

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

June 8, 2015

To: Mr. Johnny Brett Gregory, Reg. No. 57012-019, Federal Correctional Institution - Englewood,  
9595 West Quincy Avenue, Littleton, Colorado 80123

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court

Court of Appeals Case Number and Style: \_\_\_\_\_

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on \_\_\_\_\_.** The Court of Appeals \_\_\_\_\_  
\_\_\_\_\_ The remittitur issued on \_\_\_\_\_  
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the United States Bankruptcy Court is: US Bankruptcy Court (Northern District), 1340 US Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303 or US Bankruptcy Court (Middle District) Post Office Box 1957, Macon, Georgia or the US Bankruptcy Court (Southern District), Post Office Box 8347, Savannah, Georgia 31412.**
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

RECEIVED IN OFFICE  
2015 JUN -5 AM 11:27  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

JOHNNY BRETT GREGORY, )  
Secured Creditor/Trustee, ) No. 15-00401-MGD  
v. ) (COURT OF APPEALS OF THE  
ROBERT B. ADAMS, et al., ) STATE OF GEORGIA, GREGORY  
Debtors/Respondents. ) V. SCHUSTER, JUDGE, NO.  
 ) A15D018

VIOLATION OF THE AUTOMATIC STAY

COMES NOW, Johnny Brett Gregory, creditor trustee, with clean hands and good faith, with a claim pursuant to 11 U.S.C. § 362(a) for violation of the automatic stay in force from May 1, 2015 the moment the creditor bankruptcy petition was received in the hands of clerk's office<sup>1</sup> of Cherie B. Parris, Deputy-in-Charge. See Doc. 2, Clerical Mistake; see also, Houston v. Lack, 487 U.S. 266 (1988) (discussing the "mailbox rule").

The fact a debtor or agent or third-party or co-conspirator hadn't received notice of the filing is irrelevant under the conditions and under-handed circumstances by Cherie B. Parris, Deputy in Charge, violated the creditor's right as permitted by common law and natural law. Parris denied access to the bankruptcy court in violation of due process, and as such the creditor's petition, which was submitted on May 1, 2015 was not filed until May 18, 2015, after the motion clerical mistake by law same to be filed. A clear violation of American Jurisprudence, 15 Am. Jur. 2d §§ 23, 24, 27, 28, thereby injuring, harming, and prejudicing creditor, via judicial fraud. Simply put although Parris finally allowed the creditor in the court, i.e. put a bandaid over the due process wound, the injury is ongoing systematically over the whole Georgia court system.

This is NOTICE that Parris will be called to testify that

<sup>1</sup> Defection under existing bankruptcy law on May 1, 2015 shows undue hardship in the Northern District of Georgia Bankruptcy court by the clerk's office is bad faith in financial transactions-business.

the Chapter 11 petition was successfully transmitted to the Deputy Clerk for filing on May 1 , 2015. The hearing on July 22, 2015 at 09:25 am.

### ARGUMENT

Creditor argues that the Court of Appeals of the State of Georgia was without jurisdiction to enter order May 20, 2015, see affixed, against the creditor because creditor's equitable estoppel action due to fraud upon the court in Gregory v. Schuster, Judge, (Schuster will be hereinafter referred to as "co-conspirator"), no. A15D0183, this fraud claim was filed on or about March 16, 2015 in the state court was filed before the petition in bankruptcy proceeding.

Accordingly, on May 1, 2015, creditor's bankruptcy petition was filed. In this situation the Court of Appeals of the State of Georgia equitable stoppel action is not abandoned by creditor and should have remained on file in the state court and not held as moot, because the order May 20, 2015 was filed in violation of the stay. See 11 U.S.C. § 362(a) provides for an automatic stay of all proceedings intertwined the debtor once the bankruptcy petition is filed. The House Report on Section 362 offers insight into the purpose behind the stay:

The automatic stay also provides creditor protection, without it, certain creditors would be able to pursue their own remedies against the debtor's property. Those who acted first would obtain payment of the claims in preference to and to the detriment of other creditors.

However, the automatic stay of Section 362(a) is in force from the date of May 1, 2015 in the instant case, arguendo the Court of Appeals of the State of Georgia order May 20, 2015 was without jurisdiction to enter its order which is in violation of this court's automatic stay and must be reversed and then annulled

under in re Egleston, 448 F.3d 803, n1-12 (11th Cir. 2006) (the federal court has power to annul the resulting state-court judgment. As we have stated, "other than lack of jurisdiction or fraud, there are no other federal ground which nullify a state court judgment.").

CONCLUSION

WHEREFORE, this motion should be granted. The order of May 20, 2015 ought not in equity and good conscience be enforced, when the state court of appeals was without jurisdiction to enter the order that is in violation of the federal automatic stay. This May 20, 2015 order evidences an attempt to frustrate the legitimate pending fraud upon the court claim of the secured creditor to enforce his rights under Georgia State law or honor creditor's request for a common law jury to resolve any remaining disputes that may or may not be present.

Dated this 29<sup>th</sup> day of May, 2015.

Respectfully submitted,

  
Johnny Brett Gregory

NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

NOTICE OF PROOF OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of May, 2015 the  
original plus 1 copies were mailed to :

⇔57012-019⇔

Attorney General Ga  
40 Capitol SQ SW  
Atlanta, GA 30334-1300  
United States

⇔57012-019⇔

Appeals Court  
501 Trinity AVE SW  
Suite 501,47 Trinity Ave  
Atlanta, GA 30334  
United States

⇔57012-019⇔

Shane Lovinggood  
1067 PO BOX  
Attorney FOR Executor  
Dallon, GA 30722  
United States

placing said documents in the U.S. Mail postage pre-paid in full at  
FCI/Low Englewood.

DECLARATION UNDER THE PENALTY OF PERJURY

The undersigned declares under the penalty of perjury that I am the applicant  
in this action, that I have read this application, and that the information  
contained in this application is true and correct pursuant to 28 USC §1746 and  
18 USC §1621.

DATED this 29<sup>th</sup> day of May, 2015

⇔57012-019⇔

Attorney General  
Loret Lynch  
10 Constitution AVE NW  
Washington, DC 20001  
United States

Respectfully Submitted,

Johnny Brett Gregory  
Johnny Brett Gregory sui juris

# Court of Appeals of the State of Georgia

ATLANTA, May 20, 2015

*The Court of Appeals hereby passes the following order:*

**A15D0183. JOHNNY BRETT GREGORY v. J. STEPHEN SCHUSTER,  
JUDGE.**

In Case No. A15D0183, inmate Johnny Brett Gregory filed an untimely application for discretionary appeal from the trial court's order granting the defendant's motion to have UCC documents filed by Gregory removed from the transaction registry. We dismissed the application on December 22, 2014. Gregory then filed an untimely motion for reconsideration of our order of dismissal, which we denied on May 8, 2015. Gregory has now filed an emergency motion in the instant case, in which he appears to seek emergency relief related to Case No. A12D0411, an application for discretionary appeal that he filed on June 1, 2012, and we denied on July 2, 2012.

As Gregory has no pending appeal or application in this Court, the emergency motion is DISMISSED as MOOT. Similarly, Gregory's pro se filings entitled "Appellant's Supersedeas Bond and Notice," "Appellant's Objection to Appellee's Appearance of Counsel of Record," and "Appellant's Response to Notice of Appearance of Counsel for the Honorable J. Stephen Schuster" are also DISMISSED as MOOT.