joinder motion** (and the enclosed errata relating to the certificate of service and misc. scrivener's errors) to be filed by The Clerk, *“unless 'contra' Clarification”* can be given by the court. (In addition, it has come to the attention of Movant that he accidentally included argument in the appendix, which should, properly, belong in the body of the brief, in violation of Rule 24.3: “An appendix to a brief may include only relevant material, and counsel are cautioned not to include in an appendix arguments or citations that properly belong in the body of the brief.” Since the bankruptcy law argument is so complex, Movant would properly need to include the 'argument' in the Appendix as part of the 'body' of the brief, **thus exceeding the word or page limits for a brief of this sort.** (It is less than a hundred pages in excess – “light work” for This Court, even considering Movant accidentally overlook double-spacing in some instances.) **Thus Movant respectfully asks This Court to allow expansion of word/page limits sufficient to allow the initial filing to go through, notwithstanding Rule 33.2(b) which would otherwise cap me at 40 pages: If I must do the job, I insist on doing it “right.” – Thank you.**

Document List

- July 22, 2015 – Opinion below
- Oct 15, 2015 – Petition for Cert. By Mr. Tetzlaff
- Dec 16, 2015 – Brief in opposition by respondent, ECMC
- Dec 21, 2015 – Reply brief of Petitioner, Mr. Tetzlaff
- Jan 11, 2016 – Denial of Cert. By This Court
- Feb 05, 2016 – Motion for Intervention / Joinder **(on last day to seek rehearing) (G.W.Watts)**
- Feb 05, 2016 – Motion for leave to proceed *In Forma Pauperis*
- Feb 08, 2016 – Corrected Cert. of Service (outdated mailing address) & notice of scrivener's errors
- Feb 22, 2016 – Letter from **Hon. Erik Fossum**, Associate Clerk with dissent
- Mar 04, 2016 – Resubmission with legal authority to justify filing Intervention/Joinder
- Mar 11, 2016 – Letter from **Hon. Jeffery Atkins**, Deputy Clerk for case initiation, affirming Mr. Fossum's action
- Mar 18, 2016 – Motion to file, with controlling Sup. Ct. authority to justify said motion.

Reasons for granting the Motion (argument)

I won't re-argue the 'details' of my case: I did a pretty good job of that within the “4 Corners” of each filing. However, I did make the serious mistake of not talking more with the clerks before submitting my paperwork: It is clear, in hind-sight, that the clerks had good intention but (I'm guessing) their heavy case-load precluded them from giving my case as much detail as I, myself, have given it. So, for the 'deep legal' underpinnings, I refer you back to my filings, which were served in the following manner:

- (1) By hard copy (FedEx 3rd-party Commercial Carrier and/or U.S. Postal Service)
- (2) By e-mail (optional, but effected e-service, just to show courtesy for the litigants)
- (3) By posting a TRUE COPY of said filings online at my docket, which is front-page news on my namesake page, and on two (2) different mirrors, in the event that one “has a flat” on the Internet Highway: That way, I 'have a spare.'

But, to summarise:

[[1.]] Intervention is permitted by Federal Case Law which, while not binding upon This Court (it is from a FEDERAL Circuit Court of Appeals), is persuasive, and certainly controlling on this point of law, in light of the fact that This Court: See my Mar 04, 2016 response to Mr. Fossum.

[[2.]] Joinder is, indeed, permitted: In my Mar 04, 2016 filing *supra*, I pointed out that the case law allowing Joinder under F.R.Civ.P. 21 is even broader than Permissive Intervention under R.24(b): Rule 21 provides a court may join parties to an action “[o]n motion [of any party] or on its own... **at any time** [and] on just terms.” Fed.R.Civ.P. 21; *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 832 (1989) (noting the policies behind R.21 apply to appellate courts). Indeed, The U.S. Supreme Court frequently exercises its authority to add similarly-situated parties to avoid potential mootness or other jurisdictional problems where doing so entails no prejudice to parties, and requiring the movant “to start over in the District Court would entail needless waste and run[] counter to effective judicial administration.” *Mullaney v. Anderson*, 342 U.S. 415, 417 (1952).

I pointed out that since that *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 832 (1989) was U.S. Supreme Court case law (and very current to boot), that it was binding upon your court to grant me PDP (Procedural Due Process). Thus, while the Sup. Ct. is a court of "discretionary" jurisdiction, and thus may say "no" on the merits without violating SDP (Sustentative Due Process), nonetheless, it was the clerk's 'ministerial duty' to file my paperwork. (*Let me repeat: Joinder is permitted at 'any' time.*)

Clerk Atkins sympathised with my financial poverty and the associated FedEx costs shipping my filings back & forth. I thanked him for being considerate, and asked him if, in light of binding Federal case law on this point, whether he would indeed file my paperwork. He replied to the effect that he would think about it and get back with me -and that if I had any questions, to direct them at him, and not his clerks, apparently for the sake of brevity & judicial efficiency. I am herewith filing the instant "Motion to allow filing *nisi* Clarification *contra*."

[[3.]] Movant has legal standing to petition for rehearing: Since I have demonstrated a "possible" legal right to Intervene (under unchallenged appellate holdings) and an absolute right to Joinder (under controlling legal authority of This Court), then I surely may obtain party status. **Since the court's time-stamp on all my filings was *before* time expired to seek rehearing, then my Petition for Rehearing would be timely should This Court allow Intervention and/or Joinder!**

[[4.]] There is the little matter about the page length: I am in need of expansion of pages to make my argument: Said filing is only about the size of 3 'regular' briefs, if that: Recall that the consolidated cases of *Obergefell v. Hodges* had you read briefs **from four (4) sets of attorneys**, and all *I'm* asking is that you let me do the job **of three (3) sets of attorneys** – *all by myself*. Please read my initial filing before making up your mind, here.

CONCLUSION

Case law allowing Joinder under F.R.Civ.P. 21 is even broader than Permissive Intervention under R.24(b): Rule 21 provides a court may join parties to an action “[o]n motion [of any party] or on its own...**at any time** [and] on just terms.” Fed.R.Civ.P. 21; Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 832 (1989) (noting the policies behind R.21 apply to appellate courts)

Thus, This Court's clerks have a ministerial duty to file my pleadings, and grant PDP.

I pray this court grant Joinder and Intervention (**thus giving me party status to seek rehearing**), and vacate the order of denial of Certiorari, grant Certiorari, and review the case on the merits, **reviewing, considering, and then striking the unconstitutional Federal Bankruptcy Law** which violates the “uniformity” clause regarding how College Loans are treated.

Lastly, I know that this court no longer allows oral argument from *pro se* litigants (as it has done in recent decades), but as long as I'm “pushing my luck” with my large requests above, I mind as well go for broke; I would appreciate it if This Court granted oral arguments, and paid for travel, lodging, and standby counsel to assist me with procedural (and possibly even legal) matters, as I don't do this sort of thing for a living: Higher Education is the 'Backbone of America' and America has a “broken back”: All the help possible is needed.

This response (and possible correction, if that is applicable) is within the normal 60-day limit associated with Rule 14.5 (Certiorari) and the 15-day limits in Rule 44.6 (Rehearing). The clerks' letter to me was dated March 11, 2016, and today is only March 18, 2016, one week later.

Rule 29 PROOF (CERTIFICATE) OF SERVICE

I, Gordon Wayne Watts, do swear or declare that on this date, **Friday, 18 March 2016**, as required by Supreme Court Rule 29, I have served the enclosed **“** Motion to allow filing *nisi* Clarification *contra* ** concurrent with Oral Argument request – and RULE 25.4 Motion for Approval to expand Page Limitations”** 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 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. **Specifically, I am now serving the following parties:**

- Supreme Court of the United States, 1 First Street, N.E., Washington, DC 20543, ATTN: Clerk of the Court, (202) 479-3011, MeritsBriefs@SupremeCourt.gov
- ((CURRENT ADDRESS)) Douglas Hallward-Driemeier, Counsel of Record for Petitioner, MARK WARREN TETZLAFF, c/o: Ropes & Gray LLP, 2099 Pennsylvania Avenue, NW, Washington, DC 20006, (202) 508-4600, Douglas.Hallward-Driemeier@ropesgray.com
- Natalie R. Eness, Counsel of Record for Respondent, ECMC 1 Imation Place, Bldg 2 Oakdale, MN 55128 (651) 325-3636, neness@ecmc.org

*** Furthermore, I hereby certify that, contemporaneous to my service by FedEx 3rd-party commercial carrier and/or USPS, I am also serving all parties by email.

*** Furthermore, I hereby certify that, in addition to the foregoing and in addition to any availability of my brief that The Court may make available for download, I am also making both my brief and this certificate available for open-source (free) download, as soon as practically possible on the front-page news of *The Register*, whose links are as follows:

<http://www.GordonWatts.com>

and:

<http://www.GordonWayneWatts.com>

Friday, 18 March 2016

s/ Gordon Wayne Watts
Email: Gww1210@aol.com, Gww1210@gmail.com

Rule 33.1(h) PROOF (CERTIFICATE) OF COMPLIANCE

Although Rule 33.1(h) does not require *In Forma Pauperis* pleadings to certify, as a courtesy, I am certifying that – assuming my motion to expand page limits is granted – all my pleadings (including, of course, this one) comport to the page requirements for pleadings of this sort: “40 pages for a petition for a writ of certiorari, jurisdictional statement, petition for an extraordinary writ, brief in opposition, or motion to dismiss or affirm; and 15 pages for a reply to a brief in opposition, brief opposing a motion to dismiss or affirm, supplemental brief, or petition for rehearing.” (Rule 33.2b)

Friday, 18 March 2016

s/ Gordon Wayne Watts
Email: Gww1210@aol.com, Gww1210@gmail.com

Rule 44.2 PROOF (CERTIFICATE) OF COMPLIANCE

As required by Rule 44.2, I am now certifying that my petition for rehearing (of This Court's denial of the Certiorari petition to which I assume I will be a party) which I filed on **Friday, 05 February 2016**, in this case, is (and was) presented in good faith and not for delay. (I am not filing this for delay: In fact, I'm doing my best to expedite this filing, as explained *supra*.) In accordance with this rule, (at least) one copy of my certificate shall bear the signature of counsel (or of a party unrepresented by counsel—myself). *Actually, to be safe, I'm going to sign every single copy.* The certificate shall be bound with each copy of the petition. (It is.)

*** In fact, I certify and affirm that all of my filings (including this one, here) are presented in good faith, and that none of my filings are presented for delay. ***

Friday, 18 March 2016

s/ Gordon Wayne Watts
Email: Gww1210@aol.com, Gww1210@gmail.com

INDEX TO THE APPENDIX

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APPENDIX A: Letter from Hon. Jeffery Atkins, Deputy Clerk for case initiation

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

March 11, 2016

Gordon Wayne Watts
821 Alicia Road
Lakeland, FL 33801-2113

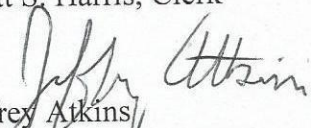
RE: Mark Warren Tetzlaff v. Educational Credit Management Corporation
No: 15-485

Dear Mr. Watts:

The motions for reconsideration and/or rehearing and leave to intervene, received March 8, 2016, are herewith returned.

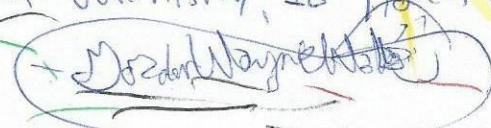
Only the petitioner may submit a petition for rehearing of an order denying a petition for a writ of certiorari. Rules 12.6 and 44. The Clerk will not file a motion for leave to intervene after the date of the order of denial of a petition for a writ of certiorari.

Sincerely,
Scott S. Harris, Clerk
By:


Jeffrey Atkins
(202) 479-3263

Received by
U.S. Postal Mail
on Wednesday, 16 March 2016

Enclosures



NAVIENT

P.O. BOX 9500
WILKES-BARRE PA 18773-9500

OG08- 150830 00010570 043183 086366 1/2 000000 2504514 172743-172746

GORDON W WATTS
821 ALICIA RD
LAKELAND FL 33801-2113

*** APPENDIX B: College Loan statement (mail) –
Proof of substantial interest for Intervention/Joinder ***

Navient.com

Convenience with a click

- Enroll in Auto Debit
- View Loan Information
- View Payment History
- View Frequently Asked Questions
- Make a One-Time Payment

Please see the enclosed for important information about account terms relating to payments, credit reporting and how to contact us.

**** Redacted ****

NAVIENT

path to success



Find financial tools and resources —at your fingertips —at **Navient.com/success**. Get five tips for successful loan repayment. Plus, access Path to Success, our free and interactive financial learning series.

Account Summary

| | |
|---|----------------------|
| Account Number | 9234784906-1 |
| Billing Group | 1 |
| | 2 |
| Statement Date | 08/30/15 |
| Billing Period | 07/30/15 to 08/30/15 |
| Current Principal Balance | \$59,289.67 |
| Payments Since Last Bill | \$0.00 |
| Past Due Amount (Pay Now) | \$0.00 |
| Pay Past Due Amount by 09/12/15 to avoid late fee of | \$0.00 |
| Current Amount Due | \$0.00 |
| Current Amount Due Date | 09/28/15 |
| Pay Current Amount Due (+ any Past Due Amount) by 10/13/15 to avoid additional late fee of | \$0.00 |
| Previously Assessed Fees Due | \$212.67 |
| Total Payment Due | \$212.67 |
| (Past Due + Current + Previously Assessed Fees) | |

See enclosed for loan details

Detach along perforation and return with your payment or go to Navient.com to make an electronic payment

Account Number 9234784906-1

Total Payment Due \$212.67

See above for dates and late fees that apply (Original Loan)

\$28,819.25
+ \$21,077.68

NAVIENT
PO BOX 9533
WILKES-BARRE PA 18773-9533

Outstanding Principal

Total Amount Enclosed \$

Make checks payable to Navient
(U.S. Currency only-Do not send cash)

\$30,031.06
\$29,258.61

\$59,289.67

Changed your address or phone number?
Please visit Navient.com to update your information.

AGREES

[\$59,289.67]

(DW)

02 [Redacted] 96 [Redacted] 6 [Redacted]

**** Redacted ****

PO BOX 9750
WILKES-BARRE, PA 18773-9750

(888) 272-5543

GORDON W WATTS
821 ALICIA RD
LAKELAND FL 33801-2113

**** Redacted! ****

Account Number: [Redacted]

Dear GORDON W WATTS:

11/29/15

Thank you for your interest in the Income-Based Repayment (IBR) plan. Your request for an IBR plan on your Federal Family Education Loan Program (FFELP) student loan(s) listed below has been approved.

Your monthly payments will be \$0.00, beginning on 12/28/15 and ending on 11/28/16.

You'll be notified in advance when your loan(s) is up for renewal for the IBR plan. At that time, you'll be provided with a date to submit a new application, including any update to your family size, as well as your most recent income documentation.

If you choose not to renew, your payment amount for the remainder of your term will be based on a 10-year standard repayment plan using the loan balance at the time you entered repayment under the IBR plan, and unpaid interest will be capitalized (added to your principal balance).

If you request to leave the plan, your payment amount will be recalculated based on the time remaining under the maximum 10-year repayment period and the balance of your loan(s) when you discontinued the plan.

Please contact us if your financial circumstances have changed to determine if your payment amount can be recalculated.

Questions? You're welcome to visit us online at Navient.com, or call us toll free at 888-272-5543. We're here to help you Monday - Thursday 8 a.m. to 9 p.m., and Friday from 8 a.m. to 8 p.m., ET.

We appreciate the opportunity to help you navigate the path to financial success.

Sincerely,

Navient Customer Service

Loan Information

If you have questions or concerns about your account, write to us at the address provided above. The loans listed below are the loans referred to in this letter.

| LOAN DATE | ORIGINAL LOAN AMOUNT | OUTSTANDING PRINCIPAL | INTEREST RATE | LOAN PROGRAM |
|------------|----------------------|-----------------------|---------------|--------------|
| * 03/28/03 | \$ 28,819.25 | \$ 30,031.06 | 4.875 | SM |
| * 03/28/03 | \$ 21,077.68 | \$ 29,258.61 | 4.875 | SM |

**** Redacted! ****

