

TABLE TO APPENDICES

	Page(s)
APPENDIX A – ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, FILED DECEMBER 17, 2024	1a
APPENDIX B – MANDATE OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, FILE SEPTEMBER 5, 2024	3a
APPENDIX C – ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, FILED SEPTEMBER 4, 2024	5a
APPENDIX D – ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, FILED JULY 22, 2024	8a
APPENDIX E – ORDER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, WD, FILED APRIL 30, 2024	10a

**APPENDIX A – ORDER OF THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT,
FILED DECEMBER 17, 2024**

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 24-3640

Tonya Lee Randleman,

Plaintiff-Appellant,

v.

Firelands for Habitat for Humanity, Inc.,

Defendant-Appellee,

Decided December 17, 2024

ORDER

On Petition for Rehearing of this Court's Order DENIED

Before: BATCHELDER, THAPER, and DAVIS, *Circuit Judges.*

Opinion for the Court filed by *Clerk of Court for the Sixth Circuit* STEPHENS.

Appendix A

BATCHELDER, THAPER, and DAVIS, *Circuit Judges*: Tonya Lee Randle filed a petition for rehearing of this court's September 4, 2024, order dismissing this appeal for lack of jurisdiction.

Upon careful consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it entered decision. See Fed. R. App. P. 40(b)(1)(A).

The petition for rehearing is DENIED.

Appendix B

**APPENDIX B – MANDATE OF THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT,
FILED SEPTEMBER 5, 2024**

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 24-3640

Tonya Lee Randleman,

Plaintiff-Appellant,

v.

Firelands for Habitat for Humanity, Inc.,

Defendant-Appellee,

Decided September 5, 2024

MANDATE

On Appeal JUDGMENT it is ORDERED that the appeal is DISMISSED.

Before: BATCHER, THAPER, and DAVIS, *Circuit Judges.*

Opinion for the Court filed by *Clerk of Court for the Sixth Circuit*, STEPHENS.

Appendix B

BATCHER, THAPER, and DAVIS, *Circuit Judges*: THIS MATTER came before the court upon consideration of appellate jurisdiction. IN CONSIDERATION THEREOF, it is ORDERED that the appeal is DIMISSED.

**APPENDIX C – ORDER OF THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT,
FILED SEPTEMBER 4, 2024**

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 24-3640

Tonya Lee Randleman,

Plaintiff-Appellant,

v.

Firelands for Habitat for Humanity, Inc.,

Defendant-Appellee,

Decided September 4, 2024

ORDER

Appeal DISMISSED for lack of jurisdiction.

Before: BATCHER, THAPER, and DAVIS, *Circuit Judges.*

Opinion for the Court filed by *Clerk of Court for the Sixth Circuit*, STEPHENS.

Appendix C

BATCHER, THAPER, and DAVIS, *Circuit Judges*: This matter is before the court upon a motion to dismiss for lack of jurisdiction.

Fireland Habitat for Humanity, Inc. (“Firelands”) filed a foreclosure action against Tonya Lee Randleman in Ohio state court. Randleman filed a notice of removal in the district court, concluding that the district court lacked subject-matter jurisdiction.

Randleman appealed the district court’s order to the United States Court of Appeals for the Federal Circuit. The Federal Circuit issued a show-cause order directing the parties to demonstrate whether the case should be dismissed or transferred. After receiving responses from both parties, the Federal Circuit transferred the appeal to this court. *See* 28 U.S.C. 1631. Firelands now moves to dismiss the appeal as taken from a non-appealable order.

We have jurisdiction to review final orders of the district court under 28 U.S.C. § 1291. But 28 U.S.C. § 1447(d) limits appellate jurisdiction where remand orders are concerned.: “An order remanding a case to the State court which it was removed in not reviewable on appeal otherwise.” 28 U.S.C. 28 U.S.C. § 1447(d). Although there are exceptions to that rule, *see* 28 U.S.C. §§ 1442 & 1443, they are not applicable here. See also *Blackburn v. Oaktree Cap Mgmt., LLC.*, 511 F.3d 633, 637 (6th Cir. 2008) (explaining that we may not review a district court’s remand order when the order is based on lack of subject-matter jurisdiction).

Accordingly, the motion to dismiss is GRANTED and the appeal is DIMISSED

Appendix C

for lack of jurisdiction.

**APPENDIX D – ORDER OF THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT,
FILED JULY 22, 2024**

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2024-1813

Tonya Lee Randleman,

Plaintiff-Appellant,

v.

Firelands for Habitat for Humanity, Inc.,

Defendant-Appellee,

Decided July 22, 2024

ORDER

On Appeal from the (D. Ohio) order transferring case to United States Court of Appeals for the Sixth Circuit.

Before: PROST, TARANTO, HUGHES, *Circuit Judges.*

Opinion for the Court filed by *Clerk of Court for the Court of Appeals for the Federal Circuit*, PERLOW.

Appendix D

PROST, TARANTO, and HUGHES, Circuit Judges: The court considers the parties' responses to the May 23, 2024 order to show cause.

Firelands Habitat for Humanity filed a foreclosure action against Ms. Randleman in a state court in Ohio. Ms. Randleman removed the action to the United States District Court for the Northern District of Ohio, but the court later issued an order remanding the case to state-court, explaining the court "lacks original jurisdiction over the foreclosure action" because [t]he foreclosure action filed by Firelands Habitat for Humanity is state court was based on state law" and Ms. Randleman's "[f]ederal counterclaims and defenses are inadequate to confer jurisdiction." ECF No 1-2 at 9-10 (citation omitted).

Our jurisdiction to review decisions of federal district courts generally extends only to cases arising under the patent laws, 28 U.S.C. § 1295(a)(1); civil actions on review for the district court for the United States Patent and Trademark Office, *see* 28 U.S.C. § 1295(a)(4)(C); or cases involving certain damages claims against the United States "not exceeding \$10, 000 in amount," 28 U.S.C. § 1346(a)(2); *see also* 28 U.S.C. § 1295(a)(2); 28 U.S.C. 28 U.S.C. § 1295(c)(1). This is outside the limited subject matter jurisdiction.

Accordingly,

IT IS ORDERED THAT:

This appeal and all its filings are transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. 1631.

APPENDIX E – ORDER OF THE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT
OF OHIO, WESTERN DIVISION
FILED APRIL 30, 2024

UNITED STATES DISTRICT COURT FOR NORHERN
DISTRICT
OF OHIO, WESTERN DIVISION

No. 3:24-CV-0760

Firelands for Habitat for Humanity, Inc,

Plaintiff-Appellant,
v.

Tonya L. Randleman, et al,

Defendant-Appellee,

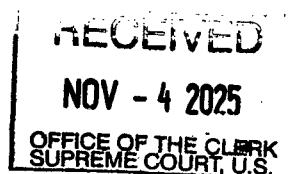
Decided April 30, 2024

ORDER

ORDER OF REMAND to the state court.

Before: JEFFREY J. HELMICK, *United States District
Judge.*

Opinion for the Court filed by *Judge*, HELMICK.



Appendix E

HELMICK, U.S. District Judge: Defendant Tonya L. Randleman attempted to remove this foreclosure action for the Erie County Court of Common Pleas by filing a *pro se* Notice of Removal. For the reasons stated below, the removal was not proper, and this action is remanded to the state court.

On September 10, 2015, Firelands Habitat for Humanity Inc. filed this foreclosure action in the Erie County Court of Common Pleas, Case No. 2015 CV 0565, against Tonya L. Randleman, Dean L. Swain, Sr, the City of Sandusky, and the City of Sandusky Tax Department. Judge Tygh M. Tone entered a decree of foreclosure in favor of Firelands Habitat for Humanity on April 5, 2016. The court issued an Order of Sale, and the property was scheduled for sale at sheriff's auction on September 13, 2016. On September 2, 2016, just eleven days before the scheduled sale, Randleman filed for Chapter 13 bankruptcy, which stayed the sale. The stay was lifted on April 18, 2022, and the property was once again scheduled for sheriff's sale on October 11, 2022. On October 10, 2022, the day before the sale, Randleman filed a Chapter 7 bankruptcy, which stayed the sale. That stay was lifted on February 26, 2024. The property is set for sheriff's sale on May 14, 2024.

Randleman has now filed this action seeking to remove the foreclosure to federal court. She did not pay the filing fee, nor did she submit a proper application to proceed *In forma pauperis*. Nevertheless, this action has not been properly removed and must be returned to the state court immediately to avoid undue delay or interference with

Appendix E

the state court proceedings.

A Defendant may remove “any civil action brought in a state court of which the district of a civil action or proceeding is based. 28 U.S.C. § 1441(a). The Notice of Removal of a civil action or proceeding must be filed within thirty days after the receipt by the Defendant through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. 28 U.S.C. § 1446(b), Moreover, when the action is removed under § 1441(a), all of the Defendants who have been properly moved must join in the removal or consent to it. 28 U.S.C. § 1446(b)(2)(A).

Randleman’s attempted removal fails to meet any of these statutory criteria an initial matter, the Court lacks original jurisdiction over foreclosure action. Randleman cites to federal statutes governing foreign or international banking, removal of bankruptcy claims, war crimes to support removal based on federal question jurisdiction. Federal question jurisdiction under 28 U.S.C. § 1331 is proper only when a federal question is presented on the face of the state court Plaintiff’s Complaint. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). In other words, federal law must create the cause of action in the original foreclosure Complaint filed by Firelands Habitat for Humanity. *Merrell Dow Pharm. Inc. v. Thompson*, 478 U.S. 504, 808 (1987).

Federal counterclaims and defenses are “inadequate to confer federal

Appendix E

jurisdiction.” and fail to establish an objectively reasonable basis for removal. *See id.* (“A defense that raises a federal question is inadequate to confer federal question.”); *Holmes Group, Inc. v. Vornado Air Circulation Sys, Inc.*, 535 U.S. 826, 831 (2002) (“[A] counter-claim—which appears as part of the Defendant’s answer, not as part of the Plaintiff’s Complaint—cannot serve as the basis for ‘arising under’ jurisdiction”); *Chase Manhattan Mortgage Corp. v. Smith*, 507 F.3d 910, 914-15 (6th Cir. 2007). The foreclosure action filed by Firelands Habitat for Humanity in state court is based on state law.

Furthermore, the Notice of Removal in this case is not only untimely but appears to have been filed solely for the purpose of disrupting and delaying the sheriff’s sale in the state court foreclosure action. The removal statute requires the Notice of Removal to be filed within thirty days after the Defendant is served with the initial pleading. 28 U.S.C. § 1446(b). This action was filed over eight years ago on September 10, 2015. The state court docket indicates Randleman was served with the Complaint on September 14, 2015. The state court granted judgment in favor of Firelands Habitat for Humanity is now proceeding to collect the judgment through the sale of the property at sheriff’s sale. Randleman has now filed a Notice of Removal. At best, the notice of removal is untimely. Viewed less generously, it was filed for the sole purpose of disrupting the state court proceedings and delaying the sale. This is not a proper use of this Court’s resources.