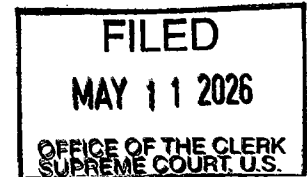


**IN THE  
SUPREME COURT OF THE UNITED STATES**

**ORIGINAL**

No. 25-7402

**DANIELLE PENNINGTON,**  
Petitioner,



v.

**FIRST HAND LAND, LLC,**  
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**PETITION FOR A WRIT OF CERTIORARI**

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## **QUESTION PRESENTED**

Whether a federal appeal becomes moot merely because a homeowner has already been evicted, where the appeal challenges whether the eviction proceeded through a removed District of Columbia Landlord and Tenant case while federal removal law barred the local court from proceeding.

## **LIST OF PARTIES AND RELATED CASES**

### **Parties**

Petitioner is Danielle Pennington, appellant below.

Respondent is First Hand Land, LLC, appellee below. Petitioner is unaware of any publicly traded stock ticker symbol for First Hand Land, LLC.

### **Related Cases**

1. Nationstar Mortgage LLC v. Pennington, No. 2019-LTB-011768, Superior Court of the District of Columbia, Landlord and Tenant Branch.
2. First Hand Land, LLC v. Pennington / Nationstar Mortgage LLC v. Pennington, No. 1:24-cv-02597-RBW, United States District Court for the District of Columbia.
3. In re Danielle Pennington, No. 1:24-cv-02422-RBW, United States District Court for the District of Columbia.
4. Pennington v. First Hand Land, LLC, No. 25-7042, United States Court of Appeals for the District of Columbia Circuit. Order dismissing appeal entered December 4, 2025; rehearing denied February 9, 2026.
5. Pennington v. Nationstar Mortgage LLC, et al., No. 26-7007, United States Court of Appeals for the District of Columbia Circuit, related civil RICO/quiet-title appeal involving the same property and overlapping title, possession, and removal issues.
6. Pennington v. First Hand Land, LLC, No. 25-CV-0400, District of Columbia Court of Appeals, related appeal involving the writ/eviction proceedings.

7. **Pennington v. First Hand Land, LLC, et al., Nos. 26-CV-0014, 26-CV-0050, and 26-CV-0052, District of Columbia Court of Appeals, related appeals involving overlapping possession and removal issues.**

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Order of the United States District Court for the District of Columbia remanding the case, No. 1:24-cv-02597-RBW, entered February 27, 2025.

**APPENDIX C**

Order of the United States Court of Appeals for the District of Columbia Circuit denying rehearing, No. 25-7042, entered February 9, 2026.

**APPENDIX D**

Selected removal, remand, and writ-timing materials showing L&T removal activity, writ execution, and remand-return timing.

**APPENDIX E**

Selected pages from Petitioner's panel rehearing petition preserving the L&T/removal issue and 28 U.S.C. § 1446(d) argument.

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## **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 United States Court of Appeals for the District of Columbia Circuit dismissing this appeal as moot was entered on December 4, 2025. It is unpublished and appears at Appendix A.

The order denying rehearing was entered on February 9, 2026, and appears at Appendix C. The relevant district-court order appears at Appendix B. Selected removal, remand, and writ-timing materials appear at Appendix D.

### **JURISDICTION**

The court of appeals entered judgment on December 4, 2025. Petitioner timely sought rehearing, which was denied on February 9, 2026. This petition is timely under Supreme Court Rule 13, and 28 U.S.C. § 2101(c). This Court has jurisdiction under 28 U.S.C. § 1254(1).

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Fifth Amendment provides, in relevant part, that no person shall be deprived of life, liberty, or property without due process of law.

28 U.S.C. § 1446(d) provides, in relevant part:

“Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.”

28 U.S.C. § 1447(c) provides, in relevant part:

“A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.”

28 U.S.C. § 1451 provides, in relevant part, that for purposes of the removal statutes, the term “State court” includes the Superior Court of the District of Columbia, and the term “State” includes the District of Columbia. 11 U.S.C. § 362 governs the automatic stay and relief from stay in bankruptcy proceedings.

### STATEMENT OF THE CASE

This case arises from a District of Columbia Landlord and Tenant possession proceeding involving Petitioner’s home. The underlying local case, Nationstar Mortgage LLC v. Pennington, No. 2019-LTB-011768, was not an ordinary rent dispute. It was a foreclosed-homeowner possession case through which court process was later used to physically dispossess Petitioner. The federal proceedings below became entangled with the local Landlord and Tenant docket, foreclosure-related proceedings, and bankruptcy-stay proceedings. But the issue preserved below was not limited to whether a bankruptcy stay could be restored after dismissal of the bankruptcy case. Petitioner argued that the appeal also involved the removed Landlord and Tenant case and whether the local court could continue writ activity after federal removal law required the local court to proceed no further.

On December 4, 2025, the United States Court of Appeals for the District of Columbia Circuit dismissed the appeal as moot. The court reasoned that the automatic stay had terminated by operation of law when the bankruptcy case was dismissed and that Petitioner had already been evicted, so no effectual relief remained. App. A.

Petitioner timely sought rehearing. Petitioner explained that the court had misapprehended the case by treating it as a closed bankruptcy-stay matter rather than a case involving federal removal and the continued use of the Landlord and Tenant docket to effect physical dispossession. Petitioner also argued that the panel’s mootness ruling failed to address 28 U.S.C.

§ 1446(d), collateral consequences, and the availability of practical relief. Rehearing was denied on February 9, 2026. App. C.

The record reflected removal activity in the Landlord and Tenant matter, a district-court remand order, later writ activity, execution of the writ, and later federal docket activity concerning remand to Superior Court. App. B, D. Petitioner's position is not that this Court should resolve every factual dispute in the first instance. The narrow point is that the court of appeals could not properly dismiss the appeal as moot without confronting whether the challenged writ process occurred while federal law barred the local court from proceeding.

The court of appeals' ruling allowed the completed eviction itself to defeat review of the legality of the process that produced it. Because vacatur, remand, and correction of collateral consequences remained available, the appeal presented a live controversy.

#### **REASONS FOR GRANTING THE PETITION**

**I. The court of appeals allowed the completed eviction to moot review of the process that produced it.**

A case is not moot if a court can still grant effectual relief. *Church of Scientology of California v. United States*, 506 U.S. 9, 12 (1992). This Court has also made clear that a case remains live where the parties retain a concrete interest and a court can grant practical relief. *Chafin v. Chafin*, 568 U.S. 165, 172 (2013).

That standard is satisfied here. The court of appeals dismissed this appeal as moot because Petitioner had already been evicted and because the bankruptcy stay had terminated. But the completed eviction was not an outside event that ended the controversy. It was the challenged injury. Petitioner challenged whether the writ process that produced the eviction could lawfully proceed while the Landlord and Tenant case was in a removal/remand posture.

The court of appeals could still have granted practical relief. It could have vacated the order below, remanded for consideration of the removal issue, addressed whether the writ process was void or ineffective under federal removal law, and prevented collateral consequences from flowing from an unreviewed jurisdictional injury. Instead, it treated the completed eviction as the reason no relief remained.

That reasoning is backwards. If a completed eviction automatically moots review of whether the eviction was lawfully accomplished, then speed of enforcement can defeat federal review. The fact that Petitioner was dispossessed does not erase the legal question whether the dispossession occurred through a process federal law barred.

**II. The decision below failed to confront the mandatory command of 28 U.S.C. § 1446(d).**

Section 1446(d) is mandatory. Once removal is effected, the state court “shall proceed no further unless and until the case is remanded.” Section 1447(c) confirms the sequence by providing that the state court may proceed after a certified copy of the remand order is mailed to the state-court clerk. Section 1451 confirms that the Superior Court of the District of Columbia is a “State court” for removal purposes.

This Court has long treated state-court proceedings after removal and before remand as void. *Kern v. Huidekoper*, 103 U.S. 485 (1881). More recently, this Court reaffirmed that removal divests the state court of authority until remand. *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 589 U.S. 57 (2020).

The court of appeals did not address that statutory command. It treated the eviction as a completed fact rather than asking whether the local writ proceedings occurred during a period when federal law required the local court to stop. That omission warrants review.

**III. Due process required meaningful review before physical dispossession was treated as irrelevant.**

The Fifth Amendment requires notice and a meaningful opportunity to be heard before property is taken. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950); *Fuentes v. Shevin*, 407 U.S. 67 (1972). A judgment or order entered without constitutionally adequate process cannot be treated as harmless merely because the deprivation has already occurred. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988).

Petitioner's preserved argument was that the eviction flowed from a removed possession proceeding in which the local court lacked authority to proceed. Once that issue was raised, the court of appeals could not treat physical dispossession as eliminating the need for review. The dispossession was the alleged jurisdictional injury.

**IV. Effective relief remained available.**


The court of appeals reasoned that no order could restore the automatic stay or Petitioner's possession. But that was not the correct mootness inquiry. The question is whether any practical relief remains. *Chafin*, 568 U.S. at 172; *Church of Scientology*, 506 U.S. at 12.

Practical relief remained available here, including vacatur, remand for consideration of the removal issue, correction of collateral consequences, and prevention of preclusive effects from an unreviewed judgment. *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950). Because practical relief remained available, the appeal was not moot merely because the eviction had already occurred.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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