

No. **24 - 6531**

**ORIGINAL**

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

**JAN 15 2025**

OFFICE OF THE CLERK

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Mary Ruffin,  
Petitioner,

Mark Henry,  
Respondent.

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On Petition for a Writ of Certiorari to  
the Supreme Court of United States for the First Supreme Judicial  
District of Texas

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PETITION FOR WRIT OF CERTIORARI

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**JAN 22 2025**

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SUPREME COURT, U.S.

## I. QUESTIONS PRESENTED

1. Whether the lower court's failure to honor a Statement of Inability to Afford Payment of Court Costs after filing, without any contest, thereby imposing improper bond fees, violated the petitioner's procedural due process rights under the Fourteenth Amendment.
2. Whether a judge's ruling is valid when the court explicitly states it lacks jurisdiction over the case, and whether such a ruling constitutes an overreach of judicial authority which leads to the violation of the Fourteenth Amendment?
3. Whether the Civil Court at Law violated the petitioner's procedural due process rights under the Fourteenth Amendment by ordering the petitioner to pay \$16,350 in attorney fees, despite lacking jurisdiction under de novo review, as the Justice of the Peace Court lacked initial jurisdiction.
4. Whether it is legally permissible for an attorney to charge for legal fees for actions such as filing a Writ of Mandamus in a court that is known to lack jurisdiction, thereby wasting time and resources of the opposing party (causing undue hardship), and whether such fees can be deemed reasonable under Texas Civil Practice and Remedies Code Section 74.351(b)(1)."

5. . Whether the Court of Appeals violated the petitioner's procedural due process rights under the Fourteenth Amendment by ruling that the Justice of the Peace Court has exclusive jurisdiction over healthcare claims, in conflict with legislative determinations regarding the types of cases that can be heard in the Justice of the Peace Court, thus necessitating clarification on jurisdictional authority.
  
6. Whether a mandate and subsequent judicial actions are valid when the original transfer of the case to the presiding judge was incomplete, lacking the necessary judicial signature, thereby questioning the authority under which the mandate was rendered, thus violating the petitioner's procedural due process rights under the Fourteenth Amendment.

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#### IV. PARTIES TO THE PROCEEDING

The Parties to the proceeding in the courts, whose judgments or orders are subject to this Petition, include:

Petitioner Mary Ruffin (Plaintiff in the trial court (Civil Court At Law 2 Harris County), Appellant in the Fourteenth Court of Appeals, and Petitioner in the Supreme Court of Texas).

Respondent Mark Henry (Defendant in the trial Court (Civil Court At Law 2 Harris County) the Appellee in the Fourteenth Court of Appeals, and the Respondent in the Supreme Court of Texas).

## V. Petition for Writ of Certiorari

Mary Ruffin (Petitioner) respectfully petitions this court to grant this writ of certiorari in pursuant to 28 U.S.C. § 1257.

This statute allows the Supreme Court to review final judgments or decrees from the highest court of a state if they involve federal questions, such as the validity of a treaty, statute, or any constitutional right under the laws of the United States. It ensures the Supreme Court can address issues involving federal law or constitutional questions.

In which these Questions Presented has great significance and great importance to the welfare of the public.

## VI. Opinion Below

(a)

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It would have taken thirty seconds for any of the Respondent Representatives to file a Motion that the Justice of Peace Court lacked Jurisdiction. In which the statute was not toll because the Petitioner by error filed, the case in the wrong Court.

If the Justice of Peace simply dismiss for Lack of Jurisdiction the Petitioner files the case in the District Court with the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond but Instead License Attorneys filed fraudulent behavior and threatening behavior to keep the case from ever been litigated.

It cost the Plaintiff financially nearly a thousand dollars (filings, bonds, court fees, etc.) and the denial of due process.

The Justice of Peace (Precinct 7 Place 1) Judgment dated May 18, 2022, in reference to Mary Ruffin (Petitioner) vs. Mark Henry (Respondent) Cause Number- 217200271690 listed at the top of the document, that she lacked Jurisdiction and then in the body ruled on the merits of the case. (**Appendix A**).

The Civil Court At Law 2 (Harris County) Mary Ruffin vs. Mark Henry Cause Number- 1187565 SIGNED A ORDER GRANTING DEFENDANT MARK HENRY'S MOTION TO DISMISS PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE §74.351 (**Appendix B**).

The Civil Court at Law 2 (Harris County) unsigned transfer ORDERS submitted to the Respondent Counsel and to the Petitioner (**Appendix C**).

The Fourteenth Court of Appeals Memorandum Opinion dated February 22, 2024, Affirming the Civil Court At Law 2 (Harris County) Judgment signed on September 27, 2022 (**Appendix D**).

The Supreme Court of Texas document Denying the Petition for Review on August 30, 2024 (**Appendix E**).

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It would have taken thirty seconds for any of the Respondent Representatives to file a Motion that the Justice of Peace Court lacked Jurisdiction. In which the statute was not toll because the Petitioner by error filed, the case in the wrong Court.

If the Justice of Peace simply dismiss for Lack of Jurisdiction the Petitioner files the case in the District Court with the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond but Instead License Attorneys filed fraudulent behavior and threatening behavior to keep the case from ever been litigated.

It cost the Plaintiff financially nearly a thousand dollars (filings, bonds, court fees, etc.) and the denial of due process.

The Supreme Court of Texas document Denying Motion for Rehearing on the Petition for Review dated October 18, 2024 (Appendix F).

The Fourteenth Court of Appeal Mandate dated October 24, 2024 (Appendix G).

(b)

Unrelated Case demonstration that the Justice of Peace Jurisdiction (related to the type of cases that can be heard ) Needs Resolving

Justice of Peace Precinct 1 Place 1 Cause Number 211100355811 Tenikia Mayfield (Petitioner) vs. Neil Doherty (Respondent) signed ORDER granting Motion to Dismiss Pursuant to Tex. Civ. Prac. & Rem. Code §74.351(a) (Appendix H).

The Petitioner paid a bond fee and appealed de novo Tenikia Mayfield (Petitioner) vs. Neil Doherty (Respondent) Cause Number 1197387 and the Civil Court At Law 2 (Harris County) same Judge that ruled on my case dismissed pursuant to Tex. Civ. Prac. & Rem. Code §74.351(a) (Appendix I).

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It would have taken thirty seconds for any of the Respondent Representatives to file a Motion that the Justice of Peace Court lacked Jurisdiction. In which the statute was not toll because the Petitioner by error filed, the case in the wrong Court.

If the Justice of Peace simply dismiss for Lack of Jurisdiction the Petitioner files the case in the District Court with the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond but Instead License Attorneys filed fraudulent behavior and threatening behavior to keep the case from ever been litigated.

It cost the Plaintiff financially nearly a thousand dollars (filings, bonds, court fees, etc.) and the denial of due process.

(C)

**Local Rules of the Harris County Civil Courts At Law**

**Refer to 3.2.5. *By Agreement***

3.2.5. By Agreement. Any case may be transferred from one court to another by written order of the administrative Judge of the County Civil Courts at Law division or by written order of the judge of the court from which the case is transferred; provided, however, that in the later instance, the transfer must be with the written consent of the court to which the case is been transferred ( **Appendix Exhibit J**).

(D)

**Documents Related to the Tex. R. Civ. P. 145**

**The Statement of Inability to Afford Payment of Court Costs or Appeal Bond filed to Justice of Peace Court (Precinct 7 Place 1) (Appendix K).**

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It would have taken thirty seconds for any of the Respondent Representatives to file a Motion that the Justice of Peace Court lacked Jurisdiction. In which the statute was not toll because the Petitioner by error filed, the case in the wrong Court.

If the Justice of Peace simply dismiss for Lack of Jurisdiction the Petitioner files the case in the District Court with the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond but Instead License Attorneys filed fraudulent behavior and threatening behavior to keep the case from ever been litigated.

It cost the Plaintiff financially nearly a thousand dollars (filings, bonds, court fees, etc.) and the denial of due process.

Document Deposit in Lieu for Appeal (Small Claims or Debt Claims) where I was instructed to post bond. (no contest was filed) (Appendix L).

The Petitioner was then instructed to pay \$350.00 Filing Fees when the Lead Clerk (Joe Belalcazar) for Teneshia Hudspeth Clerk Office refused to file another Statement of Inability (Appendix M).

The Petitioner was so hungry one day due to having to come up with \$350.00 (unable to eat and to have the necessities of life) because she tried to use the system the court designed for disputes until she passed out.

## VII- JURISDICTION

Mary Ruffin (Petitioner) Petition for Review was denied by the Supreme Court of Texas on October 18, 2024.

Mary Ruffin (Petitioner) Motion for Rehearing on the Petition for Review was denied by the Supreme Court of Texas on October 18, 2024.

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It would have taken thirty seconds for any of the Respondent Representatives to file a Motion that the Justice of Peace Court lacked Jurisdiction. In which the statute was not toll because the Petitioner by error filed, the case in the wrong Court.

If the Justice of Peace simply dismiss for Lack of Jurisdiction the Petitioner files the case in the District Court with the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond but Instead License Attorneys filed fraudulent behavior and threatening behavior to keep the case from ever been litigated.

It cost the Plaintiff financially nearly a thousand dollars (filings, bonds, court fees, etc.) and the denial of due process.

The Chief Justice of the Fourteenth Court of Appeals Mandated the case on October 24, 2024.

Mary Ruffin (Petitioner) invokes this court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the Supreme Court of Texas denial of the Motion for Rehearing on the Petition for Review.

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It would have taken thirty seconds for any of the Respondent Representatives to file a Motion that the Justice of Peace Court lacked Jurisdiction. In which the statute was not toll because the Petitioner by error filed, the case in the wrong Court.

If the Justice of Peace simply dismiss for Lack of Jurisdiction the Petitioner files the case in the District Court with the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond but Instead License Attorneys filed fraudulent behavior and threatening behavior to keep the case from ever been litigated.

It cost the Plaintiff financially nearly a thousand dollars (filings, bonds, court fees, etc.) and the denial of due process.



## VIII. STATUTORY PROVISIONS AND CONSTITUTIONAL INVOLVED

The Statute 28 U.S.C. § 1257 allows the Supreme Court to review final judgments or decrees from the highest court of a state if they involve federal questions, such as the validity of a treaty, statute, or any constitutional right under the laws of the United States. It ensures the Supreme Court can address issues involving federal law or constitutional questions.

This Petition to grant this Writ of Certiorari petitions the Supreme Court of the United States to review the decision of a lower court.

This Petition to grant this Writ of Certiorari petitions the Supreme Court to hear this case and resolve the questions presented because violations of the Fourteenth Amendment has great significance and is of great importance to the public welfare.

### U. S CONSTITUTION -FOURTEENTH AMENDMENT – SECTION 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.

## IX. STATEMENT OF CASE

The Petitioner filed this Healthcare Claim in the Justice of Peace Court (Precinct 7 Place 2) on September 21, 2021. (unaware it was the wrong court).

The Petitioner attempted numerous times to resolve this dispute before this initiation, but the Respondent ignored them all.

The Respondent Attorney Timothy Hootman made an appearance on October 5, 2021. By filing an ANSWER stating the Plaintiff petition fails because she did not comply with the Texas Medical Care Liability Act's pre-suit notice requirements; namely she did not send a notice or expert report 120 days before filing the suit. Tex. Civ. Prac. & Rem. Code §74. 351 (a).

Attorney Kimberly Dang and Attorney Cris Feldman filed a Motion for Substitution which failed to comply with the Tex. R. Civ. P. 10 for "good cause" they offered no reason for the substitution but requested an ORDER the court Never signed the ORDER.

However, the two began to file documents, participating in hearings.

Throughout this legal litigation no ORDERS for substitution were signed. The Attorneys for the Respondent repeatedly substitute attorneys to cover up dishonesty, fraud, and deceitful behavior.

The Fourteenth Court of Appeals (Memorandum Opinion for this case – Please Refer Appendix D- Page 4) it states, “Rule 8 of the Rules of Civil Procedure governs the designation of an attorney in charge” “An attorney in charge may be changed by filing a written notice with the service to other parties. Tex. R. Civ. P. 8. The rule does not expressly require a motion or that an order must be signed. The Motion to substitute counsel expressly states that Hootman would withdraw, and that Feldman and Dang would represent Henry going forward. Thereafter, Feldman and Dang filed numerous documents and appeared before the court on Henry’s behalf. We conclude the motion to substitute counsel, which was not ruled upon by the court, satisfies the requirement of written notice.”

**It is noteworthy; Tex. R. Civ. P. 8: Attorney in Charge:**

Purpose: This rule designates the attorney responsible for the case once a party makes its first appearance through counsel.

**Key Point:**

- (a) The attorney whose signature first appears on the initial pleadings is automatically considered the attorney in charge.

**Tex. R. Civ. P 10: Withdrawal of Attorney:**

Purpose: This rule governs the formal process for an attorney to withdraw from representing a client and, if applicable, substitute for another attorney.

Key Points:

- (b) The attorney seeking to withdraw must file a written motion showing good cause for withdrawal.
- (c) If another attorney is to be substituted, the motion must provide the name, address, and contact information of the new attorney and the client's approval of the substitution.
- (d) The court **must** approve the withdrawal and the substitution of the counsel.

In summary, **Rule 8** deals with the designation and communication responsibilities of the attorney in charge, while **Rule 10** handles the formal process for an attorney's withdrawal and substitution, requiring court approval.

The **Texas Rules of Civil Procedure** were established by the **Supreme Court of Texas**.

Therefore, the Fourteenth Court of Appeals explanation to the Substitution of Counsel is direct conflict with the rules established by the Supreme Court.

In addition; if the Fourteenth Court of Appeals believed that the substitution was proper then why would they continued to sent their notices to Attorney Timothy Hootman.

Attorney Kimberly Dang and Attorney Cris Feldman filed a document Titled “Motion to Dismiss Pursuant to Texas Civil Practice & Remedies Code 74.351(a)” with the Justice of Peace Court (Precinct 7 Place 1).

The Argument was based on the opposite of what Attorney Hootman (who made the appearance) argued (Expert Report is submitted 120 days before the lawsuit is filed)– they argued that the Expert Report should be filed 120 days after the Answer was filed both referencing their argument to the same statute Texas Civil Practice & Remedies Code 74.351(a).

The Court did not GRANT the Motion for Dismissal Pursuant to Tex. Civ. Prac. & Rem. Code §74. 351 (a).

Therefore; Attorney Kimberly Dang and Attorney Cris Feldman then on April 25, 2022, filed a Writ of Mandamus because it was no signature on the ORDER.

The two did not serve the document on the parties until May 11, 2022.

The Writ of Mandamus was not filed to ORDER the judge to sign the Substitution of Counsel ORDER.

The court on May 18, 2022 (without a proper notice conducted a hearing by Zoom – after the court had conducted a previous hearing in person and indicated all hearings here on out are now in person).

Justice of Peace (Precinct 7 Place 2) submitted a Dismissal (at the top) it indicated lack of jurisdiction and in the body of the document she ruled on the merits of the case.

The court clerk indicated, "a bond needed to be posted."

The Petitioner then filed a Statement of Inability to Afford Payment or an Appeal Bond.

The Justice of Peace Clerk Office accepted the document but refused to honor it.

The court instructed the Petitioner to file a \$500.00 bond and pay court costs.

The Petitioner pawned items which were never retrieved because it would have denied me necessities of life.

The rule allowing one to proceed without being required to pay costs or give security thereof ...do not require the litigant to borrow money which cannot be repaid except by depriving the litigant of the necessities of life. Goffney, 554 S.W. at 159.

The Civil Court at Law lacks jurisdiction on an appeal de novo unless the justice court had jurisdiction. Goggins v. Leo, 849 S.W. 2d. 373, 375 (Tex. App. Houston [ 14<sup>th</sup> Dist.] 1993, no writ).

The Justice of Peace Court then submitted the case to the wrong court.

The Case was Titled as an “Contract Debt” because the parties was aware the Civil Court At Law would not have jurisdiction over a Healthcare Claim de novo.

In addition, the case was originally assigned to Civil Court at Law 3 (the court that the Writ of Mandamus) had been assigned to.

Therefore, the Judge recused and the begun the transfer procedural of the case to Civil Court At Law 2 (Harris County) however the transfer was invalid because it was never by written consent of the court to which the case is transferred. (Local Rules of Harris County Civil Courts at Law Rule 3.2.5).

The Fourteenth Court of Appeals (Memorandum Opinion Cause Number-14-22-00886 CV – Please Refer to Appendix D- Page 4) indicated, “the transfer order was signed both by the division presiding judge and the judge of County Court No. 3. The local rules from the Harris County Courts at Law provide that “[a]ny case may be transferred from court to another court by written order of the administrative Judge of the County Civil Courts at Law division....” See Local R. 3.2.5.

Local Rules of the Harris County Civil Courts at Law:

3.2.5. By Agreement. Any case may be transferred from one court to another court by written order of the administrative Judge of the County Courts at Law division or by written order of the judge of the court from which the case is

transferred; provided, however, that in the later instance, the transfer must be with the written consent of the court to which is been transferred.

Therefore, the Fourteenth Court of Appeals explanation is a direct conflict with the Board of Judges and the administrative Judge of Harris County. (The Board of Judges is responsible for creating and approving local rules, while the Administrative Judge oversees the implementation and enforcement of these rules).

The Civil Court At Law 2 (Harris County) Dismissed by signing an ORDER GRANTING DEFENDANT MARK HENRY'S MOTION TO DISMISS PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE § 74.351 on September 27, 2022.

The Civil Court At Law 2 (Harris County) ORDERED the Petitioner to pay attorney fees of \$16, 350.

It's unconstitutional for the Petitioner to be ORDERED to pay Attorney fees for documents, time, and resources that license attorney would know the Justice of Peace lacked jurisdiction of the subject matter.

The case was appealed and assigned (Case Number 14-22-00886-CV) to the Fourteenth Court of Appeals.

The Fourteenth Court of Appeals on February 22, 2024, affirmed the Civil Court At Law 2 (Harris County) Dismissal.



In addition, in the Memorandum Opinion the Fourteenth Court of Appeals (Please see Appendix D- Page 3) stated “in addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction ... civil matters in which exclusive jurisdiction is not the district or county court.”

In which is a direct conflict with Texas Legislature and Fourteenth Court of Appeals.

The Texas Legislature established Chapter 27 of the Texas Government Code that govern the functioning and responsibilities of Justice Courts in Texas.

The Petitioner on February 23, 2024, filed a Motion for Rehearing

The Fourteenth Court of Appeals denied it on February 29, 2024.

The Petitioner on April 12, 2024, filed a Petition for Review to the Supreme Court of Texas.

The Petition for Review was assigned Cause Number 24-0303.

The Petition for Review was DENIED on August 30, 2024.

The Petitioner on September 13, 2024, filed a Motion for Rehearing of the Petition for Review.

The Supreme Court of Texas DENIED on October 18, 2024.

The Chief Justice (Tracy Christopher) for the Fourteen Court of Appeal Mandated the case on October 24, 2024, indicating “we have inspected the record and find no error in the judgment.”

The record reflects this case has nothing but reversible errors and abuse of discretion in which lead to a federal question involving the Fourteenth Amendment in which qualifies for one of the 1% of cases that the writ of certiorari is granted.

## X. REASONS FOR GRANTING THE WRIT OF CERTIORARI

### QUESTION PRESENTED NUMBER 1

1. Whether the lower court's failure to honor a Statement of Inability to Afford Payment of Court Costs after filing, without any contest, thereby imposing improper bond fees, violated the petitioner's procedural due process rights under the Fourteenth Amendment.

It is noteworthy; when the clerks fail to honor the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond without any contest, imposes bond fees, it is an violation of the Fourteenth Amendment.

It means the court ignored established procedures meant to protect individuals who cannot afford court fees without been denied the necessities of life.

It is noteworthy; when a Statement of Inability to Afford Payment or an Appeal Bond is not contested it is a matter of law.

If a Statement of Inability to Pay Court Costs is not contested, it means that no one has challenged the claim that the person cannot afford to pay the court fees.

As a result, the court will generally accept the statement at face value, and the individual will not have to pay the court costs associated with their case.

However, the clerks accepted the Statement of Inability to Afford Payment Court Costs or an Appeal Bond, the contest was not challenged but the Petitioner was instructed that bond fees and court fees must be paid.

Please Refer to Appendix K of this Writ of Certiorari.

The **Statement of Inability to Afford Payment of Court Costs or an Appeal Bond** rules are described in **Texas Rule of Civil Procedure 145**.

This rule outlines the requirements and procedures for filing a Statement of Inability to Afford Payment of Court Costs or an Appeal Bond.

The Texas Rules of Civil Procedure 145 (f) outlines the requirements of contest, hearing of the contest and the requirements of the ORDER.

When the clerks fail to adhere to the established rules it will deny due process.

1. It caused a **financial burden**: the fact that the Petitioner had to incur debt to post the bond further underscores the potential harm caused by this violation. Procedural due process aims to prevent such undue financial burdens when proper legal procedures are followed.

2. **Fairness and Equity:** Procedural due process ensures fairness and equity in legal proceedings. By not honoring the Statement of Inability, the court acted unfairly and inequitably, thus violating your constitutional rights.

Therefore, presenting this issue as part of this Petition for Writ of Certiorari highlights a significant due process concern. Including the financial impact that indigent people faced when Tex. R. Civ. P. 145 is not complied with, it emphasizes the seriousness of the violation.

This issue touches on the fairness and legality of the judicial process, in which is the core principle of procedural due process.

Our state Constitution and our rules of procedure recognize that our courts must be open to all with legitimate disputes, not just those who can afford to pay the fees to get in. TEX.CONST. art. 1, § 13 and TEX.R.CIV.P. 145.

The Texas Rules of Civil Procedure (Tex. R. Civ. P.) do not require a person to be denied necessities in order to pay court fees. In fact, Rule 145 of the Texas Rules of Civil Procedure states that a party who is unable to pay the costs of a suit may file an affidavit of inability to pay.

This rule ensures that access to the courts is not denied to individuals simply because they cannot afford to pay the associated fees.

Therefore this issue is of great importance to public welfare when the party files an Statement of Inability to Afford Payment or an Appeal Bond on the approved form , swear under penalty of perjury but without any contest is instructed to pay bonds and court fees when it leads to inability to get necessities.

## QUESTION PRESENTED ISSUE 2

2. Whether a judge's ruling is valid when the court explicitly states it lacks jurisdiction over the case, and whether such a ruling constitutes an overreach of judicial authority which leads to the violation of the Fourteenth Amendment?

The judge in the Justice of Peace (Precinct 7 Place 2) issued a document (at the top) indicating the court lacks jurisdiction, (but in the body of the document ruled on the merits) this action overstepped legal boundaries and violated procedural due process.

Please refer to Appendix A. (attached to this Writ of Certiorari).

Proper jurisdiction is a fundamental aspect of a fair legal process, ensuring that cases are heard by the appropriate court with the authority to decide on them.

1. **Impartial Tribunal:** Due process guarantees that cases are heard by an impartial tribunal with proper authority. A court that lacks jurisdiction but stills issues a judgment is not acting within its lawful authority, comprising the fairness of the process.

2. **Notice and Opportunity:** Parties are entitled to fair notice and a meaningful opportunity to be heard by a court with appropriate jurisdiction. If a court exceeds its jurisdiction, it undermines this fundamental right.
  
3. **Legitimate Legal Process:** The integrity of the legal process relies on courts operating within their defined jurisdiction. A judgment from a court without jurisdiction lacks legitimacy and can lead to unjust outcomes, violating due process.

The Fourteenth Court of Appeals states on Page 4 of the Memorandum Opinion (Please Refer to Appendix D attached to this Writ of Certiorari) “ that the Justice of Peace has exclusively jurisdiction of a Healthcare Claim.

Justice Courts have original jurisdiction over civil matters that are not within the jurisdiction of the district or county court.”

Therefore, that statement is a conflict of Texas Legislature, which is the lawmaking body of the state of Texas. The Texas Legislature consists of two chambers: the Texas House of Representatives and the Texas Senate in which establishes the laws pertaining to Chapter 27 of the Texas Government Code.

For a court to properly hear a case and make binding decisions, it must have jurisdictional of the amount, personal jurisdiction, subject- matter jurisdiction, and territorial jurisdiction.

The test for abuse of discretion requires us to determine whether the trial court acted in arbitrary or unreasonable manner without reference to any guiding rules or principles. *Jelinek v. Casas*, 328 S.W. 3d 526, 539 (Tex. 2010).

It is noteworthy; when courts act in an arbitrary or unreasonable manner or without reference to any guiding rules or principles it is an abuse of discretion. *Walker v. Gutierrez*, 111 S.W. 3d. 56, 62(Tex. 2003).

It is also noteworthy; this is a due process problem because Justice of Peace Courts are ruling on the merits when they lack the jurisdiction needed to make binding decisions. (Please Refer to Appendix H) in which is unrelated victim but an demonstration of the need that this issue is important to welfare of the public.

### QUESTION PRESENTED NUMBER 3

3. Whether the Civil Court at Law violated the petitioner's procedural due process rights under the Fourteenth Amendment by ordering the petitioner to pay \$16,350 in attorney fees, despite lacking jurisdiction under de novo review, as the Justice of the Peace Court lacked initial jurisdiction.

Civil Court at Law Ordering Payment of Attorney Fees Without Jurisdiction is an due process violation.



**Due Process Rights:** Due process under the Fourteenth Amendment ensures that a person cannot be deprived of life, liberty, or property without fair procedures and a fair trial. If the Civil Court at Law lacked jurisdiction, it means the court did not have the legal authority to adjudicate the matter or make any rulings on it, including ordering the Petitioner to pay \$16,350 in attorney fees.

This situation infringes upon my due process rights because of the lack of proper authority the court exceeded its jurisdiction, resulting to an unjust and unauthorized financial burden.

It also infringes on the fair legal process because procedural due process requires that legal actions be conducted by courts with proper jurisdiction. A decision made without such authority is fundamentally flawed and unfair.

The county court at law lacked jurisdiction on appeal de novo unless the justice court had jurisdiction. *Goggins v. Leo*, 849 S.W.2d 373, 375 (Tex. App.-Houston [14th Dist.] 1993, no writ).

The appellate jurisdiction of the county court at law is confined to the jurisdictional limits of the justice court. *Stroman v. Martinez*, No. 14-13-01143-CV, 2015 WL 2090497, at \*2 (Tex. App.-Houston [14th Dist.] May 5, 2015, no pet.) (mem. op.); *see also Color Tile, Inc. v. Ramsey*, 905 S.W.2d 620, 622 (Tex. App.-Houston [14th Dist.] 1995, no writ). (appellate jurisdiction of the county court is confined to the jurisdictional limits of the justice court, and the county court has no jurisdiction over the appeal unless the justice court had jurisdiction).

This issue is of great importance to the welfare of the public when courts are ORDERING parties to pay attorney fees when abuse of discretion has clearly been performed.

#### QUESTON PRESENTED NUMBER 4

4. Whether it is legally permissible for an attorney to charge for legal fees for actions such as filing a Writ of Mandamus in a court that is known to lack jurisdiction, thereby wasting time and resources of the opposing party (causing undue hardship), and whether such fees can be deemed reasonable under Texas Civil Practice and Remedies Code Section 74.351(b)(1).”

It is noteworthy; when attorneys acted in bad faith by filing unnecessary documents such as a writ of Mandamus, in a court known to lack jurisdiction relates to procedural due process in a few key ways:

**Unfair Legal Burden:** when attorneys knowingly file unnecessary documents in a court without jurisdiction, it imposes an undue financial and procedural burden. Procedural due process aims to protect individuals from such unfair treatment by ensuring legal processes are followed correctly and justly.

**Right to fair process:** The Fourteenth Amendment guarantees the right to a fair legal process. Actions taken in bad faith by attorneys that complicate or prolong legal proceedings can undermine this right, as they can lead to unnecessary legal costs and complications.

**Misuse of Legal Procedures:** Filing documents in a court that lacks jurisdiction can be seen as an abuse of legal procedures. This misuse can result in unfair disadvantages to the opposing party, violating the principles of due process.

If the Attorneys do not file, the Writ of Mandamus on the Justice of Peace Court threatening her to rule on the merits the case would have been dismissed for lack of jurisdiction.

Tex. Civ. Prac. & Rem. Code Ann. § 16.064 tolls limitations for those cases filed in a trial court that lacks jurisdiction, provided the case is refiled in a proper court within sixty days of dismissal. Tex. Civ. Prac. & Rem. Code Ann. § 16.064(a). The tolling provision does not apply to those cases in which the first filing is made with intentional disregard of proper jurisdiction. Tex. Civ. Prac. & Rem. Code Ann. § 16.064(b).

The Petitioner filed the case by error in the wrong court. Therefore, the behavior of the Attorneys lead to a violation of due process and additional funds that caused hardship.

The Petitioner would have filed the case in the correct court and timely submitted the Expert Report.

Therefore, this issue is important to the welfare of the public when attorneys threaten the court for Dismissals by filing unnecessary filings to a court in which they know lack subject matter jurisdiction to prevent the case from ever been litigated.

## QUESTION PRESENTED NUMBER 5

5. Whether the Court of Appeals violated the petitioner's procedural due process rights under the Fourteenth Amendment by ruling that the Justice of the Peace Court has exclusive jurisdiction over healthcare claims, in conflict with legislative determinations regarding the types of cases that can be heard in the Justice of the Peace Court, thus necessitating clarification on jurisdictional authority.

It is noteworthy; when the Justices of the Court of Appeal misstates or incorrectly identifies the type of case that the Justice of the Peace has jurisdiction over, potentially raise a due process concern under the Fourteenth Amendment. Here's why:

### **Jurisdictional Accuracy:**

Due Process requires that legal proceedings adhere to established rules and jurisdictional boundaries.

It is noteworthy; when the Fourteenth Court of Appeals failed to accurately state the jurisdiction of the Justice of Peace, it led to the improper handling of the case, impacting the fairness and legality of the proceedings.

### **Fair Notice and Opportunity to be Heard:**

Procedural due process ensures that parties have fair notice and an opportunity to be heard before an impartial tribunal. Misstating jurisdiction compromised that right, and the actions confirms that cases can be heard by courts that lack the authority to adjudicate them.

### **Legal Certainty:**

Correctly identifying jurisdictional boundaries is essential for legal certainty and consistency. Errors in stating jurisdiction led to confusion and undermined the integrity of the judicial process.

It is of great importance to the welfare of the public when the justice of the Court of Appeals is mistaking what type of cases can be exclusively heard in what type of courts.

### **QUESTION PRESENTED NUMBER 6**

6. Whether a mandate and subsequent judicial actions are valid when the original transfer of the case to the presiding judge was incomplete, lacking the necessary judicial signature, thereby questioning the authority under which the mandate was rendered, thus violating the petitioner's procedural due process rights under the Fourteenth Amendment.

It is noteworthy; in complete case transfer and subsequent judicial actions:

**Due Process Rights:** Procedural due process demands that legal procedures be followed correctly and that individuals have their cases handled by duly authorized courts. If the original transfer of the case was incomplete due to the lack of the necessary judicial signature, any actions taken by the presiding judge is invalid.

Please refer to the unsigned Transfers under Appendix C attached to this Writ of Certiorari.

**Validity of Judicial Actions:** Without a proper case transfer, the presiding judge's authority to rule on the case is questionable. This creates uncertainty and undermines the fairness of the legal process.

It is noteworthy; when the Justice of Peace Court refused to sign the ORDER Titled "Defendant Mark Henry's Motion to Dismiss Pursuant to Texas Civil Practice & Remedies Code § 74.351" filed by the Respondent Attorneys (who never received an ORDER for any type Substitution of Counsels) but she did not have jurisdiction of the subject matter, the Attorneys knew the importance of signatures on documents so they filed a Writ of Mandamus to get a signature.

The Attorneys did not care that the Transfer ORDER was not signed because the document Titled ORDER Granting Defendant Mark Henry's Motion to Dismiss Pursuant to Texas Civil Practice & Remedies Code §74.351 was signed by the Civil Court At Law 2 (Harris County).

Local Rules of the Harris County Civil Court At Law Rule 3.2.5. is clear it states, “ any case may be transferred from one court to another court by written order of the administrative Judge of the County Courts at Law division or by written order of the judge of the court from which the case is transferred; provided, however, that in the later instance, the transfer must be with the written consent of the court “to which the case is been transferred.

Please Refer to Appendix J attached to this Writ of Certiorari.

The legal authority for judicial actions to be valid, the process of transferring the case must adhere to legal requirements. An incomplete transfer questions the legitimacy of the mandate and any subsequent actions taken by the court.

Therefore this issue of the Chief Justice mandate this decision stating no errors have occurred is of great importance to the public welfare when parties of been ORDERED to pay excessive attorney fees ( when in thirty seconds an Motion to Dismiss for Lack of Jurisdiction could have been filed), Statement of Inability to Afford Court Costs or an Appeal Bond is been filed without contest but fees are been instructed to be paid, courts hearing cases de novo when the Justice of Peace lack jurisdiction of the subject – matter, when rules such as Transferring must be signed to validate the transfer is not obeyed, when the Fourteenth Court of Appeals is mistaking that the Justice of Peace has exclusive jurisdiction ( against the established laws of the Legislature, and the decision is been mandated because no errors occurred these issues are significate and important to welfare of the public.

## XI. CONCLUSION

These questions presented highlight violations of procedural due process, which is protected by the U.S. Constitution.

It is noteworthy; these federal questions emphasize their significance beyond just this case.

The Petitioner submitted under **Appendix H** a case from an unrelated party in which a Justice of Peace ruled on merits related to a Healthcare Claim (dismissed) on the merits.

These questions presented highlight violations of procedural due process, which is protected by the U.S. Constitution.

It is noteworthy; these federal questions emphasize their significance beyond just this case.

The same Judge in Civil Court At Law 2 (Harris County) dismissed another case and GRANTED Attorney fees when the court lacked jurisdiction to here this case de novo.

It shows that the legal principles involved have wider implications for the interpretation and application of laws and constitutional rights.



The Reason why this is important:

The Broader Impact the federal questions suggest that the issues at hand could affect other cases and individuals, thus making them more relevant to the higher courts, such as Supreme Court of the United States.

Constitutional rights: Highlighting constitutional violations (like due process under the Fourteenth Amendment) underscores the fundamental nature of the legal principles involved.

The Jurisdictional Clarify: questions about jurisdiction often have implications for the judicial system structure and functioning; making them important for ensuring justice is administered correctly and consistently across different courts.

This writ of certiorari explains these issues are not just personal grievances but involve significant legal questions that require this Supreme Court of the United States to resolve to eliminate the public as a whole from being denied rights granted through the constitution.

It is also noteworthy; these federal questions presented emphasize the need

for this Supreme Court of the United States to grant this writ of certiorari.

Respectfully Submitted:



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Certificate of Service

I certify this Writ of Certiorari, Appendix A- Appendix M, Motion For Leave to Proceed in *Forma Pauperis*, Statement of Inability to Afford Payment of Court Cost or an Appeal Bond, Letter for Lone Star Legal Aid ( Prima Facie Evidence), Proof Service Motion for Leave to Proceed in Forma Pauperis was mailed Priority to the Supreme Court of the United States to 1 First St. NE, Washington, DC 20543 on this 15<sup>th</sup> day of January of 2025.

I certify this Writ of Certiorari, Appendix A- Appendix M, Motion for Leave to Proceed in *Forma Pauperis* was scanned to Timothy Hootman – Law Firm email address [thootman2000@yahoo.com](mailto:thootman2000@yahoo.com), Feldman and Feldman ( Chris Feldman ) , [cris.feldman@feldman.law](mailto:cris.feldman@feldman.law) , Feldman and Feldman Law Firm – Derek Bauman email address [derek.bauman@feldman.law](mailto:derek.bauman@feldman.law) , Kimberly Dang Crain Caton & James Law firm email address [kdang@craincaton.com](mailto:kdang@craincaton.com) on this 15<sup>th</sup> day of January of 2025.