

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

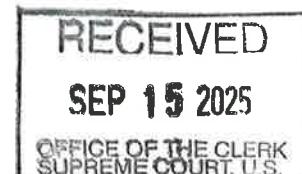
*On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit*

**SECOND SUPPLEMENTAL BRIEF OF PETITIONERS
PURSUANT TO RULE 15.8
(Intervening Orders of the Eleventh Circuit)**

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SECOND SUPPLEMENTAL BRIEF

Pursuant to Rule 15.8 of this Court, Petitioners respectfully submit this Second Supplemental Brief to call attention to intervening developments in the Eleventh Circuit since the filing of their Petition and initial Supplemental Brief.

Two events warrant the Court's attention. First, on September 3, 2025, the Eleventh Circuit denied Petitioners' motions to recall or clarify the mandate, notwithstanding record proof that its panel opinion rested on a demonstrably false premise, that removal occurred "on the eve of summary judgment." The court's refusal to address fraud upon the court, despite being directly presented with the misrepresentation and the state court's own acknowledgment that no such hearing was set, raises profound concerns about judicial integrity and reinforces the Petition's reliance on *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

Second, on September 3, 2025, the Eleventh Circuit also transferred Respondent's motion for appellate attorney's fees to the district court for determination of entitlement and amount. That fee application is based on the same misstatements that infected the panel's decision and has the practical effect of prolonging and escalating the sanctions already imposed. Thus, while this Petition is pending, Petitioners remain exposed to expanding financial penalties premised on a judgment tainted by fraud.

These intervening developments are not cumulative of what has already been briefed. They confirm that the Eleventh Circuit has chosen to insulate fraud upon the court rather than correct it, and that sanctions continue to advance in the lower

courts while this Court considers whether to grant review. Together, they sharpen the constitutional and institutional stakes of this case and further illustrate why certiorari is warranted.

I. Eleventh Circuit Refusal to Address Fraud Upon the Court

On August 25, 2025, Petitioners filed motions in the Eleventh Circuit requesting that the court recall or clarify its mandate to address fraud upon the court. Those motions demonstrated, with record citations, that Respondent’s counsel had misrepresented the state-court proceedings by asserting that its motion for summary judgment was scheduled for hearing on August 23, 2023. The record, including the state court’s own September 1, 2023 order, confirms that no such hearing was ever scheduled. Respondent’s claim was false when made, and it became the central factual predicate for the panel’s conclusion that Petitioners engaged in “gamesmanship on the eve of a dispositive hearing.”

Despite being presented with this evidence, the Eleventh Circuit denied Petitioners’ motions without analysis or explanation. In effect, the court declined to confront the fact that its own opinion had been secured by misrepresentation. The denial not only left standing a judgment infected by fraud but also signaled that the Eleventh Circuit will not exercise its inherent authority to protect the integrity of its proceedings.

This Court has long recognized that fraud upon a tribunal is not a private injury but “a wrong against the institutions set up to protect and safeguard the public.”

Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 246 (1944). When such

fraud is brought to light, lower courts have a duty to act. By refusing to do so, the Eleventh Circuit departed from that principle and entrenched a result that rests on demonstrably false premises.

This intervening development amplifies Petitioners' showing under Rule 10(c) that the judgment below represents not merely legal error, but an extraordinary departure from accepted standards of judicial process. The Eleventh Circuit's unwillingness to correct a fraud upon itself confirms the need for this Court's review.

II. Transfer of Motion for Appellate Attorney's Fees

On September 3, 2025, the Eleventh Circuit transferred Respondent's application for appellate attorney's fees to the district court for determination of entitlement and amount. That transfer underscores that sanctions against Petitioners are not a closed matter, but an escalating, ongoing process.

The application for appellate fees is built upon the same factual misrepresentation that tainted the panel opinion: the assertion that Petitioners removed their case "on the eve of summary judgment." By sending the matter to the district court, the Eleventh Circuit has effectively authorized a second round of sanctions proceedings while the foundational question of fraud upon the court remains unresolved and while certiorari is pending.

This development carries two consequences of exceptional importance. First, it confirms that the misstatement underlying the panel's sanctions ruling is not a collateral detail but continues to generate real financial penalties. Second, it illustrates the chilling effect Petitioners identified in their Petition: that civil rights

defendants who invoke § 1443(1) risk not only the denial of federal jurisdiction but also compounding financial liability, even where the adverse rulings were induced by false statements.

The continuing expansion of sanctions premised on a tainted judgment further demonstrates why this Court’s intervention is necessary. Without review, Petitioners will remain exposed to increasing financial burdens derived from fraud upon the court, and future litigants will face powerful disincentives to invoke the very federal protections Congress created.

CONCLUSION

The Eleventh Circuit’s recent actions confirm the urgency of this case. By denying motions to recall or clarify its mandate, the court has refused to confront clear evidence that its judgment was procured through misrepresentation. By transferring Respondent’s application for appellate attorney’s fees, it has allowed sanctions to expand in the district court on the very same false premise.

These developments are not cumulative of Petitioners’ prior filings. They are fresh evidence that the judgment below is infected by fraud upon the court, that the Eleventh Circuit has declined to remedy it, and that Petitioners now face ongoing and escalating penalties while their Petition is pending.

For these reasons, Petitioners respectfully submit that these intervening developments reinforce their showing under Rule 10 and further warrant the granting of certiorari.

Respectfully submitted,