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No. _____

In the Supreme Court of the United States

Olda Rachel Guardiola,
Petitioner,

v.

Maricela Rodriguez,
Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of
Texas

APPENDIX

**Olda Rachel Guardiola
2904 S. New York Ave. Laredo, Tx 78046
956-955-0878
Grachel2019@gmail.com
Petitioner Pro Se**

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OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX A

Transcript of October 3, 2023

Hearing Showing Judicial Error

REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NO. DC-03780-A

OLD RACHEL GUARDIOLA,) IN THE DISTRICT COURT
PLAINTIFF,)
VS.) DALLAS COUNTY, TEXAS
MARICELA RODRIGUEZ,)
DEFENDANT.) 14TH JUDICIAL DISTRICT

TRIAL ON THE MERITS

On the 3rd day of October, 2023, the following
proceedings came on to be held in the above-titled and
numbered cause before the Honorable Eric V. Moyé, Judge
Presiding, held in Dallas, Dallas County, Texas.

Proceedings reported by computerized stenotype
machine.

DIANE L. ROBERT, CSR
TEXAS CSR NO. 2179
Expiration Date: 11/30/25
Official Court Reporter of the 14th
Judicial District Court
Dallas County, Texas
600 Commerce Street, Dallas, Texas 75202
214-653-7298

APPEARANCES

REPRESENTING DEFENDANT:

MS. SARAH DILL
DILL LAW FIRM, P.L.L.C.
1560 E. Southlake Blvd., Suite 100L
Southlake, Texas 76092
Telephone: 956.254.0722
Facsimile: 956.435.0060
E-mail: sarah@dill.legal

P R O C E E D I N G S

(Open Court; Proceedings commenced at 9:30 a.m.)

THE BAILIFF: All rise. The 14th District Court is now in session. The Honorable Judge Eric Moyé will be presiding.

THE COURT: Thank you, Sheriff.

Good morning. You may be seated.

MS. DILL: Good morning, Your Honor.

THE COURT: Calling the Court's trial docket, Number 22-03780, Gaurdiola versus Rodriguez.

MS. DILL: Sarah Dill for the Defendant, Maricela Rodriguez, Your Honor.

THE COURT: Have you seen or heard from counsel for the Plaintiff, Ms. Dill?

MS. DILL: Your Honor, he is -- I've not seen him. He has been on all e-mails to this Court.

THE COURT: That's more than I'm asking you.

All right. This case is dismissed for want of prosecution. This dismissal is with prejudice as to refiling.

You are excused.

MS. DILL: Thank you, Your Honor.

THE COURT: Thank you very much.

MS. DILL: I do have an order if you like

1 it; it's also been efiled.

2 THE COURT: You're the best. Give it to
3 the Sheriff, please.

4 MS. DILL: Absolutely.

5 (Document handed to the Court.)

6 MS. DILL: Thank you, Judge Moyé. May we
7 be dismissed?

8 THE COURT: Tell me about this suggestion
9 that -- Well, actually this order doesn't do what I want
10 it to do.

11 MS. DILL: Oh, okay.

12 THE COURT: Because I've heard no evidence
13 because the Plaintiff hasn't appeared.

14 So we'll prepare a form of order
15 reflecting the Plaintiff has not appeared and that it is
16 dismissed.

17 MS. DILL: That sounds great, Your Honor.

18 THE COURT: Have a pleasant day. Thank
19 you very much. You're excused.

20 MS. DILL: Thank you.

21

22 (Proceedings adjourned at 9:32 a.m.)

23

24

25

1 STATE OF TEXAS

2 COUNTY OF DALLAS

3 I, Diane L. Robert, Official Court Reporter in
4 and for the 14th District Court of Dallas County, State
5 of Texas, do hereby certify that the above and foregoing
6 contains a true and correct transcription of all
7 portions of evidence and other proceedings requested in
8 writing by counsel for the parties to be included in
9 this volume of the Reporter's Record in the above-styled
10 and numbered cause, all of which occurred in open court
11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record
13 of the proceedings truly and correctly reflects the
14 exhibits, if any, offered by the respective parties.

15 WITNESS MY OFFICIAL HAND, on this the 6th day
16 of December, 2023.

17 /s/ *Diane L. Robert*
18 Diane L. Robert, CSR
19 Texas CSR 2179
20 Official Court Reporter
21 14th District Court
22 Dallas County, Texas
23 600 Commerce Street
24 Dallas, Texas 75202
25 Telephone: 214.653.7298
Expiration: 11/30/2025
drobert@irareporting.com

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sarah Dill on behalf of Sarah Dill

Bar No. 24115436

sarah@dill.legal

Envelope ID: 88116471

Filing Code Description: Non-Signed Proposed Order/Judgment

Filing Description: PROPOSED ORDER FOR TO CORRECT CLERICAL MISTAKE

Status as of 5/24/2024 1:18 PM CST

Associated Case Party: MARICELA RODRIGUEZ

Name	BarNumber	Email	TimestampSubmitted	Status
Sarah Dill		sarah@dill.legal	5/24/2024 1:05:36 PM	SENT
Monica Castillo		monica@dill.legal	5/24/2024 1:05:36 PM	SENT

Associated Case Party: OLDARACHELGUARDIOLA

Name	BarNumber	Email	TimestampSubmitted	Status
Gary Sibley		g@juris.cc	5/24/2024 1:05:36 PM	SENT

OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX B

**Order Dissolving TRO and Executing
Eviction During Active Appeal (Oct.
14, 2024)**

CAUSE NO. DC-24-17567

OLDA RACHEL GUARDIOLA
Plaintiff,

VS.

MARICELA RODRIGUEZ
Defendant

§
§
§
§
§
§
§

IN THE DISTRICT COURT

192nd JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**ORDER DISSOLVING PLAINTIFF'S TEMPORARY RESTRAINING ORDER
AND ORDER DENYING PLAINTIFF'S REQUEST FOR INJUNCTIVE RELIEF**

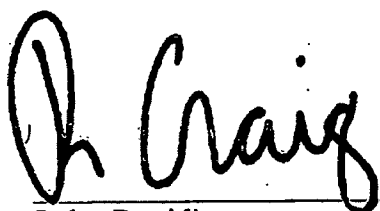
IT IS HEREBY ORDERED that the Temporary Restraining Order entered on or around September 30, 2024, is **DISSOLVED**.

IT IS FURTHER ORDERED that:

1. The Plaintiff's request for injunctive relief is **DENIED**.

SIGNED

10/15/2024



Judge Presiding

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Sarah Dill on behalf of Sarah Dill

Bar No. 24115436

sarah@dill.legal

Envelope ID: 93131445

Filing Code Description: Proposed Order/Judgment

Filing Description: PROPOSED ORDER DISSOLVING TRO & DENYING REQUEST FOR INJUNCTIVE RELIEF

Status as of 10/15/2024 8:51 AM CST

Associated Case Party: OLDARACHELGUARDIOLA

Name	BarNumber	Email	TimestampSubmitted	Status
Gary Sibley		g@juris.cc	10/14/2024 2:14:02 PM	SENT

OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX C

Dallas County Policy Requiring Litigants to Privately Pay for Court Reporters

VERY IMPORTANT: The associate judges do not have assigned court reporters. Any party desiring a record of any matter heard by an associate judge should arrange for an independent court reporter to be present at the hearing at the cost of the requesting party.

Court Phone: 214-653-6167

Court Email: Rachel.craig@dallascounty.org

REGULARLY SCHEDULED HEARING DOCKET

Monday 9:00 am – 12:00 pm - 192nd District Court

Tuesday 9:00 am – 12:00 pm - 95th District Court

Wednesday 9:00 am – 12:00 pm – 101st District Court

Thursday 9:00 am – 12:00 pm – 44th District Court

Friday 9:00 am – 12:00 pm - 160th District Court

Friday Afternoon 1:00 pm – 3:30 pm Prove-up Docket for any participating District Court

INJUNCTIVE RELIEF

Judge Craig routinely hears requests for Temporary Restraining Orders (TROs) and Temporary Injunctions (TI). In order to accommodate the judges and attorneys, Judge Craig hears matters every day, morning and evenings, as necessary.

DISCOVERY MOTIONS

Counsel must meaningfully confer on discovery issues and submit a Certificate of Conference that conforms to the Local Rules before any hearing is set.

MOTION DOCKET

The types of hearings referred to an Associate Judge varies from one sitting Judge to another. Upon request, the court clerk will schedule the hearings and the corresponding court coordinator, at the direction of the sitting Judge, will then forward the matter to the Associate Judge for hearing. These hearings will be heard in accordance with the Regular Schedule Motion/Hearing docket indicated above.

TRIALS

Judge Craig is authorized to preside over trials if authorized by the sitting judge, provided that none of the parties object. If the parties in a case would like for Judge Craig to conduct the trial of their matter, they should contact the court coordinator and make a request of the sitting judge.

AUDIO/VISUAL EQUIPMENT IN THE COURTROOM:

Counsel/parties are always welcome to use the courtroom for purposes of preparing for trial, including use of the A/V technology, provided court is not in session. Contact Judge Craig at Rachel.craig@dallascounty.org or call 214-653-6167 to set up a time.

OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX D

Application for Temporary

Restraining Order Showing Appeal

Pending

09/27/2024

CAUSE NO. DC-24-17567

OLDA RACHEL GUARDIOLA,
Applicant,

V.

MARICELA RODRIGUEZ,
Respondent.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

192nd **JUDICIAL DISTRICT**

DALLAS COUNTY, TEXAS

APPLICATION FOR TEMPORARY RESRAINING ORDER

Comes Now Applicant, Olda Rachel Guardiola. and respectfully asks the Court to enter a temporary restraining order preventing Respondent from evicting Applicant from the property.

1. On November 28, 2023, Applicant filed a lawsuit to determine the ownership rights of the property located at 119 S. Young St., Desoto, Texas in Dallas County.

2. During this proceeding, the case was dismissed without prejudice and then later dismissed with prejudice on a Nunc Pro Tunc order.

3. Applicant has appealed this order and that appeal is pending before the 5th Court of Appeals in case number 05-24-01016-CV. This appeal was properly noticed and perfected.

4. During this litigation, Respondent obtained a Default Order of eviction through Dallas Justice of the Peace Precinct 4 in cause number JPC3211250-41.

5. Under this Default Order, Applicant was noticed yesterday of Respondent's intent to execute on that order today.

6. As the appeal of the District Court's Order of Dismissal is still pending, title to the home has not been adjudicated and Applicant has been in possession of the home with her children since July 7, 2011. Since title has not been adjudicated the eviction is premature as a matter of law.

7. Irreparable harm will befall Applicant if the temporary restraining order is not granted.

8. The applicant is seeking permanent relief pending the appeal and subsequent decision of the district court case on the merits.

9. There is a probable right to relief in that she purchased the home on a rent to own contract. She completed the contract by paying \$130,000.00, even though the agreement was for \$90,000.00.

10. There is imminent injury in that she will be required to move from the home she has paid for. All her and her family's possessions will have to be moved out of a home in which the respondent has no possessory rights.

11. The temporary restraining order should be made permanent until ownership rights have been finally decided.

12. Due to the exigent nature of the harm and the inability to notice and set a hearing on this matter due to the imminent irreparable harm that may result if this Order is not Granted, Applicant requests that the Court hear this application under ex parte procedure and set the matter for hearing on restraining the eviction until a final decision on the right to title of the property.

For the reasons stated herein, Applicant respectfully ask the Court to Grant a temporary ex parte restraining order preventing the imminent execution of the Justice of the Peace eviction, set an evidentiary hearing on a restraining order to remain in place until the final disposition of the appeal and district court case regarding the property, and any other relief that the Applicant is entitled to in law or equity.

Respectfully submitted.

/s/ Gary Sibley

Gary Sibley

Bar # 1883377

6060 N. Central Expy.

Suite 500

Dallas, Texas 75206

469-616-6616

g@juris cc

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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tom Cox on behalf of Gary Sibley

Bar No. 18337700

tcox009@yahoo.com

Envelope ID: 92543619

Filing Code Description: Original Petition

Filing Description: APPLICATION FOR TEMPORARY RESRAINING ORDER

Status as of 9/30/2024 11:55 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Gary Sibley		g@juris.cc	9/27/2024 1:55:24 PM	SENT
Chris Snyder		Chris@juris.cc	9/27/2024 1:55:24 PM	SENT

OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX E

Notice of Eviction Appeal Set for

January 6, 2026

10/31/2025

CHIEF JUSTICE
J.J. KOCH

JUSTICES
BONNIE LEE GOLDSTEIN
CRAIG SMITH
DENNISE GARCIA
EMILY MISKEL
MARICELA BREEDLOVE
NANCY KENNEDY
TINA CLINTON
JESSICA LEWIS
GINO ROSSINI
CYNTHIA BARBARE
EARL JACKSON
MIKE LEE



Court of Appeals
Fifth District of Texas at Dallas

600 COMMERCE STREET, SUITE 200
DALLAS, TEXAS 75202
(214) 712-3400

RUBEN MORIN
CLERK OF THE COURT
(214) 712-3400
5ththeclerk@txcourts.gov

MYRNA GASC
BUSINESS ADMINISTRATOR
(214) 712-3417
myrna.gasc@txcourts.gov

FACSIMILE
(214) 745-1083

INTERNET
WWW.TXCOURTS.GOV/5THCOA.ASPX

October 31, 2025

Sarah E. Dill
Dill Law Firm PLLC
3206 E. Richardson Road
Ste. G
Edinburg, TX 78542
* DELIVERED VIA E-MAIL *

Olda Rachel Guardiola
119 S. Young Boulevard
DeSoto, TX 75115
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 05-24-01356-CV
Trial Court Case Number: DC-24-17567

Style: Olda Rachel Guardiola
v. Maricela Rodriguez

The Court has determined that oral argument will not significantly aid it in determining the legal and factual issues presented in the appeal. Accordingly, the appeal will be submitted without oral argument on January 6, 2026 to a panel consisting of Justice Clinton, Justice Lewis and Justice Rossini subject to change by the Court. See Tex. R. App. P. 39.8.

Respectfully,

/s/ Ruben Morin, Clerk of the Court

OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX F

State Bar of Texas Letter Confirming

Counsel's Abandonment

10/27/2025

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 27, 2025

Sent via Email: grachel2019@gmail.com

Olda Rachel Guardiola
2904 South New York Avenue
Laredo, TX 78046

Re: 202503316 - Olda Rachel Guardiola - Gary Warren Sibley

Dear Olda Rachel Guardiola:

Please be advised that the above-referenced attorney no longer has a license to practice law as a result of other disciplinary proceedings. As the grievance system only has jurisdiction over licensed Texas attorneys, your matter has been closed. This does not mean that your grievance was without merit. It simply means that the State Bar no longer has authority to act. You should consider consulting a private attorney regarding other legal remedies, if any.

A copy of your grievance has been placed in the attorney's disciplinary file for future consideration in the event the lawyer seeks reinstatement to the practice of law.

Enclosed you will find information regarding the Client Security Fund. The Fund compensates clients of attorneys who have stolen client funds or failed to refund an unearned fee. To learn if you are eligible, call 1-877-953-5535.

Please know that the Office of the Chief Disciplinary Counsel maintains confidentiality in the grievance process as directed by the Texas Rules of Disciplinary Procedure.

Sincerely,

/s/ Douglas Wade Carvell

Douglas Wade Carvell
Assistant Disciplinary Counsel

DWC/mkm

Enclosure: Client Security Fund Brochure

OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT

DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX G

Email from Former Counsel

Admitting Mental Impairment and

Abandonment

5/29/2025

From: Gary Sibley
To: Michelle Meyer
Subject: RE: Case No. 202503316 - Notice of Grievance by Olda Rachel Guardiola
Date: Thursday, May 29, 2025 12:41:43 PM

Most of what she said is true. I represented her from March 14, 2022 up until I could not practice law. I told her I had retired and she needed to find new counsel. I send a demand letter on March 14, she paid \$2,500 on March 17, and an engagement agreement the same day. That is the only money she ever gave me .I don't believe she even paid the filing fee, but I could be wrong. I will forward the engagement letter to you. to you. As it states, the \$2,500 was for drafting the petition, the discovery, paralegal and secretarial time postage and copies, and any and all negotiations prior to trial. March 23 I got an audio recording from Rachel and we talked about it. She sent a translation of the recording on March 27. April 6, 2022 the Petition was filed in DC 22-03780. Discovery was sent and on June 3, 2023 the case was continued and a proposed order sent to the court which was subsequently signed. Got into an argument with opposing counsel about the mediator around the same time. The case was inadvertently DWOP'ed. A motion to reinstate was filed on June 27, 2023 and signed July 14, 2023. An eviction notice was served on Rachel with a hearing date of December 6. No eviction because title dispute in District Court not final. 18 emails about mediator and mediation date.

Motion to dismiss filed by Defendant. Response filed May 30, 2024. Case transferred from 68th to 14th on May 30, 2024. Order granting dismissal signed, but was not with prejudice. Court then signed a nunc pro tunc order with prejudice. Appeal taken. Transcript ordered and received for hearings on June 27, and August 14, 2024. Notice of withdrawal filed with 5th court of appeals on May 6, 2025. I told her I could not represent her. Even if I was not suspended I could not have represented her. My license and driving privileges had been taken away in November 2024 because of my deteriorating mental condition and I cannot hold a train of thought nor do I have a short term memory...although some days are better than others.

Regards,

Gary W. Sibley
6060 N Central Expy
Suite 500
Dallas, Tx. 75206
g@iuris.cc
C: 214-520-2100

OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

Appendix H

Events, Remote Hearing and Trial

Courts DWOP Without Notice

11/15/2024

Events and Hearings

09/27/2024 NEW CASE FILED (OCA) - CIVIL

09/27/2024 ORIGINAL PETITION ▼

APPLICATION FOR TEMPORARY RESRAINING ORDER

Comment

APPLICATION FOR TEMPORARY RESRAINING ORDER

09/30/2024 AMENDED PETITION ▼

AMENDED PETITION & APPLICATION FOR TEMPORARY RESTRAINING ORDER

Comment

& APPLICATION FOR TEMPORARY RESTRAINING ORDER

09/30/2024 ORDER - TEMPORARY RESTRAINING ▼

ORDER - TEMPORARY RESTRAINING

09/30/2024 ISSUE TRO ▼

ISSUE TRO - MARICELA RODRIGUEZ

09/30/2024 ISSUE NOTICE ▼

ISSUE NOTICE - MARICELA RODRIGUEZ

09/30/2024 BOND FILED

09/30/2024 TRUST RECEIPT ▼

TRUST RECEIPT

09/30/2024 NOTICE ▼

Unserved

Anticipated Server

ATTORNEY

Anticipated Method

Comment

MARICELA RODRIGUEZ

09/30/2024 TEMPORARY RESTRAINING ORDER ▼

Anticipated Server
ATTORNEY

Anticipated Method
Comment
MARICELA RODRIGUEZ

10/14/2024 Temporary Injunction ▼

Judicial Officer
CRAIG, RACHEL

Hearing Time
09:30 AM

Comment
Defense counsel will appear via zoom

10/14/2024 PROPOSED ORDER/JUDGMENT ▼

PROPOSED ORDER DISSOLVING TRO & DENYING REQUEST FOR INJUNCTIVE RELIEF

Comment
PROPOSED ORDER DISSOLVING TRO & DENYING REQUEST FOR INJUNCTIVE RELIEF

10/15/2024 ORDER - DISSOLVE ▼

ORDER DISSOLVING TRO & DENYING REQUEST FOR INJUNCTIVE RELIEF

Comment
TRO & DENYING REQUEST FOR INJUNCTIVE RELIEF

10/15/2024 ORDER - DISSOLVE ▼

ORDER - DISSOLVE

Comment
TRO& DENYING REQUEST FOR INJUNCTION RELIEF

10/16/2024 MOTION - MISCELLANEOUS ▼

AMENDED MOTION TO RECONSIDER

Comment
AMENDED MOTION TO RECONSIDER

10/16/2024 MOTION - RECONSIDER ▼

MOTION TO RECONSIDER

Comment
Hearing required

10/17/2024 PROPOSED ORDER/JUDGMENT ▼

PROPOSED ORDER TO RECONSIDER

Comment
PROPOSED ORDER TO RECONSIDER

10/21/2024 NOTICE OF HEARING / FIAT ▼

NOTICE OF HEARING ON MOTION TO RECONSIDER

Comment

ON MOTION TO RECONSIDER

11/01/2024 RESPONSE ▼

RESPONSE TO PLTF MOTION TO RECONSIDER

Comment

TO PLTF MOTION TO RECONSIDER

11/04/2024 Motion - Reconsider ▼

AMENDED MOTION TO RECONSIDER

MOTION TO RECONSIDER

PROPOSED ORDER TO RECONSIDER

NOTICE OF HEARING ON MOTION TO RECONSIDER

Judicial Officer

ACEVES, MARIA

Hearing Time

10:30 AM

Comment

SET BY CHRIS 817-357-2523 - 30M - IN PERSON

11/08/2024 SCHEDULING ORDER ▼

scheduling order

Comment

LEVEL 2

11/13/2024 MOTION - SUBSTITUTION OF COUNSEL ▼

MOTION OF SUBSTITUTE COUNSEL

11/13/2024 PROPOSED ORDER/JUDGMENT ▼

PROPOSED ORDER FOR SUBSTITUTE COUNSEL

Comment

PROPOSED ORDER FOR SUBSTITUTE COUNSEL

11/13/2024 MOTION - RECONSIDER ▼

PLAINTIFFS AMENDED MOTION TO RECONSIDER

Comment

AMENDED

11/15/2024 DISMISSAL FOR WANT OF PROSECUTION ▼

192 DWOPNO ACTION Notice

Judicial Officer(s)

192 DWOPNO ACTION Notice

Judicial Officer(s)

ACEVES, MARIA, ACEVES, MARIA

Hearing Time

9:00 AM

Cancel Reason

REQUESTED BY ATTORNEY/PRO SE

11/15/2024 NOTICE OF APPEAL - CT. OF APPEALS ▼

NOTICE OF APPEAL - CT. OF APPEALS

11/15/2024 ORDER - SUBSTITUTION OF COUNSEL ▼

ORDER FOR SUBSTITUTE COUNSEL

11/21/2024 NOTE - CLERKS ▼

Comment

PREPARING CLERK'S RECORD COA DC-24-17567/ 05-24-01356-CV

11/21/2024 CLERK'S RECORD PAYMENT INVOICE ▼

CLERK'S RECORD PAYMENT INVOICE

Comment

CLERK'S RECORD PAYMENT INVOICE- OLDA RACHEL GUARDIOLA

11/21/2024 COA - POST CARD ▼

COA - POST CARD - 05-24-01356-CV

Comment

05-24-01356-CV

11/25/2024 APPELLATE RECORD ▼

APPELLATE RECORD- CLERKS RECORD

Comment

05-24-01356-CV PREPARED CLERK'S RECORD FOR CASE ON APPEAL SUBMITTED TO THE
5TH COA CONFIRMATION TRACE PG (63838)

11/26/2024 COA - POST CARD ▼

COA - POST CARD - 05-24-01356-CV

Comment

05-24-01356-CV

12/03/2024 COA - CORRESPONDENCE LETTER ▼

COA - CORRESPONDENCE LETTER - 05-24-01356-CV SUPPLEMENT

Comment

05-24-01356-CV SUPPLEMENT

12/03/2024 NOTE - CLERKS ▼

Comment

PREPARING CLERK'S RECORD SUPPLEMENTAL DC-24-17567/ 05-24-01356-CV

12/03/2024 CLERK'S RECORD PAYMENT INVOICE ▼

CLERK'S RECORD PAYMENT INVOICE

Comment

CLERK'S RECORD PAYMENT SUPPLEMENT INVOICE OLDA RACHEL GUARDIOLA

01/07/2025 NOTE - CLERKS ▼

Comment

PREPARING CLERK'S RECORD SUPPLEMENTAL DC-24-17567/05-24-01356-CV

01/07/2025 APPELLATE RECORD ▼

APPELLATE RECORD

Comment

05-24-01356-CV- PREPARED CLERK'S RECORD FOR CASE ON APPEAL SUBMITTED TO THE
5TH COA CONFIRMATION TRACE PG 64565

01/13/2025 COA - POST CARD ▼

COA - POST CARD - 05-24-01356-CV

Comment

05-24-01356-CV

01/05/2026 Non Jury Trial ▼

192ND TRIAL RESET LETTER NON-JURY

192ND TRIAL RESET LETTER NON-JURY

Judicial Officer
ACEVES, MARIA

Hearing Time
9:00 AM

OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

Appendix I

Time Line of Material Events

(Dismissal, TRO, Eviction, Appeal

Activity, DWOP)

Appendix I — Timeline of Material Events

This timeline is provided pursuant to Supreme Court Rule 14.1(g) to assist the Court in understanding the sequence of events relevant to the constitutional issues presented.

Summary of Procedural Breakdown

This case reflects a **complete collapse of procedural safeguards**:

- **a judicial ruling rewritten** months later through a **post-jurisdiction nunc pro tunc**;
- **a recordless remote hearing** caused by county policy;
- **an eviction executed during an active appeal**;
- **dismissals without required notice**; and
- **attorney abandonment** by counsel who had lost his license and later admitted cognitive impairment.

Together, these failures **eliminated any meaningful opportunity for appellate review**, placing at stake the core guarantees of **due process and access to justice**.

I. Underlying Title Litigation & Early Judicial Error (2022–2023)

March 14, 2022 – Petitioner retains attorney **Gary Sibley** to pursue title to 119 S. Young Blvd., DeSoto.

April 6, 2022 – First district-court action filed (Cause No. DC-22-03780).

October 3, 2023 – At a trial-setting hearing, the court dismisses the case. The transcript shows the judge immediately recognized the order “**does not do what I want it to do**,” confirming the dismissal was **without prejudice** and the mistake

was **judicial, not clerical**. (App. A.)

November 28, 2023 – Second action filed for title and damages (Cause No. DC-23-19848).

II. Post-Jurisdiction Nunc Pro Tunc Misuse (2024)

June 27, 2024 – Without notice to Petitioner, the court grants Respondent's motion and signs a **nunc pro tunc** converting the dismissal to "**with prejudice**."

The order adds **factual findings** never stated by the judge ("second dismissal," "day of trial," "notice and opportunity to be heard"). (App. J.)

These inserted findings do not appear anywhere in the October 3 transcript, confirming the nunc pro tunc was not a clerical correction but a new judicial ruling entered after jurisdiction expired. (App. I).

Because plenary power expired months earlier, the nunc pro tunc was **jurisdictionally void**.

Petitioner did not learn of this order until the appellate stage.

III. Eviction Threat & TRO Proceedings (Fall 2024)

September 25, 2024 – Petitioner receives notice of eviction. (App. A.)

September 27, 2024 – Petitioner files application for TRO. (App. A.)

September 30, 2024 – TRO granted, preserving possession pending hearing.

IV. Recordless Remote Hearing & Immediate Eviction

October 14, 2024 – Remote TRO-dissolution hearing held via Zoom.

Dallas County provides **no court reporter** for remote/associate-judge hearings and requires litigants to **privately hire and pay** for one. (App. C.)

Result: **no transcript exists**.

October 15, 2024 – Eviction executed **the next day**, despite the related appeal already pending. The lack of a record makes review **impossible**. (App. B.)

V. Reconsideration Motions & DWOP Without Notice

October 16, 2024 – Motion to reconsider filed.

November 1, 2024 – Respondent files opposition.

November 15, 2024 – Petitioner appears for scheduled hearing; she is told it was **canceled without notice**.

Later that day, the court enters a **DWOP**:

- without notice,
 - without a hearing,
 - and despite the pending motion to reconsider. (App. H.)
- Petitioner files a **timely Notice of Appeal** the same day. (App. D.)

VI. Collapse of Representation & Attorney Abandonment (2025)

January 2025 – Counsel fails to file appellate documents.

February 2025 – Petitioner discovers counsel is **not licensed** and files a grievance with the State Bar of Texas.

May 6, 2025 – Counsel files motion to withdraw.

May 29, 2025 – Counsel emails Petitioner admitting severe **memory loss**, **cognitive decline**, inability to attend hearings, and that the nunc-pro-tunc confusion stemmed from the court's own judicial error. (App. G.)

This establishes **complete abandonment** during critical stages.

June 2024 – Counsel sends an email instructing Petitioner not to communicate with the court, stating “**Dammit Rachel you can’t do that! I told you to let me handle it! The judge will be mad at me!**” (App. H). This interference prevented Petitioner from protecting her rights during the period of abandonment.

VII. State Bar Confirmation

October 27, 2025 – Texas State Bar confirms counsel is **no longer licensed** and that dismissal “does **not** mean your grievance was without merit.” (App. F.)

VIII. Continuing Prejudice & Ongoing Appeal

January 6, 2026 – Fifth Court of Appeals resets the non-jury trial on Petitioner’s eviction appeal, confirming the case is **active and not moot**. (App. D.)

OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

Appendix J

Nunc Pro Tunc Order Showing

Post-Jurisdiction Insertions and New

Judicial Findings

6/28/2024

CAUSE NUMBER DC-22-03780-A

OLDA RACHEL GUARDIOLA
PLAINTIFF,

V.

MARICELA RODRIGUEZ
DEFENDANT.

§
§
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§
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§

IN THE DISTRICT COURT

14TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

NUNC PRO TUNC ORDER CORRECTING ORDER

Upon consideration of Defendant Maricela Rodriguez's Nunc Pro Tunc motion requesting correction of a clerical error, heard by this Court on June 27, 2024, this Court finds that a clerical error exists in the Order of Dismissal for Want of Prosecution issued by this Court on October 3, 2023. Such order is corrected by striking the following:

"This Matter was set for trial on October 3, 2023. Plaintiff failed to announce or appear, and after notice and opportunity to be heard this date, the Court finds that this case should be dismissed as to the remaining defendants. This is the second dismissal on day of trial due to non-appearance by the Plaintiff. All previous orders entered pertaining to served defendants are final. Costs are taxes against plaintiff(s), for which let execution issue."

And by inserting in lieu thereof the following:

"This Matter was set for trial on October 3, 2023. Plaintiff failed to announce or appear, and after notice and opportunity to be heard this date, the Court finds that this case should be dismissed with prejudice as to the remaining defendants. This is the second dismissal on day of trial due to non-appearance by the Plaintiff. All previous orders entered pertaining to served defendants are final. Costs are taxes against plaintiff(s), for which let execution issue."

IT IS SO ORDERED.

SIGNED ON June 28, 2024.


JUDGE PRESIDING

OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

Appendix K

Email from Former Counsel

Instructing Petitioner Not to Contact the Court

8/15/2024



Rachel Guardiola <grachel2019@gmail.com>
to Gary, Tom

Hi Gary

I'm here in the court I wanted to drop off pictures and receipts so they Judge could see them..

They told me you have to do that

Is there anyway you can.. so that I can persuade him to leave out case on the docket..

Let me know what I can do

God bless you,
Oda Guardiola

On Tue, Jul 23, 2024 at 11:35 AM Tom Cox <tcx009@yahoo.com> wrote:

Gary Sibley <g@juris.cc>
to me

Dammit Rachel you can't do that! I told you to let me handle it! The judge will be mad at me!

Gary Sibley
Sibley, Cox
6060 N. Central Expy.
Suite 500
Dallas, Tx. 75206
O:469-616-6616
C:214-520-2100
g@juris.cc

Thu, Aug 15, 2024, 12:13 PM

[Icons]

Thu, Aug 15, 2024, 12:16 PM

[Icons]

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OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX L

Order Denying Review and
Rehearing, Supreme Court of Texas
(Sept. 2025 & Oct. 2025)

IN THE SUPREME COURT OF TEXAS

-- -- -- --

NO. 25-0353

OLDA RACHEL GUARDIOLA
v.
MARICELA RODRIGUEZ

§
§
§
§
§
§

Dallas County,

05-24-01016-CV

5th District.

September 5, 2025

Petitioner's petition for review, filed herein in the above numbered and styled case, having been duly considered, is ordered, and hereby is, denied.

October 24, 2025

Petitioner's motion for rehearing of petition for review, filed herein in the above numbered and styled case, having been duly considered, is ordered, and hereby is, denied.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I, BLAKE A. HAWTHORNE, Clerk of the Supreme Court of Texas, do hereby certify that the above is a true and correct copy of the orders of the Supreme Court of Texas in the case numbered and styled as above, as the same appear of record in the minutes of said Court under the date shown.

It is further ordered that petitioner, OLDA RACHEL GUARDIOLA, pay all costs incurred on this petition.

WITNESS my hand and seal of the Supreme Court of Texas, at the City of Austin, this the 24th day of October, 2025.



Blake A. Hawthorne

Blake A. Hawthorne, Clerk

By Monica Zamarripa, Deputy Clerk

8 9 3
OLDA R. GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX M

Order Denying Motion to Extend
Time for Rehearing (Court of
Appeals, Apr. 30, 2025)

Order entered April 30, 2025



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-24-01016-CV

OLDA RACHEL GUARDIOLA, Appellant

V.

MARICELA RODRIGUEZ, Appellee

**On Appeal from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-22-03780-A**

ORDER

Before the Court is appellant's April 29, 2025 motion to extend time to file a motion for rehearing. We dismissed this case on March 11, 2025 for want of prosecution. Because appellant's motion is untimely, we **DISMISS** appellant's motion. See TEX. R. APP. P. 49.1; 49.9 (motion for rehearing is due within 15 days after judgment is rendered, extension may be granted only if motion to extend time to file rehearing is filed no later than 15 days after the last date for filing the motion).

/s/ DENNISE GARCIA
JUSTICE

1 2 3
OLDA R.GUARDIOLA
V. MARICELA RODRIGUEZ
U.S. SUPREME COURT
DOCKET NO. _____ (TO BE DETERMINED)

APPENDIX N

Mandate of the Court of Appeals
(Filed Dec. 17, 2025)



FILED

2025 DEC 17 PM 2:58

FELICIA PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
SECURITY

**Court of Appeals
Fifth District of Texas at Dallas**

MANDATE

**TO THE 14TH JUDICIAL DISTRICT COURT OF DALLAS COUNTY,
GREETINGS:**

Before the Court of Appeals for the Fifth District of Texas, on the 11th day of March, 2025, the cause on appeal to revise or reverse the judgment between

OLDA RACHEL GUARDIOLA,
Appellant

No. 05-24-01016-CV V.

MARICELA RODRIGUEZ,
Appellee

On Appeal from the 14th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-22-03780-
A.

Opinion delivered by Justice Garcia.
Justices Miskel and Lee participating.

was determined; and this Court made its order in these words:

In accordance with this Court's opinion of this date, the appeal is
DISMISSED.

WHEREFORE, WE COMMAND YOU to observe the order of the Court
of Appeals for the Fifth District of Texas, in this behalf, and have it duly obeyed
and executed.

WITNESS the HON J.J. KOCH, Chief Justice of the Court of Appeals, with the Seal thereof affixed, at the City of Dallas, this 16th day of December 2025.



/s/ Ruben Morin
Ruben Morin, Clerk

FILE COPY

RE: Case No. 25-0353

COA #: 05-24-01016-CV

STYLE: GUARDIOLA v. RODRIGUEZ

DATE: 9/5/2025

TC#: DC-22-03780-A

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MS. OLDA RACHEL GUARDIOLA

* DELIVERED VIA E-MAIL & POSTAL *

FILE COPY

RE: Case No. 25-0353

COA #: 05-24-01016-CV

STYLE: GUARDIOLA v. RODRIGUEZ

DATE: 10/24/2025

TC#: DC-22-03780-A

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MS. OLDA RACHEL GUARDIOLA

* DELIVERED VIA E-MAIL *