

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 CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST
Respondent.

On Petition for Writ of Certiorari to the
Florida Supreme Court

REPLY BRIEF FOR PETITIONERS

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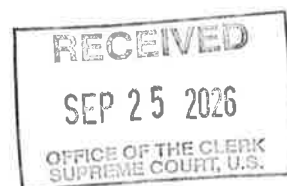


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Reply

I. This Court Has Jurisdiction Under 28 U.S.C. § 1257(a)

Respondent's contentions that this Court lacks jurisdiction and that Petitioner failed to preserve her federal questions are incorrect.

Before the state court entered judgment, Muriel and her husband filed a wrongful-foreclosure action in federal court, and her husband filed a separate civil-rights action. After the state court entered final summary judgment of foreclosure, but before the foreclosure sale, they appealed the judgment and filed a petition for relief under Chapter 13 of the Bankruptcy Code. Petitioner contends that these proceedings divested the state court of jurisdiction over the property and invoked federal bankruptcy jurisdiction.

In the bankruptcy proceeding, Muriel and her husband claimed their homestead as exempt property. U.S. Bank Trust, N.A. did not object to the claimed exemption within 30 days after the meeting of creditors, as required by *Taylor v. Freeland & Kronz*, 503 US 638 (1992). Instead, it moved to dismiss the bankruptcy case under the Rooker-Feldman doctrine, alleging bad faith. The bankruptcy court granted the motion, thereby returning the foreclosure matter to state court.

After the matter returned to state court, Muriel petitioned the Fifth District Court of Appeal for a writ of prohibition. Following the dismissal of that proceeding, she sought discretionary review in the Florida Supreme Court. The record therefore demonstrates that Petitioner timely raised the jurisdictional and constitutional objections underlying this petition, pursued every available state remedy, and obtained a final disposition from Florida's highest court. Accordingly, the federal questions presented here were properly preserved.

This Court has jurisdiction because the bankruptcy court's ruling returned to the state court property that, Petitioner contends, had become exempt under federal bankruptcy law when no timely objection was filed. That ruling presents a federal question concerning the scope of the bankruptcy court's authority under 11 U.S.C. § 105(a). Under *Law v. Siegel*, 571 U.S. 415 (2014), § 105(a) does not authorize a bankruptcy court to contravene specific provisions of the Bankruptcy Code or impair an exemption established under federal law. Whether the bankruptcy court exceeded that authority, and whether the state court could thereafter exercise jurisdiction over the exempt property, are federal questions supporting this Court's jurisdiction.

II. Petitioner Preserved Her Due Process Challenge, and the Foreclosure Judgment Cannot Extinguish Her Unalienated Homestead Interest

Petitioner challenged the trial court's authority at the outset by filing a sworn affidavit contesting personal jurisdiction. She averred that she had never executed the note or mortgage. Because Florida's homestead protection is self-executing and permits alienation only through a written instrument signed by both spouses, her affidavit placed the absence of personal jurisdiction and lawful alienation squarely before the trial court. Respondent submitted no counter-affidavit. Under *Venetian Salami Co. v. Parthenais*, the trial court was required to resolve the jurisdictional

dispute before exercising authority over Petitioner. By entering judgment without resolving that threshold issue, the court denied Petitioner notice and a meaningful opportunity to defend her property interest.

Respondent nevertheless argues that Petitioner failed to preserve her Fourteenth Amendment claim before judgment. That argument overlooks when the constitutional deprivation became apparent. Petitioner had no notice that the proceeding would adjudicate and extinguish her vested homestead interest despite the absence of a signed instrument or a pleaded claim against her. A litigant cannot reasonably be required to object in advance to an adjudication that was neither pleaded nor announced. *Howell v. Mississippi*, 543 U.S. 440 (2005), does not compel a different conclusion. In *Howell*, the petitioner relied exclusively on state law in the state appellate court and failed to present the asserted federal claim. Here, Petitioner raised the substance of her federal objections, and the state courts later imposed a filing injunction that barred further pro se submissions. *Howell* does not require a litigant to perform a procedural act that a state-court order has made unavailable.

Florida law likewise recognizes homestead protection as a matter of exceptional constitutional importance. Petitioner's invocation of that protection was not an attempt to manufacture a federal issue after the fact. It was a continuing objection to the extinguishment of a property interest she never conveyed. Respondent U.S. Bank Trust, N.A., therefore errs in contending that Petitioner's failure to appeal the foreclosure judgment extinguished her right to protect her homestead interest. Under Florida law, homestead protection "can only be waived by abandonment or alienation by both spouses in the manner provided by law." *Olesky v. Nicholas*, 82 So. 2d 510 (Fla. 1955). Because Petitioner never alienated her one-half interest in the property, she retained the right to protect that interest from a forced sale.

Faced with the imminent loss of her home, Petitioner sought a writ of prohibition to prevent the trial court from exercising jurisdiction it did not possess or acting in excess of its jurisdiction. See *Roberts v. Brown*, 43 So. 3d 673 (Fla. 2010). Although her petition did not expressly state that the trial court lacked personal jurisdiction, it asserted that the court had no authority to foreclose her homestead interest. Both the substance of that contention and her choice of remedy placed the jurisdictional issue before the Fifth District Court of Appeal. The Fifth District denied the petition and imposed a filing injunction. U.S. Bank subsequently obtained a writ of possession to remove Petitioner from her home, thereby completing the alleged injury. Petitioner then sought review in the Florida Supreme Court, asserting that she had been denied due process and equal protection. Pet. App. 157. After the Florida Supreme Court denied relief and left the filing bar in place, Petitioner sought review in this Court because she had nowhere else to go.

Respondent further argues that the foreclosure judgment is final and cannot be collaterally attacked. Although that principle generally applies to judgments entered by courts possessing jurisdiction over the parties and the subject matter, it does

not insulate a void judgment from challenge. A judgment entered without personal jurisdiction, or in violation of the due process guarantees of notice and an opportunity to be heard, is void and may be challenged at any time.

Florida law expressly permits an affected party to seek relief from a void judgment under Florida Rule of Civil Procedure 1.540(b)(4). As the court explained in *Tannenbaum v. Shea*, 133 So. 3d 1056 (Fla. 4th DCA 2014), “[a] judgment is void if, in the proceeding leading up to the judgment, there is a violation of the due process guarantee of notice and an opportunity to be heard.” Because Petitioner alleges that the trial court extinguished her unalienated homestead interest without personal jurisdiction, adequate notice, or a pleaded claim against her, finality does not foreclose her constitutional challenge.

B. Best & Beam Management, Inc. v. Silverstone, et al., No. 3D25-1015 (Fla. 3d DCA, June 3, 2026) Is Timely Intervening Authority Because the Trial Court Foreclosed Petitioner’s Homestead Interest on an Unpleaded Theory

Respondent argues that *Best & Beam* is inapplicable and that Petitioner cited it too late. Neither contention has merit. Petitioner filed her petition on May 21, 2026, before the Third District Court of Appeal issued *Best & Beam* the following month. Petitioner then brought that intervening authority to this Court’s attention through a supplemental brief under Rule 15.8. She could not have cited a decision that did not yet exist.

Best & Beam is directly relevant because it holds that “a trial court cannot grant summary judgment on an unpled theory.” Here, the amended foreclosure complaint alleged that borrower Robert Fiedler executed a \$332,000 promissory note and mortgage on August 3, 2007.¹ It further alleged that US Bank Trust N.A., had the right to enforce the note, mortgage, and loan modification. Pet. App. 51. The loan modification at issue was executed by Robert Fiedler on December 4, 2012, after he and Muriel married in 2009.

The amended complaint neither identified Muriel as a defendant against whom relief was sought nor alleged any theory that would permit the foreclosure of her homestead interest. It did not plead equitable subrogation, ratification, agency, unjust enrichment, fraud, or any other basis for imposing liability on Muriel or extinguishing her interest. Pet. App. 50. Nevertheless, the foreclosure judgment incorporated the loan modification executed without Muriel’s signature and foreclosed the resulting debt against her homestead interest. Pet. App. 8.

¹ Robert Fiedler presumably refinanced his mortgage with World Savings Bank FSB promissory note and mortgage in 2007. World Savings 2007 World note, and mortgage is not a purchase money mortgage. Robert Fiedler obtained title to 902 Lingo CT., Oviedo FL in 1993. P. App. 130.

Accordingly, *Best & Beam* bears directly on whether the trial court could extinguish Petitioner's homestead interest through summary judgment on a theory never pleaded against her. Respondent's assertions that the decision is both inapplicable and untimely are therefore incorrect.

C. Petitioner's Limited Participation Did Not Waive Her Jurisdictional Objection

Respondent contends that Petitioner received due process because she appeared repeatedly in the foreclosure action and joined her husband in responding to Respondent's motion for summary judgment. That contention is incorrect.

Petitioner expressly objected to personal jurisdiction and informed the trial court that, although she intended to assist her husband in defending the foreclosure action, she did not waive her jurisdictional objection. Pet. App. 49. Her assistance in preparing a response to Respondent's summary-judgment motion did not constitute a defense on her own behalf or consent to the court's jurisdiction. Petitioner signed the response alongside her husband because she had been named as a defendant—not because Respondent had pleaded a claim against her or sought summary judgment against her on a legally cognizable theory.

Respondent's assertion that the trial court considered Petitioner's homestead interest immediately after judgment is likewise incorrect. Petitioner first raised that interest in the bankruptcy court. Moreover, Respondent has not submitted a supplemental appendix identifying any filing in which Petitioner, on her own behalf, addressed the merits of the summary-judgment motion or defended against a pleaded claim to extinguish her homestead interest.

Petitioner's participation therefore did not cure the absence of personal jurisdiction, establish waiver, or provide constitutionally adequate notice that the court would adjudicate and extinguish her independent homestead interest.

III. Respondent's Circumvention of the Federal Bankruptcy Exemption Process Presents Substantial Constitutional and Supremacy Clause Questions

Respondent argues that no constitutional or statutory provision is implicated and that this Court lacks jurisdiction to review a bankruptcy court's order. That argument mischaracterizes Petitioner's claim. Petitioner does not seek direct review of the bankruptcy court's dismissal order. Rather, she challenges the constitutional consequences of Respondent's use of the bankruptcy dismissal to facilitate enforcement of a state-court judgment against property that had been claimed as exempt.

Petitioner and her husband entered bankruptcy with their homestead claimed as exempt. Instead of timely objecting to that exemption, Respondent moved to dismiss the bankruptcy case for bad faith under the *Rooker-Feldman* doctrine.

According to Petitioner, the dismissal allowed the objection period to expire without adjudication of whether the foreclosure judgment improperly included a loan modification that Petitioner—a non-titled spouse—had never signed.

The dismissal returned the property to the state-law enforcement process, where Respondent sought to enforce the foreclosure judgment against the homestead despite Petitioner's assertion that she had executed neither the note, the mortgage, nor the loan modification. Petitioner contends that this sequence enabled Respondent to avoid federal adjudication of the exemption and then use state process to seize property allegedly protected by federal bankruptcy law and Florida's constitutional homestead guarantee.

That claim implicates federal law. Under *Taylor v. Freeland & Kronz* and *Law v. Siegel*, a creditor generally may not circumvent the legal consequences of an exemption by failing to object within the prescribed period or by employing procedures not authorized by the Bankruptcy Code. Petitioner argues that Respondent's actions created precisely such an end run: rather than timely contesting the exemption, Respondent obtained dismissal and then pursued state-law enforcement against the same property.

Petitioner further contends that the physical seizure of her home pursuant to an allegedly void foreclosure judgment implicates the Fourth and Fourteenth Amendments. Her claim that state process was used to defeat a federally protected bankruptcy exemption also raises federal preemption and Supremacy Clause concerns. These claims do not ask this Court to sit as an appellate court over the bankruptcy court. They ask whether Respondent's procedural course, followed by state enforcement against Petitioner's unalienated homestead interest, violated rights secured by federal law and the Constitution.

The issue has broader significance. If a creditor may avoid a timely objection to a claimed exemption, obtain dismissal, and then enforce a state judgment against the same property without federal review of the exemption, similarly situated non-titled spouses may lose protected homestead interests without an adjudication of their federal and constitutional claims. Petitioner therefore presents a federal question concerning the interaction between bankruptcy exemptions, state enforcement proceedings, and constitutional protections against the unlawful deprivation and seizure of property.

IV. Muriel and Her Husband Are Not Vexatious Litigants

Respondent contends that Petitioner and her husband were properly designated vexatious litigants and that the Fifth District Court of Appeal's filing injunction did not deny them access to the courts because they remained free to submit filings signed by a licensed attorney. That contention overlooks the practical and constitutional effect of the injunction. Requiring pro se litigants to retain counsel as a

condition of filing imposes a financial barrier to court access. When the record does not support the vexatious-litigant designation, that barrier implicates the rights of access to the courts, due process, and equal protection under the First and Fourteenth Amendments.

Fla. Stat. § 68.093(4) defines a vexatious litigant, in relevant part, as a person who, during the preceding seven years, has commenced, prosecuted, or maintained five or more pro se civil actions and has repeatedly sought to relitigate matters previously and adversely determined. See *Brown v. Miami-Dade County*, 319 So. 3d 81 (Fla. 3d DCA 2021). Respondent's reliance on a list of thirty-seven proceedings does not establish that statutory standard. The list combines bankruptcy cases, appeals, writ proceedings, and state and federal matters spanning more than ten years. According to Petitioner, only seven entries were independent civil actions, none sought to relitigate a previously adjudicated claim, and two remained pending on appeal. Those proceedings therefore do not establish the statutory predicates for designating Petitioner and her husband vexatious litigants.

Respondent also asserts that Petitioner and her husband repeatedly maligned judges and attorneys. That serious accusation is unsupported by any identified pleading, quotation, or other record evidence. Respondent's characterization cannot substitute for proof that they made false, abusive, or improper statements, nor can it establish the statutory criteria for imposing a filing restriction.

Even assuming some sanctions were warranted, the injunction exceeded the remedies authorized by § 68.093. Section 68.093(3)(a) and (c) permits specified measures, including requiring security, dismissing an action with prejudice, denying relief, striking a pleading, or entering a default judgment. The statute does not expressly authorize a court to require a litigant to retain and pay an attorney as a condition of filing every future pleading.

The distinction is constitutionally significant. An attorney-signature requirement is not merely a procedural screening mechanism; for an indigent or financially constrained litigant, it may operate as a complete bar to judicial review. Conditioning court access on the ability to retain counsel—particularly where the statutory grounds for the restriction have not been established—raises substantial concerns under the First Amendment right to petition and the Fourteenth Amendment guarantees of due process and equal protection. See *Boddie v. Connecticut*, 401 U.S. 371 (1971).

The Fifth District's injunction therefore did more than regulate abusive litigation. It imposed a financial prerequisite to court access without record support for the statutory vexatious-litigant designation and without clear authorization under § 68.093. Petitioner accordingly contends that the injunction unlawfully prevented her from presenting her constitutional and property claims to the state courts.

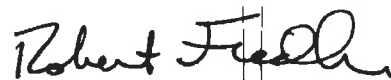
CONCLUSION

Petitioner respectfully requests that this Court:

1. Vacate the underlying state-court foreclosure judgment in its entirety because it rests on a cause of action never pleaded against Petitioner and improperly enforces a contractual modification that Petitioner did not sign; or, in the alternative,
2. Vacate the state-court filing injunctions that condition Petitioner's access to the courts on her ability to retain private counsel, thereby restoring her statutory and constitutional right to proceed pro se and to file a motion to vacate the allegedly void judgment below; and
3. Order the immediate return of Petitioner's primary residence and property, which Petitioner contends became finally and fully exempt by operation of federal law under *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992), after Respondent failed to file a timely statutory objection.



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