

No. 19-20267

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

JOANNA BURKE; JOHN BURKE,

Plaintiffs-Appellants,

v.

OCWEN LOAN SERVICING, L.L.C.,

Defendant-Appellee.

On Appeal from the United States District Court
For the Southern District of Texas, Houston Division;
USDC No. 4:18-CV-4544

**APPELLANTS MOTION FOR RECONSIDERATION
RE; LEAVE TO SUPPLEMENT THE RECORD
AND SUPPLEMENT PLEADING**

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Pro Se Appellants

Appellants, Joanna Burke and John Burke (“Burkes”), now file a Motion for Reconsideration [FED. R. APP. P. 27.2] of single Clerks’ Order dated Monday, 28th October, 2019. On the same day, Judge Patrick Higginbotham denied two motions which this supplemental motion relied upon, in part.

The Burkes have submitted two separate motions for reconsideration of Judge Higginbothams’ denials.

The Burkes now seek reconsideration of this Clerks’ denial of the supplemental motion as it is assumed, despite it not being said in the Clerks’ Order, that the Clerk signed the Order on the basis the supplemental request was now ‘moot’, even though that was only part of the motion(s) argument(s) e.g. the Burkes motion stated, in part;

“**Amongst other relief**, the Burkes wish to Supplement the Record in this Appeal in reply to the; RESPONSE IN OPPOSITION TO APPELLANTS' CONSTITUTIONAL CHALLENGE AND APPELLANTS' MOTION TO STAY by OCWEN, filed Friday, 25th October, 2019 and include a Supplement to the Record from the *Burke v. Hopkins* case [USDC No. 4:18-CV-4543] as it forms part of the Supplemental Pleading AND finally to ensure this court is properly on notice regarding the greatly discussed “Constitutional Challenge[s]” by the Burkes were raised in a timely manner and brought correctly before this court.”

Even if that is *not* the case, the Burkes hereby seek to have this Clerks' MEMORANDUM reconsidered as allowed in law, as this Clerk, Ms. Dawn M. Shulin, has previously awarded opposing counsel 14 day extension of time to take their children to College;

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

July 26, 2019

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-20267 Joanna Burke, et al v. Ocwen Loan Servicing,
L.L.C.
USDC No. 4:18-CV-4544

The court has granted appellee's opposed motion for an extension of time to and including August 28, 2019, for filing appellee's brief in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Dawn Shulin
By: _____
Dawn M. Shulin, Deputy Clerk

and yet only allowed the elderly Burke's half that time when they requested the same extension of time, *e.g.* only allowing 7 days extension of time.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

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CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 29, 2019

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-20267 Joanna Burke, et al v. Ocwen Loan Servicing,
L.L.C.
USDC No. 4:18-CV-4544

The court has **GRANTED IN PART** appellants' opposed motion for an extension of time to and including **September 25, 2019, ONLY**, for filing a reply brief in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Dawn M. Shulin, Deputy Clerk
504-310-7658

The Burkes' reason for the extension of time were valid and not for delay;

Appellants are *pro se* and have the following demanding legal diary of events;
Response to Opposition to Motion for Reconsideration in Intervenor case
Syngenta (Kansas). See Kellogg v. Watts Guerra, LLP - This case is a tag-a-long
action to 14-md-2591, MDL 2591 In Re: Syngenta AG MIR162 Corn Litigation.
(2:18-cv-02408), District Court, D. Kansas;

Conference Schedule in Houston, Texas before the Hon. Magistrate Peter
Bray in Burke v Hopkins on September 10th, 2019; See Case 4:18-cv-04543, SDTX.

Eleventh Circuit Court of Appeals Appellants Petition due on September 24th,
2019. See Joanna Burke v. OCWEN Financial Corp., Case No. 19-13015 (11th Cir.
2019);

Note; The MEMORANDUM signed by Clerk Dawn M. Shulin, Oct. 28th,
2019; "Appellants' opposed motion to supplement the record on appeal with a
pleading and exhibits has been DENIED."

CONCLUSION

The Burkes Motion for Leave to Supplement the Record and Pleading should be granted.

Respectfully submitted,

DATED: Nov. 10th, 2019

JOANNA BURKE

By s/ Joanna Burke
JOANNA BURKE

JOHN BURKE

By s/ John Burke
JOHN BURKE

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Pro Se for Plaintiffs-Appellants

CERTIFICATE OF CONFERENCE

We hereby certify that on November 10th, 2019, we did not confer with Appellants Mark D. Hopkins and Shelley L. Hopkins of Hopkins Law, PLLC, as this was prepared and filed on Sunday (out of office hours). We assume the joint MOTION is OPPOSED.

CERTIFICATE OF SERVICE

We hereby certify that, on November 10th, 2019, a true and correct copy of the foregoing Motion for Leave to Supplement the Record and Pleading was served via the Court's EM/ECF system on the following counsel of record for Appellees:

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Shelley L. Hopkins
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s/ Joanna Burke

JOANNA BURKE

s/ John Burke

JOHN BURKE

CERTIFICATE OF COMPLIANCE

The undersigned counsel certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains **335** words according to Microsoft Word's word count, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

s/ Joanna Burke

JOANNA BURKE

s/ John Burke

JOHN BURKE