
In the Supreme Court of the United States

Eliezer Taveras and Valeria Taveras
Petitioners,

v.

U.S. Bank, National Association As Legal Title Trustee For
Truman 2016 SC6 Title Trust,
Respondent

*On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit*

SUPPLEMENTAL BRIEF

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SUPPLEMENTAL BRIEF

Pursuant to this Court's Rule 15.8, Petitioners respectfully submit this Supplemental Brief pursuant to Rule 15.8 of the Rules of this Court. Its purpose is threefold: (1) to clarify the jurisdictional chronology in this case; (2) to correct misstatements adopted in the opinion below concerning the posture of the state-court proceedings; and (3) to advise the Court of subsequent developments in related proceedings that bear on the federal questions presented.

Specifically, Petitioners acknowledge that state jurisdiction was restored on October 16, 2023, when the federal district court's remand order was docketed in the Circuit Court of Osceola County, Florida. The Petition is not premised on an assertion that state jurisdiction was absent after that date. Rather, the constitutional issues arise because the state court conducted a hearing on August 23, 2023 and entered multiple dispositive orders on September 1, 2023—while jurisdiction was divested by removal under 28 U.S.C. § 1446(d). Those orders extinguished Petitioners' pending motions and discovery, compelled an abbreviated response while they were unrepresented and abroad, and set the stage for the October 19, 2023 summary judgment and June 20, 2024 deficiency judgment. Because those judgments rest on a void foundation, the federal questions remain live and outcome-determinative.

The opinion of the Eleventh Circuit compounded the problem by adopting Respondent's misrepresentation that the August 23, 2023 hearing was a "summary judgment" proceeding and by characterizing removal as "gamesmanship on the eve of summary judgment." In fact, the record shows that Respondent only sought to add

its summary judgment motion to the August 23 calendar by motion filed on August 9, 2023, and the state court itself acknowledged on September 1 that the motion had not been set for that date. The mischaracterization of this chronology infected the Eleventh Circuit's reasoning and illustrates the urgent need for this Court's review.

Petitioners have also filed a motion in the state trial court under Florida Rule of Civil Procedure 1.540(b), seeking vacatur of the September 1, 2023 orders, the October 19, 2023 summary judgment, and the June 20, 2024 deficiency judgment. That proceeding underscores that Petitioners are actively exhausting state remedies, but it does not diminish the need for this Court's resolution of the Supremacy Clause and adequate-state-grounds questions presented here.

1) Clarification of Jurisdictional Chronology

On August 21, 2023, Petitioners removed the state foreclosure action to the United States District Court for the Middle District of Florida pursuant to 28 U.S.C. § 1443(1). Federal law provides that upon the filing of a notice of removal, "the State court shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d). This Court has long held that a state court is "absolutely without jurisdiction ... until the cause is remanded." *Steamship Co. v. Tugman*, 106 U.S. 118, 122–23 (1882).

Despite this command, on August 23, 2023, the state court convened a hearing at Respondent's request, in Petitioners' absence, notwithstanding written notice of both removal and Petitioners' unavailability. On September 1, 2023, the court entered multiple orders, including one granting Respondent's motion to proceed, extinguishing Petitioners' pending dispositive motions, denying discovery, and

compelling Petitioners to file an abbreviated response to Respondent's summary judgment motion. These rulings were entered at a time when jurisdiction was vested exclusively in the federal court and are therefore void *ab initio*.

The extinguished motions included Valeria Taveras's Motion for Partial Summary Judgment, Eliezer Taveras's Motion for Judgment on the Pleadings, and a pending motion to compel discovery. Together, these motions went to core defenses of standing, alleged forgery of the note, and the validity of the verification of the Second Amended Complaint. By terminating those avenues of defense during removal, the September 1 orders deprived Petitioners of procedural vehicles necessary to develop their statutory and constitutional defenses.

On October 11, 2023, the federal district court issued an order remanding the case, which was mailed the following day and docketed in the state court on October 16, 2023, thereby restoring jurisdiction. The accelerated transmission left Petitioners without a meaningful opportunity to seek appellate relief or a stay of remand under Fed. R. App. P. 8(a)(2). Only three days later, on October 19, 2023, the state court granted summary judgment to Respondent. On June 20, 2024, it entered a deficiency judgment against Valeria Taveras. Both judgments rest upon the September 1 orders entered while jurisdiction was divested and are procedurally tainted as a result.

The Eleventh Circuit's opinion below compounded the error by adopting Respondent's mischaracterization that the August 23 hearing was a "summary judgment" proceeding and by describing the removal as "gamesmanship on the eve of summary judgment." In fact, Respondent only moved on August 9, 2023 to add its

summary judgment motion to the August 23 hearing, and the state court's own September 1 order acknowledged that the motion was not set for that date. The erroneous premise that removal was an attempt to evade a scheduled summary judgment hearing undermines the reasoning of the panel opinion and reinforces the federal questions presented.

2) Misrepresentation and Eleventh Circuit Reliance

The panel opinion below described Petitioners' August 21, 2023 removal as "gamesmanship on the eve of summary judgment." That premise is factually incorrect. Respondent's Motion for Summary Judgment was not scheduled for hearing on August 23, 2023. Respondent filed a motion on August 9, 2023 seeking to amend the July 17 order to add its motion to the August 23 calendar. The state court did not grant that request. In its September 1, 2023 order, the court itself acknowledged that Respondent's summary judgment motion had not been set for the August 23 hearing.

Accordingly, Respondent's representation that summary judgment was set for August 23, repeated in the panel's opinion, was unfounded. This mischaracterization materially shaped the Eleventh Circuit's analysis, both in concluding that removal was an abuse of process and in treating the September 1 state-court orders as procedurally valid. Because those orders were entered while jurisdiction was divested by removal, they are void ab initio regardless of the panel's assumption that Petitioners were attempting to avoid a summary judgment hearing.

3) Subsequent Developments

On September 1, 2025, Petitioners filed a motion in the Circuit Court of Osceola

County, Florida, under Florida Rule of Civil Procedure 1.540(b). The motion seeks vacatur of the September 1, 2023 orders that were entered during removal, as well as the October 19, 2023 summary judgment and the June 20, 2024 deficiency judgment that rest upon those orders. The motion asserts that the September 1 orders are void under 28 U.S.C. § 1446(d) and the Supremacy Clause, and voidable under Rule 1.540(b)(3) based on misrepresentation and related misconduct.

That state-court filing does not resolve, and cannot resolve, the federal questions presented here. The issues before this Court concern the scope of § 1443(1) under the second prong of *Georgia v. Rachel*, the Eleventh Circuit's affirmation of sanctions under 28 U.S.C. § 1447(c) without meaningful engagement with the § 1443 grounds, and the panel's reliance on a factual premise that the record contradicts. Those are federal questions committed to this Court. Petitioners' 1.540(b) motion demonstrates diligence in exhausting available state procedures while preserving their rights, but it does not diminish the need for this Court's review.

CONCLUSION

The questions presented in this petition go to the heart of federal removal jurisdiction and the protection Congress afforded in 28 U.S.C. § 1443(1). The Eleventh Circuit's decision misapplied the second prong of *Georgia v. Rachel*, sustained sanctions under § 1447(c) on a factual premise contradicted by the record, and left Petitioners without a federal forum for the vindication of statutory rights.

Petitioners have pursued every available avenue of relief, including a Rule 1.540(b) motion in state court, but the federal questions raised here can be resolved

only by this Court. Review is warranted to correct the Eleventh Circuit's errors, to enforce the Supremacy Clause and the statutory command of § 1446(d), and to ensure that civil rights removal under § 1443(1) remains a meaningful safeguard.

For these reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



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