

No.

In the Supreme Court of the United States

ELIEZER TAVERAS, PETITIONER

v.

U.S. BANK NATIONAL ASSOCIATION;
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE,
FOR THE GSAMP TRUST 2006-HE6 MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-HE6;
OCWEN LOAN SERVICING, LLC

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT
Case No. 22-11975

PETITION FOR WRIT OF CERTIORARI

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Pro se Petitioner

I. QUESTION PRESENTED

Does the removal of a case from state to federal court, under allegations of fraudulent procedural conduct by the defendants and when the principal claims are fundamentally rooted in state law, violate established principles of federal question jurisdiction and due process by depriving the state court of the opportunity to adjudicate issues closely tied to state legal principles, particularly under the doctrines of Rooker-Feldman and claim-splitting?

When a federal court dismisses a case based on procedural grounds without thoroughly addressing the substantive state law claims and jurisdictional issues, does it violate the procedural due process rights guaranteed under the Fifth and Fourteenth Amendments?

II. PARTIES TO THE PROCEEDING AND RELATED CASES

The petitioner is Eliezer Taveras, a citizen of the United States.

Respondents are U.S. Bank National Association; U.S. Bank National Association, As Trustee, For The GSAMP Trust 2006-HE6 Mortgage Pass-Through Certificates, Series 2006-HE6 ("U.S. Bank"); and Ocwen Loan Servicing, LLC ("Ocwen").

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Proceedings in other courts, related to the case:

1) *U.S. Bank v. Maria Sanchez, et al.*, Case No. 2007-37120CA03 (Fla. 11th Cir. Ct. Miami-Dade County). Case dismissed for failure to submit summary judgment.¹

2) *U.S. Bank v. Maria Sanchez, et al.*, Case No. 2013-08134CA24 (Fla. 11th Cir. Ct. Miami-Dade County). The case was voluntarily dismissed.²

¹ Prior to the filing of this 2007 foreclosure action on November 5, 2007, the mortgage had never been assigned from the lender, Ownit Mortgage Solutions, Inc. ("Ownit") to U.S. Bank. On August 24, 2009, an assignment of mortgage was registered in the Miami-Dade Public Records, Book 26988, Page 3750, reflecting an assignment from Mortgage Electronic Registration System, Inc. ("MERS"), as nominee for Ownit, to U.S. Bank.

² This action was filed by Ocwen, purportedly on behalf of U.S. Bank. To facilitate this, another assignment of mortgage was registered in the Miami-Dade Public Records, indicating that MERS, acting as nominee for Ownit, was assigning the mortgage to U.S. Bank c/o Ocwen. This assignment is recorded in Public Records Book 28347, Page 4251. Additionally, the assignment was executed by individuals

3) *U.S. Bank v. Eliezer Taveras as Trustee of the Taveras Family Irrevocable Trust, et al.*, Case No. 2017-020857CA01 (Fla. 11th Cir. Ct. Miami-Dade County). On October 1, 2018, the court entered final judgment of foreclosure.³

4) *Eliezer Taveras, et al. v. U.S. Bank*, Case No. 21-cv-20660-Scola/Goodman (S.D. Fla.). Case dismissed under Rooker-Feldman.

5) *Eliezer Taveras v. U.S. Bank, et al.*, Case No. 2022-003365-CA-01 (Fla. 11th Cir. Ct. Miami-Dade County). The case was removed to the United States District Court for the Southern District of Florida under Case No. 22-11975 and then dismissed with prejudice under the improper claim splitting doctrine. Further details in this petition.

who claimed to be MERS officials but also appear as Ocwen employees in multiple documents.

³ This action was also filed by Ocwen, purportedly on behalf of U.S. Bank.

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V. OPINIONS BELOW

1. District Court's Dismissal and Denial of Motions

This case involves a series of procedural and jurisdictional errors, beginning with the Respondents' improper removal of a state court action to federal court. Despite the core dispute being intertwined with state law issues, the district court dismissed the case based on claim-splitting principles.

The motion to remand filed by Eliezer Taveras ("Taveras"), emphasized that the case centered on a state court judgment, requiring nuanced consideration under state law. The motion stressed that a federal venue would hinder a fair and thorough review of the substantive state law claims. Nonetheless, the district court denied the motion without thoroughly analyzing jurisdictional appropriateness or the merits of the state law claims, indicating a procedural oversight.

The district court's subsequent denial of the motion for reconsideration further overlooked Taveras' compelling arguments about procedural missteps and jurisdictional errors, collectively denying a fair judicial process.

2. Appellate Court's Affirmation and Denial of Rehearing

The appellate court's affirmation of the district court's dismissal further compounded the procedural and jurisdictional errors. In its decision, the appellate court endorsed the lower court's application of federal doctrines without sufficiently addressing the complex interplay of federal and state law issues that were crucial to the case. This affirmation effectively dismissed the case without a substantive examination of critical legal and factual matters that were central to Taveras's claims.

Moreover, the appellate court's decision to deny the petition for rehearing left unresolved the significant legal

questions regarding federal jurisdiction, the proper application of the Rooker-Feldman doctrine, which prevents federal courts from reviewing state court judgments (*Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923)), and the principles of claim-splitting —filing multiple lawsuits from the same set of facts—. This denial, particularly in the absence of a detailed justification, underscores a missed opportunity to rectify potential misapplications of law and procedural errors that could have broader implications for the justice system.

Necessity for Supreme Court Review

The sequence of judicial decisions, marked by a troubling disregard for procedural justice and due process, underscores the urgent need for Supreme Court review. Taveras's persistent pursuit of justice not only highlights his personal plight but also the broader implications for due process and the integrity of the judicial system in handling complex foreclosure-related cases. This petition seeks to rectify the judicial oversights and misapplications of law that have characterized this protracted legal battle, affirming the fundamental legal principles at stake and ensuring that such errors are not perpetuated in the judicial system.

VI. JURISDICTION OF THE COURT

The jurisdiction of the Supreme Court of the United States to review the decision issued by the Eleventh Circuit Court of Appeals is predicated on 28 U.S.C. § 1254(1). This statute authorizes the Supreme Court to review, on writ of certiorari, final judgments or decrees rendered by the United States courts of appeals where such review is sought on matters of substantial federal importance or where federal courts of appeals have rendered conflicting decisions on similar issues.

The Eleventh Circuit entered its order affirming the

decision of the district court on December 29, 2023, and subsequently denied a petition for rehearing, with the order for denial entered on February 29, 2024. Pursuant to Rule 13 of the Rules of the Supreme Court of the United States, this petition for a writ of certiorari is timely as it is filed within 90 days from the entry of the order denying rehearing, making the final deadline for filing this petition May 29, 2024.

After timely filing the initial petition for a writ of certiorari, along with 40 printed copies, which was received by the Supreme Court on May 29, 2024, the Court identified certain errors in the submission and returned it for corrections on June 3, 2024. In its communication, the Court provided the petitioner with a 60-day period to make the necessary corrections and resubmit the petition. Consequently, the new deadline for filing the corrected petition is set for August 2, 2024, in accordance with the Supreme Court's directives. This adjustment in the filing schedule adheres to the Supreme Court's procedural requirements, ensuring that the petition is reviewed under the correct standards.

While some corrections have been made within the document for clarity, the substance of the petition remains consistent with the original filing. The changes are made to improve clarity, formatting, and presentation without altering the fundamental arguments or facts. Thus, the revisions comply with the Court's order and maintain the integrity and timeliness of the original submission.

VII. STATUTORY PROVISIONS INVOLVED

1. Federal Statutes:

a) **28 U.S.C. § 1331 - Federal Question Jurisdiction:** This statute establishes that federal district courts have jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States." It

underscores the state courts' ability to hear cases involving federal statutes, such as RICO claims, under the principle of concurrent jurisdiction. This is critical in asserting that the presence of RICO claims in this case did not necessitate removal to federal court, as state courts are fully competent to adjudicate these issues alongside state law claims.

b) **28 U.S.C. § 1367 - Supplemental Jurisdiction:** This statute allows federal courts to hear additional state law claims that are related to the federal claims they are adjudicating. This is relevant for arguing that, even if federal courts had jurisdiction over the federal claims, they should have declined to exercise supplemental jurisdiction over state law claims that predominate the case.

c) **The Supremacy Clause of the U.S. Constitution (Article VI, Clause 2):** The Supremacy Clause, found in Article VI, Clause 2 of the U.S. Constitution, establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions. It ensures that federal laws are the "supreme law of the land," binding on every state, thus preventing conflicts between state and federal law. It reinforces the argument that state courts are obliged to enforce federal laws, including civil rights statutes under 42 U.S.C. § 1983, and are capable of doing so in cases that involve intertwined federal and state legal questions.

d) **42 U.S.C. § 1983 - Civil Action for Deprivation of Rights:** This provision enables individuals to seek redress in federal or state courts for violations of rights protected by federal law. Typically used to assert violations of the Fourteenth Amendment's due process and equal protection clauses, this statute is particularly relevant for asserting that Taveras's rights under federal law were implicated in this case, further supporting the suitability of state courts for handling such claims.

e) **28 U.S.C. § 1441 - Removal of Civil Actions:** This

statute allows for the removal of civil cases from state courts to federal courts under certain conditions. The invocation of this statute in the context of this case highlights the critical examination of whether the procedural requirements for proper removal were met, particularly in light of the substantial state law issues at play.

f) **28 U.S.C. § 1446 - Procedure for Removal of Civil Actions:** This statute sets out the specific procedural steps for removing a case from state court to federal court, including timeframes and notice requirements. It is relevant here in demonstrating whether the removal process adhered to the statutory requirements, thus affecting the propriety of the federal court's jurisdiction over the case.

g) **28 U.S.C. § 1447(c) - Procedure After Removal**
Generally: This provision outlines the procedure for remanding a case back to state court if it is determined that the federal court lacks jurisdiction. In this case, the fraudulent removal of the action to federal court deprived the state court of its jurisdiction to review and adjudicate the substantive state law claims. The removal was based on allegations that were procedurally and substantively improper, highlighting significant procedural deficiencies and the respondents' intent to manipulate the judicial process. This statute is crucial in arguing that the federal court failed to remand the case despite the demonstrated fraudulent removal, which compromised the judicial process and Taveras's rights.

2. Florida Statutes:

Florida Statutes, Chapter 702 – Foreclosure of Mortgages.

Section 702.01: Clarifies the jurisdiction of Florida circuit courts over foreclosure actions, emphasizing the

state's vested interest in adjudicating such matters within its judicial system. This local expertise underscores the appropriateness of handling foreclosure-related disputes, including those with accompanying federal claims, within state courts.

Section 702.10: Provides for expedited foreclosure procedures, highlighting Florida's interest in resolving foreclosure disputes efficiently while ensuring fairness for all parties involved. This statute supports the argument that state-specific procedural nuances are best managed under state jurisdiction.

Section 702.036 - Finality of Foreclosure: This section stresses the importance of the finality of foreclosure judgments in Florida, reinforcing the state's policy against reopening settled foreclosure cases except under extraordinary circumstances. It supports the argument for respecting the authority and decisions of state courts in foreclosure matters.

The interplay of these federal and Florida statutes illustrates the complex legal framework governing this case. The statutes collectively support the argument that both federal and state courts have roles in ensuring justice is served, but that state courts should retain jurisdiction in cases where state law issues predominate and where state courts have the requisite expertise and vested interest. This nuanced understanding of jurisdictional and procedural statutes is crucial for presenting a compelling argument to the Supreme Court for why this case merits review and correction of the lower courts' decisions.

VIII. CONSTITUTIONAL PROVISIONS INVOLVED

The procedural missteps and judicial decisions in this case raise substantial constitutional issues that merit careful consideration by this Court. The following

discussion addresses the constitutional provisions implicated by the district and appellate courts' handling of the petitioner's case, particularly focusing on due process rights under the Fifth and Fourteenth Amendments of the United States Constitution.

Due Process under the Fifth and Fourteenth Amendments.

The procedural due process rights safeguarded by the Fifth and Fourteenth Amendments of the United States Constitution (U.S. Const. amend. V; U.S. Const. amend. XIV) are fundamental to ensuring justice and liberty and requires that legal proceedings be conducted with respect and adherence to established legal standards and rights.

Procedural Due Process Violations:

Improper Application of Removal and Dismissal Procedures: The decision to remove the case to federal court and the subsequent dismissal based on claim-splitting doctrine and the *Rooker-Feldman* doctrine was carried out without proper consideration of the substantive state law claims and the context of federal jurisdiction. This potentially deprived Taveras of his right to a fair and impartial hearing, contravening the procedural due process rights guaranteed by the Constitution.

Denial of Motions for Remand and Reconsideration: The district court's refusal to remand the case to state court, despite clear indications of predominant state law issues and improper jurisdictional claims, further demonstrates a disregard for procedural fairness and judicial responsibility. The denial of the motion for reconsideration without substantive reevaluation or justification highlights a failure in the judicial process to address potentially critical errors.

Implications of Judicial Missteps:

Impact on Fundamental Rights: These procedural and jurisdictional errors have far-reaching implications for the fundamental rights of the petitioner. They not only reflect a potential miscarriage of justice in this specific case but also set a concerning precedent for the handling of similar cases where state and federal law intersect. Such errors undermine the constitutional mandate to ensure fair and impartial judicial proceedings.

Necessity for Supreme Court Intervention: The significant constitutional questions presented by this case, including the proper interpretation and application of due process rights in the context of federal and state jurisdictional dynamics, necessitate a review by the Supreme Court. Such review is essential to correct the lower court's errors and to reaffirm the fundamental constitutional principles that should guide judicial proceedings.

The constitutional issues outlined above underscore the critical nature of this petition. The decisions by the lower courts have not only impacted Taveras's constitutional rights but also raise important questions about the judiciary's adherence to constitutional principles. This Court's intervention is urgently required to address these violations and to ensure that due process is not merely a guarantee in theory but a reality in practice.

IX. INTERNATIONAL HUMAN RIGHTS CONTEXT

This case raises significant issues under both United States constitutional law and international human rights standards as stipulated in the International Covenant on Civil and Political Rights (ICCPR), to which the United States is a signatory. The ICCPR guarantees the right to a fair and public hearing by a competent, independent, and impartial tribunal (Article 14), the right to recognition before the law (Article 16), and equality before the law

(Article 26).

These provisions support Taveras's claims regarding procedural missteps and unfair treatment in the judicial process, echoing the due process guarantees under the Fifth and Fourteenth Amendments of the U.S. Constitution. Failure to address these concerns domestically may indicate broader systemic issues in implementing and enforcing international human rights in U.S. courts.

X. STATEMENT OF THE CASE

A. BACKGROUND

This case reflects systemic issues within Florida's mortgage servicing industry, where practices disproportionately favor loan servicers and foreclosure mills, often undermining homeowners' rights. These practices are part of a broader economic strategy that not only accelerates foreclosures but also manipulates state economic dynamics, frequently at the expense of due process.

In recent years, the rapid turnover of foreclosed properties, driven by capital from foreign investors, has raised serious concerns about the transparency and fairness of these financial strategies. This dynamic has led to a judicial system that often appears biased towards financial and corporate interests, complicating the ability of property owners to challenge foreclosures and protect their rights under complex legal frameworks.

Eliezer Taveras's case exemplifies these systemic issues. The respondents, U.S. Bank and Ocwen, initiated foreclosure proceedings against Taveras in a Florida state court. Despite the core dispute being deeply rooted in state law, the case was improperly removed to federal court. This removal was based on allegations of fraudulent procedural conduct by the defendants, who sought to exploit federal jurisdiction to bypass the substantive examination of state

law claims.

The district court's handling of Taveras's case raises significant concerns about federal jurisdiction and due process. The court dismissed the case based on the claim-splitting doctrine without thoroughly analyzing the jurisdictional appropriateness or the merits of the state law claims. This procedural oversight deprived Taveras of his right to a fair and impartial hearing, contravening the procedural due process rights guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution.

Furthermore, the district court's denial of Taveras's motion for reconsideration overlooked compelling arguments about procedural missteps and jurisdictional errors. These decisions collectively denied a fair judicial process, highlighting the urgent need for Supreme Court review to correct these judicial oversights and ensure that similar errors are not perpetuated in the judicial system.

The significance of this case extends beyond Taveras's personal plight. It underscores the broader implications for due process and the integrity of the judicial system in handling complex foreclosure-related cases. By addressing these issues, the Supreme Court can reaffirm fundamental legal principles and ensure that economic activities linked to real estate do not infringe upon constitutional rights.

B. STATEMENT OF FACTS

In 2017, a legal battle began that would expose significant procedural deficiencies and raise profound questions about the due process rights of homeowners in foreclosure proceedings. This case involves Eliezer Taveras, who found himself embroiled in legal disputes that not only challenged the legality of foreclosure practices but also highlighted broader systemic issues within the judicial handling of such cases.

Respondents U.S. Bank and Ocwen initiated foreclosure

proceedings against Eliezer Taveras, then a trustee of his family trust, in a Florida state court. The foreclosure complaint, which claimed successor interest from Ownit Mortgage Solutions, Inc., was critically deficient—neither signed by an attorney nor verified, failing to meet Florida's legal requirements.

In 2018, amid ongoing litigation, respondents proposed a settlement that included a consent judgment of foreclosure. Advised by his attorney, Ray Garcia, on the purported benefits of the agreement, Taveras, trusting his counsel's advice, consented to the judgment. However, this decision would soon come into question.

Following the entry of the consent judgment, Taveras discovered new information that highlighted significant deficiencies in the original foreclosure complaint. This evidence suggested procedural missteps and potential misconduct, forming the basis for his subsequent claims of fraud, racketeering activity, violations under the Racketeer Influenced and Corrupt Organizations (RICO) Act, and the state court's lack of power to enter the judgment. When Taveras sought to challenge the validity of the consent judgment based on these discrepancies. Contrary to Taveras' interests and his legal right to seek redress, Mr. Garcia declined to pursue the reversal, citing concerns about his professional reputation and relations with the court. He expressed that challenging the judgment might reflect poorly on him before the judge. This refusal left Taveras without adequate legal support, compelling him to reevaluate his strategy in the face of what he perceived as a fundamentally flawed judgment. The incident raised concerns about the adequacy of legal representation provided to Taveras and the potential conflict of interest or lack of advocacy on the part of his attorney, fundamentally affecting his ability to challenge the procedural and substantive aspects of the foreclosure process.

Recognizing the need to take direct action, the family trust executed a quitclaim deed, transferring the property solely to Taveras. This was not a decision driven by family dynamics but a strategic legal maneuver designed to enhance Taveras's legal standing and capacity to seek redress. Empowered by this transfer, Taveras made multiple attempts in state court to have the final judgment set aside, all of which were denied despite the cited procedural deficiencies. Taveras made multiple efforts in state court to have the final judgment set aside. However, his attempts were repeatedly denied by the court, which upheld the original foreclosure judgment despite the cited procedural deficiencies.

Following the entry of the consent judgment, several significant legal actions ensued. The court formally entered the final judgment of foreclosure, which led to the scheduling of a foreclosure sale. Consequently, the property was sold, and the respondents initiated steps to evict Taveras and his family from their home. Despite multiple unsuccessful attempts to evict them, the tension and legal battles continued to escalate.

During this tumultuous period, Taveras continued to uncover more evidence that substantiated his claims against the respondents. This new evidence highlighted further procedural and substantive flaws in the foreclosure process, strengthening his resolve and the basis for legal action. Encouraged by these findings and driven by the necessity to protect his family's home and legal rights, Taveras decided to take proactive legal steps.

In 2022, equipped with new and compelling evidence, Taveras filed an independent lawsuit in the same Florida state court seeking to annul the foreclosure judgment. He contended that the state court originally lacked subject matter jurisdiction to issue the consent judgment, rendering it void ab initio. His lawsuit highlighted critical

procedural deficiencies in the foreclosure process. Alongside these jurisdictional challenges, Taveras also raised claims of fraud under Florida law and violations of federal RICO statutes.

In response to the plaintiff's complaint, the respondents engaged in a calculated strategy that involved the wrongful and fraudulent removal of the state action to the federal court. Immediately following the removal, the respondents filed a motion to dismiss on the grounds of the federal court's lack of jurisdiction. This sequence of actions demonstrates an intentional and improper maneuver to avoid scrutiny from the state court and to deprive Taveras of his due process rights.

Despite acknowledging the impropriety of the removal, the respondents sought to leverage the federal court's jurisdictional limitations to their advantage. This strategy was not only procedurally flawed but also indicative of a broader intent to manipulate the judicial process and obstruct the fair adjudication of the plaintiff's claims. Specifically, the respondents filed their motion to dismiss immediately after filing the notice of removal, demonstrating a deliberate attempt to exploit procedural loopholes and avoid adjudication in state court, where the issues were originally and more appropriately raised.

In their motion to dismiss, the respondents contended that the Rooker-Feldman doctrine barred the federal court from hearing the plaintiff's claims, asserting that the claims sought to effectively nullify the state court's consent final judgment. They argued that the federal court's jurisdiction is limited and cannot serve as an appellate body for state court decisions. Additionally, the respondents argued that the plaintiff's claims were barred by the doctrine of Res Judicata, preventing the relitigation of issues that were or could have been raised in prior actions.

In response, Taveras filed his Motion to Remand,

arguing that the removal was a fraudulent scheme intentionally designed to obstruct the administration of justice. Taveras highlighted several critical points demonstrating the impropriety of the removal and the need for the case to be remanded to state court. He pointed out that the district court had previously ruled in a related case that it lacked jurisdiction based on the Rooker-Feldman doctrine, which should have been applied consistently.

Taveras also underscored the presumption against removal jurisdiction, emphasizing that federal courts are courts of limited jurisdiction and that the defendants bore the burden of establishing the propriety of the removal, a burden they failed to meet. The improper removal not only caused unnecessary delays but also inflicted significant mental anguish and financial distress on Taveras and his family.

Despite the plaintiff's motion to remand, the district court dismissed the action with prejudice, citing improper claim splitting and res judicata. The court claimed federal question jurisdiction over the case and dismissed Taveras' motion to remand as meritless. Following this, Taveras filed a Motion to Vacate the court's order, asserting the court's lack of jurisdiction and procedural errors. However, the district court denied the Motion for Reconsideration and entered judgment in favor of the defendants.

Taveras then appealed the district court's order to the Eleventh Circuit Court of Appeals. He argued that the case was improperly removed to federal court and that the district court lacked jurisdiction under the Rooker-Feldman doctrine. He also contended that the dismissal for improper claim-splitting was erroneous and that his due process rights were violated. Respondents defended the removal and dismissal, maintaining that federal question jurisdiction applied and that Taveras's claims were barred by res judicata.

On December 29, 2023, the Eleventh Circuit affirmed the district court's decision. However, due to a failure in serving the order to Taveras, he was granted leave to file for rehearing and rehearing en banc. Taveras filed his petition, which was denied on February 29, 2024. The Eleventh Circuit upheld the district court's decision on grounds of subject matter jurisdiction, finding the Rooker-Feldman doctrine inapplicable as the state court proceedings were pending at the time of removal, and res judicata.

The Eleventh Circuit's affirmation, without adequately addressing the jurisdictional and procedural errors raised by Taveras, signifies a troubling disregard for due process and the proper boundaries of federal judicial intervention in state matters. This case presents significant questions about federalism, the limits of federal jurisdiction, and due process rights, meriting Supreme Court review to rectify these judicial oversights and uphold fundamental legal principles.

Eviction During the Appeal Process

While the appeal was pending, the respondents evicted Taveras and his family from their home, despite the ongoing legal dispute and previous failed eviction attempts. This action caused extreme suffering, mental anguish, and distress for Taveras and his family, marking a tumultuous period of displacement and legal uncertainty.

The eviction underscores the broader systemic issues and judicial missteps that have characterized this case. It highlights the urgent need for Supreme Court intervention to address these injustices and ensure that due process rights are protected. The deprivation of Taveras's property rights, without proper judicial review and in the midst of active legal challenges, is a stark example of the potential for abuse in the foreclosure process and the necessity for a higher court to correct these fundamental errors.

Impact on Taveras and His Family

The eviction deprived Taveras and his family of their home and stability, exacerbating their already challenging circumstances. The execution of the eviction represented a significant deprivation beyond just the loss of property.

Due Process Discussion

Taveras contends that the swift dismissal of his case in federal court, followed by the appellate court's refusal to acknowledge procedural missteps, breached his due process rights guaranteed under the Fifth and Fourteenth Amendments. These rights require fairness, impartiality, and respect for legal procedures.

Broader Implications

This case highlights critical concerns about federal jurisdiction over state law matters and the potential for federal courts to overstep their roles, impacting both individual cases like Taveras's and the judicial process's integrity in handling state-specific legal issues.

Human Element

Throughout this legal battle, Taveras faced significant personal distress, financial adversity, and a loss of trust in the judicial system, which he believed was supposed to uphold his rights.

C. REASONS FOR GRANTING THE PETITION

This petition seeks a writ of certiorari to resolve pressing legal questions that have arisen from conflicting interpretations of federal jurisdiction, the procedural requirements for removal, and the constitutional mandates for a genuine case or controversy. The Eleventh Circuit's decision in this matter deviates from established precedents set by this Honorable Court and perpetuates significant inconsistencies within its own rulings and those of other circuits. These discrepancies have created a legal landscape marked by uncertainty and inequitable

applications of the law, adversely affecting not only the petitioner but also the broader judicial system.

Therefore, this petition implores the Court to grant review to reaffirm the fundamental principles of federal jurisdiction, ensure rigorous adherence to procedural justice, and clarify the essential conditions required for a federal court to assert authority over state-law claims. This intervention is crucial to uphold the integrity of the judicial process and to enforce a uniform standard across federal courts, thereby enhancing the predictability and fairness of legal outcomes across the United States.

1. INCONSISTENCIES WITHIN THE ELEVENTH CIRCUIT:

University of South Alabama v. American Tobacco Co., 168 F.3d 405 (11th Cir. 1999): This decision emphasizes the necessity for federal courts to confirm their subject matter jurisdiction post-removal, advocating for remand to state court when jurisdictional doubts arise. The Eleventh Circuit's decision in the present case, however, failed to adhere to this principle, upholding federal jurisdiction despite evident procedural and jurisdictional irregularities signaled by the respondents' motion to dismiss for lack of jurisdiction. The Eleventh Circuit upheld the federal court's decision not to remand, contravening its own precedent which mandates careful scrutiny of jurisdictional legitimacy.

Velchez v. Carnival Corp., 331 F.3d 1207 (11th Cir. 2003): Here, the Eleventh Circuit upheld strict procedural norms for removal, requiring adherence to specific requirements under 28 U.S.C. § 1446. The present case reflects a deviation from this procedural rigor, as the court overlooked significant defects in the removal process, which under *Velchez* should have led to a remand to the state court.

2. CONFLICTS WITH OTHER CIRCUITS:

D'Lil v. Best Western Encina Lodge & Suites, 538 F.3d 1031 (9th Cir. 2008): This case highlights the Ninth Circuit's stringent approach to the "case-or-controversy" requirement under Article III, a stark contrast to the Eleventh Circuit's laxer application in the current case where the fundamental aspects of standing and actual controversy were inadequately examined before proceeding with federal jurisdiction.

Tandon v. Captain's Cove Marina of Bridgeport, Inc., 752 F.3d 239 (2nd Cir. 2014): In *Tandon*, the Second Circuit emphasized the importance of a clear demonstration of federal jurisdiction, specifically stating that the burden of proving jurisdiction rests squarely on the party asserting it. This case highlights the Second Circuit's stringent approach to jurisdictional scrutiny, which mandates that the removing party must provide clear and convincing evidence of a federal question or diversity of citizenship at the time of removal. The Second Circuit's insistence on meticulous jurisdictional validation starkly contrasts with the Eleventh Circuit's handling of the current case, where the federal jurisdiction was assumed rather than definitively proven, leading to potential misapplications of procedural and substantive law.

The contrast between the Eleventh Circuit's decision in this case and the Second Circuit's ruling in *Tandon* reveals a significant discrepancy in how federal courts are applying jurisdictional standards. While the Second Circuit requires rigorous proof of jurisdiction to prevent inappropriate removals and ensure the federal court's authority is appropriately invoked, the Eleventh Circuit's approach in the present case appears to fall short of these stringent requirements. This inconsistency not only undermines the uniformity of federal law application but also raises concerns about the fairness and legality of the removal

process observed in this case. Such a stark difference in judicial approach across circuits underscores the necessity for the Supreme Court to intervene and clarify the requirements for establishing federal jurisdiction, ensuring that cases are not improperly escalated to federal courts without solid jurisdictional foundations.

3. CONFLICTS WITH SUPREME COURT PRECEDENTS:

Simon v. Eastern Kentucky Welfare Rights Org., 426 U.S. 26 (1976): This case underscores the necessity of a clear “case-or-controversy” for federal jurisdiction, which was overlooked in this case as the Eleventh Circuit allowed the federal case to proceed despite an evident lack of a substantial federal question at the initial stage of removal.

Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing, 545 U.S. 308 (2005) and *Shapiro v. McManus*, 136 S. Ct. 450 (2015): Both cases emphasize the necessity of federal courts to entertain substantial constitutional claims unless they are “wholly insubstantial,” “frivolous,” or “obviously without merit.” Contrarily, the Eleventh Circuit’s dismissal of the substantial claims reflects a disregard for this directive, impacting the procedural fairness owed to the litigants.

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992) and *Mathews v. Eldridge*, 424 U.S. 319 (1976): These cases set critical standards for procedural due process and the assessment of standing, which the Eleventh Circuit failed to properly apply or consider in its hasty dismissal of the case without adequately addressing the merits of jurisdictional and procedural challenges raised by the removal.

The Eleventh Circuit’s handling of this case presents a clear departure from both its own precedents and those established by the Supreme Court, particularly in the

application of federal jurisdiction and procedural requirements. This inconsistency underscores the need for a Supreme Court review to resolve these critical legal questions, ensuring uniformity and fairness in the application of justice across federal circuits.

4. PROCEDURAL ANOMALIES AND STATUTORY MISALIGNMENTS NECESSITATING SUPREME COURT REVIEW

The case before this Honorable Court reveals significant inconsistencies in the application of both federal and state statutory frameworks alongside fundamental constitutional provisions. These discrepancies, particularly evident in the Eleventh Circuit's handling of the removal process and its refusal to remand, starkly contrast with the statutory directives designed to ensure fair judicial proceedings and uphold principles of federalism. Such misalignments have led to substantial injustices, making it imperative for the Supreme Court to intervene and reaffirm the correct application of these legal standards.

i. Federal and State Statutory Frameworks:

28 U.S.C. § 1331 and 28 U.S.C. § 1441 set precise standards for establishing federal question jurisdiction and guide the removal of civil actions from state courts. The application of these statutes in the current case deviated significantly by failing to adequately assess the legitimacy of federal jurisdiction, particularly when the issues at stake predominantly involved state law. This oversight not only conflicts with rigorous jurisdictional assessments mandated in other circuits, such as seen in the Second Circuit's decision in *Tandon v. Captain's Cove Marina of Bridgeport, Inc.*, but also underscores a broader need for this Court to ensure consistency in federal jurisdictional determinations.

28 U.S.C. § 1367 grants federal courts supplemental jurisdiction over state law claims that are related to federal

claims within their jurisdiction. However, in this case, the federal court should have declined supplemental jurisdiction as the state law claims predominated and were better suited for resolution in state court. The failure to do so highlights a misapplication of this statute and underscores the necessity for remand.

28 U.S.C. § 1446 and 28 U.S.C. § 1447(c) outline the procedural requirements for removing cases to federal court and for remanding cases if jurisdiction is found lacking. The respondents' removal was procedurally defective, and the district court's failure to remand the case despite these defects contravenes the clear mandates of these statutes.

Florida Statutes, Chapter 702, particularly Sections 702.01, 702.10, and 702.036, articulate the state's detailed approach to handling foreclosure processes, emphasizing the competency of state courts in such matters. The failure of the federal courts to remand the case back to state jurisdiction, where the substantive legal and procedural issues could be more aptly addressed, undermines the intent of these statutes and raises significant concerns regarding the respect for state authority under federalism principles.

ii. Constitutional Implications and Due Process Violations:

The procedural missteps, notably under the claim-splitting doctrine and the refusal to remand, have infringed upon the procedural due process rights safeguarded by the Fifth and Fourteenth Amendments of the U.S. Constitution. The courts' handling of these procedural aspects, without adequate consideration of the underlying state law claims and the overarching context of federal jurisdiction, deprived the petitioner of his fundamental rights to a fair hearing. This contravention directly challenges the precedents set by *Mathews v. Eldridge*,

which demand specific procedural safeguards in judicial processes. Furthermore, the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2) mandates that federal laws prevail in cases of conflict, which underscores the necessity for state courts to adhere to federal statutes like 42 U.S.C. § 1983. This statute, which allows for redressal of rights violations under federal law, exemplifies the critical role of both federal and state courts in enforcing civil rights protections effectively.

iii. Beyond Borders: The Relevance of ICCPR Standards in Upholding Constitutional Rights

The procedural missteps and judicial decisions in this case not only challenge U.S. law but also raise significant international human rights concerns under the ICCPR. As a signatory, the United States is bound to uphold the rights enshrined in the ICCPR, including the guarantees of a fair trial and equality before the law as delineated in Articles 14 and 26. The handling of this case raises concerns about adherence to these international standards, underscoring the need for this Court's intervention to rectify these issues and uphold global human rights obligations.

This case also underscores the relevance of international human rights norms, such as non-discrimination and legal equality, to U.S. judicial processes. These principles, advocated by the ICCPR and echoed in the Fourteenth Amendment, are crucial for ensuring that justice is administered equitably. Addressing these issues within the framework of this case will reinforce the judiciary's commitment to upholding both domestic and international legal standards, enhancing public trust in its ability to deliver fair and impartial justice.

U.S. Supreme Court precedents, such as *Air France v. Saks*, 470 U.S. 392, 105 S.Ct. 1338, 84 L.Ed.2d 289 (1985) and *Eastern Airlines, Inc. v. Floyd*, 499 U.S. 530, 111 S.Ct.

1489, 113 L.Ed.2d 569 (1991), highlight the Court's approach to interpreting treaties in alignment with international consensus. In *Air France*, the Court emphasized that interpretations of international treaties should be informed by the shared expectations of the contracting parties, reinforcing that international norms can guide U.S. legal standards. Similarly, *Eastern Airlines* underscored the importance of adherence to treaty provisions, ensuring interpretations align with the intent and purpose of the international agreement.

In re The Amiable Isabella, 19 U.S. (6 Wheat.) 1 (1821), serves as an early example of U.S. courts respecting international legal principles. This case underlines the tradition of considering international law when interpreting domestic disputes with broader international implications.

Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979), illustrates the Supreme Court's commitment to honoring treaties, particularly in cases involving native rights and natural resources. This decision reflects the mandate to respect and implement international agreements, supporting the argument that similar respect should be afforded to human rights treaties such as the ICCPR.

Kreimerman v. Casa Veerkamp, S.A. de C.V., 22 F.3d 634 (5th Cir. 1994), aligns with Supreme Court jurisprudence by insisting on faithful treaty interpretation based on the intent of the parties involved. This case reinforces the need for U.S. courts to consider human rights principles in international treaties when adjudicating significant human rights dimensions.

These precedents collectively advocate for a judicial approach that respects and integrates international legal standards, especially human rights, into U.S. domestic law. By acknowledging and applying these principles, this Court

can demonstrate its commitment to justice and adherence to international human rights obligations, ensuring fairness in cases like Taveras's.

The significant missteps in jurisdictional and procedural applications observed in this case, coupled with the broader implications for homeowners and the judicial system's integrity, underscore the necessity for Supreme Court intervention. The Eleventh Circuit's ruling risks setting a harmful precedent that may encourage predatory practices within the mortgage industry and erode public trust in legal protections. This decision has disrupted Taveras' family life and poses a threat to the stability of other American families, highlighting the case's profound human rights implications as aligned with the ICCPR's standards against arbitrary interference with one's home and the right to a fair trial.

The evident misalignments with statutory, constitutional, and international human rights standards demonstrated by the appellate and district courts' failures call for a crucial review by the Supreme Court. This case presents a clear miscarriage of justice that requires immediate correction to uphold the principles of fairness and rule of law at both national and international levels.

5. COURT ERRORS

This petition underscores the necessity for a writ of certiorari due to several critical errors and judicial oversights by the Eleventh Circuit in its recent decision. These missteps involve the misapplication of legal doctrines, disregard for procedural fairness, and failure to adequately address statutory and constitutional provisions. The discrepancies in the appellate court's findings and its handling of the case have not only led to a potential miscarriage of justice for Taveras but also raise significant concerns regarding the uniform application of judicial

standards. Such issues are of profound importance as they directly impact the foundational principles of federalism and due process rights as outlined by the U.S. Constitution.

a. **Misapplication of Res Judicata** The Eleventh Circuit's affirmation of the dismissal based on res judicata failed to consider the unique circumstances under which new evidence pertinent to Taveras's claims surfaced after earlier litigation. This evidence, which could not have been presented in prior actions, casts new light on the foreclosure's legality and the procedural mishaps leading to it. The appellate court's decision thus overlooks the possibility that the distinct factual and legal basis of current claims justifies a separate examination beyond the scope of earlier litigations.

b. **Improper Consideration of Jurisdiction**: The decision affirmed federal jurisdiction solely based on the presence of RICO claims, neglecting the predominance of state law issues integral to the case. This oversight is critical as the essence of the dispute involves state law foreclosure proceedings, and the removal seems to be strategically executed to leverage federal jurisdiction improperly, thereby bypassing the more suitable state court adjudication.

c. **Overlooked Claim-Splitting Concerns**: The court's brief treatment of the claim-splitting issue does not account for the necessity of filing separate actions due to newly discovered evidence and evolving legal theories. This evolving narrative, propelled by new factual discoveries, necessitates distinct legal proceedings, contrary to the notion of improper claim-splitting. The appellate court's failure to recognize this aspect may have unjustly penalized Taveras for seeking justice through sequentially appropriate legal channels.

c. **Rooker-Feldman Doctrine Misapplication**: While finding that the Rooker-Feldman doctrine did not apply, the

appellate court's analysis stopped short of exploring the full implications of this doctrine on the case. Particularly, it did not consider how the ongoing state proceedings intertwined with federal claims might affect the overall jurisdictional authority, thus overlooking a critical aspect of federal-state court dynamics.

d. Due Process and Procedural Fairness: The appellate ruling insufficiently addressed the due process concerns raised by Taveras, especially regarding the swift and possibly prejudicial dismissal of his case and the handling of his reconsideration motion. This oversight suggests a procedural rush to judgment without adequately weighing the substantive due process rights at stake, potentially resulting in a denial of a fair judicial process.

e. Failure to Consider Statutory and Constitutional Provisions: The decision failed to engage with significant statutory and constitutional provisions that bear directly on the case. Notably, the potential protections under 42 U.S.C. § 1983 and the Supremacy Clause's implications for state courts' obligations to uphold federal laws were not considered. This lack of consideration could indicate a substantial oversight of legal principles crucial for ensuring that Taveras's legal rights are fully protected and adjudicated.

f. Failure to Acknowledge State Interest in Foreclosure Proceedings: The Eleventh Circuit's decision also neglected to consider Florida's substantial interest in adjudicating foreclosure disputes, a matter fundamentally rooted in state law and policy. Florida statutes, specifically those outlined in Chapter 702 of the Florida Statutes, demonstrate a clear legislative intent to manage foreclosure processes within the state judicial system. This oversight by the appellate court fails to respect the state's vested interest in regulating real property issues and foreclosure proceedings, which are

uniquely tailored to address the specific economic, social, and legal nuances of the state's populace. The appellate court's disregard for these local interests undermines the principles of federalism by not acknowledging the competence and authority of state courts to resolve issues that are distinctly state-oriented. This lack of consideration for Florida's jurisdictional prerogatives not only affects the outcome of this particular case but also sets a concerning precedent for the federal overreach into areas traditionally managed by state law.

CONCLUSION

This petition highlights substantial issues stemming from the district court's and the Eleventh Circuit's decisions, which have profound implications for both Taveras and the integrity of the judicial process nationwide. The conflicting interpretations of federal jurisdiction, procedural anomalies in removal and remand, and disregard for established constitutional principles call for a thorough review by this Honorable Court. The discrepancies and judicial missteps highlighted herein underscore a critical deviation from this Court's jurisprudence and reveal a pattern that could erode public confidence in the judicial system's fairness and impartiality.

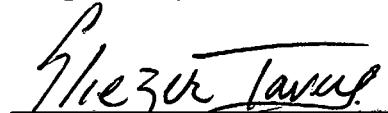
This case presents an opportunity for the Supreme Court to clarify essential aspects of federal jurisdiction, ensure adherence to due process, and reaffirm fundamental rights under the U.S. Constitution. By granting this petition, the Court will address the immediate injustices faced by Taveras and reinforce the rule of law by setting a precedent that strengthens procedural safeguards necessary for fair justice administration.

Supreme Court review is imperative to resolve conflicting interpretations and applications of federal

jurisdiction and procedural justice observed in the lower courts. This Court's intervention will correct the miscarriage of justice experienced by the petitioner and reinforce the judiciary's commitment to upholding the rule of law consistently and equitably.

Petitioner respectfully urges the Court to grant certiorari to resolve the significant legal questions presented, correct the lower courts' errors, and prevent similar errors in the future. The implications of this case transcend the immediate parties and touch upon fundamental principles of justice, equity, and the sanctity of individual rights. The Supreme Court's action is imperative to restore faith in the legal process and uphold constitutional rights.

Respectfully submitted.


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