

July 31, 2025

Application for an extension of time to file a petition for a writ of CERTIORARI

Attached:

Decision Order, May 7, 2025 Appeal Case No.: 23-CV-887; Superior Court Case: 2021-CA-3626-R(RP) (8 pages)

Mandate signed May 29, 2025 (1 page)

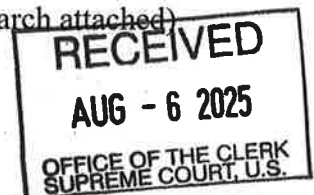
Motion to Recall the Mandate, June, 10, 2025 (2 pages)

Other Supporting Documents (4 pages)

To the Honorable US Supreme Court,

I am requesting a 60-day extension of time to file my petition for a writ of CERTIORARI for the following reasons:

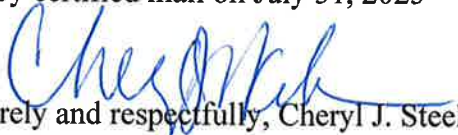
1. Though having an attorney during this process, I was not provided or made aware of the timelines for additional options to exhaust all of my remedies at the District of Columbia Court of Appeals.
2. I was not provided with options or the timeliness to exhaust all of my remedies within the District of Columbia Court of Appeals by my attorney of record Tracy Buck (DC Court of Appeals) which includes an en banc panel review.
3. A motion to recall the mandate was filed on June 10, 2025 in the District of Columbia Court of Appeals, so that I can request a second review with an en banc panel.
4. To date, no decision has been rendered regarding this motion, thus my request for an extension of time with the US Supreme Court.
5. I was not provided timely through my attorney of record, Tracy Buck, with the DC Court of Appeals decision order dated May 7, 2025 until May 17, 2025.
6. Upon conferring with my attorney on May 20, 2025 regarding the decision dated May 7, 2025, I was not provided with any legal counsel that included a second review with the District of Columbia Court of Appeals through an en banc panel review.
7. I was told that I had no other appeal option except the US Supreme Court, and that she was not barred there and could not represent me.
8. On June 4<sup>th</sup>, I visited the US Supreme Court and inquired of the Clerk's Office to ask questions, and I was provided a packet to review from a lobby desk.
9. As I was leaving the US Supreme Court, I performed a google search on how to appeal a DC Court of Appeals decision, and I learned on June 4, 2025 about an en banc panel review with the DC Court of Appeals. (Google search attached)



10. On June 4, 2025, I visited the DC Court of Appeals Clerk's Office and inquired about filing a motion to request an en banc panel review and was told that I have to file a motion to recall the mandate first that was signed on May 29, 2025.
11. I was provided a copy of the mandate that I only became aware of on June 4, 2025.
12. I completed my motion to recall the mandate and returned to the DC Court of Appeals Clerk's Office to file it on June 6, 2025; I also reached out to the opposing counsel and forwarded a copy of the motion by certified mail on June 6, 2025. (Email to opposing counsel and Proof of Service attached)
13. Upon returning to the DC Court of Appeals on June 6, 2025, I was informed by the Clerk's Office that I could not file the motion pro se to recall the mandate because the attorney of record had not withdrawn her appearance. Upon being advised of the aforementioned, I reached out to Ms. Buck and explained to her that I became aware of the en banc panel review and the mandate on June 4, 2025 and the Clerk's Office Supervisor informed me that Ms. Buck as the attorney of record was the only person who could file a motion to recall the mandate and that she could file the motion to recall the mandate and the withdrawal of her appearance together, so that I could move forward as pro se to request the en banc panel review.
14. If I were made aware of an en banc panel review through my attorney of record prior to the mandate being signed, I would have certainly requested a petition for an en banc panel review to exhaust all of my remedies within the DC Court of Appeals timelines.
15. I was informed by Ms. Buck on June 10, 2025 that the DC Court of Appeals accepted her filings to recall the mandate and the withdrawal of her appearance.

Thank you to the Court for your gracious consideration in this matter.

Sent by certified mail on July 31, 2025

  
Sincerely and respectfully, Cheryl J. Steele

1913 Kenyon Street, NW

Washington, DC 20010

(202) 302-2410

[Cpiceo@live.com](mailto:Cpiceo@live.com)

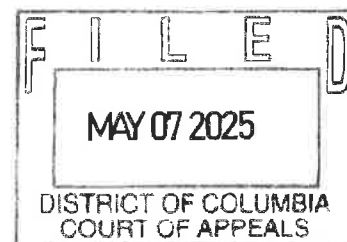
**DISTRICT OF COLUMBIA COURT OF APPEALS**

No. 23-CV-0887

CHERYL STEELE, APPELLANT,

v.

MICAH SALB, APPELLEE.



Appeal from the Superior Court of the  
District of Columbia

(2021-CA-003626-R(RP))

(Hon. Shana Frost Matini, Trial Judge)

(Submitted October 2, 2024

Decided May 7, 2025)

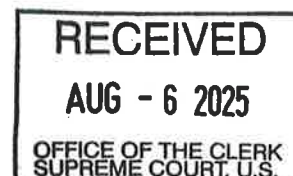
Before BLACKBURNE-RIGSBY, *Chief Judge*, DEAHL and EASTERLY, *Associate Judges*.

**MEMORANDUM OPINION AND JUDGMENT**

PER CURIAM: This case comes to us following the trial court's grant of summary judgment in favor of appellee Micah Salb. Appellant Cheryl Steele contends that the trial court erred in holding that she received adequate notice of an execution sale and that genuine issues of material fact existed as to prevent summary judgment. For the reasons discussed below, we reject Ms. Steele's arguments and affirm the trial court.

**I. Factual and Procedural Background**

In 2006, Ms. Steele retained Mr. Salb to represent her in an employment discrimination suit. Subsequently, in 2009, Ms. Steele filed a lawsuit for malpractice against Mr. Salb and his firm Lippman, Semesker & Salb, LLC, which then filed a counterclaim seeking unpaid legal fees (2009 Lawsuit). On July 28, 2016, judgment was entered in favor of Mr. Salb and against Ms. Steele for unpaid legal fees in the amount of \$113,354.97. At the time of judgment, Ms. Steele was the owner of the



real property located at 1601 18th Street, SE, Washington, D.C. (Property). Ms. Steele has never resided at the Property.

On August 18, 2016, Mr. Salb requested a writ of *fiery facias* via praecipe and subsequently recorded the judgment with the Recorder of Deeds on September 19, 2016. Ms. Steele filed a motion to set aside the judgment, stay execution of the judgment, and quash the writ of *fiery facias*, which the trial court denied on September 20, 2016. On that same day, Mr. Salb again requested a writ of *fiery facias* via praecipe and served the praecipe on Ms. Steele's attorney. The writ of *fiery facias* was issued on October 5, 2016. The writ directed the United States Marshals Service (USMS) to seize and sell the Property for purposes of satisfying the issued judgment. In addition to moving for the writ, Mr. Salb completed a Process Receipt and Return form, which required the moving party to indicate where to serve the non-moving party and provide a description of the property to be seized. Mr. Salb indicated on the Process Receipt that the Property was a rental property owned by Ms. Steele and that Ms. Steele resided at another address. On October 27, 2016, the USMS posted a Notice of Attachment on the Property, which stated that the USMS had attached and taken possession of the Property. The USMS then obtained two appraisals to determine the value of the Property and published an advertisement of the execution sale, scheduled for March 31, 2017, in the Washington Times for four consecutive weeks beginning on March 1, 2017. On March 31, 2017, Mr. Salb purchased the Property for \$148,000.00 at the execution sale (relying on his judgment against Ms. Steele and paying \$34,645.03 in cash). Afterward, the USMS executed a Marshal's Deed, which was accepted by the Recorder of Deeds on May 3, 2017.

Subsequently, Ms. Steele filed the complaint in the case before us, requesting that the trial court quiet title, set aside the execution sale, and award damages for unjust enrichment.<sup>1</sup> The parties filed cross motions for summary judgment, which the trial court denied as to Ms. Steele and granted in part as to Mr. Salb. In considering Ms. Steele's claims to quiet title and set aside the execution sale, the trial court looked both to whether there was "strict compliance" with the statutory requirements for notice under 28 U.S.C. § 2002 and whether there were "substantive deficiencies in the actual sale." The court determined that the USMS had "strictly complied" with § 2002 and thus Ms. Steele had received adequate notice. It also determined that "the only relevant substantive consideration" in this case was "the adequacy of the sales price," but concluded that there was "insufficient information

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<sup>1</sup> Mr. Salb filed a counterclaim, but both the counterclaim and Ms. Steele's unjust enrichment claim were voluntarily withdrawn.

in the record to determine the value of the Property at the time of the sale.” Due to this lack of information, the court denied both parties’ motions for summary judgment on these two claims. Thereafter, Mr. Salb filed a renewed motion for summary judgment. In light of new evidence presented, the court determined that the sales price of the Property was not sufficiently low to require setting aside the execution sale, and thus granted summary judgment to Mr. Salb on the claims to quiet title and set aside the sale. As such, the only remaining issue set for trial was Ms. Steele’s claim for unjust enrichment, which she voluntarily dismissed. The trial court entered final judgment in favor of Mr. Salb on October 16, 2023. Ms. Steele timely filed her appeal.

## II. Discussion

### A. Standard of Review and Applicable Law

“We review orders granting summary judgment de novo.” *Steward v. Moskowitz*, 5 A.3d 638, 646 (D.C. 2010) (citing *New Econ. Cap., L.L.C. v. New Mkts. Cap. Grp.*, 881 A.2d 1087, 1094 (D.C. 2005)). Under this standard, we “consider the evidence in the light most favorable to the non-moving party, and conduct an independent review of the record.” *Id.* (citation omitted).

“A motion for summary judgment should be granted whenever the court concludes that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” *Joeckel v. Disabled Am. Veterans*, 793 A.2d 1279, 1281 (D.C. 2002).

As it applies to execution sales, Superior Court Rule of Civil Procedure 69 states:

A money judgment is enforced by a writ of execution, unless the court directs otherwise. The procedure on execution—and in proceedings supplementary to and in aid of a judgment or execution—must accord with the procedure of the District of Columbia, but a federal statute governs to the extent that it applies.

Super. Ct. Civ. R. 69(a)(1). Pertinent to execution sales, the “statutory scheme for the enforcement of judgments is set forth in Title 15 of the D.C. Code.” *Steward*, 5 A.3d at 647. D.C. Code § 15-301, in turn, states:

As used in Sections 15-302, 15-303, 15-305 to 15-307, 15-309, 15-317, and 15-318, “judgment” includes an unconditional

decree for the payment of money, and Sections 15-302 to 15-318 are applicable to such a decree.

D.C. Code § 15-301.

As to writs of *fiery facias*, D.C. Code § 15-311 provides:

A writ of *fiery facias* issued from the United States District Court for the District of Columbia or the Superior Court of the District of Columbia upon a judgment entered in such court may be levied on all legal leasehold and freehold estates of the debtor in land, but only after such judgment has been filed and recorded in the office of the Recorder of Deeds of the District of Columbia.

D.C. Code § 15-311. Relatedly, D.C. Code § 15-314 states:

Where not herein otherwise provided, all property levied upon, except money, shall be appraised by two sworn appraisers and sold at public auction for cash.

Personal property may be sold after ten days' notice by advertisement, containing a description sufficiently definite to be embodied in a conveyance of title.

Leasehold and freehold estates in land may be sold after notice has been made in the manner provided by section 2002 of Title 28, in the United States Code.

D.C. Code § 15-314. 28 U.S.C. § 2002, in turn, states:

A public sale of realty or interest therein under any order, judgment or decree of any court of the United States shall not be made without notice published once a week for at least four weeks prior to the sale in at least one newspaper regularly issued and of general circulation in the county, state, or judicial district of the United States wherein the realty is situated.

## B. Analysis

On appeal, Ms. Steele argues that she was not given proper notice of the sale proceedings.<sup>2</sup> Specifically, Ms. Steele argues that the trial court incorrectly interpreted *Steward* by holding that Ms. Steele received adequate notice as a matter of law due to the USMS strictly complying with the requirements of 28 U.S.C. § 2002 and publishing the notice of sale once a week for at least four weeks prior to the sale. She additionally argues that service of the writ is designed to provide adequate notice instead. Ms. Steele contends that she was deprived of due process because the writ was not personally served upon her and because the notice statute for execution sales, as applied to this case, does not afford sufficient notice to satisfy due process considerations.

The facts in *Steward* are analogous to this case, as it involved an execution sale of real property that arose from a judgment from unpaid legal fees. Unlike the case before us, however, the USMS in *Steward* only published the notice of sale on three days of a fourteen-day period and thus failed to strictly comply with the requirements set forth in 28 U.S.C. § 2002. *See Steward*, 5 A.3d at 651. In analyzing the statute, this court held that substantial compliance with the notice provision of 28 U.S.C. § 2002 is insufficient and that strict compliance is required to provide adequate notice of the sale.<sup>3</sup> *Id.* The parties here agree that USMS strictly complied with 28 U.S.C § 2002.

Ms. Steele argues that strict compliance with 28 U.S.C. § 2002 is insufficient because due process additionally requires reasonable notice, which she argues is separate and distinct from adequate notice under the statute. While Ms. Steele does not cite to any cases for the proposition that compliance with 28 U.S.C. § 2002 does not satisfy due process, she does argue that publication alone is inadequate notice under the Due Process Clause, relying on *Jones v. Flowers*, 547 U.S. 220 (2006),

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<sup>2</sup> Ms. Steele seems to occasionally describe the execution sale as a “foreclosure sale,” but these two types of sales, which are governed by different statutory requirements and case law, are not interchangeable.

<sup>3</sup> *Steward* also contemplated in the alternative that, had the court ruled that substantial compliance was sufficient to satisfy D.C. Code § 15-314 and 28 U.S.C. § 2002, a sale could still be set aside if there was a grossly inadequate sales price accompanied with some unfairness or irregularity, such as a three-day publication. *Id.* at 651-52. However, Ms. Steele is not arguing that the execution sales price was grossly inadequate.

*Mennonite Bd. of Missions v. Adams*, 462 U.S. 791 (1983), and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). Assuming without deciding that more than statutorily compliant notice is required, we conclude that notice of the judgment and seizure of the Property via the writ (served on counsel) was sufficient under the circumstances to satisfy due process.

*Flowers*, *Mennonite*, and *Mullane* do not directly control our decision making in this case because they did not involve execution sales and involved the rights of parties who were unable to exercise their right to be heard because said parties had not participated in the sales proceedings.<sup>4</sup> More generally they reaffirm the proposition that due process is context dependent. *Jones v. Flowers*, 547 U.S. 220, 226 (2006) (explaining “due process requires the government to provide ‘notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections’”) (quoting *Mullane*, 339 U.S. at 314). Here, Ms. Steele was represented by counsel in her initial suit against Mr. Salb; was aware of Mr. Salb’s counterclaim, the judgment arising from the counterclaim, and Mr. Salb’s efforts to procure the writ; and, filed a motion to quash the writ itself and set aside the judgment. The trial court denied her motion to quash the writ only after considering her written objections and argument. The circumstances here are thus easily distinguishable from the string of cases upon which Ms. Steele relies.

Ms. Steele also argues that a genuine issue of material fact existed as to whether she received “actual notice of the sale” or was “personally served with the writ.” Ms. Steele contends that Mr. Salb, as her former attorney, was aware of her multiple forms of contact and knew of her primary residence, yet he neither served the writ upon her nor took any efforts to inform her of the execution sale.<sup>5</sup> But again,

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<sup>4</sup> *Flowers* held that, when a mailed notice of tax sale is returned unclaimed, the state must take additional steps to provide notice to the property owner. See *Flowers*, 547 U.S. at 239. *Mullane* held that notice by publication was not sufficient to known beneficiaries of a common trust because it was not reasonably calculated to reach those who could “easily be informed by other means at hand.” *Mullane*, 339 U.S. at 319. *Mennonite* held that constructive notice in a tax sale must be accompanied by additional notice when the mortgagee is identifiable. *Mennonite*, 462 U.S. at 798.

<sup>5</sup> Ms. Steele seems to also suggest that Mr. Salb should have made more of an effort to notify her of the proceedings due to her inexperience, but as Ms. Steele was represented by counsel at the time, this argument falls short.

assuming that more than statutorily compliant notice was required to satisfy due process, we disagree that “more” amounted to actual notice or personal service of the writ. *See Flowers*, 547 U.S. at 226 (holding that in the context of a tax sale “[d]ue process does not require that a property owner receive actual notice” of a tax sale.) (internal quotations omitted). Again, Ms. Steele was actively participating in the 2009 Lawsuit through counsel, aware of the underlying unpaid judgment, and had knowledge of the writ itself. While her attempts to quash the writ were unsuccessful, she was able to present her objections to the trial court. Under these circumstances, she was afforded sufficient reasonable notice to satisfy due process. Accordingly, whether she received actual notice does not create a genuine issue of material fact. This is especially true since Ms. Steele is not arguing on appeal that the sales price of the Property was grossly inadequate to warrant setting aside the sale. *See Steward*, 5 A.3d at 651 (holding that lack of actual notice and a grossly inadequate sales price could justify setting aside an execution sale).

As to service of the writ, the writ was issued publicly by the trial court after Ms. Steele’s failed attempt to quash the same. Ms. Steele correctly argues that, under Super. Ct. Civ. R. 4.1(a) and D.C. Code § 13-302, whenever service of process is required, it shall be effectuated by the USMS. However, Ms. Steele does not cite to any requirement that the USMS personally serve her with the writ to complete the execution sale.<sup>6</sup> Again, Ms. Steele was represented by counsel, who ultimately attempted to quash the writ itself. In sum, because (1) Mr. Salb provided adequate notice of the execution sale as set forth in statute; (2) there was no requirement that Ms. Steele be personally served with the writ to effectuate the execution sale; and (3) she was afforded reasonable notice as she was aware of the proceedings and had

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<sup>6</sup> The writ does not include the date of the execution sale; it is merely a directive to the USMS “to seize and sell a defendant’s property to satisfy a money judgment.” *Fid. Nat’l Title Ins. Co. of N.Y. v. Tillerson*, 2 A.3d 198, 199 n.2 (D.C. 2010) (quoting *Fieri Facias*, Black’s Law Dictionary (8th ed. 1999)).

an opportunity to be heard and to raise any objections Ms. Steele's contentions do not create a genuine issue of material fact.

For the reasons stated above, when viewed in the light most favorable to the non-movant, there are no genuine issues as to any material fact and Mr. Salb was entitled to judgment as a matter of law.

### III. Conclusion

For the foregoing reasons, we affirm.

*So ordered.*

ENTERED BY DIRECTION OF THE COURT:

  
JULIO A. CASTILLO  
Clerk of the Court

Copies emailed to:

Honorable Shana Frost Matini

Director, Civil Division  
QMU

Copies e-served to:

Tracy Buck, Esquire

Kathryn Erklauer, Esquire

**District of Columbia  
Court of Appeals**

05/29/2025

**No. 23-CV-0887**

CHERYL STEELE,

Appellant,

**2021-CA-003626-R(RP)**

v.

MICAH SALB,

Appellee.

Zabrina W. Dempson, Clerk  
Superior Court of the District of Columbia

Dear Ms. Dempson:

The attached certified copy of the Decision in this case, pursuant to Rule 41(a) of the Rules of this Court, constitutes the mandate issued this date.

JULIO A. CASTILLO  
Clerk of the Court

**IN THE DISTRICT OF COLUMBIA COURT OF APPEALS**

**CHERYL STEELE**

*Appellant,*

v.

**MICAH SALB**

*Appellee.*

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**Appeal Case No.: 23-CV-887**

Superior Court Case: 2021-CA-3626-R(RP)

**MOTION TO RECALL THE MANDATE ISSUED**

Appellant Cheryl Steele, by and through undersigned counsel, hereby moves to recall the mandate that was issued in this matter. In support of this request, undersigned states as follows:

1. On October 19, 2023, Appellant filed a Notice of Appeal.
2. On February 2, 2024, a Briefing Order was issued.
3. On June 3, 2024, the parties had completed briefing of the appellate issues in this matter.
4. On May 7, 2025, the Court of Appeals affirmed the judgment from the trial court.
5. A mandate was issued on May 29, 2025.
6. Appellant has since made efforts to file a Motion seeking leave to withdraw her appearance as counsel of record for Appellant Cheryl Steele in this matter.
7. Before the Court of Appeals can consider that motion, the mandate must be recalled to give this honorable court jurisdiction to rule on that Motion seeking leave.
8. Based on the foregoing, good cause exists to grant the instant Motion and to recall the mandate that was issued in this case.

9. The Motion seeking leave to withdraw as counsel of record in this matter is being re-filed contemporaneous hereto for consideration by the Court should the Court grant the instant Motion to recall the mandate.

10. Undersigned counsel called and emailed counsel for Appellee seeking consent to the relief sought herein but did not receive a response as of the date of this filing.

WHEREFORE, for the reasons set forth above, Appellant Cheryl Steele hereby requests that the Court of Appeals recall the mandate that was issued in this matter.

Respectfully, submitted,

OFFIT KURMAN, P.A.

/s/ Tracy Buck

Tracy Buck (Bar No. 1021540)

Ian G. Thomas (Bar No. 1021680)

1325 G Street NW, Suite 500

Washington, DC 20005

(202) 900-8597

(202) 393-2104

ithomas@offitkurman.com

tracy.buck@offitkurman.com

***Attorney for Appellant Cheryl Steele***

**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2024, the foregoing document was served on all counsel of record via the Court of Appeals Electronic Filing System and served via first class mail, postage prepaid, and via email to the following:

Cheryl Steele  
1913 Kenyon Street, NW  
Washington, D.C. 20010  
*Appellant*

/s/ Tracy Buck\_\_\_\_\_

appealing a dc court...



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AI Overview



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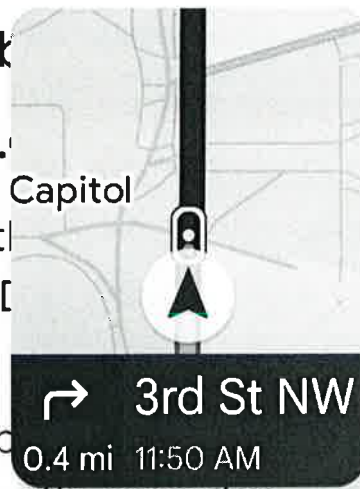
To appeal a decision from the D.C. Court of Appeals to the United States Supreme Court, you must first exhaust all available avenues of relief within the D.C. court system. This generally includes appealing to an en banc panel of the D.C. Court of Appeals if the case is eligible. Then, if the party is still dissatisfied, they can petition the Supreme Court for a writ of certiorari, a request for the Supreme Court to review the case. [🔗](#)

Here's a more detailed k

### 1. Appealing Within the D.C.

- If the decision is from the D.C. Court, appeal it to the D.C. Court of Appeals. [🔗](#)

- If the D.C. Court of Appeals decision you disagree with considers



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Notifications



Activity



appealing a dc court...

supreme Court for a writ of certiorari, a request for the Supreme Court to review the case. [🔗](#)

Here's a more detailed k

### 1. Appealing Within the D.C. Court System

- If the decision is from the District Court, appeal it to the D.C. Court of Appeals. [🔗](#)
- If the D.C. Court of Appeals makes a decision you disagree with, consider appealing to an en banc panel (a full panel of the court, including all nine judges). [🔗](#)
- File the necessary documents and pay the required fees, as specified by the D.C. Court of Appeals. [🔗](#)
- If you cannot afford the filing fee, you may be able to request a fee waiver. [🔗](#)

### 2. Petitioning the Supreme Court (Certiorari):

- After exhausting all appeals within the D.C. system, you can file a petition for



Home



Search



Notifications



Activity

**From:** Cheryl Steele  
**Sent:** Friday, June 6, 2025 7:05 AM  
**To:** Kate Erklauer  
**Subject:** Motion to be filed in the DC Court of Appeals today Steele v Salb 23-cv-0087

Good morning Ms. Erklauer,

I am continuing pro se in my matter. I am requesting the Court to remove or lift the mandate as signed on May 29, 2025 because I was not provided a copy of the decision until May 17, 2025. I was not provided with options or the timeliness to exhaust all of my remedies within the DC Court of Appeals.

You may reply to this email whether you consent or will oppose if you chose to do so.

I will send a copy of the motion by certified mail to your address below.

**Kate Erklauer**  
**Blumenthal, Cordone & Erklauer, PLLC**  
7325 Georgia Ave, NW  
Washington, DC 20012  
202.256.5977 (c)  
202.332.5279 x200 (o)  
*Pronouns: she/her*

*Grateful, Cheryl*

## Certificate of Service

I certify that I have served a copy of the foregoing to

Kate Erklauer

by HAND / FIRST CLASS MAIL (circle one) at

7325 Georgia Ave NW WDC 20012

on this 6<sup>th</sup> day of June, 2025

Signature: Cheryl Welch

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Washington, DC 20012

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Sent To Kate Erklauer

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City, State, ZIP+4®  
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0237  
45

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06/06/2025