

25-7363

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
APR 30 2026
OFFICE OF THE CLERK
SUPREME COURT U.S.

Wen Chen

— PETITIONER

(Your Name)

vs.

Lyndam Hill II Homeowners Association, Inc.
RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Virginia

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Wen Chen

(Your Name)

7172 Lyndam Hill Cir,

(Address)

Lorton, VA 22078

(City, State, Zip Code)

202-430-8333

(Phone Number)

Questions Presented

Whether the Due Process Clause of the Fourth Amendment permits a state appellate court to affirm a judgment without reaching the merits based solely on the absence of a transcript or properly submitted statement of facts, resulting in the denial of meaningful appellate review.

LIST OF PARTIES

Wen Chen, Petitioner

Lyndam Hill II Homeowners Association, INC. Respondent

All parties appear in the caption of case, no additional parties were involved in the proceeding below.

Corporation Disclosure Statement

Respondent Lyndam Hill II Homeowners Association, Inc. is a nonprofit corporation. It has no parent corporation, and no publicly owns 10% or more of its stock.

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The order of the Supreme Court of Virginia denying the petition for appeal appear at Appendix A to the petition and is unpublished.

The opinion of the Court of Appeals of Virginia appear at Appendix B to the petition and is unpublished.

The final order of the Circuit Court of Fairfax County is appear at Appendix C to the petition.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was February 3, 2026
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides in relevant part:

“...nor shall any State deprive any person of life, liberty, or property, without due process of law...”

Statements of the Case

HOAs (Homeowners Association) in this country are like mafia or gang members. Some tough owners united together to bully people on weak side, specifically new immigrants with Language barriers. They picked up on us or targeted on us. They may randomly issue fines and tickets. If we argued with them or tried to dispute the debts they built for us, our debts would go much higher. Once they passed the debts to a collection company, then the debts collection will do the same thing. They refused to do communication or correct any mistakes which caused by HOA. They just waited the issue to escalate. Then the debts will go higher again. As long as the debts were not resolved, they may collect more legal fees from HOA. Once a homeowner like me started to fight, I was very welcomed to bring the case to a court. Then the debts collection company may get more legal fees on the case. So this is a bad circulation. That cause us, as a homeowner, could never resolve these issues unless I would surrender and agree with the debts they forced us to accept. In this country, new immigrants specifically from those like developing or poverty countries were bullied so hard. Those voices could not be easily beard by public or by court. In this country, new immigrants do not feel scared of law enforcement. They do not feel scared of government. They feel scared of HOA. Once you mentioned about HOA, they would suddenly yell: "oh, no. HOA is super powerful in this country. Never fight with them, they will take your house." They would warn each other that they should never dispute any fines or tickets with HOA. Otherwise the things will get worse than you may imagine. Technically, in some communities, HOA rules and policies are above American Constitution and Common Law. HOA Board members may change rules or orders any time they want, they may choose who they want to target on. I do not understand why this country allow those people to stand above law. I do not understand why this judicial system would like to support those lawyers to become millionaire or billionaire who may afford private jet, but those regular people works so hard in daily life for surviving, they might lose their house finally...You still believe this is only my personal case? This kind of debts trap only happened to me? You still believe in this kind of trap happened very rare?

Actually my case was very easy and simple, but for almost ten years, I was trapped in this debts issue. I have 3 Master degrees from this Country. And I did full time internship for federal government and Capitol Hill Senator's Office for couple of years when I were at school. Those internships were unpaid. I did not get any penny from it. I had ability to work for a senator. But I had no ability to resolve this debt for 715 dollars. I feel humiliated to accept this debt forced by HOA team. I fight alone very hard for these many years... So you may imagine how those new immigrants with language barriers may go through hard time?

1. I purchased this single house, 7172 Lyndam Hill Cir, Lorton, VA. 22079, on May 2016.
2. HOA cashed some of my checks for HOA monthly fee and they did not apply those in my account, and they also started to build late fees in my account.
3. I required them to correct those mistakes and show me an updated correct statement. HOA denied all my requests.
4. In the meanwhile, HOA blocked all my way for online pay or any electric way for monthly payment. I could not set up autopay. They forced me to mail a check for every month for almost 10 years.
5. When the debts went up for 715.40 dollars on September 26, 2018, HOA set a lien on this single house. Case No. GV18021918-00
6. When I tried to resolve this lien for 715 dollars, I was told that I owe 8000 dollars.
7. I required to review this debts statement for this 8000 dollars. Both HOA and their legal counsel denied my request.
8. This law firm, Whiteford, Taylor & Preston, was originally HOA's debts collection agent. This law firm refused to correct or update any mistakes in my account. They made my case active and open for many years. So these years HOA had paid this law firm around 2000-4000 dollars legal fee for each year.
9. I, Wen Chen, as a plaintiff, never willingly start this lawsuit against the defendant. The defendant and its law firm forced me to start this lawsuit for their own profits and benefits.

10. For those many years, I had no way to resolve this issue, I had to file a case on March 19, 2024 and pray for 20000 dollars as a compensation as emotion abuse and distress.
11. After Being sued, HOA's legal counsel, Nicolai Abaev, admitted their mistakes in their Grounds of Defense. And he corrected those mistakes. And I also paid for those missing checks. We were ready to resolve the case peacefully. But at the last moment, Nicolai Abaev suddenly got fired by law firm, Whiteford, Taylor & Preston. Then my case went dead again.
12. I had no choice. I had to continue the Jury Trial on August 21, 2024. But the defendant and their legal counsel did not show up in the court. The Judge Capsalis called the legal counsel and waited them for 2 hours. In the meanwhile, the Judge Capsalis removed the jury trial and turned it into bench trial.
13. The legal counsel, Marla Diez, showed up in the court. The Judge Capsalis suggested that HOA should take off the lien on this property. And he would not issue any compensation for me. He talked to the legal counsel again and again that if HOA take off the lien, he would not rule HOA to pay any compensation for me. Then both parties may peacefully go home without any further legal issue. I agreed with the Judge's suggestion. But the Legal counsel refused. She said she needed to discuss with her client.
14. Shockingly, a few days later, I got notice from Marla Diez let HOA defend the case for 715 dollars lien with 17000 dollars legal fee. Definitely, the attorney Marla was the only one party getting huge benefits and profits in the continue case. Definitely, she **Scammed** her client.
15. I am in the group email for all 81 homeowners in this community. I disclosed her scam and deceptive action on this case. Not sue if HOA team members were angry or not. But I am pretty sure those homeowners were very angry for their action on huge legal fees. Then? HOA team leaders could not face those angry homeowners any more. Then they required that Marla must seek legal fees back to them.
16. The counsel Marla continued the case on September 5th, 2026. She filed in like hundreds of pages for the case. Nobody asked her to prepare those hundreds of useless paper

works. For these many years, I only asked for them to provide an accurate statement for 715 dollars.

17. On September 5, 2024 trial, Marla asked for 17000 legal fees for the case. Actually Marla totally showed up in the court for this case no more than 2 hours. The Judge Capsalis granted them for 9000 dollars.
18. On November 11, 2024, Marla garnished me 9228.49 dollars from my bank account.
19. I appealed the case at Court of Appeals of Virginia. The court affirmed the final order from Circuit court.
20. Then I appealed the case at the Supreme Court of Virginia. They denied my petition.
21. The legal counsel Marla Diez filed a motion which hearing date on April 10. 2026 to require for a reward of legal fee for 37000 dollars. The Judge David Oblon removed the case from the docket because of page limit violation.
22. The legal counsel Marla Diez called calendar control Judge on April 14, 2026 8:am to reschedule the hearing date for rewarding their legal fee for 37000 dollars. The calendar control Judge denied her request.
23. April 16, 2026. The legal counsel Marla rescheduled the hearing and they specifically need the Judge Capsalis to hear the case fon May 28, 2026 for rewarding 37000 dollars legal fee.

I know I should not bring this small case to bother all your Honors at the highest level court in this country. Maybe I just want a chance to let you all hear our voices.

We people living in the lower class are living in a tough life. We were bullied very hard in adult world. We people living in the lower class have no ability to fight with those people who using Law as a weapon. As you know that most of we regular people could not let a case go further like this. I invested a lot of time on the case, and I had been garnished a lot by them. And I still have risk for being garnished more... The legal counsel asked for 54000 dollars legal fee on my case for 715 dollars lien when the case was reviewed at local court. Now I bring this case to the Supreme Court of United States, you know they will garnish me a huge amount for the case. Yes, I know they are ready to take my house

like many of my friends warned me earlier. So I would like to pay extra 300 filing fee to let Your Honors hear our voices at least once in your life. Only all Your Honors have the power and chance to amend the law in future to limit HOA's rights and greedy. Only all Your Honor have power to regulate those So called Law Firm. In the future when Your Honors work on a criminal case, you might want to show some mercy on those criminals because now you know there must be something triggered their anger. Those anger made them to become a criminal.

Thank Your Honors for listening my story.

Very Respectfully Submitted,

Wen Chen

Petitioner

Wen chen
04/29/2026

REASONS FOR GRANTING THE PETITION

This case presents an important question concerning whether the Due Process Clause of the Fourteenth Amendment permits a state's procedural rules to be applied in a manner that results in the complete denial of meaningful appellate review.

I. The Combined Application of Procedural Rules Foreclosed Any Appellate Review

The decision below reflects the cumulative effect of multiple procedural rulings that prevented any court from addressing the merits of petitioner's claims.

The Court of Appeals of Virginia affirmed the trial court's judgment without reaching the merits, holding that the absence of a transcript or a properly submitted statement of facts precluded review. Petitioner had attempted to submit a written statement of facts, but the court found that it did not comply with the procedural requirements of Rule 5A:8.

Petitioner then sought further review in the Supreme Court of Virginia, which refused the petition for appeal on the ground that petitioner failed to include an argument section and supporting legal authorities as required by Rule 5:17(c)(5).

As a result, no court reviewed the substance of petitioner's claims. The combined effect of these procedural rulings was to foreclose appellate review entirely.

II. The Application of Procedural Rules in This Manner Raises Serious Due Process Concerns

While states have authority to adopt and enforce procedural rules, the Due Process Clause requires that such rules not be applied in a manner that effectively deprives litigants of a meaningful opportunity to be heard.

In this case, procedural requirements governing the record on appeal and the form of appellate briefing operated together to prevent any consideration of petitioner's claims. The result was not merely the regulation of appellate procedure, but the complete denial of appellate review.

This case presents the question whether due process permits procedural rules to be enforced in a manner that results in the forfeiture of appellate review altogether, particularly where a litigant has made efforts to invoke that review.

III. The Issue Is of Recurring Importance, Particularly for Pro Se Litigants

Procedural requirements governing transcripts, statements of fact, and appellate briefing are widely applied across state courts. Litigants proceeding without counsel frequently encounter difficulty navigating these technical requirements.

The decision below illustrates how the strict and cumulative application of such rules may function as a barrier to appellate review rather than a means of ensuring orderly procedure. Clarification from this Court is warranted to ensure that procedural rules are applied in a manner consistent with the requirements of due process.

IV. This Case Provides a Suitable Vehicle for Review

The record clearly demonstrates that petitioner's claims were not reviewed on the merits at any appellate level due to the application of procedural rules. The question presented is squarely implicated, and the case provides a concrete example of how such rules may operate to deny meaningful appellate review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Wen Chen

Date: 04/27/2026