

26-5784

ORIGINAL

No. _____

In the
Supreme Court of the United States

Supreme Court, U.S.
FILED

APR 27 2026

OFFICE OF THE CLERK

Michelle W. Quarles,

Petitioner

v.

Brown, Savage, Britto, Stitely and Callahan

Respondents.

On Petition for Writ of Certiorari To The Appellate Court of Maryland.

PETITION FOR WRIT OF CERTIORARI

Michelle W. Quarles
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RECEIVED

SEP 29 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Was the Prince George's County Circuit Court immediately divested of Jurisdiction when the Clerk of the Court received Petitioner's Notice of Removal file-stamped at "2024 MAY 20 AM 11:31"?
2. Are the Maryland Courts and Rules of the Courts in conflict with the Supremacy Clause, Title 28 U.S.C.A. § 1446(d) and the respective Federal District Court opinions?

PARTIES TO THE PROCEEDINGS

Petitioner Michelle W. Quarles

Respondent Brown, Savage, Britto, Stitely and Callahan

CORPORATE DISCLOSURE STATEMENT

Petitioner, Michelle W. Quarles, is self-represented and is not filing this Petition on behalf of any nongovernmental corporation. To the best of Petitioner's knowledge there is no parent or publicly held corporation owning 10% or more of any corporation stock.

LIST OF PROCEEDINGS

1) State Court.

- a. Prince George's County Circuit Court of Maryland, No. CAEF 16-40193,
KRISTINE BROWN, *et. al.*, v. Michelle Quarles *et. al.*, entered May 20, 2024.
- b. Prince George's County Circuit Court of Maryland, No. CAEF 16-40193,
KRISTINE D. BROWN, *et. al.* v. Michelle Quarles *et. al.*, entered July 3, 2024.
- c. Appellate Court of Maryland, No. 0895 September Term 2024, Michelle Quarles
v. BROWN, SAVAGE, BRITTO, STITELY AND CALLAHAN, entered
September 17, 2025.
- d. Appellate Court of Maryland, No. 0895. September Term 2024, Michelle Quarles
v. BROWN, SAVAGE, BRITTO, STITELY AND CALLAHAN, entered October
22, 2025.

- e. Appellate Court of Maryland, No. 0895 September Term 2024, Michelle Quarles
v. BROWN, SAVAGE, BRITTO, STITELY AND CALLAHAN, entered November
5, 2025.
- f. Supreme Court of Maryland, No. 0383 September Term 2025, Michelle Quarles
v. BROWN, SAVAGE, BRITTO, STITELY AND CALLAHN, entered January 28,
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner Michelle W. Quarles prays a writ of certiorari issue to review the opinion of the judgment below.

OPINIONS BELOW

1. The opinion of the highest state court to review the merits appears at APPENDIX A to the petition and is unpublished.
 - a. A timely petition for reconsideration was deferred pending supplemental briefing, and a copy of that decision appears at APPENDIX D.
 - b. Petition for reconsideration was denied, and a copy of that decision appears at APPENDIX E.
2. The opinion of the Supreme Court of Maryland appears at APPENDIX C to the petition and is unpublished.
3. The opinion of the Prince George's County Circuit Court of Maryland appears at APPENDIX B to the petition and is unpublished.
4. The opinion of the Prince George's County Circuit Court of Maryland appears at APPENDIX F to the petition and is unpublished.

BASIS FOR JURISDICTION

The date on which the highest state court, Appellate Court of Maryland, decided Petitioner's case was September 17, 2025. A copy of that decision appears at APPENDIX A.

A timely petition for reconsideration was denied, and a copy of that decision appears at APPENDIX E.

This Court has jurisdiction pursuant to United States Constitution Article VI, Sec. I, Clause 2 (Supremacy Clause) and Title 28 U.S.C. § 1446(d).

The jurisdiction of this Court is invoked pursuant to Title 28 U. S. C. § 1257(a).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDANANCES, REGULATIONS

5. United States Constitution Article VI, Sec. I, Clause 2.

6. Maryland Constitution, Article IV, § 1.

7. Md. Code Ann., Courts and Judicial Proceedings § 1-501.

8. Md. Courts of Judicial Proceedings § 2-201(a).

9. Md. Rule 1-322(a).

10. Md. Rule 1-323.

11. 28 U.S.C § 1446(d).

12. 28 U.S.C § 1447(c).

13. Paul V. Niemeyer & Linda M. Schuett, Maryland Rules Commentary (5th ed.)

STATEMENT OF THE CASE

Statement of the Case is presented in Chronological Order.

CABANA PROPERTIES III, LLC (“CABANA”), an assignee of the foreclosing entity, moved Prince George’s County Circuit Court of Maryland (“Circuit Court”) for “Judgment Awarding Possession”.

Petitioner filed opposition to CABANA’s motion for Judgment Awarding Possession.

Prior to the Circuit Court’s ruling on CABANA’s motion for Judgment Awarding Possession, Petitioner removed the case to the Federal District Court Fourth Circuit Greenbelt Division (“Federal District Court”) on May 17, 2024 and subsequently on that same day filed a Notice of Removal in the Circuit Court after hours Drop Box.

On the next business day (Monday) the Clerk of the Circuit Court refused to log on the Circuit Court “Case Detail” (“Docket”) Petitioner’s Notice of Removal as of May 17, 2024 crossing out the Drop Box stamped date and time and stamped Petitioner’s Notice of Removal “FILED 2024 MAY 20 AM 11:31” located in the upper right corner and in the bottom left corner “FILED 2024 MAY 20 AM 11:32”. See APPENDIX G.

The Clerk of the Circuit Court entered on the May 21, 2024 Docket (see APPENDIX H) Petitioner’s “Notice of Removal to U.S. District Court, file-stamped “2024 MAY 20 AM 11:31” and “2024 MAY 20 AM 11:31”.

The United States District Court for the District of Maryland (Greenbelt) acknowledged the May 17th Notice of Removal and Ordered Petitioner to state “why this case should not be remanded for lack of subject matter jurisdiction or an improper removal.”

On the May 29, 2024 Docket the Clerk of the Circuit Court, without notice or explanation to Petitioner, changed the filing date of Petitioner's Notice of Removal from May 20, 2024 to May 17, 2024. See APPENDIX I at p. 26a.

The May 29, 2024 Circuit Court Docket logged both a May 17th and a May 28th 2024 Notice of Removal however Petitioner never filed a May 28, 2024 Notice of Removal, furthermore the May 28th Notice of Removal failed to have a Certificate of Service attached (see Md. Rules Civil Procedure Rule 1-323 *infra* at page 15).

That same day, May 28, 2024, Petitioner moved the Circuit Court for an Order to Show Cause the Circuit Court's jurisdiction to Grant CABANA's motion for Judgment Awarding Possession post removal to the Federal District Court.

CABANA moved the Federal District Court for remand however Respondent's "MOTION TO REMAND" is void of citing any 28 U.S.C. § 1446(d) procedural defects.

The Federal District Court remanded the case to Circuit Court on June 26, 2024 asserting the absence of Diversity of the Parties.

The Circuit Court on July 3, 2024 restyled Petitioner's unopposed "Motion for Order to Show Cause the Courts Jurisdiction" as a "Reconsideration – Motion for Judgment Awarding Possession" failing to state on the record the Jurisdiction of the Circuit Court and summarily denied the Circuit Court restyled "Reconsideration – Motion for Judgment Awarding Possession". See APPENDIX F.

Petitioner timely filed a Notice of Appeal to the Appellate Court of Maryland ("Appellate Court") on July 3, 2024.

CABANA moved the Appellate Court to Dismiss the Appeal on December 19, 2024.

Petitioner filed opposition to CABANA's Motion to Dismiss the Appeal.

The Appellate Court denied CABANA's motion to dismiss.

Petitioner filed the Brief of Appellant on January 17, 2025.

CABANA filed Brief of Appellee on February 7, 2025.

Petitioner filed (March 24, 2025) a "Reply Brief of Appellant."

The Appellate Court entered its Slip Opinion (see APPENDIX A) on September 17, 2025 affirming the judgment of the Circuit Court asserting concurrent Jurisdiction of the Federal District Court and the Circuit Court relying on the May 28th Notice of Removal filed by mail from an unknown party and the May 29, 2024 Docket logged by the Clerk of the Circuit Court.

Petitioner filed on October 17, 2025 "APPELLANT'S MOTION FOR RECONSIDERATION OF THE OPINION OF THE APPELLATE COURT OF MARYLAND" ("Motion to Reconsider").

The Appellate Court issued an Order directing CABANA to file a response to Petitioner's Motion to Reconsider, and directed Petitioner to address "how the argument in her reply brief that "[t]he Circuit Court docket correctly states the Notice of Removal was filed on May 17, 2024[,] affects her Motion for Reconsideration." See APPENDIX D.

Petitioner timely filed a Supplement in the Appellate Court CABANA did not file a response.

On November 5, 2025 the Appellate Court denied Petitioner's Motion for Reconsideration and *sua sponte* issued the Mandate. See APPENDIX E.

Petitioner filed a Petition for Writ of Certiorari to the Supreme Court of Maryland on November 20, 2025 presenting three (3) questions; 1. Are Maryland Courts bound by Article VI, Section 1, Clause 2, the Supremacy Clause, of the Constitution for the United

States of America?; 2. Are Maryland Courts bound to apply United States District Court precedence when interpreting Federal Law?; and 3. Are Maryland Courts bound to comply with the Maryland Rules of Civil Procedure?

On January 28, 2026 the Supreme Court of Maryland Denied Petitioner's Petition for Writ of Certiorari. See APPENDIX C.

ARGUMENT

1) Maryland Courts are Courts of Record.

Maryland Constitution Article IV, Section 1.

“The Judicial power of this State is vested in a Supreme Court of Maryland, such intermediate courts of appeal as the General Assembly may create by law, Circuit Courts, Orphans' Courts, and a District Court. These Courts shall be **Courts of Record**, and each shall have a seal to be used in the **authentication of all process** issuing from it.” Emphasis added.

It has long been established that Maryland Circuit Courts are **Courts of Record**.

“Jurisdiction embraces two distinct concepts: “(i) the power of a court to render a valid decree, and (ii) the propriety of granting the relief sought.” Whether a court has fundamental jurisdiction, or the “power, or authority, . . . to render a valid final judgment,” is determined by the applicable constitutional and statutory provisions.” *State v. Thomas*, No. 15, September Term, 2023, at 13 (Md. Aug. 29, 2024); citing *Kent Island, LLC v. DiNapoli*, 430 Md. 348, 362-63 (2013).

“The statutory provision that defines a circuit court’s jurisdiction is section 1-501 of the Courts and Judicial Proceedings Article (1974, 2020 Repl. Vol.), which reads:

The circuit courts are the highest common-law and equity
courts of record exercising original jurisdiction within

the State. Each has full common-law and equity powers and jurisdiction in all civil and criminal cases within its county, and all the additional powers and jurisdiction conferred by the Constitution and by law, except where by law jurisdiction has been limited or conferred exclusively upon another tribunal.” See *State v. Thomas supra*, p. 13, Fn. 3. Emphasis added.

The “power of courts in this State to set aside judgments during the term they were entered has long been recognized as inherent to them as **courts of record**.” *Owen v. Freeman*, 279 Md. 241, 245 (1977). Emphasis added.

Circuit courts are the “highest common-law and equity **courts of record** exercising original jurisdiction within the State,” and have “full common-law and equity powers and jurisdiction in all civil and criminal cases within its county, ... **except where by law jurisdiction has been limited or conferred exclusively upon another tribunal**.” Md.Code (1973, 2006 Repl.Vol.), Courts & Judicial Proceedings Article, § 1-501. See *Kent Island, LLC v. DiNapoli*, 430 Md. 348, 363 (2013). Emphasis added.

There can be no question that Maryland Circuit Courts are **Courts of Record**.

The Clerk of the Prince George’s County Circuit Court failed to maintain a **Court of Record** by altering the May 21, 2024 Docket (APPENDIX H) evidenced by the May 29, 2024 Docket (APPENDIX I).

The May 21, 2024 Docket clearly states Petitioner’s Notice of Removal was filed and entered on the Circuit Court Docket on May 20, 2024. See APPENDIX H, at p. 21a.

However the May 29, 2024 Circuit Court Docket shows Petitioner’s Notice of Removal was entered on May 17, 2024 and unknowingly to Petitioner again on May 28, 2024. See APPENDIX I, at p. 26a.

Md. Courts and Judicial Proceedings § 2-201(a) in relevant part mandates the Clerk of the Court shall:

- “(1) Have custody of the books, records, and papers of his office;
- (2) **Make proper legible entries of all proceedings of the court and keep them in well-bound books or other permanent form;**
- (3) When requested in writing to do so, **record any paper filed with his office and required by law to be recorded in the appropriate place**, whether or not the title to land is involved;
- (4) Unless prohibited by law or order of court, provide copies of records or papers in his custody to a person requesting a copy, under the seal of the court if required; ...
- (11) Perform any other duty required by law or rule.” Emphasis Added.

It is undeniable the Record of the Circuit Court has been altered accordingly the Record of the Circuit Court cannot be considered a **Court of Record**.

Accordingly the Clerk of the Circuit Court breached the Maryland Constitution Article IV Section 1; Md. Codes, Courts of Judicial Proceedings, §§ 1-501 and 2-201(a); and the respective opinions of the Maryland Courts of Appeal.

2) The Prince George’s County Circuit Court Clerk does not have the inherent authority to alter the Record of the Court.

Md. Code of Judicial Proceedings §§ 2-201(a)(2) and (3) mandates the Clerk of the Court “Make proper legible entries of all proceedings of the court and keep them in well-bound books **or other permanent form**” and “When requested in writing to do so, **record any paper filed with his office** and required by law to be recorded **in the appropriate place**, whether or not the title to land is involved.”

Md. Rule 1-322(a) in relevant part states,

“The filing of pleadings, papers, and other items with the court shall be made by filing them with the clerk of the court, **...On the same day that an item is received in a clerk's office, the clerk shall note on it the date it was received and enter on the docket that date ...** The item **shall be deemed filed** on the earliest of (1) the filing date noted by a judge on the item, (2) **the date noted by the clerk on the item**,... No item may be filed directly by electronic transmission, except (1) pursuant to an electronic filing system approved under Rule 16-203, (2) as permitted by Rule 14-209.1, (3) as provided in section (b) of this Rule, ...” Emphasis Added.

Maryland Rule 1-322 governs the filing of pleadings, papers, and other items in circuit courts. Pursuant to subsection (a), filing requires actual delivery to the clerk of the court or to a judge. This may be accomplished in person, by mail, or—since amendments effective in 2013—by electronic transmission through an approved electronic filing system (e.g., Maryland's MDEC system under Rules 20-101 et seq.).

“A pleading or paper is filed by actual delivery to the clerk. This may be accomplished in person or by mail. However, the mailbox rule does not apply to the filing of papers with the court.” *Blundon v. Taylor*, 364 Md. 1 (2001). “Section (a) requires that, to be filed, pleadings and papers must be actually delivered, either in person or by mail, to the clerk or a judge of the court.” *Hackney v. State*, 459 Md. 108 (2018) citing *Blundon v. Taylor* supra. “The date that a pleading or paper is ‘filed’ is the date that the clerk receives it. . . .” see PAUL V. NIEMEYER LINDA M. SCHUETT, MARYLAND RULES COMMENTARY 47 (3d.ed. 2003).

Furthermore the Clerk of the Court was duty bound to refuse the alleged May 28 2024 Notice of Removal for failure to have attached a Certificate of Service.

Md. Rule 1-323 states,

“The clerk **shall not accept for filing** any pleading or other paper requiring service, other than an original pleading, unless it is accompanied by an admission or waiver of service or a signed certificate showing the date and manner of making service. A certificate of service is prima facie proof of service.” Emphasis added.

The May 28, 2024 Notice of Removal logged on the Circuit Court docket is absent a Certificate of Service accordingly the Clerk of the Circuit Court pursuant to Md. Rule 1-323 should never have accepted, file-stamped, and logged on the May 28, 2024 Docket the Notice of Removal.

The clerk has no discretion. The rule is mandatory. No certificate = no filing. See Paul V. Niemeyer & Linda M. Schuett, Maryland Rules Commentary (5th ed.).

In *Hiob v. Progressive American Ins. Co.*, 440 Md. 466 (2014) the court held a motion filed without any certificate of service was properly stricken by the Circuit Court even if the opposing party actually received the motion the lack of a Md. Rule 1-323 certificate made the filing defective.

. The record is clear and unambiguous as to the actual deliver date and acceptance by the Clerk of the Circuit Court Petitioner’s Notice of Removal and is evidenced by the Clerk of the Circuit Court file-stamped date “2024 MAY 20 AM 11:31” and the attached certificate of service. The opinion of the Appellate Court erred failing to accept the Clerk of the Court file-stamped Notice of Removal as of May 20th and failing to *sua sponte* direct the Clerk of the Circuit Court to strike the May 28, 2024 Notice of Removal for lack of a Certificate of Service thus these errors conflict with the Supremacy Clause, Title 28 U.S.C. § 1446(d), Maryland Law, the Maryland Rules of Civil Procedure, and the opinion of numerous Federal District **Courts of Record**.

3) The Prince George's County Circuit Court was divested of Jurisdiction immediately upon the Clerk of the Court acceptance of Petitioner's Notice of Removal file-stamp "2024 MAY 20 AM 11:31".

Maryland Courts have consistently held that the Supremacy Clause of the United States Constitution Article VI, Sec. I, Clause 2 and the decisions of the respective Federal District Courts mandate Maryland law yield to Federal law when the two are in conflict.

In *Mayor & City Council of Baltimore v. BP P.L.C.*, 388 Md. 449 (2024) the court opined, "pursuant to the Supremacy Clause, "[w]here state and federal law 'directly conflict,' state law must give way.'"

In *State v. Johnson*, 465 Md. 562, 585 (2019) the court opined, "The Supremacy Clause obligates this Court to follow the United States Supreme Court's Fourth Amendment jurisprudence. ... We are not free to interpret Article 26 of the Maryland Declaration of Rights more broadly than the Supreme Court interprets the Fourth Amendment when the State relies solely on federal precedent."

The Circuit Court Order granting CABANA's motion for Judgment Awarding Possession (see APPENDIX B) is in breach of countless Appellate Court of Maryland decisions upholding the Supremacy Clause.

The Circuit Court restyling of Petitioner's Motion to Show Cause the Courts Jurisdiction (see APPENDIX F) and to grant CABANA Judgment and Award Possession is afoul of the many decisions of the Federal Courts; ("The jurisdiction of the circuit court must in all cases appear affirmatively upon the record, and cannot be helped by presumptions or by extrinsic evidence.") *Cameron v. Hodges*, 127 U.S. 322 (1888); ("It is essential, in every case, that the jurisdiction of the court to which it is carried shall appear

affirmatively upon the record; and if it does not so appear, the judgment is void upon its face”) *Grace v. American Central Ins. Co.*, 109 U.S. 278 (1883); (“Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits. In such a situation the action should be dismissed for want of jurisdiction.”) *Melo v. US*, 505 F.2d 1026 (8th Cir. 1974); (“Where there is no jurisdiction over the subject matter, there is no discretion to ignore that lack of jurisdiction.”) *Joyce v. US*, 474 F.2d 215 (3rd Cir. 1973); (“Generally, a plaintiff’s allegations of jurisdiction are sufficient, but when he is questioned, as in this case, the burden is on the plaintiff to prove jurisdiction...”) *Rosemond v. Lambert*, 469 F.2d 418 (Nov. 8, 1972) citing *McNutt v. General Motors Acceptance Corp.*, 1936, 298 U.S. 178, 56 S.Ct. 780, 80 L.Ed. 1135; *Welsh v. American Surety Co.*, 5 Cir. 1951, 186 F.2d 16; 5 C. Wright A. Miller, *supra* § 1363 at 653; (“The plaintiff has the burden of proving that subject matter jurisdiction exists”) *Evans v. B.F. Perkins Co.*, 166 F.3d 642, 647 (4th Cir. 1999).

The purpose of Title 28 U.S.C. § 1446(d) is to notify the Circuit Court promptly which was achieved *sua sponte* when the Clerk of the Circuit Court accepted and file-stamped Petitioner’s Notice of Removal as of May 20, 2024 at 11:31 a.m.

CABANA and the Circuit Court conceded to the Petitioner’s jurisdictional challenge by their failure to oppose the motion for an Order to Show Cause the Court’s Jurisdiction post removal to Federal District Court, and because CABANA did not establish on the record the evidence necessary to prove jurisdiction after it was challenged the Circuit Court was compelled pursuant to the Supremacy Clause to set aside its Order granting CABANA’s motion for Judgment and Award Possession.

It cannot be questioned the Circuit Court was devoid of Jurisdiction as of May 20, 2024 at 11:31 a.m. therefore the May 20, 2024 Circuit Court grant of CABANA's Motion for Judgment and Award Possession executed at 3:27 p.m. and logged on the Docket at 3:52 p.m (see APPENDIX B) is Void for want of Jurisdiction.

4) The interpretation of Title 28 U.S.C. § 1446(d) by the Appellate Court of Maryland conflicts with the Supremacy Clause, Maryland Statutes/Codes, Maryland Rules of the Court, and the respective Federal District Court opinions.

A defendant must "file a copy of the notice with the clerk of such Circuit Court, **which shall effect the removal and the Circuit Court shall proceed no further** unless and until the case is remanded." Title 28 U.S.C. § 1446(d). Emphasis added.

There are "two types of improperly removed cases: those in which the federal court has no subject matter jurisdiction and those with defects in the removal procedure itself." *Huffman v. Saul Holdings, Ltd. P'ship*, 194 F.3d 1072, 1076 (10th Cir. 1999).

A defect in subject matter jurisdiction is never waived and can be raised at any time. *Id.* at 1076-77.

A procedural defect does not involve subject matter jurisdiction and may be waived if a party fails to object within 30 days after removal. *Id.* at 1077. See Title 28 U.S.C. § 1447(c).

CABANA failed to raise any procedural defect in its Motion to Remand.

The burden is on the non-removing party to raise these arguments (procedural defects) within thirty days of the filing of the notice of removal. See Title 28 U.S.C. § 1447(c).

The Appellate Court stated the “Quarles purported notice of removal filed in the circuit court on May 17th did not accomplish anything” may or may not be accurate (see APPENDIX A, pg. 4a) however the Appellate Court reliance upon the Circuit Court Record is in direct conflict with the Supremacy Clause and Md. Rule 1-322(a) to wit:

“Generally. The filing of pleadings, papers, and other items with the court shall be made by filing them with the clerk of the court, except that a judge of that court may accept the filing, in which event the judge shall note on the item the date the judge accepted it for filing and forthwith transmit the item to the office of the clerk. *On the same day that an item is received in a clerk's office, the clerk shall note on it the date it was received and enter on the docket that date* and any date noted on the item by a judge. The item shall be deemed filed on the earliest of (1) the filing date noted by a judge on the item, (2) the date noted by the clerk on the item, or (3) the date established under section (d) of this Rule. No item may be filed directly by electronic transmission, except (1) pursuant to an electronic filing system approved under Rule 16-203, (2) as permitted by Rule 14-209.1, (3) as provided in section (b) of this Rule, (4) as permitted by Code, Family Law Article, § 4-505.1, (5) pursuant to Title 20 of these Rules, or (6) digital media submitted using a digital storage platform approved by the Circuit Court Administrator.” Emphasis added.

It is clear the earliest date and time noted on the Notice of Removal filed by Petitioner in the Circuit Court unequivocally evidenced by the Clerk of the Court two filed-stamps one dated May 20, 2024 at 11:31 a.m. and one May 20, 2024 at 11:32 a.m. See APPENDIX G.

The filing of pleadings and papers was addressed in *Molé v. Jutton*, 381 Md. 27 (2004) citing Paul V. Niemeyer Linda M. Shuett, Maryland Rules Commentary (2d ed. 1992) at 40, explaining: “A pleading or paper is filed by actual delivery to the clerk.”

This may be accomplished in person or by mail. Although many courts now have facsimile machines, pleadings and papers may not be filed by direct electronic transmission to them.” Emphasis added. Also see *Blundon v. Taylor*, 364 Md. 1, 11, 770 A.2d 658, 664 (2001).

Petitioner actually delivered the Notice of Removal to the Clerk of the Circuit Court on the morning of May 20, 2024 on or about 11:30 am and that is evidenced by the Clerk of the Court “FILED” stamps on the Notice of Removal. Furthermore the Certificate of Service upon the parties is dated May 20, 2024. See APPENDIX G.

The Appellate Court erred in relying on an unknown party’s May 28th filing in the Circuit Court a notice of removal without a Certificate of Service attached. The Appellate Court opined until then (May 28th) “the circuit court retained concurrent jurisdiction to continue its proceedings.” Citing *Holmes v. AC & S, Inc.*, 388 F. Supp. 2d 663, 667 (E.D. Va. 2004). See APPENDIX A, pg. 4a.

The Appellate Court consideration of the May 28th notice of removal to the Circuit Court is in direct breach of Md. Rule 1-323 to wit:

“The clerk shall not accept for filing any pleading or other paper requiring service, other than an original pleading, unless it is accompanied by an admission or waiver of service or a signed certificate showing the date and manner of making service. A certificate of service is prima facie proof of service.” Emphasis added.

The Appellate Court pursuant to Md. Rule 1-323 was duty bound to instruct the Clerk of the Circuit Court to strike the May 28th notice of removal for lack of a Certificate of Service or in the alternative give it no probative value.

The Appellate Court pursuant to Md. Rule 1-322 erred in failing to accept Petitioner's Notice of Removal "FILED" stamped 20 MAY 2024 at 11:31 a.m. by the Clerk of the Circuit Court and the holding in *Molé v. Jutton*, 381 Md. 27 (2004) citing Paul V. Niemeyer Linda M. Shuett, Maryland Rules Commentary (2d ed. 1992) at 40; and *Blundon v. Taylor*, 364 Md. 1, 11, 770 A.2d 658, 664 (2001).

Title 28, U.S.C.A. § 1446(d) in relevant part states:

"Notice to Adverse Parties and Circuit Court.— Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and **shall file a copy of the notice with the clerk of such Circuit Court, which shall effect the removal and the Circuit Court shall proceed no further unless and until the case is remanded.**" [Emphasis added]; also ("Since the adoption of § 1446, it has been uniformly held that **the Circuit Court loses all jurisdiction to proceed immediately upon the filing of the petition in the federal court and a copy in the Circuit Court.** [Emphasis added] Under these holdings **any proceedings in the Circuit Court after the filing of the petition and prior to a federal remand order are absolutely void,**" [Emphasis added] See *State of South Carolina v. Moore*, 447 F.2d 1067, 1073 (4th Cir. 1971); and affirmed in *Fed. Nat'l Mortg. Ass'n v. Milasinovich*, 161 F. Supp. 3d 981, 1006 (D.N.M. 2016) ("a Circuit Court adjudication, while a removal petition is pending in federal court, is void, even if the federal court subsequently determines that the case is not removable.. *Farm Credit Bank of St. Paul v. Rub*, 481 N.W.2d 451, at 456, (Feb. 20, 1992)").

The Federal District Courts have been clear that procedural defects in the removal procedure pursuant to Title 28 U.S.C. § 1446(d) are non-jurisdictional and cured at any time prior to remand.

The requirement of notice to the Circuit Court “is an important part of the removal process and has been held necessary to terminate the Circuit Court’s jurisdiction.”

Resolution Trust Corp. v. Nernberg, 3 F.3d 62, 69 (3d Cir. 1993). Before notice is given to the Circuit Court upon removal, jurisdiction over the case is somewhat uncertain, due to the possibility that the state and federal court have concurrent jurisdiction. See 14C Charles A. Wright, et al., *Federal Practice & Procedure* §§ 3736-3737 (1985) (explaining the different approaches in interpreting Section 1446(d) and when Circuit Court jurisdiction terminates upon removal). See *Christenson Media Group Inc. v. Lang Industries, Inc.* et al, No. 2:2010 cv 02505 - Document 64 (D. Kan. 2012)

The Appellate Court gave great weight to the Brief of Appellee however the Brief of Appellee makes several misrepresentations, omissions, and upon closer examination affirms Petitioner filed a Notice of Removal with the Clerk of the Circuit Court on May 20, 2024 at 11:31 a.m.

By omission Appellee’s Brief misrepresents the Statement of Facts failing to note Petitioner on the next business day (Monday) May 20, 2024 at 11:31 a.m. filed a Notice of Removal with the Circuit Court as evidenced by the Clerk of the Court “FILED” stamped on the face of the Notice of Removal in two locations.

Appellee’s Brief on page 3 falsely claimed, “Appellant attempted to file a Notice of Removal to the U. S. District Court in the Circuit Court for Prince George's County, Maryland which was rejected, stating “On May 28, 2024 Appellant filed an Amended Notice of Removal to the U.S. District Court. Appendix Ex. 1.”

CABANA’s Brief of Appellee identified two separate documents; 1) “May 17, 2024 at 3:45 p.m. Notice of Removal to the U. S. District Court in the Circuit Court for Prince

George's County" identified as "Ex. 1"; and 2) "On May 28, 2024 Appellant filed an Amended Notice of Removal to the U.S. District Court. Ex. 1", an examination of "Ex. 1" attached to the Brief of Appellee is Petitioner's Notice of Removal evidencing the stamp of the Clerk of the Circuit Court "FILED 20 MAY 2024 11:31 A.M."

The Opinion of the Appellant Court states the "case was not removed until Petitioner completed § 1446's procedure on May 28 by filing in the circuit court a notice of removal after she filed the notice in the federal court."

The Appellate Court completely dismisses Petitioner's Notice of Removal file-stamped by the Clerk of the Circuit Court "FILED 20 MAY 2024 11:31 A.M" relying on a Docket the Clerk of the Court altered between May 21, 2024 and May 29, 2024.

Petitioner's Supplement at paragraphs 11 – 13 makes clear to the Appellate Court the chronology of events that led to the May 20, 2024 filing of the Notice of Removal in the Circuit Court.

There are three (3) issues of importance raised in this Petition for Writ of Certiorari; 1) the correct filed date of the Notice of Removal filed in the Circuit Court; 2) the respective Federal District Courts determination that non-jurisdictional defects in removal are curable; and 3) does the Supremacy Clause and Title 28 U.S.C. § 1446(d) control the termination of state court jurisdiction or does the Circuit Court Case Detail (Docket)?.

As to the first issue, the filed date of the Notice of Removal is presumptively controlled by the Docket of the Circuit Court. See *Estime v. King*, 196 Md.App. 296 (Dec. 2, 2010).

The Court of Appeals discussed the importance of docket entries in *Forest Lake Cemetery v. Baker*, 113 Md. 529, 535 (1910), where it explained:

“The several Clerks of [the Circuit] Courts shall receive and file all papers pertaining to said Courts, respectively, and shall keep substantial dockets, and make all proper entries therein of papers filed and of the proceedings of the said Courts, as they occur; so that the docket entries shall always show, as near as possible, the real condition and progress of the proceedings.” *Estime v. King*, 196 Md.App. 296, 304 (Dec. 2, 2010).

The Court explained one of the most important objects of rules regarding docket entries and filings “is to secure an accurate record of all proceedings in a case, in order that persons interested may by an examination of the docket entries ascertain the exact state of the proceedings.” *Id.*; citing *Forest Lake Cemetery v. Baker*, 113 Md. 529, 535-36, 77 A. 853 (1910). Emphasis added.

However in the case *sub judice* the Clerk of the Circuit Court altered the May 21, 2024 Docket affirming Petitioner’s Notice of Removal to U.S. Federal District Court, and the May 29, 2024 Docket of the Circuit Court changed the entry of the Notice of Removal file-stamped by the Clerk of the Court to May 17, 2024.

The Maryland Courts have held consistently that the Docket entries are presumptively correct and will be considered dispositive evidence of when a paper is filed in court, UNLESS there as is in this case a conflict between the Docket entries and the transcript of the proceedings in a particular action. See *Estime v. King*, 196 Md.App. 296, 304-5 (Dec. 2, 2010); citing *Waller v. MNB*, 332 Md. 375, 379, 631 A.2d 447 (1993); *Lawson v. State*, 187 Md.App. 101, 108, 975 A.2d 357 (2009); *Shade v. State*, 18 Md.App. 407, 411, 306 A.2d 560 (1973).

The evidence presented overwhelming defeats the claim Petitioner filed a Notice of Removal in the Circuit Court on May 28, 2024; and the May 21, 2024 Docket of the proceedings proves beyond any reasonable doubt that Petitioner filed the Notice of Removal in the Circuit Court on May 20, 2024 at 11:31 p.m. Therefore the Circuit Court was divested of jurisdiction to enter Judgment and Award Possession on May 20, 2024 at 3:57 p.m.

As to the second issue the majority of the Federal District Courts have determined 28 U.S.C. § 1446(d) non-jurisdictional issues are curable. See *Christenson Media Group Inc. v. Lang Industries, Inc.*, Case No. 10-2505-JTM (D. Kan. Mar. 21, 2011) Defendant filed a Notice of Removal in the wrong county (Dickson instead of Johnson) subsequently Defendant filed in Johnson county court however the Notice of Removal filed in Johnson county was signed by an attorney not admitted to practice law in Kansas. Defendant engaged another attorney to correct the signature defect. The Federal District Court held the improper court filing was a “minor procedural defect” curable without remand. Removal was effective upon Federal filing, and refile in Circuit Court cured 28 U.S.C. § 1446(d) compliance. Reasoning 28 U.S.C. § 1446(d) only requires proper notice.

In *Michael Lang et. al. v. James Mattison, et. al.*, No. 6:13-038-DCR (District Court Eastern District of Kentucky Southern Division) the defendants assert that they filed a notice of removal with the Circuit Court on March 25, 2013, after realizing that they failed to do so when the action was first removed on February 20, 2013. They argued that any “concurrent jurisdiction” between the Circuit Court and this Court was cured once the notice of removal was filed with the Circuit Court. The requirement of notice to the Circuit Court “is an important part of the removal process and has been held necessary to

terminate the Circuit Court's jurisdiction." *Id.*, at p. 5, citing *Resolution Trust Corp. v. Nernberg*, 3 F.3d 62, 69 (3d Cir. 1993).

Other courts have denied similar motions to remand on the same basis, taking into account the "technical" nature of the defect, as long as the defendant has promptly cured the defect. *See, e.g., Fayre v. High's of Baltimore*, 541 F. Supp. 2d 752, 754 (D. Md. 2008) (denying motion to remand where the notice of removal was not filed with the Circuit Court because of the technical nature of the objection and the defendant's prompt curing of the defect); *see also Bohanna v. Hartford Life & Accident Ins. Co.*, 848 F. Supp. 2d 1009 (W.D. Mo. 2012) (stating that remand was not warranted due to the defendants' 67-day delay in filing the notice of removal with the Circuit Court). *See Michael Lang et. al. v. James Mattison, et. al.*, No. 6:13-038-DCR (District Court Eastern District of Kentucky Southern Division) at p. 5.

As to the Third issue, notwithstanding the alterations of the Circuit Court Docket, pursuant to the Supremacy Clause (United States Constitution Article VI, Sec. I, Clause 2) and Title 28 U.S.C. § 1446(d), the Circuit Court and the Appellate Court of Maryland were duty bound to halt all proceedings immediately upon Petitioner's presentation to the Clerk of the Circuit Court the Notice of Removal on May 20, 2024 at 11:31 a.m.

Title 28 U.S.C. § 1446(d) is non-discretionary the Circuit Court loses all jurisdiction to proceed immediately upon the filing of the petition (Notice of Removal) in the federal court and a copy in the Circuit Court.

The Maryland Courts are unwavering that under the Supremacy Clause state law must yield to federal law (see *Mayor & City Council of Baltimore v. BP P.L.C.*, 388 Md. 449 (2024); and *State v. Johnson*, 465 Md. 562, 585 (2019)).

Federal law controls the filing of a Notice of Removal and its effect upon state courts.

Title 28 U.S.C. § 1446(d) in relevant part states, “defendants shall give written notice thereof to all adverse parties **and shall file a copy of the notice with the clerk of such Circuit Court, which shall effect the removal and the Circuit Court shall proceed no further unless and until the case is remanded.**”

Title 28 U.S.C. § 1446(d) does not require the clerk of a Circuit Court to enter the defendants Notice of Removal on the docket, that’s a state function.

Title 28 U.S.C. § 1446(d) is clear once the defendant presents to the Clerk of the Circuit Court a copy of the notice of removal for filing the removal is effected and the Circuit Court shall proceed no further.

Title 28 U.S.C. 1446(d) is clear and has been affirmed by numerous **Courts of Record** that *immediately* upon a defendant’s presentation of a Notice of Removal to the clerk of a state court that state court is divested of jurisdiction and can proceed no further. The state court “Case Detail” (Docket) does not determine when jurisdiction of the state court terminates least the state court may delay the removal process by delaying the entry on the state court docket and impermissibly retain current jurisdiction in complete abeyance of the Supremacy Clause of the United States Constitution, Title 28 U.S.C. § 1446(d), and numerous court opinions. See *Molé v. Jutton*, 381 Md. 27 (2004); *Blundon v. Taylor*, 364 Md. 1, 11, 770 A.2d 658, 664 (2001); *South Carolina v. Moore*, 447 F.2d 1067, 1073 (4th Cir. 1971); *Fed. Nat’l Mortg. Ass’n v. Milasinovich*, 161 F. Supp. 3d 981, 1006 (D.N.M. 2016); and *Farm Credit Bank of St. Paul v. Rub*, 481 N.W.2d 451, at 456, (Feb. 20, 1992”).

REASON FOR GRANTING THE PETITION

Petitioner raises issues that are dispositive in determining when a State Court no longer retains jurisdiction and jurisdiction vest in the Federal District Court.

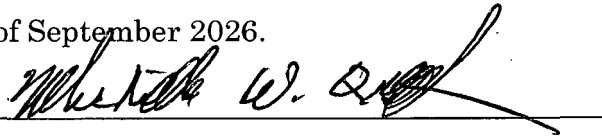
The Prince George's County Circuit Court and the Appellate Court of Maryland in the case *sub judice* have proceeded on the proposition that jurisdiction does not vest in the Federal District Court until the clerk of the Circuit Court enters the Notice of Removal on the Circuit Court "Case Detail" (Docket).

Petitioner declares the Supremacy Clause and the plain reading of the language in Title 28 U.S.C. § 1446(d) controls, and **immediately** upon Petitioner's presentation of the Notice of Removal to the clerk of the Circuit Court the State Court is divested of jurisdiction and must halt all court proceedings until remand.

CONCLUSION

Petitioner, Michelle Quarles, respectfully requests that this Court issue a Writ of Certiorari.

Respectfully submitted this 25 day of September 2026.

A handwritten signature in black ink, appearing to read "Michelle W. Quarles", is written over a horizontal line.

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