

SEP - 9 2026

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No. 26-214

IN THE
SUPREME COURT OF THE UNITED STATES

MURIEL FIEDLER, ET VIR,
Petitioners,

v.

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CA-
PACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST
Respondent.

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

MOTION TO HOLD PETITION FOR A WRIT OF CERTIORARI IN ABEYANCE
PENDING THE DOCKETING AND CONSIDERATION OF PETITIONERS' PETI-
TION FOR CERTIORARI BEFORE JUDGMENT TO THE ELEVENTH CIRCUIT

Muriel Fiedler
P.O. Box 196504
Winter Springs, FL 32719
T: (407) 848-4168
E: genenefiedler@yahoo.com

Robert Fiedler
P.O. Box 196504
Winter Springs, FL 32719
T: (407) 848-4168
E: bob_sunstate@yahoo.com

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SUPREME COURT, U.S.

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ARGUMENT

Pursuant to Rule 21 of the Rules of this Court, Petitioners respectfully move for an order holding further consideration of the pending Petition for a Writ of Certiorari in Case No. 26-214 in abeyance.

Good cause exists for this request because Petitioners have submitted a Petition for a Writ of Certiorari Before Judgment under Rule 11, directed to the United States Court of Appeals for the Eleventh Circuit. This petition is currently in the custody of the Clerk's Office awaiting processing and the assignment of a companion docket number.

Both petitions involve the identical parties, the identical underlying homestead property, and inextricably linked federal questions. While No. 26-214 challenges a state court's jurisdiction to impose a permanent filing bar where the underlying judgment is facially void for lack of procedural due process, the companion Eleventh Circuit petition addresses whether a federal bankruptcy court may misapply the Rooker-Feldman doctrine to circumvent the statutory finality mandated by *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992).

An abeyance is procedurally efficient. Respondent's brief in opposition in No. 26-214 is due on September 18, 2026. Pursuant to Rule 30.4, the deadline for Respondent to request an extension of time has expired. Accordingly, the briefing window for No. 26-214 will close on September 18, 2026.

To preserve judicial economy, prevent the piecemeal adjudication of a broader jurisdictional conflict, and ensure a uniform resolution of these parallel actions,

Petitioners request that this Court defer evaluation of No. 26-214 until the submitted Eleventh Circuit petition is formally docketed and distributed for concurrent consideration by the Justices.

In support of this Motion, Petitioner state as follows:

I. Interconnected Procedural History and Facial Constitutional Defects

1. The threshold federal issue arose when Petitioners initiated bankruptcy proceedings and claimed their constitutional homestead property as exempt under the Bankruptcy Code. Respondent U.S. Bank Trust N.A., did not file an objection to the homestead exemption within the mandatory period.

2. Petitioner Muriel Fiedler and husband assert that under this Court's rule in *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992), the absence of a timely objection rendered Petitioners' homestead exemption final as a matter of law within the federal forum.

3. The bankruptcy court subsequently dismissed the proceeding for "bad faith," terminating the automatic stay to permit Respondent to proceed with a foreclosure sale and eviction in the state court system.

4. Petitioners timely appealed the bankruptcy court's dismissal to the United States District Court for the Middle District of Florida, which affirmed the dismissal. Petitioners subsequently appealed the Middle District of Florida's judgment to the United States Court of Appeals for the Eleventh Circuit.

5. While that appeal remains pending before the Eleventh Circuit, Petitioners have submitted a Petition for a Writ of Certiorari Before Judgment under Rule 11 to this Court to review the judgment of the Middle District of Florida.

6. Following the bankruptcy court's dismissal, the operative controversy shifted to the state forum. Petitioner Muriel Fiedler asserts that structural defects occurred at the inception of the state court action when Petitioner Muriel Fiedler, a non-titled spouse who did not execute the underlying note, mortgage, or loan modification, was added as a party defendant.

7. U.S. Bank Trust N.A., was assigned the underlying note and mortgage during the pendency of the action but did not amend the complaint to assert a cause of action or jurisdictional facts regarding Muriel Fiedler. Respondent's motion for summary judgment similarly asserted no facts directed at her.

8. Prior to the entry of the final state court judgment and prior to initiating the bankruptcy proceedings, Petitioner Muriel Fiedler and her husband actively filed an independent cause of action for wrongful foreclosure in the Middle District of Florida to challenge the underlying foreclosure of their home.

9. Notwithstanding the pending federal action challenging the underlying foreclosure, a final judgment was subsequently entered against her in the state foreclosure proceeding. Petitioners maintain that because a final judgment was entered on a record devoid of an amended, operative pleading setting forth a cause of action

against her, Muriel Fiedler was denied fundamental notice and an opportunity to be heard, raising a significant question of procedural due process.

10. The Fifth District Court of Appeal denied a Writ of Prohibition and imposed a permanent filing bar, and the Florida Supreme Court denied discretionary review. The Petition for a Writ of Certiorari challenging that state-court track was docketed by this Court on August 19, 2026, as No. 26-214.

II. Core Legal Commonalities, National Importance, and the Misapplication of *Rooker-Feldman*

11. Both No. 26-214 and the submitted Eleventh Circuit matter present a unified, recurring question of federal law: whether lower courts may apply the *Rooker-Feldman* doctrine to treat a state court foreclosure order as a jurisdictional bar to the enforcement of separate, un-litigated federal bankruptcy property exemptions that were claimed under *Taylor*.

12. This question carries broad national significance. At least fifteen states explicitly recognize constitutional or statutory homestead protections for non-titled spouses to prevent the unilateral alienation or disruption of the marital home, creating a protected property interest under state law. The pending petitions present the question of how federal bankruptcy courts apply the *Rooker-Feldman* doctrine alongside the statutory finality mandated by *Taylor v. Freeland & Kronz*, and how those rulings impact state-protected property interests across multiple jurisdictions

13. Adjudicating No. 26-214 independently risks an incomplete evaluation of these related jurisdictional frameworks. The bankruptcy court's dismissal returned the res to the state court system, making the two petitions essential elements of a single, continuous enforcement strategy pursued by Respondent against the same debtor and property.

III. Judicial Economy Mandates an Abeyance

14. Because the core entities, the underlying property, and the asserted due process concerns are identical across both filings, an independent disposition of No. 26-214 would result in inefficient, piecemeal proceedings.

15. Holding No. 26-214 in abeyance ensures that the Court can review both petitions as a comprehensive package. This remains true regardless of whether Respondent waives its right to respond or files a brief in opposition by the upcoming September 18 deadline in No. 26-214.

Conclusion

For the foregoing reasons, Petitioners respectfully request that this Court grant this Motion and hold the pending Petition for a Writ of Certiorari in Case No. 26-214 in abeyance pending the formal docketing and distribution of Petitioners' companion Petition for a Writ of Certiorari Before Judgment to the Eleventh Circuit.

Dated: September 9, 2026

Respectfully submitted,



Muriel Fiedler/Petitioner Pro se

P.O. Box 196504

Winter Springs, FL 32719

T: (407) 848-4168

E: genenefiedler@yahoo.com



Robert Fiedler/Petitioner Pro se

P.O. Box 196504

Winter Springs, FL 32719

T: (407) 848-4168

E: bob_sunstate@yahoo.com

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TRUST
Respondent.

PROOF OF SERVICE

Muriel Fiedler and Robert Fiedler, do swear or declare that on this date, September 9, 2026, as required by Supreme Court Rule 29, we have served the enclosed Motion to Hold Petition for a Writ of Certiorari in Abeyance Pending the Docketing and Consideration of Petitioners' Petition for Certiorari Before Judgment to the Eleventh Circuit on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Gennifer Bridges, Esq.
Counsel for:
US Bank Trust N.A., not in its individual capacity
but solely as owner Trustee for RCF 2 Acquisition Trust
Burr & Forman LLP
200 S. Orange Ave.
Orlando, FL 32801

U.S. Bank Trust N.A.
U.S. Bancorp
c/o Gunjan Kedia
President, CEO
800 Nicollet Mall
Minneapolis, MN 55402

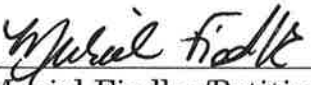
RCF 2 Acquisition Trust
c/o U.S. Bank Trust N.A.
800 Nicollet Mall
Minneapolis, MN 55402

Attorney General James Uthmeier
Office of the Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, FL 32399-1050

Solicitor General David Dewhirst
Office of the Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, FL 32399-1050

Selene Finance LP
3501 Olympus Blvd., Suite 500
Coppell, TX 75019

Sylvia Ann Wilson Esq.
Counsel for:
Willa Oaks Homeowners Association
P.O. Box 621172
Oviedo, Florida 32762-1172

By: 
Muriel Fiedler/Petitioner Pro Se
P.O. Box 196504
Winter Springs, FL 32719
T: (407) 848-4168
E: genenefiedler@yahoo.com

By: Robert Fiedler
Robert Fiedler/Petitioner Pro Se
P.O. Box 196504
Winter Springs, FL 32719
T: (407) 848-4168
E: bob_sunstate@yahoo.com

Muriel Fiedler
P.O. Box 196504
Winter Springs, FL 32719
T: (407) 848-4168
E: genenefiedler@yahoo.com

September 9, 2026
Via UPS

Hon. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

**RE: *Muriel Fiedler, et vir v. U.S. Bank Trust National Association*, No. 26-214
Submission of Motion to Hold Petition for Writ of Certiorari in Abeyance**

Dear Mr. Harris:

Enclosed for filing in the above-captioned matter, please find the original and ten (10) copies of Petitioners' **Motion to Hold Petition for a Writ of Certiorari in Abeyance Pending the Docketing and Consideration of Petitioners' Writ of Certiorari Before Judgment Petition**.

Also enclosed is the accompanying **Proof of Service** confirming that three (3) true copies of this Motion have been served this day via first-class mail upon counsel of record for the Respondent U.S. Bank Trust N.A., pursuant to Supreme Court Rule 29.

Please note that this Motion references an extraordinary Writ of Certiorari Before Judgment Petition directed to the United States Court of Appeals for the Eleventh Circuit (reviewing the judgment of the U.S. District Court for the Middle District of Florida), which was recently finalized and submitted by Petitioners to your office for processing (**UPS tracking no. 1Z4561Y0148955785**). Petitioners respectfully request that the enclosed Motion be filed under Docket No. 26-214 immediately so that it may be considered alongside the upcoming distribution of these interconnected files.

Please conform the extra copy of this transmittal letter and return it to my attention in the enclosed, self-addressed stamped envelope to verify receipt and filing.

Thank you for your assistance and courtesy in processing this submission.

Respectfully submitted,


Muriel Fiedler

