

ORIGINAL

No. _____

24-6844

FILED

MAR 21 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Gayle George — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

DC Court of Appeals

PETITION FOR WRIT OF MANDAMUS

Gayle George
(Your Name)

412 Quackenbos Street NW
(Address)

Washington DC 20011
(City, State, Zip Code)

202-882-2210
(Phone Number)

QUESTIONS PRESENTED

1. Is the Superior Court of the District of Columbia an agency of the District of Columbia government, over which Congress retains ultimate legislative authority under Article 1, Section 8 of the US Constitution pursuant to the District of Columbia Self-Government and Governmental Reorganization (Home Rule) Act of 1973 colloquially known as the DC Home Rule Act?
2. Does the District of Columbia Court of Appeals have a duty to provide a speedy judicial review of controversial orders issued by the Superior Court of the District of Columbia in a highly contested case pursuant to § 2–510 of the DC Code which states.

“(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review.”
3. Was the DC Appellate Court’s refusal to even file Relator’s Petition for Judicial Review and failure to provide clear guidance on the alternate code or rule to get the relief for which she was a dereliction of that duty?
4. Were legal determinations made on the bare assertion of DC Appellate Court’s clerical staff in the absence of any code citation or caveat in the rules governing Relator’s filing appropriate?
5. If the Supreme Court has determined “state-sponsored home equity theft” facilitated by local courts on the most vulnerable people in the country unconstitutional, ¹ are the laws, processes, and functions of states and municipalities that continue the practice also unconstitutional?

¹ Tyler v Hennepin County, Minnesota, 598 U.S. 6, 143 S. CT. 1369 2023

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Judges, Clerks and Judicial Officers of the
DC Court of Appeals

RELATED CASES

US Court of Appeals of the District of Columbia Circuit
25-5058

US District Court of the District of Columbia
24-01598

DC Court of Appeals

24-cv-1188

24-cv-583

24-cv-633

24-cv-561

23-cv-907

23-cv-1038

23-cv-625

DC Superior Court

24-cab-0965

24-cab-4154

24-cab-4234

14-cab-9263

22-116-2161

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 1/29/2025.
A copy of that decision appears at Appendix B.

☐ A timely petition for rehearing was thereafter denied on the following date: 2/13/2025, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article 1, Section 8 of the US Constitution describes the Enumerated Powers of Congress granted by the Legislative Branch of the US Government. Congress maintains ultimate legislative authority over the District of Columbia and its court pursuant to the District of Columbia Self-Government and Governmental Reorganization (DC Home Rule) Act (1973)

Clause 1 General Welfare

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 2 Borrowing

To borrow Money on the credit of the United States;

Clause 3 Commerce

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4 Uniform Laws

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Clause 5 Standards

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Clause 6 Counterfeiters

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Clause 7 Post Offices

To establish Post Offices and post Roads;

Clause 8 Intellectual Property

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;

Clause 9 Courts

To constitute Tribunals inferior to the supreme Court;

Clause 12 Army

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Clause 13 Navy

To provide and maintain a Navy;

Clause 14 Land and Naval Forces Rules

To make Rules for the Government and Regulation of the land and naval Forces;

Clause 15 Calling Militias

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16 Organizing Militias

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Clause 17 Enclave Clause

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

Clause 18 Necessary and Proper Clause

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article 4, Clause 2 of the US Constitution states:

"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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The 1st amendment to the United States Constitution

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The 4th amendment to the United States Constitution

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The 5th amendment to the United States Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, 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.

The 14th amendment of the United States Constitution states:

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 the laws.

7 Corpus Juris Secundum § 62

Attorney and Client § 62 (1937): An attorney may not even appear in a cause of action without some form of authority from the party on whose behalf he appears. *Lofberg v. Aetna Cas. & Sur. Co.*, 264 Cal. App. 2d 306, 308, 70 Cal. Rptr. 269, 270 (1968)

DC Code § 47–2201

Definitions. (d) “**In the District**” and “**within the District**” mean within the exterior limits of the District of Columbia and include all territory within such limits **owned by the United States of America**

DC Code § 2–509. Contested cases

(a) In any contested case, all parties thereto shall be given reasonable notice of the afforded hearing by the Mayor or the agency, as the case may be. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the Mayor or the agency determines that the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The notice shall also state that if a party or witness is deaf, or because of a hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply to the agency for the appointment of a qualified interpreter. Unless otherwise required by law, other than this subchapter, any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.

(b) In contested cases, except as may otherwise be provided by law, other than this subchapter, the proponent of a rule or order shall have the burden of proof. Any oral and any documentary evidence may be received, but the Mayor and every agency shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every party shall have the right to present in person or by counsel his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Where any decision of the Mayor or any agency in a contested case rests on official notice of a material fact not appearing in the evidence in the record, any party to such case shall on timely request be afforded an opportunity to show the contrary.

(c) The Mayor or the agency shall maintain an official record in each contested case, to include testimony and exhibits, but it shall not be necessary to make any transcription unless a copy of such record is timely requested by any party to such case, or transcription is required by law, other than this subchapter. The testimony and exhibits, together with all papers and requests filed in the proceeding, and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for order or decision. No sanction shall be imposed or rule or order or decision be issued except upon consideration of such exclusive record, or such lesser portions thereof as may be agreed upon by all the parties to such case. The cost incidental to the preparation of a copy or copies of a record or portion thereof shall be borne equally by all parties requesting the copy or copies.

(d) Whenever in a contested case a majority of those who are to render the final order or decision did not personally hear the evidence, no order or decision adverse to a party to the case (other than the Mayor or an agency) shall be made until a proposed order or decision, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of those who are to render the order or decision, who, in such case, shall personally consider such portions of the exclusive record, as provided in subsection (c) of this section, as may be designated by any party.

(e) Every decision and order adverse to a party to the case, rendered by the Mayor or an agency in a contested case, shall be in writing and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Findings of fact and conclusions of law shall be supported by and in accordance with the reliable, probative, and substantial evidence. A copy of the decision and order and accompanying findings and conclusions shall be given by the Mayor or the agency, as the case may be, to each party or to his attorney of record.

DC Code § 2-510

“(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review. If the jurisdiction of the Mayor or an agency is challenged at any time in any proceeding and the Mayor or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the Court shall otherwise hold. The reviewing Court may by rule prescribe the forms and contents of the petition and, subject to this subchapter, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such Court within such time as such Court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the Court upon the Mayor or upon the agency, as the case may be.” Relator is daily being deprived of life and liberty since being unjustly displaced from her private, non-commercial property by federal agents on unlawful orders issued by the Superior Court of the District of Columbia without proper jurisdiction.

18 U.S.C. § 3771, Crime Victims' Rights

“The right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of any public court proceeding; the right not to be excluded from any such public court proceeding, the right to full and timely restitution as provided in law. The right to proceedings free from unreasonable delay among others.

42 U.S. Code § 3531 - Congressional declaration of purpose

The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of our people require, as a matter of national purpose, sound development of the Nation's communities and metropolitan areas in which the vast majority of its people live and work.

To carry out such purpose, and in recognition of the increasing importance of housing and urban development in our national life, the Congress finds that establishment of an executive department is desirable to achieve the best administration of the principal programs of the Federal Government which provide assistance for housing and for the development of the Nation's communities; to assist the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban community, suburban, or metropolitan development; to encourage the solution of problems of housing, urban development, and mass transportation through State, county, town, village, or other local and private action, including promotion of interstate, regional, and metropolitan cooperation; to encourage the maximum contributions that may be made by vigorous private homebuilding and mortgage lending industries to housing, urban development, and the national economy; and to provide for full and appropriate consideration, at the national level, of the needs and interests of the Nation's communities and of the people who live and work in them.

42 U.S. Code § 11301 - Findings and purpose

(a) Findings The Congress finds that—(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, handicapped persons, families with children, Native Americans, and veterans; (2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, endangering the lives and safety of the homeless; (3) the causes of homelessness are many and complex, and homeless individuals have diverse needs; (4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals; (5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and (6) the Federal Government has a clear responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless. (b) Purpose It is the purpose of this chapter—

(1) to establish the United States Interagency Council on Homelessness; (2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and (3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, families with children, Native Americans, and veterans.

42 U.S. Code § 11311 - Establishment

There is established in the executive branch an independent establishment to be known as the United States Interagency Council on Homelessness whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness.

On Irreparable Injury

“The most important inquiry in the injunction analysis concerns irreparable injury. *Antioch*, supra, 418 A.2d at 109. Courts have determined that displacement equates to irreparable harm if. See, e.g., *Higbee v. Starr*, 698 F.2d 945, 947 (8th Cir. 1983) (depriving someone of a place to live constitutes irreparable harm); *Vargas v. Municipal Court for Riverside Judicial Dist.*, 587 P.2d 714, 722 n.7 (Cal. 1978) (noting that eviction inevitably results in irreparable harm); *Housing Works, Inc. v. City of New York*, 680 N.Y.S.2d 487, 491 (N.Y. App. Div. 1998) (noting that potential of eviction presented irreparable harm).”

“This court (DC Court of Appeals) has previously indicated that a party seeking temporary equitable relief need not show a “mathematical probability of success on the merits.” See *Antioch*, supra, 418 A.2d at 110 (citations omitted). Rather, the level of probability of success that must be demonstrated will vary according to the court’s assessment of the other factors pertinent to the analysis. See *id.* (citation omitted). Thus, “[a] stay may be granted with either a high probability of success and some injury, or vice versa.” *Cuomo v. United States Nuclear” Regulatory Comm’n*, 772 F.2d 972, 974 (D.C. Cir. 1985); see also *Antioch*, 418 A.2d at 110- 11 (suggesting that more stringent “probable success” on the merits standard had to be employed because movant had failed to show irreparable harm by clear and convincing evidence). Thus, if irreparable harm is clearly shown, the movant may prevail by demonstrating that he or she has a “substantial case on the merits.” See *Antioch*, supra, 418 A.2d at 110-11” *Akassy v. William Penn Apts. Ltd. P’Ship*, 891 A.2d 291 (D.C. 2006)

On Void Judgments

“A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court”, *OLD WAYNE MUT. L. ASSOC. v. McDONOUGH*, 204 U. S. 8,27 S. Ct. 236 (1907).

When an appeal is taken from a void judgment, the appellate court must declare the judgment void. Because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected. See *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d

192,194 (Tex. App.—Houston [14th Dist.] 1994, no writ); see also *Evans v. C. Woods, Inc.*, No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.—Tyler Aug. 30, 1999, no pet. h.).

A Party Affected by VOID Judicial Action Need Not APPEAL. *State ex rel. Latty*, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." *Ex parte Spaulding*, 687 S.W.2d at 745 (Teague, J., concurring). If an appeal is taken, however, the appellate court may declare void any orders the trial court signed after it lost plenary power over the case, because a void judgment is a nullity from the beginning and is attended by none of the consequences of a valid judgment.

The US Supreme Court held that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." *Elliott v. Lessee of Piersol*, 26 U.S. 328 (1828)

When a rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory. *Omer. V. Shalala*, 30 F.3d 1307 (Cob. 1994). A Judgment is a void judgment if the court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5 — *Kiugh v. U.S.*, 620 F.Supp. 892 (D.S.C. 1985).

On Judicial Disability and Disqualification

"Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

Should a judge issue any order after automatic disqualification by law, then the judge may have committed criminal Hobbs Act violations of 18 U.S.C. § 1951 in his own personal capacity. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause."). Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance);

United States v. Balistreri, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. § 455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process."). That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated

that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice."

The Supreme Court has ruled and reaffirmed the principle that "justice must satisfy the appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). "Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). Further, a judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." *Balistreri*, at 1202.

District of Columbia Self-Government and Governmental Reorganization (Home Rule) Act of 1973

Housing Crisis Response Act of 2023, HR 4233

Housing is a Human Right Act of 2023, S.2701

Housing for All Act S.2701, HR 5254

Community Housing Act of 2024, HR 7325

STATEMENT OF THE CASE

The facts and details laid out in this petition for writ of mandamus describe a denial of due process through the frustration and obstruction of Relator's repeated attempts to file a Petition for Judicial Review of an "unlawful" order of the Superior Court of the District of Columbia issued in violation of § 2-509 for Contested Cases for which neither the reporter of the DC Superior Court nor the docket have any record. This rejection has caused Relator irreparable injury at the hands of armed US Marshals deployed to enforce this same unlawful order which the sequence of developments in proper context indicate was the true intent of the Respondents. Its expeditious execution was facilitated by the DC Appellate court's refusal to provide basic protections under the law while substantial outstanding matters remain on appeal.

This series of events not only calls into question the good faith required of judicial officers who have sworn an oath of office to uphold the constitution, but the competence of DC courts to wield the power to deploy federal law enforcement without congressional oversight. The court's obstruction served as a critical final step in the judicial taking of private property deemed unconstitutional by unanimous ruling of the US Supreme Court in *Tyler v Hennepin County, Minnesota*, 598 U.S. 631, 143 S. CT. 1369 2023. Since Congress retains ultimate legislative authority over the District of Columbia and its courts through the enumerated powers granted under Article 1, Section 8 of the US Constitution, its jurisdiction to adjudicate possession of private, non-commercial property not statutorily "in the District of Columbia"² without due process of law as just compensation is similarly limited. Relator has no adequate remedy at law.

On January 21, 2025, Relator placed the following issue before Respondent: Petition for Judicial Review pursuant to § 2-510 of the DC Code which states:

² **DC Code § 47-2201** Definitions. (d) "**In the District**" and "**within the District**" mean within the exterior limits of the District of Columbia and include all territory within such limits **owned by the United States of America**

“(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review. If the jurisdiction of the Mayor or an agency is challenged at any time in any proceeding and the Mayor or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the Court shall otherwise hold. The reviewing Court may by rule prescribe the forms and contents of the petition and, subject to this subchapter, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such Court within such time as such Court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the Court upon the Mayor or upon the agency, as the case may be.”

The DC Court of Appeals refused to file Relator’s Petition for Judicial Review for several distinct reasons:

- a. First, Relator was advised that the DC Superior Court is not an agency of the DC Government and its court’s decisions are not subject to judicial review. Since the US Inspector General includes the Superior Court of the District of Columbia and the DC Court of Appeals among agencies of the DC Government, Relator decided to e-file her petition for judicial review a second time.
- b. In its second rejection, Relator was advised that a judicial review cannot be filed in a matter where a notice of appeal has already been established. No rule or guidance was provided for this legal determination.

- c. On January 30, 2025, Relator's Petition for Judicial Review was rejected by the DC Court of Appeals because the case had been "submitted to a merits panel on 11/24." The fraudulent "order" for which Relator sought review issued afterwards
- d. Relator was then advised by the DC Court of Appeals that "judicial review motions are not recognized in our rules."
- e. Finally, the DC Court of Appeals stated that (DC Code Section) "2-510 only relates to administrative proceedings."

Respondent intentionally frustrated and obstructed Relator's clear right to this review as none of the reasons Relator was given for the court's failure to file the Petition are reflected in the DC Code. Two weeks later armed US Marshals forcibly entered Relator's home and private shelter of 18 years and under threat, duress and coercion, forced her to leave so they could transfer its possession to a commercial Realtor by the name of Douglas Perry. This Realtor was allegedly on site to represent US Bank National Association as legal title trustee for Truman 2016 SC6 title trust and BWW Law Group. These entities remain in default in a Bill Quia Timet action in equity to quiet title, remove clouds, and prevent irreparable injury which remains pending in the U.S. District Court of the District of Columbia.

To be entitled to a writ of mandamus, Relator must establish by clear and convincing evidence: (A) a clear legal right to the requested relief; (B) a clear legal duty on the part of the respondent to provide it; and (C) the lack of an adequate remedy in the ordinary course of the law." "If a petitioner shows all these elements, the court cannot refuse to issue a writ of mandamus." In re T.H.T., 362 N.C. 446, 453-54 (2008). Relator's clear legal right to the requested relief stems from the provision for Judicial Review articulated in DC Code § 2-510. None of the excuses provided by the DC Court of Appeals for its failure to file the Petition for

Judicial Review relieves its legal obligation to perform this action under law. Respondents are judges, clerks and judicial officers of the court with a legal duty to provide the relief requested.

This duty is reflected also in federal law Pursuant to 18 U.S.C. § 3771, Crime Victims' Rights, Relator has suffered violations of "The right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of any public court proceeding, ; The right not to be excluded from any such public court proceeding, the right to full and timely restitution as provided in law. The right to proceedings free from unreasonable delay among others." Relator has been significantly prejudiced by Respondent's refusal to file the Petition for Judicial Review. Respondent is solely responsible for taking action on Relator's issue pursuant to the DC Code which was placed before the Appellate Court of the District of Columbia to protect Relator from irreparable harm and preserve Relator's equitable interest.

To find that an alternative remedy exists, "The alternative must be complete, beneficial, and speedy in order to constitute an adequate remedy at law." State ex rel. Doe v. Gallia Cty. Common Pleas Court, 153 Ohio St.3d 623, 2018-Ohio-2168, 109 N.E.3d 1222, 12, quoting State ex rel. Ullmann v. Hayes, 103 Ohio St.3d 405, 2004-Ohio-5469, 816 N.E.2d 245. Adequate remedies in the ordinary course of the law include both equitable and legal remedies and if either remedy exists, Relator is not eligible for a writ of mandamus. In Relator's case, there is no alternative adequate remedy available as Relator is not able to address this issue through appeal, petition, or any other non-extraordinary remedy. Respondent's failure to file Relator's Petition for Judicial Review is one of several "departures from the essential requirements of law" resulting in irreparable and material injury for which petitioner submits this emergency request for relief by extraordinary writ of mandamus.

The most important inquiry in the injunction analysis concerns irreparable injury. Antioch, *supra*, 418 A.2d at 109. Courts have determined that displacement equates to irreparable harm if. See, e.g., *Higbee v. Starr*, 698 F.2d 945, 947 (8th Cir. 1983) (depriving tenant of place to live constituted irreparable harm); *Vargas v. Municipal Court for Riverside Judicial Dist.*, 587 P.2d 714, 722 n.7 (Cal. 1978) (noting that displacement inevitably results in irreparable harm); *Housing Works, Inc. v. City of New York*, 680 N.Y.S.2d 487, 491 (N.Y. App. Div. 1998) (noting that even the potential for displacement presented irreparable harm). “The upheaval of the tenant from his home, even if he can find alternative housing, creates a cognizable irreparable injury.” *Akassy v. William Penn Apartments* A.2d Page (D.C. 2006)

Relator is daily deprived of life and liberty since being unjustly displaced from her private, non-commercial property by armed federal agents on unlawful orders issued by the Superior Court of the District of Columbia since neither agency was operating in its proper jurisdiction. Substantial harm can be presumed where actions of the court implicate, violate, remove, deprive or delay fundamental constitutional protections constituting significant material harm that is current, continued, ongoing and therefore irreparable by nature. The denial of due process as just compensation inherent in what translates as a judicial taking of private property deemed unconstitutional by unanimous ruling of the US Supreme Court (*Tyler v Hennepin County, Minnesota*, 598 U.S. 631, 143 S. CT. 1369 2023) that continues unaddressed through pending and ongoing claims is not the type of injury that can be corrected or compensated later.

The execution of a void judgement for possession which clouds title while reviews, appeals, investigations, and pending claims to superior title remain ongoing qualify as irreparable and material harm in both instances. Through this via Mandamus, Petitioner seeks protections of the court to maintain the pre-intrusion status quo and avoid the irreparable harm enforcement of

a void judgment continues to cause while reviews, appeals, criminal investigations, and claims to quiet title remain pending. Relator is entitled to a writ of mandamus because (A) there is a clear right to require Respondent to provide the requested relief; (B) there is a corresponding duty to act on the part of Respondent; and (C) there is no other adequate remedy in the ordinary course of the law for the indicated issues. Forsthoefel, 2020-Ohio-4951.

Rule 20.4 Statement

Rule 20.4(a) requires a petitioner to “set out specifically how and where the petitioner has exhausted available remedies in state courts.” Relator submits the following for the court’s review. DC Code § 2–510 describes the process for judicial review as follows:

“(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review. If the jurisdiction of the Mayor or an agency is challenged at any time in any proceeding and the Mayor or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the Court shall otherwise hold. The reviewing Court may by rule prescribe the forms and contents of the petition and, subject to this subchapter, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such Court within such time as such Court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the Court upon the Mayor or upon the agency, as the case may be.” Relator is daily being deprived of life and liberty since being unjustly displaced from her private, non-commercial property by federal agents on unlawful orders issued by the Superior Court of the District of Columbia without proper jurisdiction.

Due to Relator’s extensive documented history with the Public Office of the DC Court of Appeals, Relator went in person to meet with Ardinia Jefferson on January 16, 2025 about the process for filing a Petition for Judicial review under this code. Ms. Jefferson advised filing the petition over the counter in the Clerk’s office or by email through the address she provided. Relator emailed the petition with a request for docket entry information by which Relator would

be able to track the filing on January 21, 2025. Relator learned on January 29, 2025 that the Petition for Judicial Review was never filed from a follow up conversation with Ardinia Jeffrson suggested Relator speak directly with her supervisor Jason LaVey, Deputy Clerk of the DC Court of Appeals who told Relator the DC Superior Court was not an agency subject to judicial review.

Since the Inspector General does list the DC Superior as an agency of the District of Columbia. Relator decided to e-file her Petition for Judicial through the electronic system. It was rejected four additional times for various different reasons laid out in the statement of the case. There are no additional provisions in the DC Code for filing a Petition for Judicial Review. Relator forwarded her petition to the District's Commission on Judicial Disabilities and Tenure, the Judicial Committee of the DC Council, and the US Senate Committee the Judiciary, but received no response.

REASONS FOR GRANTING THE PETITION

Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of *peculiar emergency* or *public importance*. *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972). The All Writs Act, 28 U.S.C. § 1651(a), confers the power of mandamus on federal appellate courts. *LaBuy v. Howes Leather Co.*, *supra*. In addition, Supreme Court Rule 20.1 requires petitions for an extraordinary *to show how the writ will be in aid of the Court's appellate jurisdiction* and to justify what *exceptional circumstances warrant the exercise of the court's discretionary power*.

Peculiar Emergency

Relator is currently suffering irreparable injury from being forcibly removed from her home and private shelter of 18 years by armed federal agents of the US Marshal Service deployed to enforce an “unlawful order” allegedly issued by the DC Superior Court in the absence of any court record for which Relator’s Petition for Judicial Review from the DC Court of Appeals was rejected. This leaves Relator exposed and endangered daily without basic shelter or adequate remedy at law to redress her grievances.

Exceptional Circumstances

Relator considers the ongoing irreparable harm she is currently experiencing by being displaced from her home and private shelter of 18 years a form of retaliation to silence her efforts to report rogue proceedings of the DC Courts and its continued coordinated activity to facilitate the judicial taking of private non-commercial, non-agricultural, non-industrial, non-income producing property deemed unconstitutional by the US Supreme Court. The fact that the removal was executed by federal agents deployed to carry out a fraudulent “order” issued by the DC Superior Court is truly a travesty of justice. The DC Court of Appeals’ refusal to even file

Relator's Petition for Judicial Review and final denial of Relator's Motion for Stay one day after it was filed were the "kill shots" to ensure this infliction of irreparable injury befell Relator.

Even the DC Court of Appeals has published the opinion that "The upheaval of the tenant from his home, even if he can find alternative housing, creates a cognizable irreparable injury." *Akassy v. William Penn Apartments* A.2d Page (D.C. 2006). The DC Courts' power to deploy armed federal agents to transfer possession of Relator's home and private shelter to a commercial realtor in the name of a banking interest that never appeared in any matter and an attorney firm that never provided proof of the authorities it was allegedly delegated is criminal at best. The DC Courts allowed the misapplication of statutes to define Relator as a tenant to protect Respondent party's fraudulent claim as beneficiary of Relator's estate despite being noticed with sworn fact witness testimony from an independent detailed chain of title analysis of this fraud.

"A protective order is an equitable remedy... intended to preserve the status quo until the merits determination, with the view toward "maintain[ing] the proper balance, pendente lite, in the unique arena of landlord-tenant litigation." *Davis v. Rental Assocs., Inc.*, 456 A.2d at 829 The DC Appellate's court's refusal to file a Petition for Judicial Review of an order which was used deploy federal law enforcement to cause Relator irreparable harm speaks to a kind of interference of due process. The fact the US Marshals were deployed at the behest of corporate interests which remain in default in a Bill Quia Timet action in equity to quiet title, remove clouds, preserve equitable interest, and prevent irreparable harm, which remains pending before the US District Court of the District of Columbia constitutes the kind of fraud, waste, and abuse of power and federal resources which constitutes an exceptional circumstance.

Public Importance

Relator presents an important question for the court's review for which 28 U. S. C. §2403(a) may be applicable. Pursuant to the District of Columbia Self-Government and Governmental Reorganization (Home Rule) Act of 1973, Congress retains ultimate legislative authority over the District of Columbia under Article 1, Section 8 of the US Constitution wherein the enumerated powers of Congress limit congressional jurisdiction to commercial property, public lands owned and controlled by the United States of America, or private property condemned and seized by eminent domain with due process as just compensation paid in advance. This case not only speaks to the jurisdictional implication of courts operating in the national capitol, but provides specific guidance to jurisdictional limitations in municipalities across the nation.

Respondents' collusive activity frustrates the legislative intent of the District's commitment to prevent homelessness in § 4-771.01 of the DC Code on Public Care Systems, undermines its creation of an Interagency Council on Homelessness in § 4-752.03 Chapter 7A Subchapter II, and directly violates public policy on homelessness prevention articulated in federal statutes under Title 42 of the US Code identified as (42 USC §11301, 42 USC §11311, 42 USC § 3531). As the practical implications of the Supreme Court's landmark decision on *Tyler v. Hennepin* continues to unfold. This case provides a unique opportunity for the Supreme Court to speak directly to its tolerance for laws, processes, and practices it deems unconditional which affect private people operating on in their private capacity private property across the country.

On Aiding the Appellate Jurisdiction of the US Supreme Court

In its justification for refusing to file Relator's Petition for Judicial Review, the DC Court of Appeals admitted "judicial review motions are not recognized in our rules" among other

things. This admission provides insight into a very clear and necessary need for guidance at the Appellate Court level to provide the oversight required to enable the DC Court of Appeals to perform its duty as laid out in DC Code § 2–510. This section of the DC Code provides specific provisions which defer to the DC Court of Appeals for significant guidance on format, content, and timeliness of processing of petitions submitted under this code. The court’s admission may reveal a greater need for oversight in general since the District of Columbia and its courts remain under the legislative authority of the Congress under article 1 section 8 of the US Constitution.

While the DC courts function similarly to state courts in many respects, there is no operative constitution by which to interpret “state” constitutional protections independent of those afforded by the federal Constitution. Any law that is repugnant to the constitution is null and void. The DC courts are sometimes in the position of interpreting *federal* statutes that function like DC law, in that the statutes solely concern DC. Its admitted failure to maintain rules and provisions for functions expressly identified in the DC Code combined with a willingness to justify this failure is truly a miscarriage of justice. This raises a complex set of questions about the extent to which federal courts should defer to DC courts’ interpretations of such laws particularly since Congress maintains such an active role in legislating on matters in the district.

It is Relator’s understanding that no court or agency of any state government in the US or the District of Columbia has the authority to extend its jurisdiction beyond what has been designated to Congress. The District of Columbia courts lack subject matter jurisdiction to adjudicate the taking of private, non-commercial, non-industrial, non-agricultural, non-income producing property without due process as just compensation. It is also Relator’s understanding that the District of Columbia court’s jurisdiction to deploy US Marshals to seize private property is limited to “lawful orders” under criminal codes or public property owned by the United States.

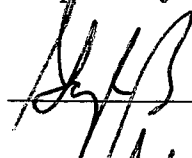
The DC Court of Appeals refusal to file Relator's Petition for Judicial Review to determine the lawfulness of the order effectively sanctioned its execution with federal resources 2 weeks later.

This petition for a writ of mandamus offers a unique, timely, and important opportunity for the court to further expound its unanimous position on unconstitutional rulings issued by lower courts as a direct extension of its Congressional oversight over the District of Columbia which has on other operative constitution. This avenue will assist the appellate jurisdiction of the US Supreme Court to provide necessary oversight of operations of the DC courts which have the unique power to deploy federal law enforcement officers to enforce its orders without question. The court's review of a case that clarifies the application of its unanimous decision on a landmark matter of national significance affecting the most vulnerable populations in our nation's capital and across the country presents a good reason to grant this petition.

CONCLUSION

The petition for a writ of *Mandamus* should be granted.

Respectfully submitted,



Date: March 20, 2052