



No. 26-5170
IN THE
SUPREME COURT OF THE UNITED STATES

HARRIET NICHOLSON,
Petitioner,
v.
**BANK OF NEW YORK MELLON, FKA BANK OF NEW YORK, TRUSTEE FOR THE
CERTIFICATE HOLDER OF CWMBS, INC., CWMBS REFORMING LOAN REMIC TRUST
CERTIFICATES SERIES 2005-R2,**
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

**PETITIONER'S SUPPLEMENTAL BRIEF
PURSUANT TO SUPREME COURT RULE 15.8**

Harriet Nicholson, Pro Se Petitioner
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Pursuant to Supreme Court Rule 15.8, Petitioner Harriet Nicholson, proceeding pro se and in forma pauperis, respectfully submits this supplemental brief limited to matters arising after her last filing on August 31, 2026. Since that filing: (1) Respondent filed ECF No. 213 on September 2, 2026 in Nicholson v. The Bank of New York Mellon, No. 1:22-cv-03177-PGG-KHP (S.D.N.Y.); (2) the Fifth Court of Appeals of Texas issued Okorie v. University Mall, LLC, No. 05-25-01489-CV (Tex. App.-Dallas Sept. 10, 2026) (mem. op.); and (3) Petitioner submitted renewed enforcement papers for filing in the rendering Texas court on September 16 and 17, 2026. These developments bear on the question concerning the effect federal courts may give the Texas judgment under 28 U.S.C. § 1738.

**I. ECF NO. 213 IS INTERVENING MATTER CONCERNING THE SAME TEXAS
JUDGMENT**

ECF No. 213 acknowledges that Petitioner's petition for certiorari, No. 26-5170, remains pending and characterizes the same Texas judgment at issue here. Respondent states that the

judgment "did not award Plaintiff any forward-looking or other title-related relief concerning the property." ECF No. 213 at 3. Critically, Respondent also argued that the dismissed New York action was not the appropriate forum to seek "enforcement" of the Texas judgment and stated that, if Petitioner believed Braxton Minerals III supported her property contentions, "she could seek to raise it in any of the various Texas state court actions to which she is a party." Id. at 3-4.

Respondent's September 2 position also sharpens a concrete performance question already reflected in the existing federal record. At the August 11, 2022 SDNY conference, Respondent's counsel stated that Petitioner had "prevailed on her claim to vacate the deed and restore title to her name" and answered "Correct" when the Court asked whether she had been successful in restoring title. Aug. 11, 2022 Tr. 15:21-23, 16:12-19. When the Court asked for the basis and evidence that Petitioner had title, counsel relied on vacatur of BNYM's foreclosure deed and stated that "there's only one place title could be at this point." Id. at 20:4-13. The same conference nevertheless identified the unresolved effectuation problem: the Court stated that, notwithstanding vacatur, Petitioner still was not considered to have quiet title sufficient to sell the house and that the issue "has to be addressed in some manner." Id. at 39:7-24, 40:1-18. Respondent's counsel further stated that his firm represented the interests of both BNYM and Nationstar and that no separate counsel or third-party authorization was needed for a potential resolution. Id. at 23:2-24. Petitioner does not offer this pre-existing transcript as new matter under Rule 15.8, but only to show why ECF No. 213 is material: if Respondent now contends no title-related performance was required, while previously representing that title had already been restored, the unresolved question is what legally operative document or act accomplished that result and whether it was ever executed, delivered, or recorded.

II. OKORIE IS INTERVENING TEXAS AUTHORITY ON POST-JUDGMENT ENFORCEMENT

On September 10, 2026, after Petitioner's August 31 filing, the Fifth Court of Appeals decided

Okorie. Relying on *In re Florance*, 377 S.W.3d 837, 839-40 (Tex. App.-Dallas 2012, orig. proceeding), Okorie distinguishes expired plenary power from a trial court's continuing inherent authority to enforce its judgment. It states that Texas Civil Practice and Remedies Code Chapter 11 "does not apply to post-judgment proceedings" and recognizes a motion to enforce or clarify as distinct from a new suit. Okorie, slip op. at 6. It further explains that a post-judgment pleading commences a new suit under the same cause number only when it contains the requisites of an original petition. Id. at 7 (citing *Leach v. Brown*, 292 S.W.2d 329, 331 (Tex. 1956)).

Okorie is persuasive, not binding, authority in the Second Court of Appeals district. Its relevance is narrow: it distinguishes post-judgment enforcement from new litigation under Chapter 11. That distinction became material after Respondent's September 2 ECF No. 213 directed Petitioner's Texas-law enforcement contentions to Texas state court; eight days later, Okorie supplied intervening Texas authority concerning that route.

III. PETITIONER PROMPTLY PURSUED ENFORCEMENT IN THE RENDERING TEXAS

On September 16, 2026, Petitioner submitted for filing in Cause No. 342-262692-12 a Renewed Motion to Enforce Final Judgment under Texas Rules of Civil Procedure 308 and 621. The motion expressly disclaims reopening or modifying the September 16, 2020 judgment, commencing a new lawsuit, adding a party, or asserting a new cause of action; it asks the rendering court only to determine whether previously adjudged relief has been satisfied and, if not, to carry the existing judgment into execution. BNYM counsel was served the same day.

On September 17, Petitioner filed supplemental Texas enforcement authorities. Later that day, Kelsie Roberson, Court Coordinator for the 342nd District Court, directed: "Ms. Nicholson, please direct all further communications to the local administrative Judge." The email did not state that the submitted enforcement motion was denied. Petitioner promptly replied that she would comply and route further requests to the Local Administrative Judge

while continuing to copy opposing counsel. These communications document continuing diligence; they do not represent that the Texas court has ruled on satisfaction or identified any corrective conveyance.

IV. THE INTERVENING MATTERS NARROW AND SUPPORT THE QUESTION PRESENTED

Taken together, the intervening matters sharpen the existing issue: Respondent pointed Petitioner to Texas on September 2; Okorie on September 10 distinguished new litigation from post-judgment enforcement; and Petitioner then invoked Rules 308 and 621 in the rendering Texas court on September 16 and 17.

Petitioner does not ask this Court to decide the Texas enforcement submission. These developments bear on whether the federal courts could treat the Texas judgment as fully operative for preclusion without applying Texas law to its adjudged effect and alleged nonperformance - the § 1738 question presented.

CONCLUSION

Petitioner respectfully requests that the Court consider Respondent's September 2 ECF No. 213, Okorie, and the September 16-17 Texas enforcement submissions as intervening matters bearing on the § 1738 question presented.

Respectfully submitted,
/s/ Harriet Nicholson 
Harriet Nicholson, Pro Se Petitioner
September 18, 2026

DECLARATION OF SERVICE

I, Harriet Nicholson, Petitioner pro se, declare under penalty of perjury that on September 18, 2026, I served one copy of this Petitioner's Supplemental Brief Pursuant to Supreme Court Rule 15.8, including Appendix A, prepared pursuant to Supreme Court Rule 33.2, by depositing copies with the United States Postal Service, first-class postage prepaid, addressed to Respondent and to counsel for Respondent in the proceedings below, as follows:

The Bank of New York Mellon
240 Greenwich Street
New York, New York 10286
Respondent

Brian P. Scibetta, Esq.
McCalla Raymer Leibert Pierce, LLP
420 Lexington Avenue, Suite 840
New York, New York 10170
Counsel for Respondent in the proceedings below

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 18, 2026, at Grand Prairie, Texas.

/s/ Harriet Nicholson
Harriet Nicholson
Petitioner, Pro Se

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Grand Prairie, Texas 75052
817-722-4652
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DECLARATION REGARDING APPENDIX A

I, Harriet Nicholson, Petitioner pro se, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that Appendix A, attached immediately following this declaration, is a true and correct copy of the September 17, 2026 electronic filing return notice I received from the Tarrant County District Clerk concerning my September 16, 2026 submission of the Renewed Motion to Enforce Final Judgment in Cause No. 342-262692-12.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 18, 2026, at Grand Prairie, Texas.

/s/ Harriet Nicholson

Harriet Nicholson

Petitioner, Pro Se

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APPENDIX A follows on the next page.

Notification of Returned Service for Case: 342-262692-12, HARRIET NICHOLSON VS. THE BANK OF NEW YORK MELLON for filing Motion (No Fee)

From: no-reply@efilingmail.tylertech.cloud

To: harrietnicholson@yahoo.com

Date: Thursday, September 17, 2026 at 04:00 PM CDT



Filing Returned

Case Number: 342-262692-12

Case Style: HARRIET NICHOLSON VS. THE
BANK OF NEW YORK MELLON

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Return Reason(s) from Clerk's Office	
Returned Reason	Rejected - Vexatious Litigant
Return Comments	Please reach out to the local administrative judge before filing. Thank you, Jennifer Paslay 817-884-2901 JAPaslay@tarrantcountytx.gov

Document Details	
Court	Tarrant County - District Civil
Case Number	342-262692-12
Case Style	HARRIET NICHOLSON VS. THE BANK OF NEW YORK MELLON
Date/Time Submitted	9/16/2026 11:11 PM CST
Activity Requested	Motion (No Fee)
Filed By	HARRIET NICHOLSON

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