APPENDIX

APPENDIX A1 - ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT FILED NOVEMBER 23, 2022

United States Court of Appeals
for the Federal Circuit

BEXAR COUNTY, et al.,

Plaintiffs-Appellees

v.

ROWLAND J. MARTIN, JR., as Administrator and Individually as Heir to the Estate of Johnnie Mae King,

Defendant-Appellant

2022-2211

Appeal from the United States District Court for the Western District of Texas in No. 5:22-cv-00374-XR, Judge Xavier Rodriguez.

ON MOTION

PER CURIAM.
O R D E R

Appellees move to dismiss this appeal for lack of jurisdiction. Rowland J. Martin, Jr. opposes the motion.

This appeal stems from a 2014 Texas state court action filed by state tax authorities against Mr. Martin regarding a dispute over real property in Bexar County, Texas. In April 2022, Mr. Martin removed the case to the United States District Court for the Western District of Texas.

The district court granted appellees' motion to remand for lack of subject matter jurisdiction, denied Mr. Martin's motion for reconsideration, and remanded the case to state court. This appeal followed.

We lack jurisdiction over this appeal. This court generally has jurisdiction only over district court cases arising under the patent laws, see 28 U.S.C. § 1295(a)(1); civil actions on review to the district court from the United States Patent and Trademark Office, § 1295(a)(4)(C); or certain cases against the United States for claims "not exceeding $10,000 in amount," 28 U.S.C. § 1346(a)(2), see

28 U.S.C. § 1295(a)(2). Although Mr. Martin's notice of appeal references § 1346, that provision is not applicable here because the United States is not a party to this action. Nor can jurisdiction on this matter be predicated on the "Big Tucker Act," ECF No. 1-2, because that provision applies only to claims presented to the United States Court of Federal Claims, see 28 U.S.C. § 1491(a)(1). Finally, to the extent that Mr. Martin's response argues that this court has jurisdiction in this case based on its jurisdiction over his separate appeal from a judgment of the United States Court of Federal Claims, we must reject that argument.

When we lack jurisdiction, we will transfer the case to another court where the case "could have been brought at the time it was filed," "if it is in the interest of justice." 28 U.S.C. § 1631. Here, however, Mr. Martin already filed an appeal with the appropriate regional circuit, the United States Court of Appeals for the Fifth Circuit, Appeal No. 22-50718.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The appeal is dismissed.

(2) Each side shall bear its own costs.

November 23, 2023
Date

FOR THE COURT
/s/Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

ISSUED AS A MANDATE: November 23, 2022

APPENDIX A2 - ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT FILED DECEMBER 28, 2022

United States Court of Appeals
for the Fifth Circuit

No. 22-50822

Edward Bravenec, Et al.,

Plaintiff—Appellee,

versus

Rowland J. Martin, Jr.,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:22-CV-522

Before Elrod, Graves, and Ho, Circuit Judges.
Per Curiam:

This court must examine the basis of its jurisdiction, on its own motion if necessary. Hill v. City of Seven Points, 230 F.3d 167, 169 (5th Cir.

2000). In this civil rights case removed from state court, before the district court entered any ruling, Defendant filed a notice of appeal and an amended notice of appeal both directed to the Court of Appeals for the Federal Circuit.

The district court forwarded only the amended notice to this court for review. It is apparent from the face of the document that it was not intended to be a notice of appeal to this court from any action by the district court. The appeal was erroneously opened and must be dismissed. Accordingly, the appeal is DISMISSED.

APPENDIX B1 - ORDER OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS DATED JULY 1 AND 15, 2022

Text Order GRANTING 19 Motion to Stay Deadline to Respond to Defendant's Motion to Dismiss; MOOTING 20 Motion to Expedite Hearing Requesting Motion to Stay entered by Judge Xavier Rodriguez. Plaintiffs' motion to stay the deadline to respond to Defendant's amended motion to dismiss 18 pending resolution of Plaintiffs' motion to remand is GRANTED. In the event that the motion to remand is denied, Plaintiffs shall have fourteen days from the Court's ruling on the motion to remand to respond to Defendant's motion to dismiss. Because the Court has ruled on the motion to stay Plaintiffs' response deadline, their motion to expedite a hearing on the motion is MOOT. (This is a text-only entry generated by the court. There is no document associated with this entry.) (cb) (Entered: 07/01/2022)

Text Order TERMINATING 21 Motion to Dismiss entered by Judge Xavier Rodriguez. Though styled as a motion, the filing appears to be an untimely response to Plaintiffs' motion to remand 8. (This is a text-only entry generated by the court. There is no document associated with this entry.) (cb) (Entered: 07/15/2022)

APPENDIX B2: ORDER OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS DATED JULY 18, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

COUNTY OF BEXAR, STATE OF TEXAS, CITY OF SAN ANTONIO, SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

Plaintiffs

-vs Case SA-22-CV-00374-XR

ROWLAND J. MARTIN JR;

Defendant

ORDER

On this date, the Court considered (1) the motion to remand filed by Plaintiffs County of Bexar, State of Texas, City of San Antonio, and San Antonio Independent School District (collectively, the "Tax Authorities") (ECF No. 8); (2) Defendant's motion for a more definite statement (ECF No. 10) and the response (ECF No. 12) and

reply (ECF No. 15) thereto; and (3) Defendant's motion for consolidation (ECF No. 11) and the response (ECF No. 13) thereto; and (4) Defendant's motion to dismiss Plaintiffs' motion to remand (ECF No. 22). After careful consideration, the Court issues the following order.

BACKGROUND

On March 6, 2014, Tax Authorities filed suit against Martin in Cause No. 2014-TA1-00224 in the 45th Judicial District Court of Bexar County, Texas (the "2014 Tax Suit"). ECF No. 8 at 1–2. Tax Authorities' citation alleges that Martin failed to timely pay ad valorem taxes assessed by tax authorities against certain real properties in Bexar County, Texas, including property that he inherited from Ms. Johnnie Mae King (the "King Estate"). Over eight years later, on April 18, 2022, Martin removed the case to this Court on the basis of federal question jurisdiction. ECF No. 1.

This is not Martin's first attempt to remove delinquent ad valorem tax proceedings against him to federal court. In one such case, filed in 2009 in the Western District of Texas, Martin removed a 2003 tax case, No. 2003-TA1-02385, to federal court on the theory that the efforts to collect the state court tax judgments violated the Fair Debt Collection Practices Act. See Cnty. Of Bexar v. Gilliam, No. SA-09-CA-949-FB, ECF No. 14 at 6

(W.D. Tex. Mar. 3, 2010) (Report and Recommendation of Magistrate Judge John Primomo). The Magistrate Judge concluded that Martin's removal of the case was both untimely and "unwarranted" insofar as the existence of a federal defense to a state-law claim does not create federal question jurisdiction. See id. at 6 (citing Gutierrez v. Flores, 543 F.3d 248, 252 (5th Cir. 2008)). Accepting the recommendation of the Magistrate Judge, Judge Biery assessed a $1,000 monetary penalty as sanctions for his violation of Rule 11, and admonished Martin not to remove delinquent tax suits to this Court in the future until certain prerequisites were met. Cnty. Of Bexar v. Gilliam, No. SA-09-CA-949-FB, 2010 WL 11597848, at *2 (W.D. Tex. Apr. 14, 2010). Specifically, Judge Biery held that Martin was "BARRED from filing in this Court or removing to this Court any lawsuit regarding or related to, directly or indirectly, the subject properties or tax indebtedness thereon until the $1,000 is fully paid into the registry of the Court." Id. Despite this admonishment, in March 2017, Martin removed a second tax action involving the King Estate—the 2014 Tax Case now before the Court—to federal court based on a state-court filings in which he appeared to allege civil rights violations against the Tax Authorities under inter alia, 42 U.S.C. § 1982, and/or 28 U.S.C. § 1443. See Cnty. Of Bexar v. Martin, No. 5:17-CV-219-DAE, 2017 WL 4510598, at *3 (W.D. Tex. May 5, 2017). After

ensuring that Martin had satisfied the monetary penalties imposed by Judge Biery, Judge Ezra granted the Tax Authorities' motion to remand, again noting that Martin could not "create removability through a [federal] defense or counterclaim to a state court petition." Id. (citing Aetna Health Inc. v. Davila, 542 U.S. 200, 207 (2004)).

Now, over five years later, Martin, proceeding pro se, has again removed the 2014 Tax Suit to federal court. See ECF No. 1. The Notice of Removal invokes federal question jurisdiction under 28 U.S.C. § 1331, because the state court "deprived Defendant due process of law by granting a motion that contained a backdated notice of service, in violation of the Fourteenth Amendment due process clause." ECF No. 1 at 2. In his Amended Notice of Removal, Martin identifies two "other papers" that "further substantiate the validity of the removal on federal question grounds." ECF No. 7. Specifically, he points to his recent "discovery" of two documents which asserts establish "a substantial federal question arising from the use of sham litigation to attack [his] constitutionally [sic] property rights": (1) a Plea to Jurisdiction filed in the 2014 Tax Suit on July 31, 2017, by Martin's former attorney, Edward Bravenec, who later obtained title to some of Martin's property through foreclosure in 2006; and (2) a letter from the Tax Authorities notifying

Martin that a trial court setting had been dropped from the state court tax docket (based on the removal to this Court). Id. at 2–3. Martin appears to assert that the Bravenec pleading is "evidence of a False Claim Act violation," that the Tax Authorities lost their standing to sue by dropping the state-court trial setting, and that the other papers are evidence of anticompetitive "sham litigation," evidently implying a violation of federal antitrust law.

The Tax Authorities filed a motion for remand on May 18, 2022, arguing that the removal was untimely, failed to establish a basis for federal question jurisdiction, and was barred by the Tax Injunction Act, ECF No. 8. In lieu of a response to the Tax Authorities' motion, Martin filed a "Motion For A More Definite Statement On Mootness And On Eligibility For American Rescue Plan Grants," seeking, "pursuant to Rule 12(e)," to: compel Plaintiffs to provide a more definite statement to justify their motion for remand dated May 18, 2022 in light of legal developments that bear on the availability of a plain, speedy and efficient state court remedy. See, Ohio v. Yellen, 539 F. Supp. 3d 802 (D.C. OH., May 12, 2022) (Ohio judgment holding American Rescue Plan Tax Mandate guidelines unconstitutional). ECF No. 10 at 1. Martin appears to suggest that the Tax Authorities' methods for prosecuting ad valorem tax claims and certain

proposed remedies in such cases are unconstitutional. Id. at 8–10.

On June 7, 2022, Martin filed a "Second Amended Notice of Removal " and motion to consolidate this action with Edward Bravenec, et al. v. Rowland J. Martin, Jr., No. SA:22-CV522-JKP (W.D. Tex.) (the "Bravenec Action ") (ECF No. 11). The Bravenec Action was originally filed as Case No. 2014 CI-07644 in the 285th Judicial District of Texas. Edward Bravenec filed his original petition on May 13, 2014, alleging a claim for tortious interference with contractual relations based on Martin's continued filings of notices of lis pendens and other documents in state court, which had prevented the sale of the property Bravenec had obtained from Martin. Martin v. Bravenec, No. 04-14-00483-CV, 2015 WL 2255139, at *2 (Tex. App.— San Antonio, May 13, 2015, pet. denied)[12]. Although

[12] In 2010, Martin filed a lawsuit in federal district court against Bravenec and others alleging numerous causes of action challenging the foreclosure of the property. Martin v. Bravenec, No. 5:11-cv-414-XR, ECF No. 1 (W.D. Tex. Oct. 4, 2010). The federal district court granted summary judgments in favor of all the defendants and entered a take nothing judgment on December 21, 2012. Id., ECF No. 114. In the summary judgment granted in favor of Bravenec, the federal district court ordered Martin to show cause why monetary sanctions should not be imposed against him for: "(1) repeatedly filing lawsuits for the purposes of harassment and the needless increase of

the case appears to have been closed in 2014, Martin removed the case to federal court on May 23, 2022, invoking federal question jurisdiction. Bravenec, No. SA:22-CV-522-JKP, ECF No. 1. On May 31, 2022, Bravenec sent Martin a letter threatening to move for Rule 11 sanctions based on the unwarranted removal of the Bravenec Action. See ECF No. 11 at 17. In the Second Amended Notice of Removal in the instant action, Martin asserts that the letter further supports removal as a violation of his "right to free speech" and the "right to petition" afforded under the First Amendment. Id. at 5–14.

On June 16, nearly a month after the Tax Authorities filed their motion to remand, Martin

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litigation costs; and (2) continuing to assert claims that he knows are non-meritorious." Id. at 3–4.

On February 1, 2013, the federal district court entered an order imposing sanctions by directing the district clerk's office not to accept for filing any further motions filed by Martin in that case or any new pro se complaints without the prior written approval of a district judge. Id., ECF No. 129. The federal district court's order stated:

The Court observes that for years Plaintiff has engaged in a campaign of harassing, frivolous, and duplicative litigation. His lawsuits have served no purpose other than to increase the litigation costs of the Defendants and waste judicial resources. The Court finds that it is necessary to take some action to curtail the Plaintiff's propensity to burden the Court with meritless litigation.

filed his "Objections and Exceptions" to the Tax Authorities' motion. See ECF No. 14.2 Martin subsequently a motion to dismiss the underlying 2014 Tax Suit (ECF No. 17), followed by an amended motion (ECF No. 18), and two "Motion[s] to Dismiss Plaintiffs' Motion for Remand" (ECF Nos. 21, 21). On July 1, 2022, the Court granted the Tax Authorities' motion to stay consideration of Martin's motion to dismiss pending resolution of the motion to remand now before the Court.

DISCUSSION.

Legal Standards

On a motion to remand, a court must consider whether removal to federal court was proper. Removal is proper in any "civil action brought in a State court of which the district courts of the United States have original jurisdiction." 28 U.S.C. § 1441(a). The removing party bears the burden of showing that federal jurisdiction exists and that removal was proper. De Aguilar v. Boeing Co., 47 F.3d 1404, 1408 (5th Cir. 1995).

District courts have original jurisdiction over civil cases "arising under the Constitution, laws, or treaties of the United States." See 28 U.S.C. § 1331. If a plaintiff's state-law claims arise under federal law such that they support federal question

jurisdiction, they may not be remanded to state court. Ordinarily, determining whether a particular case arises under federal law turns on the "well-pleaded complaint" rule. Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987). A plaintiff is master of his complaint and may generally allege only a state-law cause of action even where a federal remedy is also available. Id. That federal law might provide a defense to a state-law claim does not create federal question jurisdiction. Elam v. Kansas City S. Ry. Co., 635 F.3d 796, 803 (5th Cir. 2011).

An exception to the well-pleaded complaint rule exists, however, where Congress "so completely preempts[s] a particular area that any civil complaint raising this select group of claims is necessarily federal in character." *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 63–64 (1987). "This narrow exception—the artful pleading doctrine—permits the court to look beyond the face of the plaintiff's complaint to determine if federal law 'so forcibly and completely displace[s] state law that the plaintiff's cause of action is either wholly federal or nothing at all.'" *Meisel v. USA Shade & Fabric Structures Inc.*, 795 F. Supp. 2d 481, 485 (N.D. Tex. 2011) (quoting *Carpenter v. Wichita Falls Indep. Sch. Dist.*, 44 F.3d 362, 366 (5th Cir. 1995)). "The question in complete preemption analysis is whether Congress intended the federal cause of action to be the exclusive

cause of action for the particular claims asserted under state law." Elam, 635 F.3d at 803.

Thus, complete preemption creates federal question jurisdiction, while ordinary preemption does not. "Ordinary" preemption, also known as "defensive" or "conflict" preemption, "arises when a federal law conflicts with state law, thus providing a federal defense to a state law claim, but does not completely preempt the field of state law so as to transform a state law claim into a federal claim." *Arana v. Ochsner Health Plan*, 338 F.3d 433, 439 (5th Cir. 2003) (en banc); see also *Elam*, 635 F.3d at 803 ("Defensive preemption does not create federal jurisdiction and simply 'declares the primacy of federal law, regardless of the forum or the claim.'") (quoting *Beneficial Nat'l Bank v. Anderson*, 539 U.S. 1, 5 (2003)). "As a general matter, complete preemption is less common and more extraordinary than defensive or ordinary preemption." Elam, 635 F.3d at 803. "Indeed, complete preemption is a 'narrow' exception to the well-pleaded complaint rule." Id. Even an obvious federal preemption defense does not, in most cases, create removal jurisdiction. *Beers v. N. Am. Van Lines, Inc.*, 836 F.2d 910, 913 n.3 (5th Cir. 1988). "[T]he prudent course for a federal court that does not find a clear congressional intent to create removal jurisdiction [is] to remand the case to state court." Taylor, 481

U.S. at 67 (Brennan, J., concurring) (emphasis in original).

II. Analysis

Yet again, Martin is attempting to create federal question jurisdiction where it does not exist. Each of the federal laws Martin identifies in his various notices of removal (ECF Nos. 1, 7, 11) and other filings opposing remand (ECF Nos. 10, 11, 14)—the Due Process Clause, the First Amendment, the False Claims Act, and, apparently, federal antitrust law—are raised as a defense to Martin's liability in the 2014 Tax Suit. As Martin has been reminded time and again, however, the existence of a federal defense to a state-law claim does not create federal question jurisdiction. Elam, 635 F.3d at 803.

Moreover, there is no evidence of "clear congressional intent to create removal jurisdiction" of ad valorem tax suits that could establish complete preemption. Taylor, 481 U.S. at 67. Indeed, the Tax Injunction Act, 28 U.S.C. § 1341, suggests that Congress took precisely the opposite view: that principles of comity counsel against federal court interference with state court tax proceedings. The Tax Injunction Act ("TIA") precludes a federal district court from "enjoin[ing], suspend[ing] or restrain[ing] the assessment, levy or collection of any tax under State law where a

plain, speedy and efficient remedy may be had in the courts of such State." 28 U.S.C. § 1341. The TIA is a "broad jurisdictional impediment to federal court interference with the administration of state tax systems." Home Builders Ass'n of Miss., Inc. v. City of Madison, 143 F.3d 1006, 1010 (1998) (quoting United Gas Pipe Line Co. v. Whitman, 595 F.3d 323, 326 (5th Cir. 1979)). The statute reflects "the fundamental principle of comity between federal courts and state governments that is essential to 'Our Federalism,' particularly in the area of state taxation." Fair Assessment in Real Estate Ass'n, Inc. v. McNary, 454 U.S. 100, 103 (1981).

The TIA bars federal district courts from granting declaratory as well as injunctive relief in cases challenging state tax systems. California v. Grace Brethren Church, 457 U.S. 393, 408 (1982). Taxpayers also are barred by the principles of comity from asserting § 1983 actions against the validity of state tax systems in federal court. McNary, 454 U.S. at 116. Thus, the TIA bars the district court from asserting jurisdiction unless the State fails to supply a plain, speedy and efficient remedy for the taxpayer's claim. Smith v. Travis County. Educ. Dist., 968 F.2d 453, 456 (5th Cir. 1992). For the statute to apply, two conditions must be met: (1) the law at issue must be a tax, as opposed to a regulatory fee, and (2) the state court

must be "equipped to furnish the plaintiffs with a plain, speedy, and efficient remedy." Id.

Martin seeks to invalidate the tax assessment on his property on federal constitutional and other grounds. See ECF Nos. 1, 8, 11. The Fifth Circuit has addressed the adequacy of Texas remedies under § 1341 for such claims, and have found them to be "plain, speedy and efficient." See McQueen v. Bullock, 907 F.2d 1544, 1548 n.9 (5th Cir. 1990). Because Texas state courts provide a procedural vehicle for taxpayers' federal constitutional claims, including a "full hearing and judicial determination, with ultimate review available in the United States Supreme Court," Texas provides an adequate remedy for Martin's constitutional claims and defenses as well. Smith, 968 F.2d at 456.

For the foregoing reasons, the Court concludes that it lacks subject matter jurisdiction over the 2014 Tax Suit and, accordingly, that the Tax Authorities' motion to remand (ECF No. 8) must be GRANTED.

III. Potential Rule 11 Sanctions

A district court may sanction a party, including a pro se litigant, under Rule 11 if it finds that the litigant filed a pleading for an improper purpose or that the pleading was frivolous. See FED. R. CIV.

P. 11(b) and (c); Whittington v. Lynaugh, 842 F.2d 818, 820–21 (5th Cir. 1988). The court may sua sponte order a party to show cause why conduct specifically described in the order has not violated Rule 11(b). See Marlin v. Moody National Bank, N.A., 533 F.3d 374, 378 (5th Cir. 2008) (citing FED. R. CIV. P. 11(c)(3)). Although the district court need not hold a hearing, it must provide the litigant notice of the proposed sanctions and the opportunity to be heard to satisfy Rule 11 and the Due Process Clause. See Merriman v. Sec. Ins. Co. of Hartford, 100 F.3d 1187, 1191–92 (5th Cir.1996).

Martin is hereby notified that the Court is considering imposing sanctions sua sponte against him for violating his Rule 11(b) obligations, including potential monetary sanctions and a pre filing injunction prohibiting Martin from filing or removing any civil action in the San Antonio Division the United States District Court for the Western District of Texas unless he first seeks leave and obtains permission from a district judge in this district.

The Court has determined that Plaintiff has likely violated Rule 11(b). When he removed the 2014 Tax Suit to federal court for the second time, Martin had been reminded on multiple occasions that federal defenses do not create federal subject matter jurisdiction. See Cnty. Of Bexar v. Gilliam,

No. SA-09-CA-949-FB, ECF No. 14 at 6 (W.D. Tex. Mar. 3, 2010); Cnty. Of Bexar v. Martin, No. 5:17-CV-219-DAE, 2017 WL 4510598, at *3 (W.D. Tex. May 5, 2017).

While this removal may seek to invoke different federal defenses to the tax assessment than those raised in his previous attempts to remove state tax cases to federal court, Martin has not identified any ensuing change in the underlying law that a federal defense to a state-law claim does not create federal question jurisdiction. The Court cannot state it more clearly: this state court property tax case does not belong in federal court. In addition to repeatedly advancing these clearly meritless and frivolous arguments, Martin has in the time since removal filed nearly a dozen motions, responses, objections, and other documents totaling approximately 400 pages.

The Court cannot discern any purpose for these various filings other than harassment and delay. Accordingly, the Court will require Plaintiff to show cause why sanctions should not be imposed against him for violation of Rule 11.

CONCLUSION

Tax Authorities' motion to remand (ECF No. 8) is GRANTED. This case is therefore REMANDED pursuant to 28 U.S.C. § 1447(c), (d)

for lack of subject matter jurisdiction. The Clerk is directed to REMAND this case to the 45th District Court of Bexar County, Texas pursuant to 28 U.S.C. § 1447(d) and to close this case.

IT IS FURTHER ORDERED that all other pending motions, including Defendant's motion for a more definite statement (ECF No. 10), motion to consolidate this case with the Bravenec Action (ECF No. 11), amended motion to dismiss (ECF No. 18), and amended motion to dismiss the motion to remand (ECF No. 22) are MOOT.

IT IS FURTHER ORDERED that Martin's response to the motion for remand (ECF No. 14) is STRICKEN as untimely and for exceeding the page limit without leave of this Court.

IT IS FURTHER ORDERED that, within 21 days of the filing of this Order, Martin shall show cause why monetary sanctions should not be imposed against him pursuant to Rule 11(a).

It is so ORDERED.

SIGNED this 18th day of July, 2022.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE

APPENDIX D3 - ORDER OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS DATED AUGUST 24, 2022

Text Order DENYING 26 Motion for Relief from Court's Remand Order entered by Judge Xavier Rodriguez. The Court has already remanded this case for lack of subject matter jurisdiction, Dkt. No. 24 , and jurisdiction has been returned to the state court, Dkt. No. 25 . Section 1447(d) of Title 28 provides that "[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." "This language has been universally construed to preclude not only appellate review but also reconsideration by the district court." Seedman v. United States Dist. Court for Cent. Dist. of Calif., 837 F.2d 413, 414 (9th Cir. 1988) (citing cases). Section 1447(d)'s preclusion of review of any kind applies to all remand orders issued under § 1447(c) and invoking the grounds specified therein, including specifically a lack of subject matter jurisdiction. Thermtron Prods., Inc. v. Hermansdorfer, 423 U.S. 336, 346 (1976). Such remand orders are non-reviewable even if erroneous, once the clerk of court mails the certified copy of the remand order, which divests the district court of jurisdiction. Id. at 351; Shapiro v. Logistec USA, Inc., 412 F.3d 307, 310 (2d Cir. 2005); Arnold v. Garlock, Inc., 278 F.3d 426, 437

(5th Cir. 2001) ("[E]ven if it later decides the order was erroneous, a remand order cannot be vacated even by the district court."); see also Bender v. Mazda Motor Corp., 657 F.3d 1200 (11th Cir. 2011) (review by Rule 60 motion barred by section 1447(d)). Here, the Court remanded for lack of subject matter jurisdiction under § 1447(c). See Dkt. No. 24 . The remand order is not reviewable, even if erroneous, because the certified copy has been mailed. See Dkt. No. 28 . The Court no longer has jurisdiction in this case and further motions will be summarily denied. To the extent that Plaintiff seeks relief from the Court's show cause order, the Court observes that it has not imposed Rule 11 sanctions on Martin, and, accordingly, he has no need for relief. (This is a text-only entry generated by the court. There is no document associated with this entry.) (cb) (Entered: 08/24/2022)."

APPENDIX C1: ORDER OF THE TEXAS FOURTH DISTRICT OF APPEALS DATED DECEMBER 4, 2014 (CATHERINE STONE, CHIEF JUSTICE)

Fourth Court of Appeals
San Antonio, Texas

December 4, 2014

No. 04-14-00483-CV

Rowland MARTIN, Jr.,
Appellant
v.
Edward L. BRAVENEC and 1216 West Ave., Inc.,
Appellees

From the 285th Judicial District Court, Bexar County, Texas
Trial Court No. 2014-CI-07644
Honorable Dick Alcala, Judge Presiding

ORDER

Pending before the court are appellant's motion for rehearing, appellees' response to appellant's motion for rehearing, and appellant's supplemental motion for rehearing and motion for sanctions. Appellant's motion for rehearing is GRANTED. This court's prior opinion and judgment dated October 1, 2014,

are WITHDRAWN, and this case is REINSTATED on the docket of this court. Appellant's supplemental motion for rehearing and motion for sanctions are DENIED.

Appellees' request for alternative relief contained in appellees' response to appellant's motion for rehearing is GRANTED IN PART. Based on this court's review of the clerk's record and the supplemental notices of appeal filed in this court which have been forwarded to the trial court clerk, see TEX. R. APP. P. 25.l(a), this court construes this appeal as an accelerated, interloc~ory appeal from: (1) the trial court's order dated July 17, 2014, granting a temporary ·injunction..,see TEX. CIV. PRAC. & REM. CoDE § 51.014(a)(4); and (2) the trial court's order dated July 17, 2014, denying appellant's motion to dismiss filed pursuant to section 27.003 of the Texas Civil Practice and Remedies Code (Texas Citizens Participation Act), see id. At § 27.008.

If appellant believes this court has jurisdiction to consider any other order contained in the clerk's record in this appeal, appellant is ORDERED to show cause in writing no later than ten days from the date of this order why this court has jurisdiction to consider any other interlocutory order. Any such response should contain a citation to a specific statute that gives this court jurisdiction to consider such interlocutory order. If

appellant elects not to file a response to this order, appellant's brief, which must be in compliance with TEX. R. APP. P. 38.1,

Catherine Stone, Chief Justice

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 4th Day of December, 2014.

Keith Tuttle
Clerk Of The Court

APPENDIX C2: ORDER OF THE TEXAS FOURTH DISTRICT OF APPEALS DATED DATED MARCH 26, 2014 (ORDER OF JUSTICE JASON K. PULLIAM)

Fourth Court of Appeals
San Antonio, Texas

March 26, 2015

No. 04-14-00483-CV

Rowland MARTIN, Jr.,
Appellant
v.
Edward L. BRAVENEC and 1216 West Ave., Inc.,
Appellees

From the 285th Judicial District Court, Bexar County, Texas
Trial Court No. 2014-CI-07644
Honorable Dick Alcala, Judge Presiding

ORDER

On March 25, 2015, this court received the appellant's reply brief. The brief violates Rule 38 of the Texas Rules of Appellate Procedure in that it contains no index to authorities or citations to the record, exceeds the page limit and contains improper certificate of service. While substantial

compliance with Rule 38 is sufficient, this court may require additional briefing or make any other order necessary for satisfactory submission of the case, See, TEX R. APP. P. 38.9(a).

It is therefore ORDERED that appellant file an amended brief correcting these deficiencies, See, id. The amended brief is due within seven days from the date of this order. If an amended brief is not timely filed, this court may prohibit the filing of another brief and proceed without the brief, or if the amended brief is not compliant with Rule 38, this court may strike brief and proceed without further filing, See, TEX. R. APP. P. 42.3(c)

Jason Pulliam, Justice

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 26th Day of March, 2015.

Keith Tuttle
Clerk Of The Court

APPENDIX D: LETTER OF THE PATENT AND TRADEMARK OFFICE ON MICRO ENTITY STATUS DATED MAY 1, 2019

United States Patent and Trademark Office

Rowland Martin
Attn: Rowland Martin
951 Lombrano
San Antonio, Tx

Dear Sir/Madam, May 01, 2019

The United States Patent and Trademark Office (US PTO) has reviewed your refund request for Reference Number 13026246"- Refund Request ID REFND-20181217-00030. Beloi,y is the current status of your refund request assigned to the following processing area: Office of Petitions

Fee Code	1999
Decision	Dismissed
Decision Reasons	Micro Entity status was not filed prior to or with payment (37 CFR 1.29)
Refund Amount	$0.00

Please refer to the following page to review the detailed dismissal reason(s) .

You will receive a separate decision letter for any additional fee codes assigned to other processing areas, if applicable. Decisions may be subject to change if an error is identified.

For questions related to this refund request, contact the Office of Petitions Helpdesk at (571) 272-3282.

Thank you
Refund Branch

Enclosure: Refund Dismissal Reason

APPENDIX E: BEXAR COUNTY DEED RECORD FOR 1216 WEST AVE.

THIRD PARTY PURCHASE MONEY
VENDOR'S LIEN

LIEN TRANSACTION:
DATE: October 31, 2003 (Deed Records Volume 10406, Pages 1601 and 1606).

SUBJECT
PROPERTY: 1216 West Ave., City San Antonio and County of Bexar, Texas

GRANTOR: Morocco Ventures, LLC.

GRANTEE AND
OWNER: Rowland J. Martin, Jr.

THIRD PARTY BENEFICIARIES
AND INDEMNITEES:

Estate of Johnnie Mae King, Probate Case No. 2001-PC-1263 and Nicolas Williams.

MAILING ADDRESS: 951 Lombrano, San Antonio, Texas 78207

PURPOSE OF THE
RECORDING: This re-recording of the lien interest created on October 31, 2003 memorializes the property interests that vested in the Owner on that date for ease of reference in on-going judicial proceedings. It is expressly disclaimed that the line was first created on October 14, 2015.

CONSIDERATION: The lien re-recorded Herein is claimed against the grantor, Morocco Ventures, LLC, and all those claiming under the grants recorded as the (First) Deed of Trust to Roy Ramspeck and Annette G. Hanson, and as the (Second) Deed Of Trust to Albert McKnight and Edward Bravenec. The lien constitutes consideration for a payment in the amount of $135,000, which was made by the Owner, in his individual capacity, to Roy Ramspeck and Annette G. Hanson as a credit to enable the grantor and debtor entity, Mo.roco Ventures, LLC, to acquire the subject property for a purchase price of $284,500. The lien is referenced in the Warranty Deed with Vendor's Lien recorded in Volume 10406 Page 1601 as "other valuable consideration," and is further referenced in the

(First) Deed Of Trust recorded in Volume 10406 Page 1606, in the section on "Other exceptions to Conveyances and Warranty," by way of express words of reservation stating that the conveyance is subject to "other than liens and conveyances," and in paragraph 14 of "General Provisions," where it is expressly stated that "The creation of a subordinate lien ... will not entitle Beneficiary to exercise the remedies provided" for the acceleration of the note. Consideration was given by Albert McKnight and Edward Bravenec, during an attorney client 'relationship in Probate Case No. 2001-PC-1263, In the Second Deed Of Trust granted by Morocco Ventures, LLC in Document #20050099395 on Mays, 2005, by way of "Prior Lien reservations, and by way of the stipulation in paragraph 4 of the "General Provisions, with limitations on the second lien stating that "This lien shall remain superior to liens created later[]."

PROPERTY DESCRIPTION: The property commonly known as 1216 West Ave, in San Antonio, Texas, is legally described as "Lots 1, 2, and 3, Block SO, new City Block 8806, LOS ANGELES HEIGHTS," and as further described in the attachment to this record.

Book 17508 Pase 1659 3pgs

[Page 1]

RETROACTIVE RESERVATIONS AND EXCEPTIONS TO CONVEYANCES AND WARRANTIES:

1. Until further notice, the lien interest herein re-recorded is subject to the indemnification obligations set forth in the Heirship Settlement Agreement in Probate Case No. 2001-PC-1263. It is declared that any and all interests in title claimed under the second deed of trust granted to Albert McKnight and Edward Bravenec are subject to the priority assigned by law to the vendors' lien herein recorded. The latter is made executory and inferior in relation to the purchase money lien by virtue of contractual exceptions to the conveyance in the first deed of trust, to wit: "all rights, obligations, and other matters emanating from and existing by reason of the ... operation of any governmental district, agency or authority," Bexar County Deed Records, Vol.10406 Page 1607. By virtue of express provisions that subject the second deed of trust to the first deed of trust, Owner claims equitable title under DTND Sierra Investments v.

HSBC Bank U.S.A., Case No. 14-51142 (5'" Cir., 2015), a court decision which by operation of law renders the interests acquired by Albert McKnight and Edward Bravenec by foreclosure on October 3, 2006 executory and inferior in relation to the lien herein re-recorded.

2. It is declared that deed transfers from Albert McKnight and Edward Bravenec to assignees and successors in interest, including 1216 West Ave., Inc., Edward Bravenec, and Torralba Properties, Inc., are subject to the notice of lis pendens, and future amendments thereto if any, which was referenced in the decision of the Texas Fourth District Court Of Appeals in Martin v. Bravenec, et al, Case No. 04-14 00483-CV, 2015 WL 2255139 (Tex. App. - San Antonio, rehearing denied June 8, 2015).

3. The owner disclaims liability for the recording of notices of lis pendens under authority of the decision of the U.S. Court of Appeals for the Fifth Circuit in Martin v. Bravenec, et al, Case No. 14-50093 (5th Cir., judgment filed October 2, 2015), wherein the court vacated the order of the U.S. District Court in Case No. SA 11-CV-0414

dated December 27, 2013, on abuse of discretion and due process grounds.

4. The Owner received a leasehold interest in the subject property in lieu of monetary consideration which was recorded in the records of the Bexar County Appraisal District as a homestead.

Dated: October 14, 2015 /s/
Rowland J. Martin

STATE OF TEXAS
COUNTY OF BEXAR

This instrument was acknowledged before me on the 14th day of October 2015, by Rowland J. Martin in his capacity as a third party purchase money lien creditor of the limited liability company known as Moroco Ventures, LLC, whose charter is presently inactive.

CHARLCYE LANAE GLENWINKEL
Notary Public, State ot Texas
My commission Expires: June 02. 2019
/s/
Notary Public, State of Texas

APPENDIX F: CONSTITUTIONAL AND STATUTORY PROVISIONS

Article I, Section 8, Clause 8:

The Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

Amendment V:

No person shall … be subject for the same offense to be put twice in jeopardy … nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI, Paragraph 2:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved … to the people.

28 U.S.C. 1295(a)(1)

The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction — …of an appeal from a final decision of a district court of the United States … in any civil action arising under, or in any civil action in which a party has asserted a compulsory counterclaim arising under, any Act of Congress relating to patents or plant variety protection.

28 U.S.C. 2674

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages …

With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the

employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled ...

TEXAS TAX CODE Section 33.05(b)

b) A tax delinquent for more than the limitation period prescribed by this section and any penalty and interest on the tax is presumed paid unless a suit to collect the tax is pending.

(c) If there is no pending litigation concerning the delinquent tax at the time of the cancellation and removal, the collector for a taxing unit shall cancel and remove from the delinquent tax roll:

(1) a tax on real property that has been delinquent for more than 20 years;

(2) a tax on personal property that has been delinquent for more than 10 years; and

(3) a tax on real property that has been delinquent for more than 10 years if the property has been owned for at least the preceding eight years by a home-rule municipality in a county with a population of more than 3.3 million.

TEXAS TAX CODE Section 32.05(c)

(c) A tax lien provided by this chapter is inferior to:

(1) a claim for any survivor's allowance, funeral expenses, or expenses of the last illness of a decedent made against the estate of a decedent as provided by law;

(2) except as provided by Subsection (b)(2), a recorded restrictive covenant that runs with the land and was recorded before January 1 of the year the tax lien arose; or

(3) a valid easement of record recorded before January 1 of the year the tax lien arose.

APPENDIX F: EXCERPTS FROM THE ORAL ARGUMENT TRANSCRIPT IN OIL STATES ENERGY SERVICES

Excerpt #1: Transcript Pages 31 - 34

CHIEF JUSTICE ROBERTS: So your - your position, it strikes me, is simply that you've got to take the bitter with the sweet. If you want the sweet of having a patent, you've got to take the bitter ...

MR. KISE: Yes -- yes, Mr. Chief Justice.

Excerpt #2: Transcript Pages 45 - 46

CHIEF JUSTICE ROBERTS: Well, haven't our cases rejected that -- that proposition? I'm thinking of the public employment cases, the welfare benefits cases. We've said you - you cannot put someone in that position. You cannot say, if you take public employment, we can terminate you in a way that's inconsistent with due process.

MR. KISE: I -- I don't think, respectfully, Mr. Chief Justice, this is inconsistent with due process. I also think that the scheme itself is set up so that these rights are taken subject to the power of Congress to determine patentability.