

No. 24-7008

In The
Supreme Court of the United States

ANTHONY MICHAEL BRANCH,
Petitioner,

v.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
ROBERTO PINA CARDOSO,
Respondents.

On Petition for Writ of Certiorari
to the Massachusetts Supreme
Judicial Court

**SUPPLEMENTAL BRIEF OF PETITIONER
PURSUANT TO SUPREME COURT RULE 15.8**

Rev. Anthony Michael Branch
Pro Se
ANTHONY MICHAEL BRANCH
25 Montello Street Extension
Brockton, MA 02301
Phone: (617) 755-3535
Email: tonybranch@icloud.com
Petitioner

INTRODUCTION

Supreme Court Rule 15.8 provides, “any party may file a supplemental brief at any time while a petition for writ of certiorari is pending, calling attention to . . . [any] intervening matter not available at the time of the party’s last filing.” Petitioner respectfully submits this supplemental notice to apprise the Court of urgent developments that have arisen since the filing of the Petition. These developments validate the constitutional concerns raised in the original petition and reveal a deepening pattern of due process violations, judicial irregularities, and enforcement conduct incompatible with federal constitutional norms.

Several of the most critical violations, such as the concealment of material litigation, the invalid execution for possession and monetary damages, and the ongoing enforcement efforts by a party who disclaims standing, have only occurred or become discoverable since the petition was docketed.

The significance and timing of these events compel serious consideration by this Court to preserve the integrity of appellate review and prevent irreparable constitutional harm.

The following supplemental developments materially reinforce the constitutional issues raised in the petition and demonstrate an escalating pattern of due process violations and structural irregularities requiring review by this Court.

DISCUSSION

1. Execution Recalled Due to Invalid Money Judgment

The Housing Court’s issuance of a facially invalid execution on February 14, 2025, placed Petitioner at imminent risk of unlawful eviction. Had Petitioner not acted swiftly to file an Emergency Motion to Strike, the move-out would have proceeded based on an execution including \$44,555.76 in monetary damages that had never been adjudicated. The Housing Court process is so expedited that its checks and balances are ripe for legal

errors, nearly denying Petitioner an adequate opportunity to challenge this unlawful instrument before enforcement.

In Fannie Mae v. Branch, 494 Mass. 343, 355 (2024), the Massachusetts Supreme Judicial Court expressly limited its affirmance to a judgment of possession only. The inclusion of monetary damages in the execution exceeded the Court's mandate and violated due process. See Beaumont v. Segal, 362 Mass. 30, 31 (1972) (an execution that exceeds the judgment must be recalled). This supports Petitioner's contention that enforcement has been based on false and void instruments.

Based on the Petitioner's Emergency Motion to Strike Execution, the Housing Court later acknowledged the error and recalled the execution on April 7, 2025. However, Respondent Cardoso has since refused to return the original execution to the court, as required by the Court's order. Instead, Cardoso has filed a cross-motion demanding that the levy proceed using the recalled execution or a new execution issue immediately, regardless of pending appeals or due process challenges. This defiance of the Court's directive constitutes a continuing violation of procedural integrity and underscores the urgent need for oversight. Yet this error nearly resulted in the unlawful dispossession of a litigant who had already filed a Petition for Writ of Certiorari with this Court.

The Massachusetts Housing Court system does not presently recognize a pending petition for certiorari to the United States Supreme Court as constituting a pending appeal, effectively denying petitioners federal protection until the Supreme Court grants an express stay. This systemic disregard places petitioners like Branch in constitutional limbo at the mercy of summary enforcement procedures that do not meaningfully account for federal appellate review. The Petitioner requested a stay before the Housing Court, which was denied and effectively affirmed by the Massachusetts Supreme Judicial Court, which denied a stay shortly thereafter.

This event exemplifies the very harm the Petition sought to avoid. It illustrates a need for this Court's intervention to clarify whether execution and eviction may proceed while a certiorari petition is pending in a case involving federal due process claims.

2. Deliberate Concealment of Quiet Title Action Ongoing Violation of Due Process

Although the Housing Court granted Cardoso post-judgment intervention and the Supreme Judicial Court affirmed that he may proceed jointly with Fannie Mae, the SJC expressly held that Cardoso's right to possession was *derivative* of Fannie Mae's, not based on any independent adjudication of title. Critically, at no stage before the Housing Court, the Appeals Court, or the SJC, did Cardoso disclose that he had already secured a default judgment in a separate, concealed quiet title action in Superior Court. That judgment was never litigated in any forum that included Petitioner and was entirely unknown to the courts assessing possession.

Massachusetts law requires that a plaintiff in a quiet title action name all persons with a potential interest in the property and fully disclose competing claims. See G.L. c. 240, § 6; Mass. R. Civ. P. 19(a). Yet Respondent Cardoso filed a quiet title action claiming 25 Montello Street Extension as his personal residence, despite the fact that Petitioner resided there and held a recorded interest in the title. The Superior Court record shows that Cardoso failed to name Petitioner, failed to notify him, and falsely implied possession to justify the action. Worse still, Cardoso's affidavit of title omitted all reference to Petitioner's deed despite having reviewed the Registry of Deeds. See Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950); Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988). A judgment obtained under such circumstances is constitutionally void. See United Student Aid Funds v. Espinosa, 559 U.S. 260, 271 (2010). The nondisclosure of this proceeding from the Housing Court, Appeals Court, and SJC renders the possession judgment, now being enforced by Cardoso, jurisdictionally infirm and fundamentally unjust.

This concealment violates foundational due process principles. As the Supreme Court has long held, "an elementary and fundamental requirement of due process... is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action." Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). The failure to join or notify a party in a case directly affecting their rights renders any judgment void. Peralta v. Heights Med. Ctr., Inc., 485 U.S. 80, 86 (1988).

Likewise, when notice is defective or withheld, later enforcement does not cure due process violations. See United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 272 (2010).

Cardoso's ongoing enforcement efforts rest on a judgment entered in favor of a party that has since disclaimed interest. At the same time, he simultaneously conceals a second judgment obtained in his name without service or due process. This duplicity, litigating through one judgment while hiding another, constitutes fraud in the court. See Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 246 (1944). The courts ruled without full knowledge of Cardoso's separate litigation in violation of the Petitioner's due process rights, which was a hidden adjudication and shielded from scrutiny.

This pattern of concealment, misrepresentation, and exclusion fundamentally undermines the integrity of the judicial process and violates Petitioner's constitutional rights under the Fifth and Fourteenth Amendments.

3. Arson Attempt Elevates Threat of Irreparable Harm

On May 21, 2023, an arson attempt occurred at Petitioner's home while he and his family were asleep. Fire investigators confirmed Accelerant, and a criminal investigation remains active. The suspect vehicle observed fleeing the scene was later linked to a party associated with this litigation. This incident, which was not raised in the original petition, demonstrates ongoing danger and reinforces the irreparable harm of eviction. The loss of one's home under such circumstances cannot be undone by later relief. See Los Angeles v. David, 538 U.S. 715, 717 (2003); Nken v. Holder, 556 U.S. 418, 435 (2009).

4. Pending State Court Motions to Vacate Judgment Based on Voidness and Fraud

Petitioner has filed motions under Mass. R. Civ. P. 60(b)(4) and 60(b)(3), arguing that the judgment is void due to lack of subject matter jurisdiction and fraud. The Housing Court treated these motions as discretionary under Rule 60(b)(6), an error which directly conflicts with binding federal and state precedent. See Lubben v. Selective Serv. Sys. Local Bd. No. 27, 453 F.2d 645, 649 (1st Cir. 1972) ("If

a judgment is void, it must be vacated.”); Abate v. Fremont Inv. & Loan, 470 Mass. 821, 828 (2015).

5. Fannie Mae Moves to Dismiss Itself from the Case

On April 15, 2025, Fannie Mae filed in the Housing Court a motion to dismiss itself as a party from the underlying Housing Court case. In that filing, Fannie Mae acknowledged that it transferred ownership of the subject property to Respondent Cardoso in 2018, that it no longer owns or seeks possession, and that it has no continuing interest in the litigation. Fannie Mae further represented that all appeals involving Petitioner’s counterclaims had concluded, including the denial of certiorari by this Court. By doing so, Fannie Mae effectively disclaimed standing to pursue any further enforcement of the Housing Court judgment.

Moreover, counsel for Fannie Mae has since expressed uncertainty as to the procedural status of the case before this Court indicating that the party in whose name the original judgment was entered is no longer actively monitoring or directing the litigation. This admission underscores the procedural disarray now driving enforcement: a litigant who has withdrawn from the case in substance, if not yet formally, remains the named plaintiff while another party enforces judgment in their stead. This further supports Petitioner’s contention that the present enforcement lacks a lawful foundation and threatens due process protections.

The case is now driven solely by Respondent Cardoso, whose legal interest arose not from the quiet title action, which was never adjudicated and actively concealed from all courts and parties, but from the Housing Court’s post-judgment grant of intervention status, a judgment rendered in favor of a now-absent party. Although Cardoso did obtain a default judgment in the Superior Court quiet title case on November 3, 2021, that judgment was never disclosed to the Housing Court, the Appeals Court, or the Supreme Judicial Court. Petitioner and the Housing Court remained unaware of its existence during critical proceedings, and Cardoso failed to disclose it while simultaneously seeking intervention and enforcement in a separate court. The nondisclosure of this judgment deprived Petitioner of any opportunity to challenge or appeal it and fundamentally compromised the fairness of all subsequent litigation. Thus,

the current enforcement is not driven by a completed adjudication of Cardoso's title, but by a judgment entered in favor of Fannie Mae, which has now disclaimed interest and requested dismissal from the case. This reveals a critical defect in the legal foundation for the ongoing enforcement action.

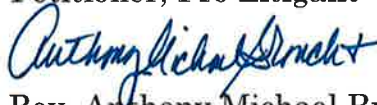
The disconnect between the former record owner, the current enforcer of judgment, and the procedural omissions leading here undermines the legitimacy of enforcement. See Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950); Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988); United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010).

CONCLUSION

The concealment of material litigation, unlawful execution, and the threat to personal safety due to arson are not just post-judgment facts they are ongoing constitutional violations that deprive the Petitioner of the protection the Due Process Clause guarantees. Petitioner respectfully requests that this Court consider this notice of supplemental developments in conjunction with the pending Petition for Writ of Certiorari.

Dated: April 24, 2025

Respectfully submitted,
ANTHONY MICHAEL BRANCH
Petitioner, Pro Litigant



Rev. Anthony Michael Branch
25 Montello Street Ext.
Brockton, MA 02301-7148
Phone: 617-755-3535
Email: tonybranch@icloud.com