

NO. USAP5 NO. 25-60662

25-7653

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

JACKIE OSBORNE,
Petitioner,

v.

ROCKET MORTGAGE, LLC;
AMROCK, LLC, Does 1-100
Respondents.

PETITION FOR WRIT OF CERTIORARI

THE UNITED STATES COURT OF APPEALS

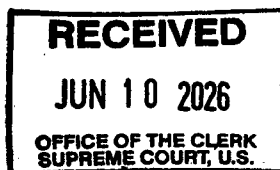
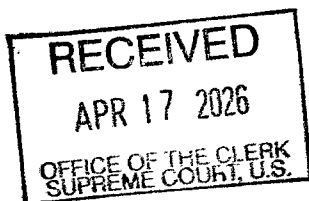
FOR THE FIFTH CIRCUIT

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QUESTIONS PRESENTED

1. Whether a federal appellate court may dismiss a pro se litigant's appeal for lack of jurisdiction when extraordinary circumstances—including delayed notice of judgment, medical incapacity, and withheld court mail—prevented a timely filing.
2. Whether dismissal of a civil rights and RICO complaint with prejudice at the pleading stage violates Federal Rule of Civil Procedure 15(a) when the plaintiff was denied a meaningful opportunity to amend the complaint.
3. Whether federal courts violate the Due Process Clause of the Fourteenth Amendment when procedural barriers prevent a pro se litigant from presenting claims involving fraud, conspiracy, and unlawful deprivation of property without compensation.
4. Whether dismissal of a complaint alleging fraud, conspiracy, and racketeering activity without granting leave to amend violates the liberal amendment policy of Federal Rule of Civil Procedure 15(a).
5. Whether coordinated misconduct among mortgage lenders, title companies, and real estate actors involving fraudulent title documentation and concealment of material facts may constitute a pattern of racketeering activity under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1962.
6. Whether federal courts may apply procedural rules in a manner that prevents any court

from reaching the merits of a litigant's claims when the litigant alleges delayed notice of judgment, extraordinary circumstances, and newly discovered evidence.

Federal procedural rules serve important purposes in ensuring orderly litigation.

However, those rules must not be applied in a manner that prevents any court from reaching the merits of a litigant's claims when extraordinary circumstances are alleged.

Petitioner brought a civil action alleging fraud, conspiracy, and unlawful deprivation of property arising from a real estate transaction involving her home located at 155 Old Highway 24 in Sumrall, Mississippi. The district court dismissed the complaint at the pleading stage without granting leave to amend. Petitioner later sought relief under Federal Rule of Civil Procedure 60(b) based on newly discovered evidence and extraordinary circumstances including delayed receipt of court orders and medical incapacity. When Petitioner attempted to seek appellate review, the court of appeals dismissed the appeal for lack of jurisdiction after concluding that the notice of appeal was untimely.

The question presented is:

7. Whether federal courts may apply procedural rules in a manner that prevents any court from reaching the merits of a litigant's claims when the litigant alleges delayed notice of judgment, extraordinary circumstances affecting the ability to meet filing deadlines, and

newly discovered evidence supporting claims involving fraud and deprivation of property rights without compensation.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Petitioner Jackie Osborne was the Plaintiff–Appellant in the United States Court of Appeals for the Fifth Circuit and the Plaintiff in the United States District Court for the Southern District of Mississippi. Respondents Rocket Mortgage, LLC and Amrock, LLC, Does 1-100 were Defendants–Appellees in the court of appeals and Defendants in the district court. Pursuant to Supreme Court Rule 29.6, Petitioner states that no corporate disclosure statement is required because Petitioner is not a corporation. Other parties involved in the proceedings below include CrossCountry Mortgage, LLC; Lockett Land Title, Inc.; Chicago Title Insurance Company; Fidelity National Financial; Allan R. Pearson; Parker Law Firm, PLLC; Sara Mora, broker for 1st Choice Realtor; and the Lamar County Tax Assessor & Collector.

RELATED PROCEEDINGS

United States Court of Appeals for Fifth Circuit, Case No. 25-60662; Jackie Osborne v. Rocket Mortgage, LLC and AMROCK, LLC. Does 1-100, Dismissed on 2/13/2026

In The United States District Courts for the Southern District of Mississippi, Case No. 2:24-cv-101-TMB-RPM, Jackie Osborne v Rocket Mortgage, LLC and AMROCK, LLC. Does 1-100 Dismissed 3/31/25.

In The Chancery Court of Lamar County, Mississippi, Case No. 2023-cv-0091-SM and Case No.
37CH1:23-CV-00091-SM, Allan R. Pearson v Jackie Osborne and Rocket Mortgage, LLC
Dismissed on October 2, 2025

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Christeson v. Roper, 574 U.S. 373 (2015)

Kemp v. United States, 596 U.S. 528 (2022)

Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988)

Pioneer Investment Services v. Brunswick Associates, 507 U.S. 380 (1993)

Cedar Point Nursery v. Hassid,
594 U.S. 139 (2021)

Knick v. Township of Scott,
588 U.S. 180 (2019)

Lingle v. Chevron U.S.A. Inc.,
544 U.S. 528 (2005)

Statutes

28 U.S.C. §1254

18 U.S.C. §1962 (RICO)

Rules

Federal Rule of Civil Procedure 60(b)

Federal Rule of Civil Procedure 15(a)

Federal Rule of Appellate Procedure 4(a)

28 U.S.C. §2201 (Declaratory Judgment Act)

18 U.S.C. §1962

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit dismissing the appeal for want of jurisdiction was issued February 13, 2026. The judgment of the United States District Court for the Southern District of Mississippi dismissing the complaint with prejudice was entered March 31, 2025.

JURISDICTION

Jurisdiction of this Court is invoked under 28 U.S.C. §1254(1), which authorizes the Supreme Court of the United States to review cases in the courts of appeals by writ of certiorari.

Petitioner also sought post-judgment relief in the district court pursuant to Federal Rule of Civil Procedure 60(b) based on newly discovered evidence and extraordinary circumstances, but those motions were denied. Petitioners filed an Emergency Motion involving the Unenforceable Deed place on her property still pending before The Chancery Court of Lamarr County, Mississippi.

This petition therefore seeks review of the Fifth Circuit's dismissal order, which prevented any court from reaching the merits of Petitioner's claims. Petitioner invokes this Court's certiorari jurisdiction because the decision below presents an important question regarding whether federal procedural rules may be applied in a manner that prevents any court from reaching the merits of a litigant's claims when extraordinary circumstances are alleged. The judgment of the United States Court of Appeals for the Fifth Circuit dismissing Petitioner's appeal was entered on February 13, 2026. This petition seeks review of that judgment. Jurisdiction of this Court is invoked under 28 U.S.C. §1254(1), which authorizes this Court to review by writ of certiorari

cases in the courts of appeals. Petitioner also filed post-judgment motions in the district court seeking relief pursuant to Federal Rule of Civil Procedure 60(b) based on newly discovered evidence and extraordinary circumstances. Those motions were denied. Petitioner respectfully seeks review of the court of appeals' disposition because the procedural rulings below prevented any court from reaching the merits of Petitioner's claims.

CONSTITUTIONAL AND STATUTORY PROVISIONS

- I. U.S. Const. Amendments IV, X, XIV
- II. 28 U.S.C. §1254
- III. Federal Rule of Civil Procedure 60(b)
- IV. Federal Rule of Civil Procedure 15(a)Federal Rule of Appellate Procedure 4(a)

OPENING NARRATIVE

This case presents a procedural dilemma in which no court has ever addressed the merits of Petitioner's claims. Petitioner brought a civil action alleging fraud, conspiracy, and unlawful deprivation of property arising from a real estate transaction involving her home located at 155 Old Highway 24 in Sumrall, Mississippi. Petitioner alleged that multiple actors involved in the mortgage and title transaction concealed critical information regarding the property's title and engaged in coordinated misconduct affecting her property rights. The district court dismissed the complaint at the pleading stage without permitting amendment or discovery. When Petitioner sought appellate review, the court of appeals dismissed the appeal on procedural grounds related to the timing of the notice of appeal. Petitioner had previously informed the courts that delayed mail delivery and medical circumstances affected her ability to respond to court orders and pursue relief under Rule 60(b). The combined effect of these rulings is that no court has ever examined the merits of Petitioner's allegations. This petition therefore presents the important question whether federal procedural rules may be applied in a manner that prevents any court from ever reaching the merits of a litigant's claims.

THE REAL ESTATE TRANSACTION

Petitioner Jackie Osborne purchased residential property located at 155 Old Highway 24, Sumrall, Mississippi through a mortgage transaction involving several entities including mortgage lenders, title companies, and real estate professionals. The transaction involved multiple participants including mortgage lenders, title companies, real estate brokers, and legal representatives. Following the purchase of the property, Petitioner began to discover

irregularities in the documentation relating to the property's title and mortgage history. Petitioner alleges that certain parties involved in the transaction concealed material information regarding the property's title and engaged in conduct that resulted in the unlawful deprivation of a portion of Petitioner's property without compensation.

DISTRICT COURT PROCEEDING

Petitioner filed a civil action in the United States District Court for the Southern District of Mississippi alleging fraud, conspiracy, civil rights violations, and violations of federal law including the Racketeer Influenced and Corrupt Organizations Act. Petitioner alleged that multiple defendants participated in coordinated conduct involving fraudulent documentation, concealment of title defects, and misrepresentation of material facts relating to the property transaction. On March 31, 2025, the district court entered an order dismissing Petitioner's complaint with prejudice.

POST-JUDGMENT PROCEEDING

After the dismissal, Petitioner continued to pursue relief in the district court. Petitioner filed motions seeking relief from judgment pursuant to Federal Rule of Civil Procedure 60(b). These motions asserted that newly discovered evidence and extraordinary circumstances justified reopening the case. Petitioner also informed the court that she had experienced delays in receiving court correspondence through the postal service and had requested that filings be delivered electronically rather than exclusively through her post office box. Petitioner further informed the court that medical circumstances limited her ability to respond within the time

periods contemplated by the Federal Rules. The district court denied Petitioner's Rule 60(b) motions.

PROCEEDING IN THE COURT OF APPEALS

Petitioner attempted to seek appellate review in the United States Court of Appeals for the Fifth Circuit. On February 13, 2026, the Fifth Circuit entered an order dismissing the appeal for lack of jurisdiction after determining that the notice of appeal was untimely. The court did not address the merits of Petitioner's claims.

EFFECTS OF THE LOWER COURTS DECISION

The combined effect of the rulings below is that no court has ever considered the merits of Petitioner's claims. The district court dismissed the complaint at the pleading stage without permitting amendment or discovery. The court of appeals then dismissed the appeal on procedural grounds. As a result, allegations involving fraud, conspiracy, and unlawful deprivation of property rights were never evaluated by any court. Petitioner therefore seeks review by this Court to ensure that federal procedural rules are not applied in a manner that prevents any court from reaching the merits of a litigant's claims.

STATEMENT OF THE CASE

This case arises from a dispute concerning the mortgage and title transaction affecting property located at 155 Old Highway 24 in Sumrall, Mississippi, and the subsequent judicial proceedings that prevented any court from addressing the merits of Petitioner's claims. Petitioner Jackie Osborne filed a civil action alleging that multiple entities involved in the mortgage and title

process engaged in coordinated conduct that interfered with Petitioner's property interests and resulted in the recording or enforcement of defective or unenforceable instruments affecting title to the property. Petitioner's complaint alleged that participants in the mortgage and title transaction concealed material information relating to the validity and enforceability of documents affecting the property's title and misrepresented material facts concerning the transaction. Petitioner further alleged that the coordinated actions of several entities involved in the mortgage and title process resulted in financial harm and interference with Petitioner's property rights. Petitioner's proposed amended complaint asserted several federal and state claims arising from this conduct. Petitioner alleged that multiple entities participated in an enterprise engaged in interstate commerce and conducted the enterprise's affairs through a pattern of racketeering activity in violation of 18 U.S.C. §1962, including acts of fraud and the use of interstate mail and communications in connection with the preparation and recording of mortgage and title documents. Petitioner also alleged that certain defendants knowingly concealed defects or irregularities affecting the property's title and misrepresented material facts concerning the validity of instruments recorded against the property. Petitioner further alleged that the coordinated conduct of several participants in the mortgage and title transaction interfered with Petitioner's property interests and created a cloud on the title to the property. Petitioner also asserted that actions taken under color of state law deprived Petitioner of constitutional protections, including the right not to be deprived of property without due process of law as guaranteed by the Fourteenth Amendment and enforceable under 42 U.S.C. §1983. Petitioner contended that these actions collectively resulted in interference with constitutionally protected property interests without compensation. The Constitution provides that private

property shall not be taken for public use without just compensation, and this Court has repeatedly recognized that government actions resulting in physical invasion or substantial interference with property rights may constitute a compensable taking. See, e.g., *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021); *Arkansas Game & Fish Commission v. United States*, 568 U.S. 23 (2012). The United States District Court for the Southern District of Mississippi dismissed Petitioner's complaint at the pleading stage, concluding that the complaint did not sufficiently state a claim for relief. Petitioner subsequently sought relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) based on newly discovered evidence and extraordinary circumstances, including delayed receipt of court correspondence and medical circumstances affecting Petitioner's ability to respond to court filings. Petitioner also sought leave to file an amended complaint to include additional parties and claims based on the newly discovered evidence. The district court denied Petitioner's Rule 60(b) motion. Petitioner then attempted to seek appellate review in the United States Court of Appeals for the Fifth Circuit. The court of appeals dismissed the appeal for lack of jurisdiction, concluding that the notice of appeal was untimely under Federal Rule of Appellate Procedure 4(a). As a result, no court has considered the merits of Petitioner's claims. Petitioner now seeks review because the combined effect of the lower courts' rulings prevented any court from evaluating claims involving alleged interference with property rights, alleged coordinated misconduct in the mortgage and title process, and alleged deprivation of constitutional protections relating to property. This case therefore presents an important question regarding whether federal procedural rules may be applied in a manner that prevents any court from reaching the merits of a litigant's claims where extraordinary circumstances are alleged.

THE LOWER COURTS' PROCEDURAL RULINGS PREVENTED ANY HIGHER COURT FROM REACHING THE MERITS

This case illustrates a procedural trap in which rigid application of procedural rules prevented any court from reaching the merits of Petitioner's claims. Petitioner brought claims alleging fraud, conspiracy, and violations of federal law arising from a real estate transaction involving the property located at 155 Old Highway 24, Sumrall, Mississippi. The complaint alleged that several entities involved in the mortgage and title transaction concealed critical information regarding the property's title and engaged in coordinated misconduct. The district court dismissed the complaint at the pleading stage without granting leave to amend. Petitioner thereafter continued to pursue relief through post-judgment motions, including motions invoking Federal Rule of Civil Procedure 60(b) based on newly discovered evidence and extraordinary circumstances. These motions alleged, among other things, that Petitioner did not receive timely notice of key court orders because of delayed mail delivery and that medical circumstances prevented her from responding within the time periods contemplated by the Federal Rules. Rather than addressing whether those circumstances justified reopening the case or permitting amendment of the complaint, the district court denied relief. When Petitioner attempted to seek appellate review, the United States Court of Appeals for the Fifth Circuit dismissed the appeal for lack of jurisdiction based on the conclusion that the notice of appeal was untimely. The combined effect of these rulings is that no court ever evaluated the substance of Petitioner's claims. The district court dismissed the complaint before discovery or amendment could occur. The appellate court then dismissed the appeal on procedural grounds. As a result, serious allegations involving fraud and unlawful deprivation of property rights were never considered on

their merits. This case therefore presents a troubling procedural posture in which strict adherence to timing rules effectively prevented judicial review altogether. This Court has repeatedly recognized that procedural rules must not be applied in a manner that undermines the fundamental fairness of judicial proceedings. Federal Rule of Civil Procedure 60(b) exists precisely to address situations in which extraordinary circumstances—such as delayed notice of judgment or newly discovered evidence—make rigid enforcement of procedural deadlines inequitable. Yet the decisions below treated the case as procedurally closed without considering whether Petitioner's allegations of delayed notice, medical incapacity, and newly discovered evidence warranted equitable relief. For pro se litigants in particular, such a procedural posture can create an insurmountable barrier to meaningful access to the courts. Petitioner does not ask this Court to disregard procedural rules. Rather, Petitioner asks the Court to clarify that those rules must be applied in a manner consistent with due process and fundamental fairness. Where a litigant plausibly alleges delayed notice of judgment, continues pursuing post-judgment relief, and presents claims involving substantial property interests, the federal courts should not dispose of the case in a manner that prevents any tribunal from ever reaching the merits. This Court's review is therefore warranted to ensure that procedural rules do not operate as a categorical bar to justice.

SUMMARY OF THE ARGUMENT

This case presents a procedural dilemma in which no court has ever considered the merits of Petitioner's claims. Petitioner alleged that multiple entities involved in the mortgage and title process engaged in coordinated conduct that interfered with Petitioner's property interests and resulted in the recording or enforcement of defective or unenforceable instruments affecting the title to Petitioner's property located at 155 Old Highway 24 in Sumrall, Mississippi. Petitioner

further alleged that the conduct involved fraudulent representations, concealment of material information concerning the property's title, and coordinated actions among several participants in the mortgage and title transaction. Petitioner sought relief in federal court asserting claims including violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1962, fraud, civil conspiracy, and deprivation of constitutional rights. Petitioner also alleged that the actions affecting the property interfered with constitutionally protected property interests without compensation, implicating the Takings Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment. The district court dismissed the complaint at the pleading stage. Petitioner subsequently sought relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) based on newly discovered evidence and extraordinary circumstances, including delayed receipt of court correspondence and medical circumstances affecting Petitioner's ability to respond to court filings. Petitioner also sought leave to file an amended complaint to include additional parties and claims based on newly discovered evidence.

The district court denied the Rule 60(b) motion, and the court of appeals dismissed Petitioner's appeal for lack of jurisdiction after concluding that the notice of appeal was untimely. As a result, no court has addressed whether Petitioner's allegations describe conduct affecting constitutionally protected property interests or conduct that may fall within the scope of federal statutory remedies. This case therefore presents an important question regarding whether federal procedural rules may be applied in a manner that prevents any court from reaching the merits of substantial claims involving property rights and alleged coordinated misconduct in interstate mortgage and title transactions. Review by this Court is warranted to ensure that procedural rules

do not operate to foreclose judicial consideration of substantial claims implicating constitutional protections and federal law.

REASONS FOR GRANTING THE PETITION

This Case Raises Important Issues Regarding Access to Justice for Pro Se Litigants; Millions of Americans rely on the courts without legal representation. Strict procedural rules should not prevent courts from hearing legitimate claims involving fraud and unlawful property deprivation. Extraordinary Circumstances Warrant Relief Under Rule 60(b)(6). Rule 60(b)(6) permits relief for extraordinary circumstances. This Court has recognized that such circumstances may include procedural irregularities or fundamental unfairness. Relevant precedent includes: *Liljeberg v. Health Services Acquisition Corp.*, *Buck v. Davis*, *Christeson v. Roper* and *Kemp v. United States*. The Lower Courts Improperly Denied the Opportunity to Amend the Complaint: Federal Rule of Civil Procedure 15(a) provides that courts should freely grant leave to amend. The district court dismissed the complaint with prejudice without allowing Petitioner to amend her claims or present additional evidence. The Case Involves Serious Allegations of Fraud Affecting Property Rights: Petitioner alleges that defendants participated in actions that resulted in the unlawful deprivation of her property rights without compensation. Such conduct implicates constitutional protections under the Fourth Amendment, Tenth Amendment, and Fourteenth Amendment.

I. Procedural Barriers Are Preventing Pro Se Litigants from Receiving Fair Judicial Review. This case presents important questions of National Importance Concerning Mortgage and Title Fraud and the treatment of pro se litigants in federal courts. Millions of Americans lack the financial

resources to retain legal representation and must represent themselves in complex litigation.

Petitioner's case involves serious allegations including fraud, conspiracy, and unlawful deprivation of property rights. Despite these allegations, the lower courts dismissed the case at the pleading stage and subsequently dismissed the appeal based solely on procedural timing.

While procedural rules serve important purposes, they must not operate to deny litigants meaningful access to justice. This Court has repeatedly emphasized that procedural rules must be applied in a manner consistent with fundamental fairness. Where extraordinary circumstances prevent a litigant from complying with procedural requirements, courts possess authority to provide relief.

II. Extraordinary Circumstances Justify Relief Under Rule 60(b)(6) Federal Rule of Civil

Procedure 60(b)(6) authorizes relief from judgment when extraordinary circumstances exist. This Court has recognized the importance of Rule 60(b)(6) as a safeguard against injustice. In *Liljeberg v. Health Services Acquisition Corp.*, the Court explained that Rule 60(b)(6) serves as a "grand reservoir of equitable power." Similarly, in *Buck v. Davis*, this Court emphasized that Rule 60(b)(6) exists to ensure fairness when extraordinary circumstances threaten the integrity of judicial proceedings. Petitioner presented substantial evidence demonstrating extraordinary circumstances including delayed notice of court filings and medical incapacity preventing timely response newly discovered evidence relating to title irregularities, ongoing litigation involving the same property. Despite these circumstances, the lower courts declined to grant relief.

RULE 10 REASONS FOR GRANTING CERTIORARI

Under Supreme Court Rule 10, a petition for writ of certiorari is granted only for compelling reasons. This case presents such reasons. Although Rule 10 identifies certain categories of cases frequently warranting review, the Rule makes clear that the list is not exhaustive and that the Court may grant review when important questions of federal law or significant procedural issues require clarification. This case presents an important question concerning the application of federal procedural rules where their rigid enforcement prevents any court from reaching the merits of a litigant's claims.

I. The Decision Below Raises Important Questions Concerning Access to Judicial Review. The court of appeals dismissed Petitioner's appeal for lack of jurisdiction based on the conclusion that the notice of appeal was untimely. However, Petitioner alleged extraordinary circumstances affecting her ability to meet procedural deadlines, including delayed receipt of court filings and medical incapacity. The dismissal below therefore raises an important question: whether federal procedural rules may be applied in a manner that prevents any court from evaluating the merits of a litigant's claims when extraordinary circumstances are alleged. Clarification from this Court is warranted to ensure that procedural rules do not operate as a categorical bar to judicial review.

II. The Decision Below Conflicts with the Equitable Principles Underlying Rule 60(b). Federal Rule of Civil Procedure 60(b) exists to allow courts to reopen judgments in extraordinary circumstances. This Court has repeatedly emphasized that Rule 60(b) serves as an equitable safeguard designed to prevent injustice. Petitioner sought relief under Rule 60(b) based on newly discovered evidence and extraordinary circumstances. Yet the lower courts declined to reopen

the proceedings and instead treated the case as procedurally closed. The decision below therefore raises an important question regarding the proper application of Rule 60(b) when extraordinary circumstances affecting procedural compliance are alleged.

III. The Case Raises Issues of National Importance Concerning Mortgage and Title Fraud.

Petitioner's claims involve allegations of fraud and coordinated misconduct in connection with a mortgage transaction involving multiple corporate actors. Mortgage and title transactions occur across the United States and frequently involve complex relationships among lenders, title companies, and real estate professionals. When allegations arise that such actors engaged in coordinated misconduct, federal statutes including the Racketeer Influenced and Corrupt Organizations Act may provide remedies. The dismissal of Petitioner's claims without permitting discovery prevented meaningful examination of whether such misconduct occurred. Review by this Court would therefore provide guidance concerning the treatment of similar claims involving alleged fraud in mortgage and real estate transactions.

EQUITABLE TOLLING AND DELAYED NOTICE

Petitioner respectfully submits that the procedural dismissal of her appeal resulted from circumstances that warrant equitable consideration. Petitioner informed the lower courts that she did not receive timely notice of critical court orders because of delays in postal delivery to her post office box. Petitioner also requested that court filings be delivered electronically to ensure timely notice. Despite that request, court correspondence continued to be delivered exclusively through postal mail. As a result, Petitioner received certain court notices significantly later than their issuance dates. These delays impaired Petitioner's ability to respond within the time periods

contemplated by the Federal Rules. In addition, Petitioner experienced medical circumstances during the relevant period that limited her ability to respond promptly to court filings. Federal courts have long recognized that equitable principles may justify relief when strict application of procedural deadlines would result in manifest injustice. The doctrine of equitable tolling exists to prevent litigants from being penalized when circumstances beyond their control prevent timely action. In this case, Petitioner continued actively pursuing relief through post-judgment filings and motions seeking reconsideration and relief under Federal Rule of Civil Procedure 60(b). These actions demonstrate that Petitioner did not abandon her claims but instead attempted in good faith to obtain judicial review. Despite these circumstances, the court of appeals dismissed the appeal based solely on procedural timing without considering whether delayed notice and extraordinary circumstances justified equitable relief. The result is that no court has ever considered the merits of Petitioner's claims. This case therefore presents an important question regarding whether federal courts may rigidly apply procedural deadlines in circumstances where delayed notice and extraordinary circumstances prevent a litigant from obtaining meaningful review. Clarification from this Court is warranted to ensure that procedural rules are applied in a manner consistent with fairness and the equitable principles underlying the Federal Rules of Civil Procedure.

III. Improper Dismissal with Prejudice Violated Rule 15(a). Without leave to Amend Complaint. Federal Rule of Civil Procedure 15(a) provides that leave to amend should be freely granted when justice so requires. The district court dismissed Petitioner's complaint with prejudice without granting leave to amend or permitting discovery. Such dismissals conflict with the liberal amendment policy reflected in Rule 15. This Court has repeatedly recognized that cases

should be resolved on their merits whenever possible. The Case Raises Significant Property Rights Issues. Petitioner alleges that Respondents engaged in conduct resulting in the unlawful deprivation of her property rights. The alleged misconduct includes fraudulent title documentation concealment of material information alteration of real estate records conspiracy among multiple parties involved in the transaction. These allegations implicate constitutional protections under the Fourteenth Amendment. The unlawful deprivation of property without compensation, proper due process presents issues of national importance.

**THE CASE RAISES ISSUES OF NATIONAL IMPORTANCE CONCERNING MORTGAGE
AND TITLE FRAUD.**

The Case Presents Important Questions About Procedural Fairness for Pro Se Litigants. This case illustrates systemic barriers facing pro-se litigants. Petitioner attempted to comply with court procedures but was hindered by delayed notice of judgment medical incapacity mail delivery failures. The dismissal prevented review of serious allegations involving fraud and RICO violations. Extraordinary Circumstances Justify Relief Under Rule 60(b)(6), Rule 60(b)(6) allows relief for "any other reason that justifies relief." This Court has repeatedly held that relief may be appropriate in extraordinary circumstances, including: *Liljeberg v. Health Services Acquisition Corp.* *Buck v. Davis* *Christeson v. Roper*. Petitioner demonstrated such circumstances through delayed notice of court orders, medical hardship, newly discovered evidence of fraud. Dismissal With Prejudice Before Allowing Amendment Violates Rule 15(a) Federal Rule of Civil Procedure 15(a) provides that courts should "freely give leave when justice so requires." Petitioner was denied the opportunity to amend the complaint to include

newly discovered evidence, RICO conspiracy allegations, fraudulent alteration of real estate documents. This premature dismissal prevented the claims from being evaluated on the merits. The Case Raises Significant Property and Civil Rights Issues, Petitioner alleges that: a portion of her property was unlawfully taken real estate documents were altered by defendants concealed material evidence Such allegations implicate due process rights, property rights and federal RICO statutes. These issues extend beyond the present dispute and affect property owners nationwide.

INTERFERENCE WITH PROPERTY RIGHTS AND ALLEDGED COORDINATED MISCONDUCT RAISE IMPORTANT FEDERAL QUESTIONS

The Constitution protects private property from government interference without compensation. The Takings Clause of the Fifth Amendment provides that private property shall not be taken for public use without just compensation. This protection applies to the states through the Fourteenth Amendment. This Court has repeatedly recognized that property rights occupy a fundamental place in the constitutional structure. In Cedar Point Nursery v. Hassid the Court reaffirmed that government-authorized physical invasions or occupations of private property constitute a per se taking requiring compensation. Similarly, in Arkansas Game & Fish Commission v. United States the Court held that government actions causing repeated flooding may constitute a compensable taking. Petitioner alleges that actions connected to the mortgage and title transaction affecting the property located at 155 Old Highway 24 in Sumrall, Mississippi resulted in interference with Petitioner's property interests and the recording of title instruments that created a cloud on the property's title. Petitioner contends that these actions effectively deprived

her of the full use and enjoyment of the property without compensation. Petitioner further alleges that multiple entities involved in the mortgage and title process engaged in coordinated conduct relating to the preparation, recording, and enforcement of mortgage or title documents. Federal law recognizes that coordinated fraudulent activity affecting interstate commerce may fall within the scope of the Racketeer Influenced and Corrupt Organizations Act (RICO). See 18 U.S.C. §1962. This Court has explained that a civil RICO claim may arise where individuals associated with an enterprise engage in a pattern of racketeering activity. *Sedima S.P.R.L. v. Imrex Co.* A “pattern of racketeering activity” may consist of repeated acts of mail fraud or wire fraud carried out through interstate communications. See *Bridge v. Phoenix Bond & Indemnity Co.* Petitioner alleges that the conduct of various participants in the mortgage and title process involved communications and documentation transmitted through interstate channels and that such conduct contributed to the impairment of Petitioner’s property interests. Because the lower courts dismissed the case on procedural grounds, no court has evaluated whether these allegations describe conduct implicating the constitutional protections afforded by the Takings Clause or the statutory remedies available under federal law. This case therefore presents an opportunity for this Court to ensure that procedural rules do not prevent judicial consideration of substantial claims involving property rights and alleged coordinated misconduct affecting interstate commerce.

WHY THE FIFTH CIRCUIT'S JURISDICTIONAL DISMISSAL WARRANTS REVIEW

The court of appeals dismissed Petitioner's appeal for want of jurisdiction based on the conclusion that the notice of appeal was untimely. That disposition warrants this Court's review because it allowed rigid timing rules to override substantial questions of fairness, notice, and access to judicial review. First, the dismissal failed to account for Petitioner's repeated assertion that she did not receive timely notice of critical district-court rulings. Petitioner informed the lower courts that mail delivery problems delayed her receipt of court filings and that, despite her request to receive filings electronically, notices continued to be sent to her post-office box.

Where a litigant does not receive timely notice of entry of judgment, strict enforcement of appeal deadlines can produce a result inconsistent with due process and the equitable principles that underlie post-judgment relief. Second, the Fifth Circuit's disposition did not meaningfully engage with the practical effect of Petitioner's post-judgment filings. Petitioner continued filing motions after judgment, including efforts invoking Rule 60(b) based on newly discovered evidence, fraud, and extraordinary circumstances. Those filings reflected that the case was not, from Petitioner's perspective, abandoned or ignored. Rather, Petitioner continued actively litigating and attempting to obtain review of the merits. In these circumstances, dismissing the appeal solely by reference to the original judgment date elevated form over substance and prevented any court from addressing whether the asserted notice failures, medical incapacity, and newly discovered evidence justified reopening. Third, the jurisdictional dismissal insulated from review a case involving serious allegations of fraud in a real-estate transaction, concealment of

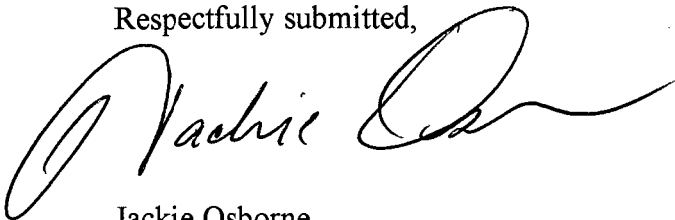
title defects, and coordinated conduct among multiple entities. This Court has repeatedly recognized that post-judgment relief exists to prevent manifest injustice in unusual cases. Yet the decision below prevented any merits review of whether extraordinary circumstances existed, even though Petitioner alleged delayed notice, inability to respond for medical reasons, and newly discovered evidence concerning the property transaction. Fourth, the decision below is especially troubling because Petitioner proceeded pro se. This Court does not exempt pro se litigants from procedural rules, but it has long recognized that fairness concerns are heightened where litigants lack counsel and face complex procedural requirements. The lower courts' approach here effectively required perfect compliance despite alleged failures of notice and circumstances outside Petitioner's control. That combination of strictness and non-merits disposition raises an important question about how federal courts should handle appellate deadlines where a pro se litigant plausibly alleges delayed notice and extraordinary circumstances. Finally, review is warranted because the Fifth Circuit's dismissal functioned as a terminal jurisdictional bar while leaving unresolved whether the district court should have reopened the judgment under Rule 60(b). That posture creates a procedural trap: the district court declines relief, the court of appeals dismisses for untimeliness, and the merits are never reached anywhere. This Court's intervention is warranted to clarify that federal procedural rules should not be applied in a manner that categorically forecloses review when a litigant presents substantial claims of delayed notice, post-judgment diligence, and extraordinary circumstances. For those reasons, the court of appeals' jurisdictional dismissal should be reviewed and reversed, or the matter should be remanded for full consideration of whether Petitioner's post-judgment filings and notice-related allegations required reopening or other relief. This case presents a

recurring and important problem: when a pro se litigant receives delayed notice of judgment, continues filing post-judgment motions, and alleges extraordinary circumstances supported by documentary evidence, lower courts should not dispose of the case through a purely mechanical application of timing rules without first ensuring that the litigant had a meaningful opportunity to seek review. This Court's review is needed to preserve fairness, protect confidence in the judicial process, and prevent procedural default from swallowing potentially meritorious claims.

CONCLUSION

The Fifth Circuit should not have treated the case as over on a rigid timing theory without accounting for delayed notice, post-judgment proceedings, and the district court's handling of Rule 60(b)-type relief. For the foregoing reasons, the petition for writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jackie Osborne", with a large, stylized initial "J" and a long, sweeping horizontal stroke at the end.

Jackie Osborne
Petitioner, Pro Se

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