No. 25-6046

IN THE

SUPREME COURT OF THE UNITED STATES

In Re: LARRY E. CLARK

ON PETITION FORWRIT OF MANDAMUS
TO THE U. S. FIFTH CIRCUIT COURT OF APPEALS

W. D. CT. OF LA- SHREVPORT-DIVISION NO. 5:24-CV-00770
U.S. FIFTH CIRCUIT NOS. 24-30568 AND 24-90030

SUPPLEMENTAL BRIEF OF THE PETITIONER

LARRY E. CLARK, PRO SE
P. O. BOX 76752
ATLANTA, GA 30358
PH. (678)754-7324
clark9853@gmail.com

This Supplemental Brief is filed under Supreme Court Rule 15.8, as a result that after Petitioner filed on July 16, 2025, his Petition For Mandamus, later on July 21, 2025, a MEMORANDUM ORDER, was issued denying Atiya Charles requesting for her $605.00 appeal fee she paid on behalf of Petitioner be refunded to her.

The State filed Petition, has never been legally removed from the State Court. As such no appeal fee was ever due. In other words, every Order, Judgment, issued by the District Court and/or by the U. S. Fifth Circuit is Void.

EXCLUSIVE JURISDICTION ON ALL ISSUES ARE FOR STATE COURTS: ONCE THE EX PARTE COURT ORDERS WERE ISSUEDALLOWING THE EXPROPRIATION OF PETITIONER'S PROPERTY THE FEDERAL PRINCESS LIDA DOCTRINE, ALSO GAVE EXCLUSIVE JURISDICTION TO STATE COURT

In Noble Prestige, Ltd, v. Galle, 83 F.4th 1366 (U. S. 11th Cir.2023), the Court made a ruling regarding exclusive jurisdiction in matters involving state and federal courts and in pertinent part ruled:

"Under the "ancient and oft-repeated doctrine of prior exclusive jurisdiction," when "a court of competent jurisdiction has obtained possession, custody, or control of particular property, that possession may not be disturbed by any other court." *Applied Underwriters, Inc. v. Lara*, 37 F.4th 579, 591 (9th Cir. 2022) (alteration adopted) (citation omitted). Put another way, once one court has properly asserted *in rem* jurisdiction over a *res,* other courts are "precluded from exercising [their] jurisdiction over the same res to defeat or impair the [first] court's jurisdiction." *Kline v. Burke Constr. Co.*, 260 U.S. 226, 229, 43

S.Ct. 79, 67 L.Ed. 226 (1922); *see also* *Princess Lida*, 305 U.S. at 466, 59 S.Ct. 275 .....

[W]hen one takes into its jurisdiction a specific thing, that *res* is as much withdrawn from the judicial power of the other as if it had been carried physically into a different territorial sovereignty. To attempt to seize it by a foreign process is futile and void.... No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and any attempt to enforce it beyond these boundaries is nothing less th[a]n lawless violence.

Id. at 182-83, 4 S.Ct. 355.

Thus, the doctrine operates to bar a subsequent court's assertion of *in rem* jurisdiction over a *res* that would interfere with a prior court's exclusive control of that *res*. *See United States v. $270,000 in U.S. Currency, Plus Interest*, 1 F.3d 1146, 1147-48 (11th Cir. 1993) (per curiam) (citing *Kline*, 260 U.S. at 229, 43 S.Ct. 79); *Applied Underwriters*, 37 F.4th at 591 (same); *United States v. One Parcel Property Located at Lot 85*, 100 F.3d 740, 742 (10th Cir. 1996) (citing *Princess Lida*, 305 U.S. at 465-66, 59 S.Ct. 275). The 1378*1378 doctrine extends even to cases in which property has not "been actually seized under judicial process before a second suit is instituted." *United States v. Bank of N.Y. & Tr. Co.*, 296 U.S. 463, 477, 56 S.Ct. 343, 80 L.Ed. 331 (1936). "It applies as well where suits are brought to marshal assets, administer trusts, or liquidate estates, and in suits of a similar nature" — in other words, cases "where, to give effect to its jurisdiction, the court must control the property." *Id.*; *accord* *Kline*, 260 U.S. at 231-32, 43 S.Ct. 79; *Applied Underwriters*, 37 F.4th at 591-93."

WHEN FEDERAL JUDGMENT IS ISSUED WITHOUT SUBJECT MATTER JURISDICTION AND/OR PERSONAL JURISDICTION FEDERAL JUDGEMENT IS VOID EVEN BEFORE A REVERSAL

All Lower Federal Court's Order and Judgments issued in related

cases to these State Court Expropriations and other State Court Cases are already void. The U. S. Supreme Court ruling in Thompson v. Whitman, 85 U. S. 457 (1873), ruled in pertinent parts:

"Thus, in Elliott et al. v. Peirsol et al.,[‡] .....
"Where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court. **But, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.**" The same views were repeated in The United States v. Arredondo,[§] Vorhees v. Bank of the United States,[‡] Wilcox v. Jackson,[¶] Shriver's Lessee v. Lynn,[**] Hickey's Lessee v. Stewart,[‡] and Williamson v. Berry.[‡] In the last case the authorities are reviewed, and the court say: "The jurisdiction of any 468*468 court exercising authority over a subject may be inquired into in every other court when the proceedings in the former are relied upon and brought before the latter by a party claiming the benefit of such proceedings;" and "the rule prevails whether the decree or judgment has been given in a court of admiralty, chancery, ecclesiastical court, or court of common law, or whether the point ruled has arisen under the laws of nations, the practice in chancery, or the municipal laws of States."

Then, the U. S. Supreme Court in American Fire & Casualty Co., v. Finn, 341 U. S. 6 (1951), made ruling in a case where a Defendant had moved the case from state court to federal court and in regards to a violation of Congress by a federal court the Court ruled:

"The defendant who had removed the action was held to be estopped from protesting that there was no right to removal. Since the federal court could have had jurisdiction originally, the estoppel did not endow it with a jurisdiction it could not possess.

.....

The jurisdiction of the federal courts is carefully guarded against expansion by judicial interpretation or by 18*18 prior action or consent of the parties.[17] To permit a federal trial court to enter a judgment in a case removed without right from a state court where the federal court could not have original jurisdiction of the suit even in the posture it had at the time of judgment, would by the act of the parties work a wrongful extension of federal jurisdiction and give district courts power the Congress has denied them.

The judgment of the Court of Appeals must be reversed and the cause remanded to the District Court with directions to vacate the judgment entered and, if no further steps are taken by any party to affect its jurisdiction,[18] 19*19 to remand the case to the District Court of Harris County, Texas, with costs against petitioner. *Tennessee* v. *Union & Planters' Bank*, 152 U. S. 454, 464.
It is so ordered."

It is a denial of Due Process for the Appeal Fee not to be refunded.

Respectfully submitted,

Larry E. Clark, Pro se
P. O. Box 76752
Atlanta, GA 30358
(678) 754-7324
clark9853@gmail.com

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

LARRY E CLARK ET AL	**CIVIL ACTION NO. 24-770**
VERSUS	**JUDGE EDWARDS**
MANGHAM ET AL	**MAG. JUDGE MCCLUSKY**

MEMORANDUM ORDER

Pending before the undersigned is a motion for return of filing fee [doc. #39] in the above-referenced matter.

Judge Jerry Edwards issued a Memorandum Order [doc. #24] dismissing this case as frivolous and otherwise barred by res judicata almost one year ago on July 25, 2024. *See also* [doc. #25 (separate judgment)]. Judge Edwards was quite clear that "this case represents the latest in a scourge of actions filed by the plaintiff in both state and federal court, amounting to a massive collective waste of judicial resources" and that dismissal was necessitated by the "command of the Fifth Circuit" and that he would not "tolerate this abuse of the legal system." [doc. #24, p. 1].

Despite that strong language, Plaintiff Larry E. Clark took an appeal to the Fifth Circuit. Although the appeal was initially dismissed for want of prosecution when he failed to pay the filing fee [doc. #35], a short time later, the filing fee was received. [doc. #36]. Further review of Plaintiff's case was taken, and the Fifth Circuit ordered as follows:

> Larry E. Clark has filed a motion for permission to proceed after having been sanctioned.
>
> The motion is DENIED.
>
> Because Clark concerning his continued filing of pleadings arising from or connected with this litigation or the facts underlying this dispute, IT IS

> ORDERED that he pay an additional monetary sanction of $500 to the clerk of this court. Clark is BARRED from filing, in this court or in any court subject to this connected with this litigation or the facts underlying this dispute without the prior consent of a judge of the court in which he seeks to file or a judge of this court. The clerk of this court is DIRECTED not to accept from Clark any motion or other pleading arising from or connected with this litigation or the facts underlying this dispute until he obtains said permission. Clark is once again WARNED that filing of any pleading in any way arising from or connected with this litigation or the facts underlying this dispute, in this court or any court subject more severe sanctions.

[doc. #37; *see also* doc. #38].

Now, Atiya Charles, the person who provided the funds to Plaintiff for appeal, appears before the Cout asking for return of the filing fee. There is no basis for this request. First, Atiya Charles is not a party to this action and has no standing to appear herein. Second, even if Plaintiff moved the Court for return of the fee, he would not be entitled to the same. Federal courts do not provide money-back guarantees, so that any litigant (or the person who provided litigation funds to him) may have his filing fee back if he is dissatisfied with the outcome. If Ms. Charles seeks return of her money, she must obtain it from Mr. Charles, not this Court. The motion is hereby DENIED.

THUS DONE in Chambers on this 21ST day of July, 2025.

Kayla D. McClusky

Kayla D. McClusky
United States Magistrate Judge