

ORIGINAL

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Case No. _____

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

TAMARA FLOYD,
Petitioner,

VS.

DOMAIN, LLC D/B/A DOMAIN,
HONORABLE DEBORAH FLUKER (*Deceased*),
HONORABLE JON SETZER, and
HONORABLE ROBERT MITCHUM
Respondents.

*ON PETITION FOR A WRIT OF CERTIORARI TO
SUPREME COURT OF GEORGIA*

PETITION FOR A WRIT OF CERTIORARI

TAMARA FLOYD
In Pro Per
1840-24 Jerry Way
Norcross, Georgia 30093
800.914.8884

QUESTIONS PRESENTED

- I. Whether a final judgment can legally stand or must be vacated under the Due Process Clause when an underlying jurisdictional defect remains uncured for twenty months, lingering from the magistrate court through the state appellate system up to the United States Supreme Court.
- II. Whether the Fourteenth Amendment's Due Process Clause prohibits state appellate jurisdiction from treating timely appeals of evictions as discretionary or subject to procedural traps, rather than recognizing them as a direct right, specific to lingering jurisdictional defects arising out of eviction proceedings.
- III. Whether a state court violates the Due Process and Equal Protection Clauses by requiring a tenant to deposit thousands of dollars in alleged "back rent" into a court registry as a prerequisite to challenge a fundamentally void, manufactured judgment, thereby handicapping a system that intentionally creates displacement.
- IV. Does a state supreme court violate the Fourteenth Amendment's Due Process Clause when it dismisses a petition as untimely by applying a trigger date from a separate independent proceeding, where the petitioner reasonably relied upon the strictly complied with the filing deadline taken from the appellate court's official final docket entry and challenged order noted on the immediate notice of appeal?

LIST OF PARTIES

Parties to the proceeding below: Petitioner Tamara Floyd; Respondents Domain LLC, D/B/A Domain; and Gwinnett County, Georgia official-capacity judges, Hon. Deborah Fluker (deceased), Hon. Jon Setzer, and Hon. Robert Mitchum.

RELATED PROCEEDINGS

Pursuant to Supreme Court Rule 14.1(b)(iii), the following proceedings are directly related to this case:

Supreme Court of Georgia:

Tamara Floyd v. Domain LLC, d/b/a Domain et. al., No. S26C0285
(April 21, 2026)

Tamara Floyd v. Domain LLC, d/b/a Domain et. al., No. S26C0285
(March 17, 2016)

Court of Appeals of Georgia:

Floyd v. Fluker, et. al., No. A26E0067
(September 18, 2025)

Floyd v. Fluker, et. al., No. A26E00561
(September 16, 2025)

Tamara Floyd v. Debra Fluker, Judge, No. A26E0053
(September 11, 2025)

Tamara Floyd v. Domain LLC, No. A26A0114
(August 20, 2025)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. A25D0453
(July 29, 2025)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. A25D0453
(July 9, 2025)

Superior Court of Gwinnett County:

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-A-09909-3
(June 12, 2026)

Domain LLC, D/B/A Domain, v. Tamara Floyd And All Others,
No. 24-A-09909-3 (June 11, 2026)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-A-09909-3
(September 21, 2025)

Domain LLC, D/B/A Domain, v. Tamara Floyd And All Others,
No. 24-A-09909-9 (September 9, 2025)

Tamara Floyd v. Domain LLC, No. 24-A-09909-3
(September 5, 2025)

*Tamara Floyd v. Honorable Robert Mitchum, in his official capacity as a
Gwinnett Magistrate Court Judge*, No. 24-A-09909-3
(August 25, 2025)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-A-09909-3
(May 30, 2025)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-A-09909-3
(May 28, 2025)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-A-09909-3
(May 27, 2025)

Magistrate Court of Gwinnett County:

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-M-38754
(August 5, 2025)

Tamara Floyd v. Domain LLC, D/B/A Domain, No. 24-M-38754
(August 4, 2025)

Domain Apts, v. Tamara Floyd, No. 24-M-38754
(October 30, 2024)

Tamara Floyd v. Domain Apts., No. 24-M-38754
(October 17, 2024)

Tamara Floyd v. Domain Apts. No. 24-M-38754
(October 9, 2024)

Domain Apts, v. Tamara Floyd, No. 24-M-38754
(September 23, 2024)

Domain Apts, v. Tamara Floyd, No. 24-M-38754
(September 11, 2024)

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**IN THE
SUPREME COURT OF THE UNITED STATES**

PETITION FOR WRIT OF CERTIORARI

The Petitioner respectfully petitions this Court for a writ of certiorari to review the judgment below.

OPINIONS BELOW

The decision of the Supreme Court of Georgia denying Motion for Reconsideration dated April 21, 2026 appears in the Appendix at App-1. The decision of the Supreme Court of Georgia dismissing Petition for Writ of Certiorari is set in the Appendix at App-2. The Court Appeals of Georgia decision denying Petitioner's request to take Notice of Jurisdictional Issues dated September 18, 2025 is set at in the Appendix at App-3, and ruling denying Petitioner's Writ of Mandamus dated September 16, 2025 is set in the Appendix at App-4. The Court of Appeals of Georgia's, August 20, 2025, denial of Notice of Appeal for lack of jurisdiction is set forth in the Appendix at App-6. The Court of Appeals of Georgia's, July 29, 2025 denial of Petitioner's Motion for Reconsideration appears at App-7 and order affirming the trial court judgment appears in the Appendix at App-8. The trial court's denial of Motion for Reconsideration dated May 30, 2025, Order on the

petition on de no review dated May 28, 2025, and the May 27, 2025 Order denying Motion to Consider Material Evidence of Perjury, are set in the Appendix at App-15, App-16, and App-21 respectively. The magistrates' courts order dated October 30, 2024 appears in the Appendix at App-27.

JURISDICTION

This case presents an extraordinary conflict where the finality of the state court judgment has been shattered by compelling lower court actions. Specifically, the trial court has intervened to issue a second writ of possession, purposefully acting in total absence of jurisdiction, and while this is divested on appeal, illustrating a severe ongoing, and lingering jurisdictional defect. The Supreme Court of Georgia's March 17, 2026 decision, dismissing Petitioner's Petition for Writ of Certiorari as untimely, was based on a separate independent action. The Supreme Court of Georgia denied Petitioner's timely filed Motion for Reconsideration on April 17, 2026. The jurisdiction of this Court is invoked under 28 § USC 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitutional Provisions

United States Constitution, Amendment XIV, Section 1 (Due Process and Equal Protection Clauses)

"Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Georgia Statutory Provisions

Official Code of Georgia Annotated O.C.G.A. § 9-12-16 (Effect of Want of Jurisdiction)

"The judgment of a court having no jurisdiction of the person or the subject matter or which is void for any other cause is a mere nullity and may be so held in any court when it becomes material to the interest of the parties to consider it."

Official Code of Georgia Annotated O.C.G.A. § 9-11-60(f) (Methods of Direct Attack on Judgments)

"...A judgment void because of lack of jurisdiction of the person or subject matter may be attacked at any time. Private statements, modifications, or agreements out of court shall not execute a judgment or shape a record unless formalized by the court. In all other instances, all motions to set aside judgments shall be brought within three years from entry of the judgment complained of."

Official Code of Georgia Annotated O.C.G.A. § 15-10-41(b) and O.C.G.A. § 5-3-1 et seq. (the Superior and State Court Appellate Practice Act)

"..An appeal from a magistrate court to a superior or state court opens the case *de novo*, but the appellate court's jurisdiction on a *de novo* appeal is strictly derivative of the magistrate court's jurisdiction.

Official Code of Georgia Annotated O.C.G.A. § 15-10-45(a) (Magistrate Court Jurisdiction)

"If a defendant in a civil action in magistrate court files a timely counterclaim or cross-claim which exceeds the jurisdiction of the magistrate court, the magistrate court shall immediately transfer the entire case to a court having jurisdiction of the claims."

Official Code of Georgia Annotated O.C.G.A. § 44-7-7 (Notice Required on Month-to-Month Tenancy)

"Sixty days' notice from the landlord for any rent increase for a month to month tenancy."

STATEMENT OF THE CASE

For the past twenty months, Petitioner has been trapped in a nightmarish judicial cycle, involving a lingering jurisdictional defect, after being forced to deposit into a court registry to appeal against an eviction order that was void *ab initio*. This action arose from an expired July 26, 2024 lease renewal offer that, by its own terms, expired on August 12, 2024. (App- 33) Respondent resurrected a provision within this dead offer to manufacture non-payment of rent delinquency, escalating Petitioner's established month-to-month rent from \$1,313.00 to \$2,319.00 in direct defiance of the (60) sixty-day mandate, under O.C.G.A. § 44-7-7. On de novo review, Respondents' counsel during closing arguments, admitted the offer notice was improperly served. By accepting this expired, statutorily non-compliant and misrepresented document as a lawful baseline for an eviction, the lower courts allowed a structural defect to linger through judgment, systematically ignoring a timely Motion to Vacate (App-25) under O.C.G.A. § 9-11-60(f), and an emergency Petition for Writ of Mandamus. (App-14) Rather than vacating a documented nullity as required by this Court's binding precedent, the state judiciary fast-tracked a Writ of Possession on September 8, 2025. (App-12) This Statement of the Case details the chronological and systemic abdication of the rule of law that transformed a confessed statutory notice failure into a twenty-month parallel state and federal jurisdictional conflict.

On August 25, 2025 Petitioner filed an emergency Petition for Writ of Mandamus in the Superior Court to compel a ruling on a pending motion to set aside a void judgment for lack of jurisdiction. The trial court rather than ruling on the pending jurisdictional challenge or the mandamus, a Writ of Possession dated September 5, 2026 was issued against Petitioner, completely bypassing the unresolved threshold jurisdictional que.(App-13) Petitioner sought immediate relief by filing a Writ of Mandamus directly with the Georgia Court of Appeals September 16, 2025. The Court of Appeals docketed and summarily denied the petition on the exact same day. (App-4) Following the denial, Petitioner immediately filed a *Notice of Jurisdictional Issues* on September 18, 2025, (App-3) to correct the record and challenge the swift dismissal. The Court of Appeals denied this request the exact same day. Petitioner on September 19, 2025 filed a formal *Notice of Intent* to seek further review of the September 18–19 rulings. On October 1, 2025 Petitioner timely filed Petition for Writ of Certiorari with the Georgia Supreme Court, explicitly seeking review of the September 18 and September 19, 2025 denials.

Petitioner's October 1, 2025 filing occurred exactly 12 days after the Court of Appeals' September 19, 2025 denial. Under Georgia Supreme Court Rule 38(2), a petitioner has 20 days to file. Therefore, the petition was perfectly timely. The Georgia Supreme Court committed a constitutional error by looking backward to an August timeline to construct an "untimely" status.

The Georgia Supreme Court's application of Rule 38 was neither "firmly established" nor "regularly followed" in the context of an unanswered mandamus. Georgia Rule 38 exists to govern strict timelines for review of prior appellate judgments. It was never designed to allow an appellate court to present procedural traps. The procedural traps presented blockages of remedy by the intermediate appellate court. In *Lee v. Kemna*, the Supreme Court carved out a powerful exception to the "independent and adequate state ground" doctrine. Normally, if a litigant fails to follow a strict state procedural rule, federal courts will refuse to review the case. The state court's insistence that Petitioner should have filed a direct certiorari petition under Rule 38(2) by September 9, 2025, ignores the reality that the Court of Appeals transmitted the remittitur to the trial court September 4, 2025. While an Order Writ of Possession was issued September 5, 2025. (App-13) Additionally, by September 9, 2025, the trial court issued leaving a broken procedural bridge. When a state's procedural rules make it mathematically or logistically impossible to challenge a void judgment, federal due process is violated.

The clear absence of lower court jurisdiction was conceded by Respondent, yet stubbornly ignored by the court. During closing arguments before the Superior Court, Respondents' counsel admitted stating on the record, "The rent increase notice was improperly served." Despite this admission—which is legally binding

demonstrates the underlying dispossessory was statutorily void—the Superior Court rendered a judgment in Respondents' favor.

Furthermore, the Superior Court's actions present a deeply troubling evasion of the appellate process. By ignoring a timely filed Petition for Writ of Mandamus and rushing to issue a Writ of Possession the moment remittitur attached, the Superior Court weaponized its enforcement powers while actively shielding its own lack of jurisdiction from review. A litigant cannot be said to have received Due Process under the Fourteenth Amendment when the state judiciary systematically ignores the very emergency writs designed to compel lawful jurisdiction, choosing instead to execute a forced eviction on a record infected by admitted statutory violations.

The Superior Court affirming the magistrates' void judgment, violated the long-standing Georgia doctrine of derivative jurisdiction. Under controlling state precedent, including *Giles v. State*, 314 Ga. App. 455 (2012), a superior court conducting a de novo appeal possesses no greater jurisdiction than the lower tribunal had in the first instance. "A void judgment carries no legal binding force or efficacy for any purpose, as it is a well-settled principle that any proceeding founded on an invalid or fraudulent adjudication is itself inherently invalid." See 30A Am. Jur. 2d Judgments, 44, 45. Judges, in the instant case, did not have the power to "make up" or invent procedural workarounds. They must strictly follow the written

statutory laws enacted by the legislature, pursuant to, *Cook v. State*, 313 Ga. 471, 870 S.E.2d 758 (2022). Under the Fourteenth Amendment, *Oldfield v. Pueblo De Bahia Lora, S.A.*, 558 F.3d 1210 (11th Cir. 2009), holds, when a tribunal proceeds without the requisite foundational jurisdiction, any resulting orders or judgments are constitutionally deficient and cannot stand. Because the underlying dispossession was fabricated by an unaddressed notice violation and an ignored mandatory magistrate transfer, the resulting judgment was void ab initio, under *Jordon v. Gilligan*, 500 F.2d 701 (6th Cir. 1974).

A directive to ignore active motions and 'accept and process like normal' (App-24) is the exact definition of a refusal to hear a party. While proving that a judgment entered without due process is void ab initio and cannot support the seizure of property or funds. Refusing to hear or decide a valid and good-faith challenge to a court's jurisdiction, strips the court itself of jurisdiction, pursuant to *Windsor v. McVeigh*, 93 U.S. 274 (1876).

Fed. R. Civ. P, 12(h)(3) held, "If the court determines **at any time** that it lacks subject-matter jurisdiction, the court must dismiss the action." Here, the Georgia system practices "selective jurisdiction" at every tier. The Supreme Court of Georgia dismissed Petitioner's writ of certiorari, based on an earlier separate independent matter, then further ruling, "Petitioner did not move for reconsideration in the Court of Appeals or obtain an extension of time..." (App-2)

Simultaneously, ignoring Petitioner filed for reconsideration, raising the lingering jurisdictional issue, was subsequently denied. (App-7) The Court of Appeals of Georgia ordered a dismissal on August 20, 2025, but continued to exercise jurisdiction by ruling on three additional matters. (App-3-App-6) The magistrate court based its jurisdiction on whether or not Petitioner's counterclaim provided, "provable damages," while the trial court, acting as appellate on de novo review, refuses to validate its jurisdiction, but issued its second writ of possession, as recent as June 11, 2026. (App-10) An order, entered by the trial court documents, "...*all other matters of record.*" (App-15) That would then have to include the magistrates' void judgment, and violation of due process by its failure to acknowledge Petitioner's "Motion to transfer." Moreover, the trial court cites O.C.G.A. § 5-3-9, "The reviewing court may issue such orders and writ as may be necessary to aid in its jurisdiction and manage court proceedings under this chapter." (App-16) Using O.C.G.A. § 5-3-9 to bypass jurisdictional requirements while the underlying judgment was void ab initio for lack of pecuniary jurisdiction, and ignoring magistrate mandatory transfer rule, the reviewing court, here the trial court, has no lawful jurisdiction to "aid." Assisting the magistrate in affirming a legal nullity is itself an invalid act on behalf of the trial court, together with appellate courts. Georgia courts cannot hold out statutory avenues of relief and then administratively deny access to them. Under the Fourteenth Amendment's Due

Process Clause pulling the rug out from under a litigant by changing procedural rules after the fact violates fundamental Due Process, pursuant to, *Reich v. Collins*, 513 U.S. 106 (1994).

REASONS FOR GRANTING THE PETITION

A state court violates the Fourteenth Amendment when it binds a litigant to a final judgment issued by a tribunal that completely lacks the legal power to hear the dispute. This Court has long held that a judgment entered by a court lacking subject-matter jurisdiction is void ab initio—a legal nullity that carries no legal weight.

When a magistrate court operates outside its pecuniary limits, it acts without constitutional authority. That jurisdictional defect does not go away over time; it is a lingering jurisdictional defect that infects every review layer. By leveraging a void ruling through a de novo appeal and subsequently refusing to address the underlying lack of power, the state appellate court did not cure the error. Instead, it validated a nullity. Enforcing a financial liability created from a court without jurisdiction arbitrarily deprives a citizen of property without due process of law.

This case demonstrates a total breakdown of judicial oversight where state courts actively enforce power to a legally impossible claim. The eviction proceedings initiated in September 2024 were predicated entirely on a non-payment of rent derived from a July 26, 2024 renewal offer. However, the face of the offer confirms it expired on August 12, 2024, and was superseded by a new offer. (App-33) A new

offer, admitted on the record, was ever created. Nor was there an intent to present Petitioner with a subsequent offer, leaving her in a “take-it-or-leave-it” position.

To manufacture a default, Respondents enforced an automatic month-to-month rate of \$2,319.00 pulled from the expired document—bypassing the 60-day notice mandate required by Georgia law for existing month-to-month tenants, pursuant to O.C.G.A. § 44-7-7. When Petitioner diligently paid the correct, verified amount shown on the official billing statement, Respondents rejected the funds to create a pretextual delinquency.

Ignoring an admitted statutory defect on the record to press forward with enforcement converts a judicial proceeding from an impartial inquiry into an arbitrary deprivation of rights. When the Georgia Court of Appeals denied Petitioner’s Mandamus (App-4) action and subsequent request to take Notice of Jurisdictional Issues, (App-3) it did not just rule on a discretionary technicality—it actively permitted a lower court to execute an eviction based on a record known to be statutorily invalid.

Under the Fourteenth Amendment, Due Process requires courts to evaluate genuine challenges to their own authority to act. When an appellate court blocks a litigant from entering a jurisdictional flaw into the proceeding, the appellate safety net is completely illusory. This Court should grant review to establish that a state court cannot utilize its discretionary denial powers to ignore structural, admitted defects that deprive a citizen of their home and property.

When a court skips statutory notice, ignores mandatory transfer rules, or bypasses an O.C.G.A. § 9-11-60(f) challenge, it commits the exact same constitutional overreach exposed in *Sanks v. Georgia*, 401 U.S. 144 (1971). Just as in *Hain Celestial*, if the baseline of a proceeding was infected by a jurisdictional defect (such as an unaddressed statutory notice violation or an unfulfilled mandatory transfer), every single order entered afterward—including dispossessory order, writs of possession, and appeal dismissals—is a nullity that must be vacated.

CONCLUSION

Granting the certiorari is necessary because the State of Georgia has permitted an unconstitutional procedural trap to insulate a facially void judgment, resulting in a severe deprivation of property without due process. First, a judgment entered by a lower tribunal lacking subject-matter jurisdiction is a structural due process violation. Under O.C.G.A. § 15-10-45(d), the Gwinnett Magistrate Court had no legal authority to dismiss a claim exceeding \$15,000. Transfer was compulsory. By dismissing the claim instead, the court created a void nullity under O.C.G.A. § 9-12-16.

Second, the Supreme Court of Georgia created an arbitrary barrier to review by applying its state deadline rules in a novel and unfair manner. By tethering its untimeliness ruling to a separate August 2025 order, it entirely blindfolded itself to the independent, timely September 2025 tracks. The state courts cannot use

procedural hyper-technicalities to breathe life into a lower-court order born completely dead.

Finally, chaos surrounding the June 11, 2026 writ for eviction order—where a clerk filed an execution order based on an email inquiry without a valid appellate remittitur—proves that leaving a void judgment on the books creates an ongoing hazard. This Court must intervene to establish that state court systems cannot use arbitrary traps to skate over fundamental constitutional constraints.

Evictions must not be left to the indecisive discretion of lower courts, nor should the right to defend one's property be contingent upon a financial ability to pay fabricated back rent into a court registry. When the law allows state machinery to be weaponized to create an increase in the homeless population, while permanently insulating documented fraud from review, the constitution is violated. Petitioner respectfully requests that this Court grant the writ of certiorari, reverse the judgments below, and establish that the right to protect one's property from a void judgment is absolute, direct, and free from unconstitutional financial traps. Specifically, when a lower tribunal knowingly acts in total absence of jurisdiction by evidencing it has given itself jurisdiction, "*An inquiry was made into 'provable damages' claimed by the Defendant. The damages were found not to be recoverable, giving this court jurisdiction..*" (App.-27) Demonstrating, this is common practice within the system and because the Magistrate Court completely

lacked subject-matter jurisdiction to dismiss a counterclaim exceeding \$15,000, the Superior Court acquired absolutely no jurisdiction over that claim. The Superior Court had a mandatory duty to recognize this jurisdictional defect and dismiss the matter. Exercising power it did not derivatively possess, the Superior Court entered an independent, facially void order that violates the Fourteenth Amendment's prohibition against arbitrary deprivations of property.

For the foregoing reasons, Petitioner requests that this Court grant this Petition for a Writ of Certiorari vacate the judgments of the state courts below, and remand this matter with instructions to dismiss the void orders entered in total absence of subject-matter jurisdiction.

Respectfully submitted this 20th day of July, 2026.

/s/Tamara Floyd
Tamara Floyd
Appellant/Petitioner In Pro Per
1840-24 Jerry Way
Norcross, Georgia 30093
800.914.8884