MOTION TO DIRECT THE CLERK TO FILE THE PETITION

(Supreme Court Rule 14.5; Rule 21)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MONICA B. MACEDON,
Petitioner,

v.

JACKIE CASTLE, et al.,
Respondents.

MOTION TO DIRECT THE CLERK TO FILE THE PETITION FOR A WRIT OF CERTIORARI

Petitioner, Monica B. Macedon, respectfully moves this Court pursuant to Supreme Court Rules 14.5 and 21 to direct the Clerk of the Supreme Court to file her petition for a writ of certiorari in this matter.

The Clerk returned Petitioner's timely-submitted petition on the ground that it was "out-of-time," based on a determination that the 90-day period under Rule 13.3 ran from the Fourth Circuit's September 29, 2025 denial of panel rehearing. (Clerk's Letter dated April 2, 2026.)

However, Petitioner filed a timely petition for rehearing en banc on October 10,2025. On October 14, 2025, the Court of Appeals issued a notice stating:

RECEIVED
APR 24 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

"No further action will be taken in this matter by this court. A petition for writ of certiorari may be filed." (Fourth Circuit Local Rule 40(h) Notice, Oct. 14, 2025.)

This notice was issued *after* the timely en banc petition and constituted the court's final action in response to that petition. The notice did not state that the petition was untimely, rejected, or not considered. Instead, it expressly informed Petitioner that appellate proceedings were concluded and that she "may file" a petition for writ of certiorari.

Under Supreme Court Rule 13.3, the 90-day period runs from "the date of the denial of the last timely petition for rehearing." Because the October 14 notice was the final action taken by the Court of Appeals following the timely en banc petition, Petitioner reasonably and in good faith relied on that date in calculating the certiorari deadline.

Petitioner's certiorari petition was originally postmarked January 5, 2026, well within 90 days of October 14, 2025. The petition was returned on February 19, 2026, and Petitioner promptly sought clarification from the Clerk. (Letter dated March 1, 2026.) The Clerk's April 2, 2026 letter reflects a disagreement regarding the operative date under Rule 13.3, not any lack of diligence by Petitioner.

CONCLUSION

Given the ambiguity created by the Fourth Circuit's notice, and Petitioner's timely and diligent efforts, Petitioner respectfully requests that the Court direct the Clerk to file the petition.

Respectfully submitted,

Monica B. Macedon

Monica B. Macedon, Petitioner

4680 Sterling Oaks Court
Lilburn, GA 30047
(252) 258-5948
Petitioner, pro se

AFFIDAVIT / DECLARATION OF MONICA B. MACEDON

I, Monica B. Macedon, declare under penalty of perjury that the following is true and correct:

1. On October 10, 2025, I filed a timely petition for rehearing en banc in the United States Court of Appeals for the Fourth Circuit in Case No. 25-1382.

2. On October 14, 2025, the Court of Appeals issued a notice stating:

"No further action will be taken in this matter by this court. A petition for writ of certiorari may be filed." This notice did not state that my petition was untimely, rejected, or not considered."

3. I relied on the October 14, 2025 notice as the final action on my timely en banc petition for purposes of calculating the 90-day deadline under Supreme Court Rule 13.3.

5. The petition was returned to me on February 19, 2026. I promptly wrote to the Clerk on March 1, 2026 requesting clarification.

6. Because I am proceeding pro se, I needed additional time to assemble the supporting materials, prepare the Appendix List, and ensure that the packet was complete, accurate, and compliant with the Court's formatting requirements.

7. I worked diligently and continuously on the packet following receipt of the denial. I mailed the Motion at the earliest reasonable opportunity after completing the necessary preparation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 16th day of April, 2026.

Monica B. Macedon

Monica B. Macedon, Petitioner

ARGUMENT

Petitioner acted with diligence and in good faith upon receiving the Clerk's denial on April 8, 2026. She immediately began preparing this Motion and the supporting materials. As a pro se litigant, Petitioner required additional time to assemble the Appendix List, verify the contents, and ensure compliance with the Court's formatting requirements. The Motion was mailed at the earliest reasonable opportunity after the packet was completed. Petitioner has not contributed to any delay, and the equities strongly favor allowing the petition to be filed.

I. The October 14 Notice Constituted the Final Action
II. Petitioner Acted Diligently and in Good Faith
III. Relief Is Appropriate Under Rule 14.5

STATEMENT OF GOOD CAUSE

Good cause exists to direct the Clerk to file the petition. Petitioner acted promptly and in good faith upon receiving the Clerk's denial on April 8, 2026. She immediately began preparing this Motion and the supporting materials. As a pro se litigant, Petitioner required additional time to assemble the Appendix List, verify the contents, and ensure compliance with the Court's formatting requirements. The Motion was mailed at the earliest reasonable opportunity after the packet was completed. Petitioner has not contributed to any delay, and the equities strongly favor allowing the petition to be filed so that the Court may consider the issues presented.

PROPOSED ORDER

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MONICA B. MACEDON,
Petitioner,

v.

JACKIE CASTLE, et al.,
Respondents.

[PROPOSED] ORDER

Upon consideration of Petitioner's Motion to Direct the Clerk to File the Petition for a Writ of Certiorari, it is hereby

ORDERED that the motion is GRANTED. The Clerk is directed to file Petitioner's certiorari petition as of the date it was originally received.

SO ORDERED.

The Honorable _____
Supreme Court of the United States

TABLE OF CONTENTS & TABLE OF AUTHORITIES

TABLE OF CONTENTS

MOTION TO DIRECT THE CLERK TO FILE THE PETITION 1
AFFIDAVIT / DECLARATION OF MONICA B. MACEDON.....3-4
ARGUMENT..... 5
I. The October 14 Notice Constituted the Final Action
II. Petitioner Acted Diligently and in Good Faith
III. Relief Is Appropriate Under Rule 14.5
STATEMENT OF GOOD CAUSE 5
CONCLUSION 2
PROPOSED ORDER .....6.

TABLE OF AUTHORITIES

Supreme Court Rules

Rule 13.1 2
Rule 13.3 2
Rule 14.5 1
Rule 21 1
Rule 29.2 2
Rule 30.1 2

Cases
(No case law required for this procedural motion)

APPENDIX LIST

Appendix A – District Court Order Dismiss with Prejudice
Appendix B - The Court of Appeals affirmed the judgment of the District Court
Appendix C - Fourth Circuit Order Denying Panel Rehearing (Sept. 29, 2025)
Appendix D – Petitioner's Timely Petition for Rehearing En Banc (Oct. 10, 2025)
Appendix E – Fourth Circuit Local Rule 40(h) Notice (Oct. 14, 2025)
Appendix F – Petitioner's Certiorari Petition (Postmarked Jan. 21, 2026)
Appendix G – Clerk's Return Letter (Feb. 19, 2026)
Appendix H – Petitioner's Clarification Letter (Mar. 1, 2026)
Appendix I – Clerk's April 2, 2026 Letter

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Direct the Clerk to File the Petition for a Writ of Certiorari, including all accompanying Appendix materials, will be served upon Defendants by United States First Class Mail, on **April 24, 2026**.

**Due to financial constraints associated with copying the required materials, service upon Defendants will be completed promptly following filing. **

First Class Mail: NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 Main Street
Meridian Building
Columbia, SC 29201

First Class Mail: Frederick Hughes Bailey III
SUMRELL SUGG, PA
P. O. Drawer 889
New Bern, NC 28563

First Class Mail: Tamika Lynn Henderson
NORTH CAROLINA DEPARTMENT OF JUSTICE
General Counsel Office
P. O. Box 629
Raleigh, NC 27602-0629

First Class Mail: Alan Marc Presel
BROCK & SCOTT, PLLC
6701 Carmel Road
Suite 315
Charlotte, NC 28226

Certified Mail: Clerk of the Supreme Court of the United States
1 First Street NE
Washinton, DC 20543

Monica B. Macedo

APPENDIX B

Court of Appeals Decision Affirming the Judgment of the District Court

SECTION 1

APPENDIX B EXHIBIT A

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1382

MONICA B. MACEDON,

Plaintiff - Appellant,

v.

JACKIE CASTLE, Assistant Clerk of Superior Court; THOMAS E. MCDONALD, Attorney, Brock & Scott, PLLC c/o U.S. Bank Trust N.A.; SELECT PORTFOLIO SERVICING, INC., (SPS); RANDHIR GANDHI, CEO for SPS; STATE OF NORTH CAROLINA; PITT COUNTY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Terrence W. Boyle, District Judge. (4:24-cv-00066-BO-BM)

Submitted: August 21, 2025 Decided: August 25, 2025

Before WILKINSON, HARRIS, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Monica B. Macedon, Appellant Pro Se. Tamika Lynn Henderson, Assistant Attorney General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina; Alan Marc Presel, BROCK & SCOTT, PLLC, Charlotte, North Carolina; Matthew Adams Abee, NELSON MULLINS RILEY & SCARBOROUGH, LLP, Columbia, South Carolina; Frederick Hughes Bailey, III, SUMRELL SUGG, PA, New Bern, North

Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Monica B. Macedon appeals the district court's order granting Defendants' motions to dismiss and dismissing with prejudice Macedon's 42 U.S.C. § 1983 complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Macedon v. Castle*, No. 4:24-cv-00066-BO-BM (E.D.N.C. Mar. 9, 2025). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

APPENDIX C

Fourth Circuit Order Denying Panel Rehearing

(September 29, 2025)

APPENDIX C

FILED: September 29, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1382
(4:24-cv-00066-BO-BM)

MONICA B. MACEDON

Plaintiff - Appellant

v.

JACKIE CASTLE, Assistant Clerk of Superior Court; THOMAS E. MCDONALD, Attorney, Brock & Scott, PLLC c/o U.S. Bank Trust N.A.; SELECT PORTFOLIO SERVICING, INC., (SPS); RANDHIR GANDHI, CEO for SPS; STATE OF NORTH CAROLINA; PITT COUNTY

Defendants - Appellees

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wilkinson, Judge Harris, and Judge Richardson.

For the Court

/s/ Nwamaka Anowi, Clerk

APPENDIX D

Petitioner's Timely Petition for Rehearing En Banc

(October 10, 2025)

APPENDIX D

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Plaintiff-Appellant, Monica Barnes Macedon
v.
Defendants-Appellees, STATE OF NORTH CAROLINA, PITT COUNTY, Jackie Castle, Assistant Clerk of Superior Court, Thomas E. McDonald, Attorney Bar ID# 40498 BROCK & SCOTT, PLLC in care of U.S. BANK TRUST N.A., SELECT PORTFOLIO SERVICING, INC. (SPS), Randhir Gandhi, CEO for SPS

Court of Appeals Docket No.: 25-1382
Trial Court Case No.: 4:24-cv-66-BO-BM

PETITION FOR REHEARING EN BANC

Appellant, proceeding **propria persona** and **in forma pauperis**, respectfully submits this Petition for **Rehearing En Banc**, pursuant to **FRAP 35(a)** and **Fourth Circuit Local Rule 40**, following denial of panel rehearing. The case presents constitutional and procedural violations, including due process, jury trial rights, improper delegation, discovery withholding, and debt validation failures.

En banc review is necessary to correct these errors and provide uniform guidance for homeowners, propria persona/pro se litigants, and the Fourth Circuit.

I. Statement of Purpose

The panel's decision raises questions of **exceptional importance**, conflicts with prior Fourth Circuit and Supreme Court precedent, and involves procedural errors that affect homeowners, propria persona/pro se litigants, and debtors. En banc review is necessary to:

1. Correct violations of **procedural due process**.
2. Ensure recognition of **jury trial rights** in relevant contexts.
3. Address **improper delegation of authority and standing issues**.
4. Guarantee access to **critical discovery**.
5. Provide **reasoned opinions** for circuit-wide consistency.

II. Grounds for Rehearing En Banc

1. Procedural Due Process Violations

The Court ignored Appellant's requests for a temporary emergency injunction, discovery, and jury trial. These omissions deprived Appellant of a fair opportunity to present evidence and arguments, violating the Fifth and Fourteenth Amendments. These actions violate constitutional due process as articulated in:

- ***Mathews v. Eldridge***, 424 U.S. 319 (1976): balancing test for notice and opportunity to be heard.
- ***Logan v. Zimmerman Brush Co.***, 455 U.S. 422 (1982): failure to provide adequate procedural safeguards renders deprivation unconstitutional.

2. Violation of Right to Jury Trial

The Court's decision effectively ignored Appellant's request for trial by jury of her peers to determine matters of fact, which substantially affected the fairness of the proceedings, depriving the case of proper fact-finding, in of violation Seventh Amendment rights. Relevant authority includes:

- ***Bradberry v. Atlantic Bank of St. Augustine***, 336 So. 2d 1248 (Fla. 1976)
- ***Kinney v. Bank of New York Mellon***, 2015 WL 128392 (Fla. 4th DCA 2015)
- ***Beacon Theatres v. Westover***, 359 U.S. 500 (1959).

3. Improper Delegation of Authority / Lack of Standing

Foreclosure proceedings were conducted by an attorney without proper delegation of authority from the alleged creditor or loan servicer, raising standing and procedural validity issues under the Fifth and Fourteenth Amendments. This defect deprived the Court of jurisdiction and violated Appellant's right to due process.
Federal principles support this concern:

- **Federal Register**, 2009: outlines standards for delegation of authority within legal proceedings.
    - **Debt Validation Failures:** As attorneys engaged in debt collection, Appellees were obligated under 15 U.S.C. § 1692g(a) to provide a written validation notice of debt. No such notice was ever received, nor does the record reflect its existence. *See Heintz v. Jenkins*, 514 U.S. 291 (1995).

- **Absence of Agency Documentation**: Neither the alleged loan servicer nor the trustee produced servicing agreements, corporate resolutions, or any other agency documentation authorizing counsel to initiate foreclosure. See *Reinagel v. Deutsche Bank Nat'l Trust Co.*, 735 F.3d 220, 228 (5th Cir. 2013).

4. Discovery and Evidence Issues

Critical discovery was withheld, preventing Appellant from accessing material evidence needed to contest the foreclosure. Courts recognize discovery as essential to procedural fairness in property and debt collection cases (*LivingLies Blog*, 2025; *NY Bankruptcy Blog*, 2019).

5. Lack of Reasoned Opinion

The panel issued a decision lacking sufficient reasoning, undermining transparency and consistency in Fourth Circuit jurisprudence. En banc review is required to clarify legal standards and ensure accountability.

III. Why En Banc Review is Appropriate

- **Conflict with Precedent**: Panel decisions conflict with established due process principles (*Mathews v. Eldridge*; *Logan v. Zimmerman Brush Co.*), creating uncertainty in foreclosure and debt collection cases.
- **Exceptional Importance**: Issues affect constitutional and statutory rights of homeowners and pro se litigants across the circuit.
- **Need for Uniformity**: En banc consideration will prevent inconsistent rulings and provide clear guidance.

IV. Relief Requested

Appellant respectfully requests that this Court:

1. Grant **Rehearing En Banc**,
2. Correct the procedural and constitutional errors identified above,
3. Ensure Appellant's rights are fully protected, and
4. Grant such further relief as justice requires.

Respectfully submitted,

Monica Barnes Macedon
Propria Persona, in forma pauperis
October 7, 2025

SUMMARY OF ARGUMENT

Collectively, these errors constitute violations of constitutional rights, abuses of discretion, and failure to safeguard due process and statutory protections. The panel's decision disregards fundamental constitutional protections and statutory rights, and conflicts with binding precedent. Key points:

1. **Procedural Due Process**
   - Ignored declaratory judgment, discovery, and jury trial requests (*Mathews v. Eldridge*, 424 U.S. 319; *Logan v. Zimmerman Brush Co.*, 455 U.S. 422).
2. **Jury Trial Rights**
   - Ignore/denial implicates access to fact-finding mechanisms (*Bradberry*, 336 So. 2d 1248; *Kinney*, 2015 WL 128392).
   - Deprived the case of proper fact-finding *Kinney v. Bank of New York Mellon* (2015 WL 128392 (Fla. 4th DCA 2015))
   - Affected the fairness of the proceedings *(Beacon Theatres v. Westover*, 359 U.S. 500 (1959)).
3. **Improper Delegation / Lack of Standing**
   - Attorney acted without proper authority (*Federal Register*, 2009).
   - No such debt validation notice was ever received, nor does the record reflect its existence. See *Heintz v. Jenkins*, 514 U.S. 291 (1995).
   - No proper authorization document (Reinagel v. Deutsche Bank Nat'l Trust Co., 735 F.3d 220, 228 (5th Cir. 2013).)
4. **Discovery**
   - Critical evidence withheld, denying fair adjudication (*LivingLies Blog*, 2025; *NY Bankruptcy Blog*, 2019).
5. **Exceptional Importance**
   - Case affects a broad class of homeowners, requiring circuit-wide guidance.

For these reasons, Appellant respectfully urges the Court to grant **Rehearing En Banc** to correct errors and clarify Fourth Circuit law.

APPENDIX E

Fourth Circuit Local Rule 40(h) Notice

(October 14, 2025)

APPENDIX E

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 East Main Street, Suite 501, Richmond, Virginia 23219

October 14, 2025

LOCAL RULE 40(h) NOTICE

No. 25-1382, Monica Macedon v. Jackie Castle
4:24-cv-00066-BO-BM

TO: Monica B. Macedon

We are in receipt of your papers in this case.

This court's Local Rule 40(h) states that, except for timely petitions for rehearing en banc, cost and attorney fee matters, and other matters ancillary to the filing of an application for writ of certiorari with the Supreme Court, the office of the clerk shall not receive motions or other papers requesting further relief in a case after the court has denied a petition for rehearing or the time for filing a petition for rehearing has expired.

Pursuant to the provisions of Local Rule 40(h), no further action will be taken in this matter by this court. A petition for writ of certiorari may be filed in the Office of the Clerk, Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543-0001. Information on filing a petition for writ of certiorari is available on the Supreme Court's website, www.supremecourt.gov, or from the Supreme Court Clerk's Office at (202) 479-3000.

J. Neal, Deputy Clerk
804-916-2702

APPENDIX F

Petitioner's Certiorari Petition

(Postmarked January 21, 2026)

APPENDIX G

Clerk's Return Letter

(February 19, 2026)

APPENDIX G

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 19, 2026

Monica B. Macedon
4680 Sterling Oaks Court
Liburn, GA 30047

RE: Macedon v. Castle, et al.
USCA 4 No. 25-1382

Dear Ms. Macedon:

The above-entitled petition for a writ of certiorari was postmarked January 5, 2026 and received January 21, 2026. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was September 29, 2025. Therefore, the petition was due on or before December 28, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Sincerely,
Scott S. Harris, Clerk
By:
Katie Heidrick
(202) 479-3038

Enclosures

APPENDIX H

Petitioner's Clarification Letter

(March 1, 2026)

Re: Submission of Timing Clarification Letter — Calculation of Certiorari Deadline
Macedon v. Castle, et al.
USCA 4 No. 25-1382

March 1, 2026

Monica B. Macedon
4680 Sterling Oaks Court
Lilburn, Georgia 30047
[redacted]
(252) 258-5948

Scott S. Harris Clerk of the Supreme Court of the United States
1 First Street, NE Washington, DC 20543

Dear Mr. Harris:

I respectfully submit the enclosed Timing Clarification - Calculation of Certiorari Deadline Letter regarding the abovereferenced matter. This submission is intended to ensure accuracy and clarity concerning the operative date for calculating the applicable filing deadline.

Please let me know if any additional information, documentation, or resubmission is required for the Court's administrative processing.

Thank you for your attention to this matter.

Respectfully,

Monica Macedon

Enclosures:
Timing Clarification Letter
Petition for Rehearing En Banc
Notice issued pursuant to Local Rule 40(h)

RECEIVED
MAR 10 2026

Subject: FollowUp on Timing Clarification — Calculation of Certiorari Deadline
Macedon v. Castle, et al.
USCA 4 No. 25-1382

Monica B. Macedon
4680 Sterling Oaks Court
Lilburn, Georgia 30047
nubiaone9@gmail.com
(252) 258-5948

March 1, 2026

Scott S. Harris
Clerk of the Supreme Court of the United States
1 First Street, NE Washington, DC 20543

Dear Mr. Harris:

I am writing to follow up on my recent letter requesting clarification regarding the operative date for calculating the certiorari deadline in the abovereferenced matter. The Court of Appeals denied panel rehearing on **September 29, 2025,** and I subsequently filed a **timely petition for rehearing En Banc on October 10, 2025.**

On **October 14, 2025**, the Court of Appeals issued a notice stating:

"No further action will be taken by this court. A petition for writ may be filed."

This notice was issued *after* the filing of the En Banc petition and appears to constitute the court's final action on the rehearing process. The notice did not state that the petition was untimely, rejected, or not considered. Instead, it expressly informed me that the appellate proceedings were concluded and that I may proceed to seek certiorari.

Under **Supreme Court Rule 13.3**, the 90day period runs from "the date of the denial of the last timely petition for rehearing." Because the October 14 notice was the final action taken by the Court of Appeals in response to the timely En Banc petition, I respectfully request confirmation that **October 14, 2025** is the operative date for calculating the certiorari deadline.

If the Court interprets the October 14 notice differently, I would appreciate clarification so that I may ensure timely filing. If the Court requires resubmission of the petition or any portion of the filing, I will promptly provide it upon request.

I would appreciate any guidance the Clerk's Office can provide so that I may ensure timely and proper filing.

Thank you for your time and assistance.

Respectfully submitted,

Monica Macedon

Appendix I
(Clerk's April 2, 2026 Letter)

APPENDIX I

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

April 2, 2026

Monica B. Macedon
4680 Sterling Oaks Court
Liburn, GA 30047

RE: Macedon v. Castle, et al.
USCA 4 No. 25-1382

Dear Ms. Macedon:

Your letter, postmarked March 2, 2026 and received by the Clerk on March 10, 2026, related to the above-entitled petition for a writ of certiorari, originally postmarked January 5, 2026 and returned on February 19, 2026, is returned here within.

The notice dated October 14, 2025 from the United States Court of Appeals for the Fourth Circuit in case No. 25-1382 is not the judgment nor an order denying a timely filed petition for rehearing. The time to file a petition for a writ of certiorari cannot be run from the date of this notice. Rule 13.3.

The petition remains out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was September 29, 2025. Therefore, the petition was due on or before December 28, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Sincerely,
Scott S. Harris, Clerk
By:
Katie Heidrick
(202) 479-3038

Enclosures