

In the
Supreme Court of the United States

MURIEL FIEDLER,

Petitioner,

v.

U.S. BANK TRUST N.A., ET AL.,

Respondents.

On Petition for Writ of Prohibition
to Florida's District Court of Appeal,
Fifth District

RESPONDENT U.S. BANK TRUST, N.A.'S
BRIEF IN OPPOSITION

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I. QUESTIONS PRESENTED FOR REVIEW

1. Petitioner did not invoke the Fourteenth Amendment in her arguments to the state courts. Does the Court have jurisdiction under 28 U.S.C. § 1257(a) to determine whether Petitioner was denied due process under the Fourteenth Amendment?

2. Does the Court have jurisdiction to consider an order citing the *Rooker-Feldman* doctrine and dismissing a Chapter 13 bankruptcy case in proceedings separate from the state court litigation of which Petitioner seeks review?

3. Where Petitioner failed to raise federal claims in the state court proceedings, does the Court have jurisdiction to consider the propriety of the state appellate court's injunction precluding Petitioner from submitting additional pro se filings?

II. PARTIES TO THE PROCEEDING, CORPORATE DISCLOSURE STATEMENT, AND ALL RELATED CASES

The parties to this proceeding are as follows:

- Muriel Fiedler, Petitioner
- U.S. Bank Trust, N.A., not Individually but as Owner Trustee for RCF 2 Acquisition Trust, Respondent
- Robert Fiedler, Respondent

U.S. Bank Trust, N.A., not Individually but as Owner Trustee for RCF 2 Acquisition Trust (“Respondent”), is not publicly traded. Respondent’s parent company is U.S. Bancorp (USB).

The proceedings in other courts that are directly related to the case before the Court are:

- *U.S. Bank Trust, N.A., not Individually but as Owner Trustee for RCF 2 Acquisition Trust v. Fiedler*, No. 2015-CA-000412, Eighteenth Judicial Circuit Court in and for Seminole County, Florida. Judgment entered May 28, 2024.
- *Fiedler v. US Bank Trust N.A.*, No. 5D2025-2961, Fifth District Court of

Appeal for the State of Florida.
Dismissed Dec. 3, 2025.

- *Fiedler v. US Bank Trust N.A. not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust*, No. SC2025-1892, Supreme Court for the State of Florida. Petition denied Jan. 29, 2026.

The following proceedings in other courts are also directly related to the case before the Court:

- *In re Fiedler*, No. 6:15-bk-01640, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed May 19, 2016.
- *In re Fiedler*, No. 6:17-bk-03402, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed June 14, 2018.
- *Fiedler v. Wells Fargo Bank, N.A.*, No. 6:18-cv-962, United States District Court in and for the Middle District of Florida. Dismissed Jan. 25, 2019.
- *In re Fiedler*, No. 6:18-bk-4303, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed Dec. 17, 2018.

- *Fiedler v. Wells Fargo Bank, N.A.*, No. 18-13441, United States Court of Appeals in and for the Eleventh Circuit. Dismissed Oct. 25, 2018.
- *Fiedler v. Wells Fargo Bank, N.A.*, No. 6:19-ap-00029, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed Apr. 15, 2019.
- *Fiedler v. Wells Fargo Bank, N.A.*, No. 19-10683, United States Court of Appeals in and for the Eleventh Circuit. Dismissed Apr. 23, 2019.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. 5D2019-3818, Fifth District Court of Appeal for the State of Florida. Petition denied Jan. 21, 2020.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. SC2020-0120, Supreme Court of Florida. Dismissed Jan. 27, 2020.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. SC2020-0207, Supreme Court of Florida. Petition denied Mar. 10, 2020.
- *Fiedler v. Klinker*, No. SC2021-1009, Supreme Court of Florida. Transferred to Fifth District Court of Appeal for the State of Florida, July 22, 2021.

- *Fiedler v. Klinker*, No. 5D2021-1839, Fifth District Court of Appeal for the State of Florida. Petition denied Aug. 17, 2021.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2022-0935, Fifth District Court of Appeal for the State of Florida. Dismissed Sept. 7, 2022.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. 2022-CA-01580, Eighteenth Judicial Circuit Court in and for Seminole County, Florida. Dismissed Oct. 6, 2023 and Oct. 10, 2023.
- *In re Fiedler*, No. 6:22-bk-3767, United States Bankruptcy Court in and for the Middle District of Florida. Stay relief granted Mar. 30, 2023.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. 6:22-ap-00084-LVV, *consolidated with* No. 6:22-ap-00090-LVV, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed Mar. 31, 2023.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2023-2949, Fifth District Court of Appeal for the State of Florida. Dismissed Oct. 10, 2023. Per curiam affirmed Apr. 15, 2025.

- *Fiedler v. Stacy, et al.*, No. 6:23-cv-1958, United States District Court in and for the Middle District of Florida. Dismissed Sept. 30, 2024.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. 6:23-cv-2092, United States District Court in and for the Middle District of Florida. Dismissed Feb. 5, 2025.
- *Fiedler v. Rudisill, et al.*, No. 6:23-cv-2083, United States District Court in and for the Middle District of Florida. Dismissed Mar. 6, 2025.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. 5D2023-3266, Fifth District Court of Appeal for the State of Florida. Per curiam affirmed Apr. 15, 2025.
- *In re Fiedler*, No. 23-14080, United States Court of Appeals in and for the Eleventh Circuit. Petition denied Feb. 21, 2024.
- *In re Fiedler*, No. 24-10201, United States Court of Appeals in and for the Eleventh Circuit. Dismissed Mar. 4, 2024.
- *In re Fiedler*, No. 24-10273, United States Court of Appeals in and for the Eleventh Circuit. Petition denied Mar. 4, 2024.

- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2024-1377, Fifth District Court of Appeal for the State of Florida. Dismissed Aug. 22, 2024.
- *In re Fiedler*, No. 6:24-bk-3321, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed Nov. 26, 2024.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 6:24-ap-109, United States Bankruptcy Court in and for the Middle District of Florida. Dismissed Jan. 7, 2025.
- *Fiedler v. Stacy, et al.*, No. 24-13558, United States Court of Appeals in and for the Eleventh Circuit. Affirmed Sept. 16, 2025.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 24-90032, United States Court of Appeals in and for the Eleventh Circuit. Dismissed Mar. 27, 2025.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2024-3546, Fifth District Court of Appeal for the State of Florida. Dismissed Feb. 10, 2025.
- *In re Fiedler*, No. 6:25-cv-112, United States District Court in and for the Middle District of Florida. Affirmed Apr. 20, 2026.

- *Fiedler v. U.S. Bank Trust, N.A.*, No. SC2025-0127, Supreme Court of Florida. Transferred to Fifth District Court of Appeal for the State of Florida, Mar. 6, 2025.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2025-0641, Fifth District Court of Appeal for the State of Florida. Dismissed June 2, 2025.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. SC2025-0142, Supreme Court of Florida. Transferred to Fifth District Court of Appeal for the State of Florida, Apr. 4, 2025.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2025-0981, Fifth District Court of Appeal for the State of Florida. Dismissed June 2, 2025.
- *Fiedler v. MTGLQ Investors L.P., et al.*, No. 6:25-cv-332, United States District Court in and for the Middle District of Florida. Dismissed Mar. 18, 2026.
- *Fiedler v. Wells Fargo Bank, N.A., et al.*, No. 25-10717, United States Court of Appeals in and for the Eleventh Circuit. Per curiam affirmed Nov. 13, 2025.
- *Fiedler v. U.S. Bank Trust, N.A.*, No. 5D2025-0798, Fifth District Court of

Appeal for the State of Florida.
Dismissed Apr. 22, 2025.

- *Fiedler v. U.S. Bank Trust, N.A.*, No. 6:25-cv-735, United States District Court in and for the Middle District of Florida. Dismissed July 3, 2025.
- *In re Fiedler*, No. 25-12286, United States Court of Appeals in and for the Eleventh Circuit. Petition denied Oct. 20, 2025.
- *Fiedler v. MTGLQ Investors L.P., et al.*, No. 26-10986, United States Court of Appeals in and for the Eleventh Circuit. Pending disposition.
- *In re Fiedler*, No. 26-11069, United States Court of Appeals in and for the Eleventh Circuit. Dismissed May 7, 2026.
- *In re Fiedler*, No. 26-11626, United States Court of Appeals in and for the Eleventh Circuit. Pending disposition.

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V. CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS ENTERED IN THIS CASE

To Respondent's knowledge, neither the order at issue entered by Florida's Fifth District Court of Appeal nor the Florida Supreme Court's denial of Petitioner's petition for discretionary review was published in an official or unofficial reporter. The citations for these decisions are as follows:

- *Fiedler v. U.S. Bank Trust N.A.*, slip op., No. 5D2025-2961 (Fla. 5th DCA Dec. 3, 2025)
- *Fiedler v. U.S. Bank Trust Nat'l Ass'n*, No. SC2025-1892, 2026 WL 253201 (Fla. Jan. 29, 2026) (denying petition for discretionary review)

Furthermore, while the Court lacks jurisdiction to consider the dismissal of Petitioner's Chapter 13 bankruptcy petition, Respondent addresses the same herein in an abundance of caution. To Respondent's knowledge, the Bankruptcy Court's order was not published in an official or unofficial reporter. The citation for this decision is as follows:

- *In re Fiedler*, No. 6:24-bk-03321-LVV (Bankr. M.D. Fla. Nov. 26, 2024) (Order Denying Confirmation of Plan and Dismissing Case with Two-Year Injunction)

VI. STATEMENT OF JURISDICTION

Florida's Fifth District Court of Appeal dismissed Petitioner's petition for writ of prohibition and enjoined Petitioner from submitting further prose filings before that court without the review and signature of a licensed attorney. The Florida Supreme Court denied discretionary review of this order. Petitioner now invokes the Court's certiorari jurisdiction pursuant to 28 U.S.C. § 1257(a). However, the decision at issue did not involve the validity of any federal law; draw into question the validity of any state law as unconstitutional or violative of federal law; or pertain to any title, right, privilege, or immunity claimed under the Constitution or federal law. The Court therefore lacks jurisdiction under section 1257(a) to review the Fifth District's decision. Furthermore, section 1257(a) does not confer jurisdiction on the Court to review a bankruptcy court order dismissing Petitioner's Chapter 13 petition, which occurred in proceedings separate from the state court matter below.

**VII. CONSTITUTIONAL PROVISIONS,
TREATIES, ORDINANCES, STATUTES,
AND REGULATIONS INVOLVED IN THIS
CASE**

This case does not involve any constitutional provisions, treaties, ordinances, statutes, or regulations.

VIII. STATEMENT OF THE CASE.

A. The Proceedings Below

Wells Fargo Bank, N.A. filed a mortgage foreclosure action against Robert Fiedler (“Borrower”) and his “unknown spouse” on February 19, 2015 (“Foreclosure Case”). Petitioner—Borrower’s wife—was named specifically as a party-defendant in an Amended Complaint filed on February 19, 2020 (Pet. App’x 41-44),¹ and Petitioner appeared in the case that same day, filing an Amended Answer and Affirmative Defenses alongside Borrower. On April 27, 2022, the state trial court substituted Respondent as party-plaintiff.

During the Foreclosure Case (as well as every related proceeding), Borrower and Petitioner (collectively, the “Fiedlers”) were pro se except during a three-week span when counsel represented Borrower. (*See id.* at 22.) As pro se litigants, the Fiedlers submitted a constant barrage of filings designed to delay the proceedings and malign Respondent, its counsel, and the trial judge. (*See id.* at 18, 21.) Such filings included repetitive motions for sanctions for “fraud on the court,” motions to recuse the trial judge, and “objections” to every order and bank submission, even those as benign as notices of filing or notices of hearing. (*See id.* at 16-18.) The Fiedlers’ incessant filings led the trial court to enter an order enjoining the Fiedlers from submitting further pro se filings. (*Id.* at 14-25.)

¹ References to Petitioner’s Appendix appear as “Pet. App’x ____”.

The Fiedlers filed for bankruptcy protection multiple times during the Foreclosure Case and initiated numerous appeals and extraordinary writ proceedings. (*See id.* at 19.) In all, by the time Petitioner filed the Petition for Writ of Prohibition (defined *infra*), the Fiedlers initiated 37 separate prior proceedings in all levels of the state courts, the Bankruptcy Court, the federal district court, and the Eleventh Circuit Court of Appeals to challenge Respondent's foreclosure. (*See id.* at 18-20.) The Fiedlers failed to obtain any relief. (*See id.* at 19-20, 22.)

After the extensive delays resulting from the Fiedlers' obstructionist conduct, Respondent finally obtained a foreclosure judgment ("Foreclosure Judgment") on May 28, 2024. (Pet. App'x 2-8.) The Fiedlers appealed the Foreclosure Judgment to Florida's Fifth District Court of Appeal ("Fifth District") on May 28, 2024 in No. 5D2024-1377, which the Fifth District dismissed for lack of prosecution on August 22, 2024.

The Fiedlers filed for Chapter 13 bankruptcy protection on July 1, 2024 in the United States Bankruptcy Court in and for the Middle District of Florida ("Bankruptcy Case"). (*Id.* at 76.) The Bankruptcy Court dismissed the Bankruptcy Case on November 26, 2024 as a bad faith filing and enjoined the Fiedlers from filing another bankruptcy case for two years. (*Id.* at 9-13.)

The foreclosure sale occurred on February 5, 2025, and Respondent was the winning bidder. The clerk of court issued a Certificate of Title to Respondent on April 25, 2025.

After Respondent moved for issuance of a writ of possession for the Property, Petitioner filed a Petition for Writ of Prohibition in Post Judgment Proceedings (“Petition for Writ of Prohibition”) with the Fifth District on September 29, 2025. (*Id.* at 106-18.) Petitioner sought “to prohibit any judge in the Eighteenth Judicial Circuit from handling post-judgment actions seeking a writ of execution to remove the Fiedlers from their home.” (*Id.* at 110.) Additionally, despite the finality of the foreclosure judgment, Petitioner asked the appellate court to “find that the lower court erred in foreclosing Mrs. Fiedler’s homestead interest, reverse the order granting final judgment to US Bank Trust N.A., and vacate the foreclosure sale.” (*Id.* at 115.) In support, Petitioner argued that Florida’s constitutional homestead protection prevented foreclosure of her residence, which Borrower mortgaged prior to his marriage to Petitioner. (*See id.* at 111-15.)

Respondent then filed a Motion for Order to Show Cause, detailing at great length the Fiedlers’ tactics in the Foreclosure Case and the 37 other proceedings that the Fiedlers initiated previously. Respondent asked the state appellate court to enter an order requiring the Fiedlers to show cause why they should not be enjoined from submitting additional pro se filings relating to the Foreclosure Case.

The Fifth District granted the motion and entered an order to show cause on November 13, 2025, requiring the Fiedlers to show cause within ten days “why they, separately or together, should not be prohibited from filing any appeal, petition, pleading or

motion pertaining to” the Foreclosure Case “unless reviewed and signed by an attorney licensed to practice in the State of Florida.” The Fiedlers responded separately.

The state trial court entered an order in the Foreclosure Case on November 17, 2025, granting Respondent’s motion for a writ of possession for the Property. (Pet. App’x at 31-33.)

On December 3, 2025, the Fifth District entered the order at issue. (*Id.* at 29-30.) Therein, the court found that the Fiedlers abused the legal process “by their abusive, repetitive, malicious, or frivolous pro se filings” and prohibited the Fiedlers from submitting to the Fifth District any further pro se filings relating to the Foreclosure Case. (*Id.*) The court also dismissed the original proceeding. (*Id.* at 30.)

On December 3, 2025, Petitioner filed an Amended Notice to Invoke Discretionary Jurisdiction in the Florida Supreme Court. After jurisdictional briefing, the Florida Supreme Court declined to exercise jurisdiction. (Pet. App’x 34-35.)

B. Statement of Standard of Review.

The Court must first determine whether it has jurisdiction to decide this case. *Florida v. Thomas*, 532 U.S. 774, 777, 121 S.Ct. 1905, 1908, 150 L. Ed. 2d 1 (2001). If so, the Court must decide whether to exercise its jurisdiction to review the order of Florida’s Fifth District Court of Appeal, which “rest[s] on adequate and independent state grounds.” *Michigan v. Long*, 463 U.S. 1032, 1041-42, 103 S.Ct. 3469, 3477, 77 L. Ed. 2d 1201 (1983).

The Fifth District's order, of which Petitioner seeks review, (1) prohibited the Fiedlers from submitting to the appellate court any further pro se filings relating to the Foreclosure Case; and (2) dismissed Petitioner's Petition for Writ of Prohibition.

The Court reviews the merits of permanent injunctions de novo. *See Firefighters Local Union No. 1784 v. Stotts*, 467 U.S. 561, 593, 104 S.Ct. 2576, 2595, 81 L. Ed. 2d 483 (1984) (Blackmun, J., dissenting) (distinguishing between the abuse of discretion standard for preliminary injunctions and review of "the merits" for permanent injunctions).

While Respondent is not aware of binding precedent on point, at least one federal appellate court reviews de novo the dismissal of a petition for writ of prohibition. *See Lawrence v. U.S. Bankr. Ct.*, 153 F. App'x 552, 553 (11th Cir. 2005).

The Court reviews de novo whether Petitioner was denied due process. *United States v. Bajakjian*, 524 U.S. 321, 336 n.10, 118 S.Ct. 2028, 2037 n.10, 141 L. Ed. 2d 314 (1998) (noting that "the application of a constitutional standard to the facts of a particular case" is reviewed de novo) (citing *Ornelas v. United States*, 517 U.S. 690, 697, 116 S.Ct. 1657, 1662, 134 L. Ed. 2d 911 (1996)).

V. SUMMARY OF THE ARGUMENT

The Court lacks jurisdiction under 28 U.S.C. § 1257(a). Petitioner did not present a federal issue to the Fifth District below, nor did the Fifth District's decision rest on or pertain to any right under the Constitution or federal law.

Even if jurisdiction exists, the Court should decline to exercise the same. This case does not rise to the standard justifying review by this Court. The order below does not conflict with the decisions of this Court, federal courts of appeals, or state courts of last resort, and does not address an issue of national importance.

The Court also lacks jurisdiction to consider an order entered by the United States Bankruptcy Court in and for the Middle District of Florida in proceedings separate from the state court case below. Petitioner did not invoke any statute or rule imbuing the Court with jurisdiction over the bankruptcy proceedings.

If the Court reaches the merits of Petitioner's arguments, Petitioner (1) did not preserve for the Court's review any due process arguments; (2) asserts her points in an improper collateral attack on the final Foreclosure Judgment; and (3) received repeated notice and many meaningful opportunities to be heard before the state courts granted relief to Respondent. Due process did not fail Petitioner.

Lastly, the arguments raised in Petitioner's Supplemental Brief are inapposite and untimely.

The Court should deny the Petition.

IX. ARGUMENT

A. The Court Lacks Jurisdiction to Decide this Case under 28 U.S.C. § 1257(a).

The state court of last resort in this case did not decide a federal issue. Therefore, despite Petitioner's attempt to generate a federal question by invoking the Due Process Clause (an issue that Petitioner never raised below), the Court lacks jurisdiction under 28 U.S.C. § 1257(a) to decide this case.

Section 1257(a) authorizes the Court to review “[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had . . . where any title, right, privilege, or immunity is specially set up or claimed under the Constitution.” The highest available state court must decide a “federal issue” before section 1257(a) confers jurisdiction on the Court. *See Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 479-83, 95 S.Ct. 1029, 43 L. Ed. 2d 328 (1975) (identifying four types of cases involving a “federal question” that the highest state court “finally decided,” over which the Court has jurisdiction pursuant to section 1257(a)).

In her Petition for Writ of Prohibition to Florida's Fifth District Court of Appeal, Petitioner did not raise a federal issue for the court's determination. Rather, Petitioner rested the Petition for Writ of Prohibition on “Florida's constitutional and statutory homestead protections,” citing Article X, section 4 of the Florida Constitution and section 732.7025 of the Florida Statutes. (Pet. App'x 107.) The Fiedlers also did not invoke the Due Process Clause or any other

constitutional provision or federal authority in responding to the Fifth District's order directing them to show cause why they should not be enjoined from submitting further pro se filings to that court. Nor did the Fifth District rely on federal law in entering the December 3, 2025 order at issue. Instead, the Fifth District relied strictly on state law, citing *State v. Spencer*, 751 So. 2d 47, 48 (Fla. 1999), and *Isley v. State*, 652 So. 2d 409, 411 (Fla. 5th DCA 1995), in support of its injunction against further pro se filings by the Fiedlers. (Pet. App'x 29-30.)

"[T]his Court has almost unfailingly refused to consider any federal-law challenge to a state-court decision unless the federal claim 'was either addressed by or properly presented to the state court that rendered the decision we have been asked to review.'" *Howell v. Mississippi*, 543 U.S. 440, 443, 125 S.Ct. 856, 858, 160 L. Ed. 2d 873 (2005) (*per curiam*) (quoting *Adams v. Robertson*, 520 U.S. 83, 86, 117 S.Ct. 1028, 137 L. Ed. 2d 203 (1997) (*per curiam*)). Petitioner "did not cite the Constitution or even any cases directly construing it, much less any of this Court's cases" in her Petition for Writ of Prohibition or response to the Fifth District's Order to Show Cause. *Id.*

This case does not involve issues of national importance or a conflict with federal law. *See* Sup. Ct. R. 10. Instead, this case involves execution of a writ of possession against a residence in Florida after entry of a now-final foreclosure judgment. Therefore, regardless of whether the Court construes the requirement that a petitioner present a federal question to the state court as jurisdictional or

prudential, “the circumstances here justify no exception” to the requirement. *Howell*, 543 U.S. at 445-46, 125 S.Ct. 856 (quoting *Adams*, 520 U.S. at 90, 117 S.Ct. 1028).

Accordingly, the Court should find that it does not have jurisdiction to review this case under 28 U.S.C. § 1257(a) and deny the Petition for Writ of Certiorari.

B. The Court Should Decline to Exercise Jurisdiction and Deny the Petition for Writ of Certiorari.

Even if the Court has jurisdiction under section 1257(a), this case does not meet the Court’s standard for granting a petition for writ of certiorari. Rule 10 of the Rules of the Supreme Court of the United States clearly establishes that review on a writ of certiorari will be granted only in rare circumstances. Rule 10 states:

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court’s discretion, indicate the character of the reasons the Court considers:

...

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

Sup. Ct. R. 10.

The instant case does not fall into Rule 10's potentially applicable categories. Florida's Fifth District did not decide a federal question whatsoever. It certainly did not answer a federal question in a way that conflicts with another state court of last resort or a federal court of appeals. Nor did it address a federal question that the Court should settle.

While the Court's jurisdiction is not limited to the circumstances outlined in Supreme Court Rule 10,

Rule 10 demonstrates that the Court will exercise its discretionary jurisdiction only in matters of national importance. Such is not the case here. Petitioner's arguments center on whether the state trial court correctly granted the Foreclosure Judgment despite Petitioner's claim that she is entitled to homestead protection under Florida's Constitution. This is an issue of state law. It is also an issue that Petitioner could, and should, have raised in a plenary appeal of the Foreclosure Judgment. But Petitioner failed to prosecute her appeal, and the Foreclosure Judgment is final. Petitioner cannot now invoke the jurisdiction of the highest Court in the land to backdoor relief that she failed to timely and properly seek from the state appellate court.

C. The Court Lacks Jurisdiction to Consider the Bankruptcy Court's Order.

Despite the separate nature of the Bankruptcy Case from the state court proceedings of which Petitioner seeks review, Petitioner attempts to shoehorn review of the dismissal of the Bankruptcy Case into her petition.

Title 28, section 158, of the United States Code provides federal district courts with jurisdiction to hear appeals of final judgments, orders, and decrees of bankruptcy judges. 28 U.S.C. § 158(a). Federal courts of appeals then have jurisdiction to review all final decisions, judgments, orders, and decrees entered by the district courts (or by a duly established bankruptcy appellate panel). *Id.* at (c). Upon issuance of a judgment or decree by a federal appellate court,

the Court may exercise jurisdiction pursuant to 28 U.S.C. § 1254.

Petitioner does not cite to any constitutional or statutory provision imbuing the Court with jurisdiction to consider the Bankruptcy Court's order of dismissal in the instant proceedings. Petitioner invokes only 28 U.S.C. § 1257(a), which relates to the Court's review of state court decisions, as a source of jurisdiction. Petitioner's failure to invoke any basis for the Court to exercise jurisdiction to consider the Bankruptcy Court's order "leaves the Court without a 'case' or 'controversy'" insofar as that order is concerned. *Diamond v. Charles*, 476 U.S. 54, 63, 106 S.Ct. 1697, 1704, 90 L. Ed. 2d 48 (1986).

D. Petitioner did not Preserve her Arguments for Review.

Petitioner did not raise federal due process arguments before the state trial court, in her Petition for Writ of Prohibition to the Fifth District, or in her response to the Fifth District's Order to Show Cause. Petitioner therefore failed to preserve for the Court's review any issues concerning whether she received due process under the Fourteenth Amendment. *See Yee v. City of Escondido, Ca.*, 503 U.S. 519, 533, 112 S.Ct. 1531, 118 L. Ed. 2d 153 (1992) (where petitioners did not include a due process claim in their complaint or raise such a claim with intermediate court of appeal, and only included a due process argument in their petition for discretionary review to state supreme court, which denied discretionary review, "no state court has addressed" the due process claim, and the Court would not consider the argument pursuant

to 28 U.S.C. § 1257); *Webb v. Webb*, 451 U.S. 493, 495-96, 101 S.Ct. 1889, 1891, 68 L. Ed. 2d 392 (1981) (where petitioner failed to raise federal question below, issue was not preserved for Court's review, and Court lacked jurisdiction).

E. The Foreclosure Judgment is Not Subject to Collateral Attack.

Petitioner purportedly seeks review of the Fifth District's order denying her Petition for Writ of Prohibition and enjoining her from submitting further pro se filings. However, it is apparent from the substance of Petitioner's arguments that she seeks to collaterally attack the Foreclosure Judgment by questioning whether she received due process before entry of the same.

The Foreclosure Judgment is not at issue in this case. It is final under Florida law, as the trial court entered it more than 30 days ago, and Petitioner failed to litigate an appeal to conclusion. *See* Fla. R. App. P. 9.110(b). Petitioner cannot now collaterally attack the Foreclosure Judgment by arguing that the state trial court erred in entering it on a purportedly "unpled theory." *See Seaboard Coast Line R. Co. v. Cox*, 338 So. 2d 190, 192 (Fla. 1976) ("The respondent allowed the first judgment to become final without attack, and he cannot now collaterally attack that result.").

F. Petitioner Received Due Process.

If the Court reaches the merits of Petitioner's due process arguments, the Court should reject the

same. From February 19, 2020 forward, Petitioner appeared frequently in the Foreclosure Case and submitted copious filings to the state trial court. (See Pet. App'x 17-18.) Petitioner received numerous opportunities to raise arguments with the state trial court to oppose entry of the Foreclosure Judgment. The trial court addressed personal jurisdiction by advising Petitioner that she “must be listed as a defendant” in the Amended Complaint because she “lived at home with” Borrower. (*Id.* at 38.) And once Petitioner began asserting homestead-based arguments after entry of the Foreclosure Judgment, the state trial court considered and rejected such arguments as unsupported by Florida law. (*Id.* at 26-27.)

“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950). “The essence of due process is the requirement that ‘a person in jeopardy of a serious loss (be given) notice of the case against him and an opportunity to meet it.’” *Mathews v. Eldridge*, 424 U.S. 319, 348-49, 96 S.Ct. 893, 909, 47 L. Ed. 2d 18 (1976) (quoting *Joint Anti-Fascist Comm. v. McGrath*, 341 U.S. 123, 171-72, 71 S.Ct. 624, 649, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring)).

Petitioner received such notice and opportunity. Petitioner joined Borrower in filing five

total responses to Respondent's motion for summary judgment. (See Pet. App'x 2 (referencing the Fiedlers' Fourth Amended Response in Opposition to Respondent's Motion for Summary Judgment).) She also presented argument at the hearing on Respondent's motion for summary judgment. (*Id.* ("The Court . . . heard argument of counsel for Plaintiff and of the Fiedlers . . .")). Before the state trial court even entered the Foreclosure Judgment, both Fiedlers moved for rehearing. There can be no doubt that Petitioner had meaningful notice that Respondent intended to foreclose its mortgage against the Property and an opportunity to present her opposition thereto.

Furthermore, the Fifth District did not deprive Petitioner of due process by enjoining her from submitting further pro se filings before that court. The Fifth District first entered an Order to Show Cause, directing Petitioner to respond to explain why the court should not impose such an injunction.² See *Harris v. Gattie*, 263 So. 3d 829, 831-32 (Fla. 2d DCA 2019) (reversing sanction prohibiting litigant from submitting *pro se* filings where record did not reflect that the lower court provided the litigant with notice or an opportunity to be heard, and remanding so that "the trial court may again consider sanctioning Harris if it provides him with notice of the possibility of sanctions and an opportunity to be heard"); *Delgado v.*

² The trial court similarly issued an Order to Show Cause and provided notice to the Fiedlers of a hearing on the same before entering its own order barring the Fiedlers from further pro se submissions. (Pet. App'x 14-16.)

Hearn, 805 So. 2d 1017, 1018 (Fla. 2d DCA 2001) (“While it is clear that a litigant’s right to access the courts may be restricted upon a showing of egregious abuse of the judicial process, . . . due process requires that courts first provide notice and an opportunity to respond.”) (reversing for issuance of order to show cause why sanctions should not be imposed). Petitioner responded accordingly, but her arguments did not dissuade the Fifth District from issuing the injunction.

The injunction itself does not bar Petitioner from accessing the court, so long as a licensed attorney reviews and signs her filings. Both this Court and the Florida state courts recognize that such a limitation is appropriate in circumstances involving vexatious litigants and does not run afoul of due process. *See, e.g., Martin v. Dist. of Columbia Ct. of App.*, 506 U.S. 1, 2-3, 113 S.Ct. 397, 397-98, 121 L. Ed. 2d 305 (1992) (*per curiam*) (directing clerk not to accept further petitions for certiorari without payment of docketing fee and compliance with Rule 33, as petitioner was “a notorious abuser of this Court’s certiorari process” and had a “deleterious effect” on the Court’s fair allocation of judicial resources); *May v. Barthet*, 934 So. 2d 1184, 1187 (Fla. 2006) (“This Court and the United States Supreme Court have, when deemed necessary, exercised the inherent judicial authority to sanction an abusive litigant. . . . One justification for such a sanction lies in the protection of the rights of others to timely review of their legitimate filings. . . . [I]n order to preserve the right of access for all litigants and promote the interests of justice, the Clerk of this Court is hereby instructed to reject for filing any future

pleadings, petitions, motions, documents, or other filings submitted by [petitioner] unless signed by a member in good standing of the Florida Bar.”); *Lomax v. Reynolds*, 119 So. 3d 562, 565-66 (Fla. 3d DCA 2013) (“Lomax has served as an unending source of vexatious and meritless litigation both here and below. . . . Therefore we prohibit Lomax from further self-representation in this Court or in the court below.”).

Lastly, the discretionary nature of the Florida Supreme Court’s review of the Fifth District’s order did not deprive Petitioner of due process. The Court has long recognized that a state supreme court may exercise discretion over whether to review a matter without violating the dictates of the Due Process Clause of the Fourteenth Amendment. *See, e.g., Lehigh Valley R. Co. v. Bd. of Public Utility Com’rs*, 278 U.S. 24, 36-37, 49 S.Ct. 69, 73, 73 L.Ed. 161 (1928) (fact that certiorari review by state supreme court of commissioners’ order concerning railroad grade crossings was “discretionary” did not deny due process).

Petitioner received due process. The Court should deny the Petition.

G. *Best&Beam Management, Inc. v. Silverstone* is Inapposite.

On September 3, 2026, Petitioner³ filed a Supplemental Brief pursuant to Supreme Court Rule

³ The Supplemental Brief includes Borrower as a “Petitioner.” However, Borrower did not submit the initial

15.8. Therein, Petitioner contends that a June 3, 2026 decision issued by Florida’s Third District Court of Appeal (“Third District”) in *Best&Beam Management, Inc. v. Silverstone*, 433 So. 3d 1022 (Mem) (Fla. 3d DCA 2026), “introduces procedural and structural boundaries that were entirely unavailable” when Petitioner submitted her Petition for Writ of Certiorari. (Pet. Supp. Br. 2.)

In *Best&Beam*, the Third District reversed a summary judgment in a breach of lease case because the trial court granted the judgment “on an unpled theory.” 433 So. 3d at 1022. In support of its decision, the Third District cited to four Florida cases dating between 1985 and 2006. *Id.*

As noted above, the Foreclosure Judgment is final under Florida law and is not properly subject to a collateral attack in these proceedings. Therefore, it matters not whether the state trial court entered the Foreclosure Judgment on an ostensible “unpled theory.”⁴

Despite her focus on the Foreclosure Judgment, Petitioner purports to seek review of the Fifth District’s order denying prohibition and enjoining her from submitting further pro se filings. *Best&Beam* does not speak to whether Petitioner was entitled to prohibition or whether sufficient grounds existed for

Petition for Writ of Certiorari in this case and cannot now join in the Petition. *See* Sup. Ct. R. 12.4.

⁴ The Amended Complaint in the Foreclosure Case alleged that Petitioner may have an interest in the Property “by virtue of possessory rights and homestead rights afforded to her under Florida law,” which are “inferior and subordinate to that of Plaintiff’s Mortgage.” (Pet. App’x 42.)

entry of the Fifth District's injunction. Accordingly, *Best&Beam* is inapposite, and the Court should disregard the arguments in Petitioner's Supplemental Brief.

Lastly, even if *Best&Beam* conceivably applied to this case, it does not stand for a new proposition that was unavailable to Petitioner when she submitted her initial Petition. The principle that a trial court may not grant summary judgment on an unpled theory is well-established under Florida law, as evidenced by the decades-old case law cited by the Third District in *Best&Beam*. Thus, Petitioner's arguments in the Supplemental Brief are untimely.

X. CONCLUSION

The Court lacks jurisdiction to review this case under 28 U.S.C § 1257(a). This matter does not involve a federal question decided by a state court of last resort.

Even if the Court had jurisdiction, it should decline to exercise the same because this case does not involve an issue of national importance or a conflict with a decision of a federal appellate court, other state courts of last resort, or this Court.

Furthermore, Petitioner failed to invoke any recognized basis for the Court to exercise jurisdiction over the Bankruptcy Court's order dismissing the Bankruptcy Case, which occurred in proceedings separate from the state court matter below.

To the extent that the Court reaches the merits of Petitioner's arguments, the Court should find that Petitioner did not preserve them for the Court's consideration. Furthermore, Petitioner's arguments amount to an improper collateral attack on the Foreclosure Judgment. However, even if her arguments are preserved and timely, Petitioner received due process throughout the state court proceedings.

Finally, the Court should reject Petitioner's arguments in the Supplemental Brief, as the case on which Petitioner relies is inapposite to the issues before the Court.

For these reasons, Respondent respectfully requests that the Court deny the Petition for Writ of Certiorari.

Respectfully submitted,

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