No._____

IN THE

SUPREME COURT OF THE UNITED STATES

CAROLYN R. DAWSON, pro se

Petitioner,

v.

KEVIN J. PAKENHAM, et al,

Respondent,

ON PETITION FOR A WRIT OF CERTIORARI TO
FIRST COURT OF APPEALS, HOUSTON, TEXAS

PETITION FOR WRIT OF CERTIORARI

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August 14, 2020

QUESTIONS PRESENTED

There appears to be a split and/or confusion within the courts regarding "Motions" for No-Evidence Summary Judgments Appeals and a Forcible Detainer "Complaint" Appeal for immediate possession. Texas laws clearly state that Motions for No-Evidence Summary Judgments differ from the usual Summary Judgments rendered as trial verdicts. The Thirteenth COA review these motions *de nova* at the Appellate level as seen in; ***Appendix L, pg.*** While the First COA claims want jurisdiction as though Plaintiff's appeal was for a Forcible Detainer only which appears to be in error.

The question presented is: Whether Motions for No-Evidence Summary Judgments Appeals the same as Forcible Detainer Complaints Appeals because Texas Rule 166a states they are different.

LIST OF PARTIES

The undersigned Pro se of record certifies that the following listed persons and entities as described in the Court Local Rule 33.1; have an interest in the outcome of this case.

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RELATED CASES

- *Chinyere's v. Wells Fargo, N.A.* No. 01-11-00304-CV, dated July 12, 2012
- *Theresa Marshall v. Housing Authority of the City of San Antonio;* No. 04-0147 dated April 12, 2005
- *Juan Jesus Cantu,et al v. Zarmat Properties, et al.* No. 13-12-00516-CV, dated May 08, 2014
- *Rudy Guillen v. U.S. Bank, N. A* No. 14-15-00408-CV dated April 14, 2016.
- *John Rady v. CitiMortgage, Inc.,* 03-11-00734-CV Dated March 09, 2012

TABLE OF CONTENTS

INDEX TO APPENDICES

APPENDIX G

Judgment, Trial Court No-Evidence Summary Judgment, dated July 31, 2019.

APPENDIX H

Chinyere v. Wells Fargo Bank, N.A. No. 01-11-00304-CV, dated July 12, 2012.

APPENDIX I

John Rady v. CitiMortgage, Inc.; No. 03-11-00734-CV, dated March 09, 2012.

APPENDIX J

Theresa Marshall v. Housing Authority of the City of San Antonio, No. 04-0147; dated March 03, 2006.

APPENDIX K

Rudy Guillen v. U.S. Bank, N.A, No. 14-15-00408-CV, dated April 14, 2016.

APPENDIX L

Juan Jesus Cantu, et al v. Zar-Mar Properties, et. al, No. 13-12-00516-CV, May 08, 2014.

APPENDIX M

Trial Court No-Evidence Summary Judgment Transcript, dated July 31, 2019.

APPENDIX N

Respondent's Motion for No-Evidence Summary Judgment, dated July 01, 2019.

APPENDIX O

Petitioner's Response to Motion for Summary Judgment, dated July 08, 2019.

APPENDIX P

Petitioner's email to Constable, dated August 09, 2019.

APPENDIX Q

Writ of Possession, dated August 06, 2019.

APPENDIX R

Issuance Writ guidelines.

APPENDIX S

Foreclosure "Sale" Deed

APPENDIX T

Petitioner's Notice of Appeal, dated July 31, 2019.

APPENDIX U

Trial Court and First Court of Appeals Docket Sheets.

TABLE OF AUTHORITIES CITED

Cases

STATUTES AND RULES

PETITION FOR WRIT OF CERTIORARI

The Fifth and Fourteenth Amendments to the United States Constitution each contain a due process clause. Due process deals with the administration of justice and thus the due process clause acts as a safeguard from arbitrary denial of life, liberty, or property by the government outside the sanction of law. The Supreme Court of the United States interprets the clauses broadly, concluding that these clauses provide three protections: procedural due process; substantive due process, a prohibition against vague laws; and as the vehicle for the incorporation of the Bill of Rights.

In the latter the Texas Property Code Ann. § 24.007; provides that judgment in a forcible detainer action may not be stayed pending appeal unless the appellant timely

files a supersedeas bond in the amount "set" by the trial court." In this matter the trial court was clearly derelict in its duty and failed to "set" a bond as "required" by the above statute; or schedule a timely hearing presumably because Petitioner's had previously informed the court in her pleadings with a copy of a Texas standing order attached that the most the court could set bond in a residential forcible detainer was $500.00; in which the court knew Petitioner could probably pay that amount and simply refused to set a bond as required by law despite her efforts to obtain a timely hearing to address and her motion to vacate dated July 31, 2019. However, Petitioner was completely ignored in this instance as were all of her previous emails to the court's case manager to set a hearing were ignored. However, all of Respondent's requests for hearing were granted including his contest

hearing filed on August 02, 2019; for Petitioner's pauper's affidavit but was not scheduled deliberately until August 13, 2019; ***Appendix F;*** after execution of the writ on that occurred on August 12, 2019; to intentionally caused irreparable harm to Petitioner. Furthermore, Petitioner was told all her neglected motions and request for hearings would be heard during Respondent's hearing for No-Evidence Summary Judgment; on July 31, 2019; ***Appendix N;*** and seen from the transcript; ***Appendix M;*** the court reneged and deemed all her motions moot. Therefore, Petitioner sought emergency relief from the First Court of Appeals in hopes they would perform their duties properly and appropriate in accordance with statutory law, rules and regulations in the interest of fairness and justice because of the gravity of the situation and order the trial court to set a bond as required by law

and grant at least a 7 day stay until the trial court complied with its obligations and duties knowing the trial court was "required" to set a bond because it had received the trial record on August 02, 2019; plus Petitioner informed the First COA that the trial court had not set a bond in her Emergency Motion for Stay of Execution for Writ of Possession pending appeal; dated August 08, 2019.***Appendix E.***

Therefore, Petitioner respectfully prays that a writ of certiorari issue to review the judgments issued on July 31, 2019 by the trial court; ***Appendix G*** and the First COA decision dated October 29, 2019; ***Appendix A***; to ensure her constitutional rights and due process were not violated. Moreover, regarding Rule 166a; No-Evidence Summary Judgments the Texas Supreme Court, TSC;

appears to be split regarding its implementation due to valid concerns that fairness and justice would not be served; ***Appendix O,*** Exh. D. Also, it is believed the TSC denied Dawson's Petition for review because the Court would have to uphold the constitution and its own decisions and law in favor of the nonmovant; a deemed nobody; in this very serious matter and enforce the United States Constitution.

In addition, Respondents are putting the cart before the horse because their complaint should have never been brought because they had no standing as outlined in all Petitioner's pleadings, motions, brief and transcript which shows Respondent did not have a landlord-tenant relationship with Dawson; was not a bona fide purchaser, was a third party purchaser and could not use Petitioner's

deed of trust the seller purchased "at" the foreclosure sale on August 07, 2018; that was paid in full and therefore no longer valid and expired; nor did Respondent offer valid and legitimate "elements" as required by law to challenge Petitioner's documented genuine material evidence.

OPINIONS BELOW

[X] For cases from **state courts.**

The opinion of **the highest state court** to review the merits appears at to the petition and is:

[X] reported at_____; or The Texas Supreme Court; *Theresa Marshall v. Housing Authority of the City of San Antonio*:

The opinion of **the state court** to review the merits appears at to the petition and is:

[X] reported at_____; or The Texas First Court of Appeals, Houston, No. 01-19-00472-CV, dated October 29, 2019.

[X] reported at _____;*Juan Jesus Cantu,et al v. Zarmat Properties, et al*
No. 13-12-00516-CV, dated May 08, 2014

[X] reported at _____;*Chinyere v. Wells Fargo Bank, N.A.,* No. 01-11-00304-CV, dated July 12, 2012

[X] reported at _____;*Rudy Guillen v. U.S. Bank, N. A,* No. 14-15-00408-CV dated April 14, 2016

[X] reported at _____;*John Rady v. CitiMortgage, Inc.*, 03-11-00734-CV
Dated March 09, 2012

JURISDICTION

[X] For cases from **state courts**:

The date on which the First Court of Appeals decided this case was on October 29, 2019.

[X] A timely petition for rehearing was denied by the First Court of Appeals on December 05, 2019, a copy of the order denying rehearing appears at ***Appendix B.***

The First Court of Appeals issued its opinion on October 29, 2019 and Rehearing En Banc decision on December 05, 2019; the Texas Supreme Court denied Petition on February 14. 2019; and for Rehearing, dated April 24, 2020; ***Appendix C & D.*** Therefore, the jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1); and Rule 10.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The U.S. Constitution, Fifth and Fourteenth, re: due process.

STATEMENT OF THE CASE

The Fifth and Fourteenth Constitutional Amendment and other statutory laws afford all citizens a right to a fair trial. Petitioner's right for due process in an unfair trial has been grossly violated and the state has failed to enforce its own decisions and laws solely because Petitioner is a Black female and considered a nobody. The trial court decision dated July 31, 2019; ***Appendix G;*** and the First Court of Appeals decision dated October 29, 2019; ***Appendix A***; should be reviewed and not dismissed for mootness. Following are extenuating violations perpetrated by the court and Respondent in a Motion for No-Evidence Summary appeal in that Appellate courts have sua sponte subject matter jurisdiction and the Thirteenth COA review such appeals

"*de nova*"; see ***Appendix L***, pg. 8; which is "essential" for fairness and justice according to the Texas Supreme Court previous language. Therefore, the Appellate courts appear to be split when it comes to the review of a Motion for No-Evidence appeal. Wherefore, neither the State nor the Texas Supreme Court will hear the case because they would have to agree with a Black Petitioner's factual pleadings that although a "motion" for no-evidence summary judgment may be related to or intertwine with a "compliant" in a forcible detainer for immediate possession does not prevent the appeal review of the separate aspect of a complaint regarding the trial in which the no-evidence summary judgment motion was granted based on Dawson supposedly not having any genuine evidence as opposed to the criteria requirement

for superior immediate possession in a forcible detainer complaint as outlined in the Tex. Prop. Code Ch. 24; and ***Appendix K***; pg.6; and no-evidence summary judgments criteria and requirements are stipulated in Tex. Rule 166a(i); which states in part the nonmovant is to be given favor with well-established laws. Therefore these two aspects are considered separate issues and of mixed claims that can be reviewed independently as seen in ***Appendix L.*** pg.8.

Notwithstanding, the cited COA case re: *Theresa Marshall v. Housing Authority of the City of San Antonio*; and others referenced did not involve a "No-Evidence Summary Judgment; and perhaps too is why the TSC is reluctant to hear Petitioner's case because of the

discrepancies; facts, and court errors where favor is to be given to the nonmovant according to well established laws which also allows the nonmovant to recoup damages.

Nonetheless, this is precisely what the Texas Supreme Justices were afraid would happen in their dissent; that fairness and justice would not be served by promulgating "No-Evidence Summary Judgments'; ***Appendix O,*** Exh. D. Therefore; COA should have heard the matter based on subject matter jurisdiction sua sponte because each case is different and should be treated as such; and Petitioner did respond to Respondent's motion to dismiss in her brief before her appeal was dismissed even though a response is not required or was requested by COA as seen in re: *John*

Rady v. CitiMortgage, Inc., ***Appendix I***; and App. 10.1(b); states a party "may" file a response and not "must" or is required to file a response. However, it appears that depending on who you are will dictate if COA will request a response in a motion to dismiss; and is therefore not procedurally consistent and in these types of appeals the nonmovant should be granted favor. However, the point is that Petitioner did respond to the motion to dismiss and asserted a potential meritorious claim as previously discussed and herein. Therefore, it is incumbent on a higher court to actually thoroughly review and adjudicate the matter even if it takes years when such splits and confusion exists as seen in ***Appendix O,*** Exh. D; and elsewhere.

Additionally, cost and damages are another distinct claim that can be reviewed separately. Nevertheless, these issues and dilemmas of erroneous decisions and delays are time consuming and raise a vital important question for the country especially now with COVID-19; more disadvantage and disenfranchise people will be losing their property due to unemployment and sickness and should not have to be subjected to having their constitutional rights violated due to a lack of due process and other components of the constitution because a court(s) choses to abuse its authority to deprive certain folks of fairness and justice and dispose of meritorious cases to the peril and detriment of its citizens and no one is willing to correct or hold accountable.

A. No-Evidence Motion Identifying Elements

In order to establish elements of a Motion for No-Evidence Summary Judgment a litigants must prove: (1) it bought the subject real property at a foreclosure sale: (2) that Dawson occupied the property at the time of foreclosure; (3) the foreclosure was of a lien superior to Dawson right to possession; (4) a statutorily proper demand for possession with its notice to vacate; and (5) Dawson refused to surrender possession.

Moreover, Respondent's Motion for No-Evidence Summary Judgment should have ever been granted because no viable elements were presented in accordance with Rule 166a(i) and Respondent was not a bona fide purchaser as discussed in Petitioner's Response to

Respondent's Motion for Summary Judgment.

Nevertheless; the answers to the above are: (1) The Respondent did not purchase the property "at" the foreclosure sale; and has a Special Warranty Deed of record that is only binding between the seller and purchaser; (2) Dawson occupied the property at the time of foreclosure because the creditor foreclosed in violation of a Temporary Restraining Order, TRO issued on August 06, 2018; by the county trial court and she had a Stay to vacate pending her title dispute pending in the Fifth Circuit COA through April 05, 2019; in which Respondent's Notice to vacate issued on January 22, 2019; was premature; improper and deemed void or voidable at the time of issuance; therefore, the notice to vacate would have to be corrected once the complaint was transferred to

the justice court to the county court; (3) the foreclosure was not of a lien superior to Dawson right to possession, Respondent did not have a foreclosure sale lien as shown in the initial record pleadings "answer"; ***Appendix S;*** he only had a third party Special Warranty Deed that is only binding between the seller and purchaser; and the *Chinyere v. Wells Fargo Bank, N.A*; substantiates this importance; "We have examined both the Deed of Trust and the Substitute Trustee's Deed in the underlying dispute and neither one contains language creating a landlord-tenant relationship. Moreover, Wells Fargo has not argued that there is any basis for its claimed possession rights other than the title rights it gained through the disputed foreclosure. Thus, in this case — unlike the *Morris, Bruce, Elwell, Rice* and *Dormady* cases

cited above — there is no independent basis aside from Wells Fargo's claim that it has superior title rights. Rather, like in *Mitchell, Yarto,* and *Hopes,* Wells Fargo's claim to possession in the underlying proceedings rests solely on its claim to title. Accordingly, the lower courts "had no subject matter jurisdiction over the case." *Mitchell,* 911 S.W.2d at 171. We sustain appellant's first issue." ***Appendix H.*** Therefore, the trial court and Respondent erred by using and accepting Dawson's Deed of Trust dated August 25, 1999; that was paid in full "at" the foreclosure sale at the time the creditor purchased the property on August 07, 2018; in which Respondent is using improperly to establish a "landlord-tenant relationship between Petitioner and Respondent which did not and does not exist because a Special Warranty

Deed is only binding between the seller and third party purchaser; Appendix ***O***, Exh. F. Therefore, Respondent did not meet this criteria or the required elements for the granting of a Motion for No-Evidence Summary Judgment; which is also required to establish immediate possession; (4) a statutorily proper demand for possession with its notice to vacate; in which Respondent did not have a "proper" demand for possession with its notice to vacate; dated January 22, 2019; that does not list his true business name, company's address; phone number; proof of ownership because he is not the sole owner, and is not Respondent signature and/or signed properly; and at the time of execution Petitioner did not know who these people were with two different names or if they were entitled to issue notice; plus Dawson had a stay from

federal court not to vacate which overrides an unproven so-called landlord's notice to vacate; and when Dawson called the number on the notice to vacate she was told on several occasions they did not know the person(s) on the notice claiming to be a landlord. In addition, it was eventually learned that Respondent is a member of P & C Lone Star Holding , LLC, with one additional member as shown in ***Appendix O***; Exh. A; and the person that signed the notice was a property manager not associated with the phone number listed on the notice; and (5) Dawson refused to surrender possession; she did not refused to surrender possession; at the time she had a Stay from the Fifth Circuit COA, dated December 15, 2018; Case No. 18-20356; giving her possession through April 05, 2019; at which time the case was transferred to

the county court in which Respondent failed to submit a corrected dated and signed notice to vacate as required. Therefore, Respondent failed to meet the requirements outlined in Rule 166a(i); ***Appendix O;*** Exh. D; and throughout all of Petitioner's cited cases in her pleadings, brief, and appendixes.

However, since Petitioner was correct in her facts it is believed the courts just wanted to dispose of her case and not deal with the issues and facts of her particular case to continue to engage in direct discrimination and unethical tactics in which the court admitted so much to Petitioner in court with witnesses; that others would believe what the court was doing is an abuse his authority which is also read into the transcript by the reading of case laws

and a separate verbal admission by the court of the same to Petitioner but is omitted from the transcript not by accident; ***Appendix J***. If only somebody would review; truly listen and not toss in the garbage because they are not interest in equal justice for all.

In addition, this was the fastest Petitioner has ever seen a final judgment signed on July 31, 2019; Friday; and sent to COA the following work day on Monday August 02, 2019; for the railroading entrapment tactics to begin; with the court not setting a required bond or allowing for Respondent's supersedeas bond hearing "contest" motion filed on August 02, 2019; or Petitioner's remaining motion to vacate judgment and set a bond. Moreover, the Tex. Prop. Code § 24.007 states:

Sec. 24.007. APPEAL. A final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only. A judgment of a county court may not under any circumstances be stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court. In setting the supersedeas bond the county court shall provide protection for the appellee to the same extent as in any other appeal, taking into consideration the value of rents likely to accrue during appeal, damages which may occur as a result of the stay during appeal, and other damages or amounts as the court may deem appropriate."

Also, Petitioner's Form 145, inability to pay court cost and bond affidavit requires a hearing to be set by the court when a pauper's form is contested which it was by Respondent on August 02, 2019; but no hearing was scheduled until August 13, 2019, the day after the execution of the writ on August 12, 2019; to force Petitioner from her home and these types of tactics in serious matters are not lawful, proper or appropriate. Texas Property Code § 24.0052 and § 24.00512(e) states "a tenant may make a cash deposit or file a sworn statement of inability pay."

Moreover, a writ of possession cannot be issued if the justice court's judgment is properly appealed. Appendix Q & R; "A writ of possession must not issue if

an appeal is perfected and, if applicable, rent is paid into the registry, as required by these rules." Dawson's appeal was perfected on July 31, 2019; along with an inability to pay court cost and bond affidavit form; ***Appendix R & T.***

However, this is all an abuse of authority and a game with both courts to illegally force folks from their home without due process by putting the cart before horse and the First COA's *Chinyere's v. Wells Fargo* case number 01-11-00304-CV; ***Appendix H;*** stipulates in a forcible detainer action the case must be dismissed if no "landlord-tenant" relationship exists to establish superior immediate possession in which all courts agree in accordance with the deed of trust and the case above that qualifies the criteria for possession. In addition, to

Respondent not being a bona fide purchaser as explained in ***Appendix K*** **&** O; and throughout Petitioner's pleadings.

B. Standard of Review for No-Evidence Summary Judgments Applicable Law

From day one Petitioner has constantly held and asserted a meritorious claim to the property in accordance with *Theresa Marshall v. Housing Authority of the City of San Antonio;* No. 04-0147; and the First Court of Appeals, *Chinyere's v. Wells Fargo Bank, N.A. No. 01-11-00-304-CV,* (2015); and other relevant cases; "The existence of a landlord-tenant relationship provides a basis for the court to determine the right to immediate possession without resolving the question of title. See Villalon [v. Bank One],

176 S.W.3d [66,] 71 [(Tex.App.-Houston [1st Dist.] 2004, no pet.)];" Appendix ***H.*** Nonetheless, the trial court blatantly ignored all of Petitioner's constitutional rights to a fair trial by not hearing any of her discovery; or paupers motions when both were contested; and allowing counsel to prejudice her by introducing her title dispute documents and deed of trust in another court into evidence in which the county court lacks jurisdiction to hear title disputes also seen in the *Chinyere's* case; and not requiring Respondent to present or show any required "element" to substantiate the No-Evidence Summary Judgment as required by the State's own Rule 166a(i); and other case laws which "does not authorize conclusory motions or general no-evidence challenges to an opponent's case." ***Appendix K & L.*** Also, as seen in

Respondent's No-Evidence Summary Judgment, ***Appendix N***; presents invalid so-called documentation or justification to challenge Petitioner's evidence and is conclusory and not applicable but have to do with Petitioner's expired deed of trust as justification for Respondent's superior immediate possession which is blatantly false because Respondent was not "at" the foreclosure sale nor received a foreclosure sale deed as required by law to establish a landlord-tenant relationship. ***Appendix S***.

Subsequently, the First COA stated in their October 29, 2019 decision, on page 2, para 3; "Appellant has not filed a response to appellee's motion to dismiss. As such, she has failed to assert a potentially meritorious claim of

right to current, actual possession of the property. See *Rady v. CitiMortgage, Inc* case No. 03-11-00734-CV." However, this was well explained in Petitioner's brief, although she did not specifically respond to Respondent's motion to dismiss on September 27, 2019, which is not a requirement but also because she was still living on the streets with no money and her entire office and computer files were confiscated by the Respondent. However, the COA knew Petitioner had responded to the motion to dismiss in her brief and knew Respondent had not satisfied the requirements/elements to justify the granting of the No-Evidence Summary Judgment and favor should have been toward the nonmovant as seen in Petitioner's pleading and case laws but erroneously chose to use an additional avenue to dismiss Petitioner's appeal.

Moreover, a response is not required by the COA Appellate Rule App. 10.1(b), as such; and normally as in many other cases the court(s) will ask for a "response" before dismissing an appeal as it did in their *Rady v. CitiMortgage, Inc.*, case; in which the court cited in Petitioner's decision, dated October 29, 2019. ***Appendix I.*** Nonetheless, Petitioner did respond to Respondent's motion to dismiss in her brief submitted on October 17, 2019, before the COA dismissed her case, where Petitioner asserted a potentially meritorious claim of right to current and actual possession, not only here but also in her Petitioner for Stay of Writ dated August 09, 2019; ***Appendix E;*** after having her appeal perfected and sent to COA on August 02, 2019; ***Appendix T;*** in which at

least a 7 day Stay should have been granted until COA notified the trial court in accordance with App. 44.3-4.

App. 44.4; Remediable Error of the Trial Court (a) Generally. "A court of appeals must not affirm or reverse a judgment or dismiss an appeal if: (1) the trial court's erroneous action or failure or refusal to act prevents the proper presentation of a case to the court of appeals; and (2) the trial court can correct its action or failure to act. (b) Court of Appeals Direction if Error Remediable. If the circumstances described in (a) exist, the court of appeals must direct the trial court to correct the error. The court of appeals will then proceed as if the erroneous action or failure to act had not occurred."

App. 44.3; defects in procedures states: "A court of appeals must not affirm or reverse a judgment or dismiss an appeal for formal defects or irregularities in appellate procedure without allowing a reasonable time to correct or amend the defects or irregularities."

Moreover, at which time Petitioner had actual and current possession of the property. Not setting a bond is a viable defect when it is "required;" and the appeal should have been stayed or remanded back to trial court to fulfil its duties. Because Petitioner cannot pay a bond if none is "set;" as in the *Rudy Guillen v. U.S. Bank, N. A.* No. 14-15-00408-CV; *Joachin* 315 S.W.3d at 862, and *Alejandro*, 84 S.W. 306, 310 (Tex. 2009); cases in which a bond was "set" by the court. ***Appendix K***; pg. 5. Therefore, at the

time Petitioner's perfected her appeal and before execution of the writ on August 12, 2019; ***Appendix P;*** she had actual and current possession. But for the trial court and COA errors and/or neglect by failing to do their duty properly; and uphold the law knowing their responsibilities and the standard of review for no-evidence summary judgement appeals because the record was forwarded to COA on August 02, 2019. Also, Rule 166a states; "in deciding whether there is a disputed material fact issue precluding summary judgment, evidence favorable to the nonmovant will be taken as true and every reasonable inference must be indulged in favor of the nonmovant and any doubts must be resolved in favor of the nonmovant. *Am. Tobacco Co., Inc. v. Grinnell,* 951 S.W3d 420, 425 (Tex. 1997);" and every

possible measure should have been taken to avoid irreparable harm.

REASONS FOR GRANTING THE PETITION

Because Petitioner's Constitutional rights have been egregious violated and a miscarriage of justice has transpired by not allowing her due process to a fair trial and if not corrected will have a devastating effect on the public at large due to the numerous foreseeable evictions due to COV-19 that will be forth coming and these types of violations, errors; offenses and improprieties perpetrated by the lower courts affects the country as a whole by violating citizen's constitutional rights' to due process under the law and constitution is grounds for granting such petition.

A. The Decision creates a Split and is inconsistent with other Appeals courts.

The First COA approach is fundamentally inconsistent with the decisions and reasoning of other appeals courts. These courts all hold in accordance with Tex. Rule 166a, *Rudy Guillen v. U.S. Bank, N.A,* ***Appendix K;*** and others that a defendant is entitled to review from an Appellate court in a subject matter Motion for No-Evidence Summary Judgment appeal and not rendered moot for want of jurisdiction based on the criteria for a forcible detainer compliant to acquire superior immediate possession based on the deed of trust, actual possession and ownership; when the challenge in this instance is based on Petitioner's evidence to warrant a trial as seen in the trial record. Therefore, the appeals

courts seems to be split on Rule 166(a)(i); and some courts are not differentiating between the two something the Texas Supreme Court feared would happen. ***Appendix O;*** Exh. D.

B. There are Collateral and Monetary Damages to be Reconciled

This case involves violations and procedural errors and Petitioner's damages should be adjudicated. Also, in re: *Theresa Marshall v. Housing Authority of the City of San Antonio*; "the collateral consequences exception to the mootness doctrine is invoked only under narrow circumstances when vacating the underlying judgment will not cure the adverse consequences suffered by the party seeking to appeal that judgment. See Lodge, 608 S.W.2d at 912, Carrillo, 480 S.W.2d at 617. Such narrow

circumstances exist when, ...(noting that the collateral consequences exception is invoked only when prejudicial events have occurred whose effects will continue to stigmatize after dismissal of the as moot." The record shows abuse of authority, concrete disadvantages and that those disabilities will persist even after the judgment is vacated because irreparable harm has occurred as well. ***Appendix J.*** However, this case does not involve a Motion for No-Evidence Summary Judgment appeal but a Forcible Detainer Complaint.

In addition, *Guillen v. U.S. Bank, N.A*; re: Spencer v. Kemna, 523 U.S. 1, 8 (1998); see also Gen. Land Office v. Oxy U.S.A., Inc., 789 S.W.2d 569, 571 (Tex. 1990) (noting that the collateral consequences exception is invoked only when prejudicial events have occurred whose

effects will continue to stigmatize after dismissal of the case as moot;" ***Appendix K.*** Consequently, in this matter the record shows Petitioner is disadvantage because of her age at 65, race; and disabilities, as such she will never be able to afford her a comparable home, because of all the red-ling for people of color since 1999 when she purchased her property; realtors will not rent to her because of her eviction and she will forever be stigmatized by her disabilities, and disapprovals surrounding the events of this action which claims are all supported by the record. See *Theresa Marshall v. Housing Authority of the City of San Antonio*; ***Appendix J;*** pg. 6. Furthermore, the prejudices of the courts have caused irreparable harm both mentally and physically; in which others have prevailed due to egregious violations of the Respondents,

Courts, Trial Clerk, and Constable who indicated the County had no warehouse vendor to store Petitioner's personal property, and knew she had a court date on August 13, 2019; and had thirty days to execute the writ as seen in the record and ***Appendix P, Q, and R.***

In addition, Respondent's forcible detainer complaint should have been dismissed in accordance with Texas statute and the First COA decision and others that stipulate there must be a landlord-tenant relationship to acquire superior immediate possession and a no-evidence summary judgment should have never been granted as discussed in Petitioner's pleadings and as a result the horse is before the cart because of numerous violations and errors.

CONCLUSION

The petition for a writ of certiorari should be granted in the interest of fairness and justice; Petitioner prays this body will at least hear the matter and/or remand for further proceedings.

Respectfully submitted,

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