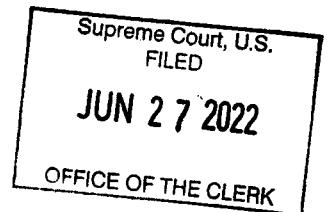


21-8270

ORIGINAL

IN THE
Supreme Court of the United States



DORA L. ADKINS,

Petitioner,

v.

DRIFTWOOD SPECIAL SERVICING, LLC,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- 1) Whether the United States Court of Appeals for the Fourth Circuit further erred in the Order, Dated, May 23, 2022, that denied Petitioner's Petition for Rehearing *En Banc*. (Dkt. No. 12). Pet. Appendix A, pg. 11.
- 2) Whether the United States Court of Appeals for the Fourth Circuit erred in the Order, Dated, April 19, 2022, when it "reviewed the record and found no reversible error and affirmed by unpublished per curiam opinion." "Accordingly, we affirm for the reasons stated by the district court. *Dora L. Adkins v. Driftwood Special Servicing, LLC*, No 1:22-cv-00109-AJT-IDD (E.D. Va. Feb 2, 2022)," (Dkt. No. 10). Pet. Appendix A, pg. 11.
- 3) Whether the District Court Abused its Discretion from its "reason," provided in the "Prefiling Order," Dated, January 6, 2022, when it Ordered the denial of the Motion and Complaint. For that reason, it is ORDERED that Plaintiff's Motion for Leave from the Court to file an Emergency Complaint be, and the same hereby is, DENIED," (Dkt. No. 2). Pet. Appendix B, pg. 12.

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PARTIES TO THE PROCEEDING

Petitioner Dora L. Adkins was the plaintiff in the district court proceedings and plaintiff/appellant in the court of appeals proceedings. Respondent Driftwood Special Servicing, LLC was the defendant in the district court and defendant/appellee in the court of appeals.

TABLE OF AUTHORITIES

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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DORA L. ADKINS,

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DRIFTWOOD SPECIAL SERVICING, LLC,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Petitioner, Dora L. Adkins, respectfully asks that a writ of certiorari issue to review the judgment issued by the United States Court of Appeals for the Fourth Circuit that affirmed by unpublished per curiam opinion the following: On April 19, 2022, this Honorable Court “reviewed the record and found no reversible error.” “Accordingly, we affirm for the reasons stated by the district court. *Dora L.*

Adkins v. Driftwood Special Servicing, LLC, No 1:22-cv-00109-AJT-IDD (E.D. Va. Feb 2, 2022).” (Dkt. No. 10).

PER CURIAM BELOW

The Per Curiam of the United States Court of Appeals for the Fourth Circuit was filed on April 19, 2022, and is attached as Pet. Appendix A, pg. 11. The United States Court of Appeals for the Fourth Circuit’s Notice of Judgment, Dated, April 19, 2022; Temporary Stay of Mandate, Dated, April 28, 2022. and the Mandate, Dated, May 31, 2022 are attached as Pet. Appendix A, pg. 11. A petition for rehearing *en banc* was filed April 23, 2022, and DENIED on May 23, 2022. The U. S. District Court for the Eastern District of Virginia Order, Dated, January 6, 2022 is attached as Pet. Appendix B, pg. 12.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The decision of the United States Court of Appeals for the Fourth Circuit for which petitioner seeks review was issued on April 19, 2022. The United States Court of Appeals for the Fourth Circuit found no reversible error and affirmed the District Court’s ORDER that DENIED Petitioner’s Motion for Leave from the Court to file an Emergency Complaint is attached as Pet. Appendix A, pg. 11. This petition is filed within 90 days of the United States Court of Appeals for the Fourth Circuit’s affirmed decision.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are set forth in the Appendix C.

STATEMENT OF CASE

A. Facts Giving Rise To This Case

Petitioner filed a Motion for Leave from the Court to File an Emergency Complaint and an Emergency Complaint on January 5, 2022. (Dkt. No. 1). The Petitioner allege extreme and outrageous conduct when the Petitioner was SOLD Guest Room #438 at the Respondent, Driftwood Servicing, LLC, Westin Hotel knowing that Guest Room #438 was without a working commode and/or toilet; something left unflushed in the non-working commode and/or toilet; and the shower did not have any water for a shower.” (A-15).

The Emergency Complaint purports to set forth claims of exposing the Petitioner to possible septic poisoning because the smell was coming from the commode and/or toilet, SOLD Guest Room #438 to the Petitioner that had not been properly cleaned for a Guest. Guest Room #438 had uncleaned bed linens and large dirty stains and/or pet stains on the carpet, smears on it glass surfaces, and really thick dust accumulated on the night-stands, lamps, and headboard of the bed.” Guest Room #438 should have been placed out-of-order and not SOLD to any Guest (A-16).

The Emergency Complaint included the following: Count #1: Intentional Infliction of Emotional Distress; Count #2: Gross Negligence under Virginia

common law and a Claim for Punitive Damages as a *Prima Facie* Case Cause of Action. The Emergency Complaint seeks compensatory and punitive damages in the amount of \$600 million combined.

B. The District Court Proceedings

On January 5, 2022, Petitioner filed a Motion for Leave to file an Emergency Complaint. (Dkt. No. 10). On January 6, 2022, the District Court DENIED Petitioner's Motion for Leave from the Court to file an Emergency Complaint. (Dkt. No. 12).

On January 24, 2022, Petitioner filed a NOTICE OF APPEAL as to the Order denying the Motion for Leave to File the Emergency Complaint. (Dkt. No. 3). On February 2, 2022, Transmission of Notice of Appeal to US Court of Appeals for a Notice of Appeal.

C. The Appellate Court Proceedings

On February 22, 2022, Petitioner filed an Informal Brief with the United States Court of Appeals for the Fourth Circuit. On February 23, 2022, the court grants leave to proceed *in forma pauperis*. On April 19, 2022., an Unpublished Opinion of USCA, decided on 4/19/2022 to Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate – AFFIRMED. USCA JUDGMENT as to Notice of Appeal filed by Dora L. Adkins. In accordance with the decision of the court, the judgment of the district court is affirmed. This judgment

shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

The instant Petition ensued. For the reasons discussed below, the Petition in all respects should be granted.

REASONS FOR GRANTING THE PETITION

I. EVIDENCE SHOWS AND PROVES THE FOURTH CIRCUIT COURT OF APPEALS ERRED WHEN IT AFFIRMED A NON-FINAL ORDER

ISSUES APPEALED AND/OR ERRORS:

A. THE DISTRICT COURT ERRED IN ITS ORDER, DATED, JANUARY 6, 2022, BECAUSE THE ORDER DENIED PETITIONER'S MOTION FOR LEAVE FROM THE COURT TO FILE AN EMERGENCY COMPLAINT

Based on Petitioner's Facts, Proof, and Evidence, the District Court erred in its Order of January 6, 2022, when it DENIED Petitioner's Motion to file an Emergency Complaint alleging being poisoned by septic waste while staying at the Respondent, Driftwood Servicing, LLC, Westin Hotel knowing that Guest Room #438 was without a working commode and/or toilet; something left unflushed in the non-working commode and/or toilet; and the shower did not have any water for a shower."

B. THE FOURTH CIRCUIT COURT OF APPEALS ERRED WHEN IT AFFIRMED A NON-FINAL ORDER

Based on Petitioner's Facts, Proof, and Evidence, the Fourth Circuit Court of

Appeals erred when it “reviewed the record and found no reversible error and affirmed by unpublished per curiam opinion.” “Accordingly, we affirm for the reasons stated by the district court.

C. THE FOURTH CIRCUIT COURT OF APPEALS ERRED WHEN IT AFFIRMED A NON-FINAL ORDER A SECOND TIME

And, further erred when Petitioner’s Petition for Rehearing *En Banc* was denied.

II. APPELLATE REVIEW OF FINAL AND NON-FINAL ORDERS

Two Examples, one non-related: 1) “The rule in Florida, as in most other jurisdictions, is that generally, an appeal will lie only from a final judgment or order.” R. STERN, APPELLATE PRACTICE IN THE UNITED STATES § 3.1, at 52 (1981). 2) “In general, appeal may be taken only from a final judgment or order disposing of all claims against all parties and leaving nothing for the district court to do but execute the judgment. 28 U.S.C. § 1291. The following exceptions exist to the final judgment rule.”

NON-FINAL ORDERS

“Petitioner appealed the “Pre-Filing Order,” Dated, January 6, 2022, in the case of *Dora L. Adkins v. Driftwood Special Servicing, LLC*, Law Case No. 1:22-CV-00109-AJT-IDD that DENIED Petitioner’s Motion for Leave from the Court to File an Emergency Complaint.”

“On April 19, 2022, the United States Court of Appeals for the Fourth Circuit “reviewed the record and found no reversible error.” “Accordingly, we affirm for the

reasons stated by the district court. *Dora L. Adkins v. Driftwood Special Servicing, LLC*, No 1:22-cv-00109-AJT-IDD (E.D. Va. Feb 2, 2022).””

“Rehearing *en banc* is warranted because in the case of *Dora L. Adkins v. Driftwood Special Servicing, LLC*, Law Case No. 1:22-CV-00109-AJT-IDD, there was no final order that can be affirmed.” The United States Court of Appeals for the Fourth Circuit DENIED Petitioner’s petition for rehearing *en banc*.

ARGUMENT

A. The Fourth Circuit Court Of Appeals Panel Decision Is In Direct Conflict With Its Own FAQs – Appellate Procedure And Definition Of A Final Judgment

“By the Fourth Circuit Court of Appeals FAQ’s - Appellate Procedure and Definition of a Final Judgment provided below; this Court needed to ONLY review the District Court’s Order, Dated, January 6, 2022, to determine that the Denial of Plaintiff/Appellant Motion for Leave to File an Emergency Complaint was not a Final Order. Nor are the exceptions listed below in the Fourth Circuit Court of Appeals FAQs Appellate Procedure applicable to the case of *Dora L. Adkins v. Driftwood Special Servicing, LLC*, Law Case No. 1:22-CV-00109-AJT-IDD.”

FAQs – Appellate Procedure

A.What orders can be appealed?

“In general, appeal may be taken only from a final judgment or order disposing of all claims against all parties and leaving nothing for the district court to do but execute the judgment. 28 U.S.C. § 1291. The following exceptions exist to the final judgment rule.”

- “Collateral order doctrine under Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 546 (1949) (order determining important collateral rights that cannot be protected on appeal from final judgment).”
- “Rule 54(b) order directing entry of final judgment as to fewer than all claims or parties and finding no just reason for delay.”
- “Orders granting, denying, or modifying injunctions under 28 U.S.C. § 1292(a).”
- “Orders that may be appealed if the court of appeals grants permission under 28 U.S.C. § 1292(b), 1453(c), or 158(d), or under Fed R. Civ. P. 23(f).”

Final Judgment: “The last decision from a court that resolves all issues in dispute and settles the parties' rights with respect to those issues. A final judgment leaves nothing except decisions on how to enforce the judgment, whether to award costs, and whether to file an appeal.”

II. STANDARD OF APPELLATE REVIEW

Clear Error. Generally, a district court of appeal does not have jurisdiction over, and cannot review, any non-final orders. Clearly Erroneous. “Review under the clearly erroneous standard is significantly deferential.” *Concrete Pipe and Prods. v. Construction Laborers Pension Trust*, 508 U.S. 602, 623 (1993). The appellate court must accept the trial court's findings unless it's left with the “definite and firm conviction that a mistake has been committed.” *Inwood Laboratories, Inc. v. Ives Laboratories, Inc.*, 456 U.S. 844, 855 (1982).

This Court ONLY need to look at the Orders, Dated, April 19, 2022 and May 23, 2022, to see a Clear Error made by the Fourth Circuit Court of Appeals when

the District Court's Non-Final Order was AFFIRMED are attached as Pet.
Appendix A, pg. 11.

**IV. REVIEW IS WARRANTED FOR THE REASONS ARTICULATED IN I,
II, III, AND IV OF THIS PETITION**

Ms. Adkins has cited compelling reasons warranting this Court's review of the Fourth Circuit Court of Appeals' order affirming a non-final order and further erring when it DENIED Petitioner's Petition *en banc* is attached as Pet.
Appendix A, pg. 11.

CONCLUSION

For the foregoing reasons, the court should grant Dora L. Adkins' Petition For A Writ Of Certiorari To Review The Judgment Of The United States Court of Appeals For The Fourth Circuit.

Dated: June 27, 2022

Respectfully submitted,



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