



**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF,  
THELMA M. ANDERSON  
STATE BAR CARD NO. 24091728**

§  
§  
§

**CAUSE NO. 71154**

**THE COMMISSION’S RESPONSE TO RESPONDENT’S MOTION TO ABATE AND  
STAY PROCEEDINGS, MOTION TO REMOVE JULY 31, 2026 HEARING, AND  
REQUEST FOR LIMITED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS**

COMES NOW, the Commission for Lawyer Discipline (“CFLD”), by and through the Office of the Chief Disciplinary Counsel of the State Bar of Texas, and files this response to Respondent, Thelma M. Anderson’s, MOTION TO ABATE AND STAY PROCEEDINGS, MOTION TO REMOVE JULY 31, 2026 HEARING, AND REQUEST FOR LIMITED FINDINGS OF FACT AND CONCLUSIONS OF LAW (hereinafter “Motion to Abate”), that was filed with the Board of Disciplinary Appeals (“BODA”) on or about June 8, 2026, and respectfully shows the Board as follows:

**BACKGROUND**

On or about December 4, 2025, Respondent was properly served with the CFLD’s Third Amended Petition for Compulsory Discipline<sup>1</sup> seeking compulsory discipline based upon Respondent's following conviction:

On or about March 5, 2025, a Judgment in a Criminal Case was entered in Cause No. 3:24-CR-00191-K(1), styled *United States of America v. Thelma Marshall Anderson*, in the United States District Court for the Northern District of Texas, Dallas Division, wherein Respondent pleaded guilty to Count 1 of the 3-Count Indictment,

<sup>1</sup> See paragraphs 4 and 5, of the “Order” entered by the Board of Disciplinary Appeals dated February 17, 2026. *In the matter of Thelma M. Anderson*  
Petitioner’s Response to Respondent’s Motion to Abate  
Page 1 of 12

filed on May 21, 2024, 18 U.S.C. §1343 Wire Fraud. The defendant was sentenced to probation for a term of four (4) years. Respondent was also ordered to pay restitution in the amount of \$20,871.

*See* Third Amended Petition, p. 6

On March 2, 2026, BODA entered an Interlocutory Order of Suspension (suspending Respondent from the practice of law) while she appealed her criminal conviction to the United States Court of Appeals for the Fifth Circuit (the “5<sup>th</sup> Circuit”). The Interlocutory Order of Suspension required the CFLD to monitor Respondent’s appeal and “promptly file an appropriate motion for entry of final judgment with Board should the criminal conviction be affirmed and become final.” Said order further set forth that the “Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. TEX. RULES DISCIPLINARY P. R. 8.04; TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(a); *In the Matter of Mercier*, 242 S.W.3D 46 (TEX. 2007).”

On April 20, 2026, the 5th Circuit dismissed Respondent’s appeal of her Judgment of Conviction in Cause No. No. 25-10467, *United States of America, Plaintiff-Appellee v. Thelma M. Anderson, Defendant-Appellant*, as frivolous. *See* CFLD’s Motion for Entry of Judgment of Disbarment. On May 11, 2026, the 5<sup>th</sup> Circuit issued its Judgment as Mandate. *Id.* Subsequently, the CFLD complied with BODA’s Interlocutory Order of Suspension by filing its Motion for Entry of Judgment of Disbarment on May 27, 2026. *See also*, TEX. RULES DISCIPLINARY P.R. 8.05; TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(b).

On June 8, 2026, Respondent filed her Motion to Abate, in which she acknowledged BODA’s Corrected Order dated June 1, 2026, requiring a “verified denial contesting finality.” *See* Motion to Abate, p. 2. Respondent stated that she “contests finality.” *Id.* However, her motion was not verified as required by Rule 8.05 of the Texas Rules of Disciplinary Procedure

(“TRDPs”). Additionally, Respondent asserts that a pending Motion to Vacate, Set Aside, or Correct Sentence, which she filed in the United States District Court for the Northern District of Texas in Case No. 3:26-cv-01717-K<sup>2</sup> precludes finality of her criminal conviction and prevents BODA from entering a final judgment. However, said filing is not a part of Anderson’s direct appeal of her criminal conviction and does not affect the *finality* of such conviction, as explained further below.

Here, the 5<sup>th</sup> Circuit’s Judgment issued as a Mandate entered against Respondent, concludes the direct appeal of her criminal conviction. *See* TX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(a), (b). Pursuant to the Rules a final judgment of compulsory discipline is now required. TEX. RULES DISCIPLINARY P.R. 8.05, 8.06.

## **ARGUMENTS AND AUTHORITIES**

### **I. TRDPs Part VIII – Compulsory Discipline.**

The compulsory discipline procedures apply “[W]hen an attorney licensed to practice law in Texas has been convicted of an Intentional Crime or has been placed on probation for an Intentional Crime with or without an adjudication of guilt...” TEX. RULES DISCIPLINARY P. R. 8.01. An Intentional Crime includes “(1) any Serious Crime that requires proof of knowledge or intent as an essential element.” TEX. RULES DISCIPLINARY P. R. 1.06(T). A Serious Crime includes “any felony involving moral turpitude.” TEX. RULES DISCIPLINARY P. R. 1.06(AA).

The compulsory discipline process begins when the Chief Disciplinary Counsel is mandated to file a petition for compulsory discipline with BODA. TEX. RULES DISCIPLINARY P. R. 8.01, 8.03. BODA is responsible for determining all questions of law and fact associated with such

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<sup>2</sup> Respondent incorrectly identifies the case number as 3:26-cv-726-K. That case was terminated on March 24, 2026 because the motion was filed prematurely. *See* Exhibit 1. On May 27, 2026, Respondent refiled the motion under the original criminal case, 3:24-cr-00191-K-1, and a new civil case was opened and number as 3:26-cv-01717. *See* Exhibit 2.

petition. TEX. RULES DISCIPLINARY P. R. 8.04. However, the issue of a respondent attorney's guilt may not be relitigated as "[t]he record of conviction or order of deferred adjudication is conclusive evidence of the attorney's guilt." TEX. RULES DISCIPLINARY P. R. 8.02.

BODA's functions in a compulsory discipline matter are essentially limited to determining whether the respondent attorney is subject to compulsory discipline<sup>3</sup> and, if so, what discipline is appropriate. TEX. RULES DISCIPLINARY P. R. 8.04-.06; *In re Caballero*, 272 S.W.3d 595, 598 (Tex. 2008). During the appeal of an attorney's conviction, BODA **must** enter an interlocutory order of suspension. TEX. RULES DISCIPLINARY P. R. 8.04; *In re Mercier*, 242 S.W.3d 46, 47 (Tex. 2007) (per curiam).<sup>4</sup> And when an attorney is subject to compulsory discipline, suspension or disbarment is **mandatory** once his conviction becomes final. TEX. RULES DISCIPLINARY P. R. 8.05; *Mercier*, 242 S.W.3d at 47-48.

If an attorney's sentence is not fully probated, BODA **must** disbar the attorney. TEX. RULES DISCIPLINARY P. R. 8.05, 8.06; *Caballero*, 272 S.W.3d at 599. Thus, pursuant to the TRDPs, disbarment takes place in that situation once: (1) the conviction is final; (2) the CFLD files a motion; and (3) the attorney has had an opportunity to contest finality. TEX. RULES DISCIPLINARY P. R. 8.05; *Mercier*, 242 S.W.3d at 48. If an attorney is convicted of a Serious Crime, *i.e.* a felony of moral turpitude, and the sentence is fully probated, BODA may, in its discretion, suspend the attorney's license during the term of probation. TEX. RULES DISCIPLINARY P. R. 8.05, 8.06; *Caballero*, 272 S.W.3d at 599-601.

**II. Respondent has not effectively challenged the finality of her criminal conviction, nor can she.**

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<sup>3</sup> To determine if the attorney is subject to compulsory discipline, BODA must determine whether the attorney is the person named in the criminal proceeding and whether the conviction or deferred adjudication resulted from an Intentional Crime. TEX. RULES DISCIPLINARY P. R. 8.04.

<sup>4</sup> Here, the Board entered its Interlocutory Order of Suspension against Anderson on March 2, 2026.

Respondent has not timely filed a verified denial contesting the finality of her criminal conviction, as alleged by the Commission in its motion for entry of judgment of disbarment. TRDP 8.05 provides in pertinent part:

If the attorney's license to practice law has been suspended during the appeal of a criminal conviction, the Chief Disciplinary Counsel shall file a motion for final judgment of disbarment with the Board of Disciplinary Appeals. If the motion is supported by affidavits or certified copies of court documents showing that the conviction has become final, the motion **shall be granted without hearing, unless within ten days** following the service of the motion pursuant to Rule 21a of the Texas Rules of Civil Procedure, upon the attorney so convicted or his or her attorney of record, the attorney so convicted files a **verified denial** contesting the finality of the judgment, in which event the Board of Disciplinary Appeals will immediately conduct a hearing to determine the issue. (emphasis added).

The CFLD filed its Motion for Entry of Judgment of Disbarment on May 27, 2026, as directed in BODA's Interlocutory Order of Suspension. *See also*, TEX. RULES DISCIPLINARY P.R. 8.05; TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(b). Because Respondent did not file a verified denial contesting finality, BODA must grant the Commission's motion without hearing.

### **III. Respondent's Criminal Conviction is Final for Purposes of Compulsory Discipline.**

Respondent voluntarily pled guilty and was convicted of an Intentional and Serious Crime – 18 U.S.C. §1343 (Wire Fraud). *See* Interlocutory Order of Suspension.

*A. The compulsory discipline rules allow for interlocutory suspension only during the "appeal" of the conviction.*

Two rules are implicated in this case – TRDP 8.04 and 8.05. TRDP 8.04 states that “ When an attorney has been convicted of an Intentional Crime or has been placed on probation for an Intentional Crime without an adjudication of guilt, he or she shall be suspended as an attorney licensed to practice law in Texas during the appeal of the conviction or the order of deferred adjudication. TEX. R. DISCIPLINARY P.R. 8.04.

And TRDP 8.05 states:

When an attorney has been convicted of an Intentional Crime, and that conviction has become final, or the attorney has accepted probation with or without an adjudication of guilt for an Intentional Crime, the attorney shall be disbarred unless [BODA], under Rule 8.06, suspends his or her license to practice law. If the attorney's license to practice law has been suspended during the appeal of the criminal conviction, the [CDC] shall file a motion for final judgment of disbarment with [BODA]. If the motion is supported by affidavits or certified copies of court documents showing that the conviction has become final, the motion shall be granted without hearing, unless within ten days following the service of the motion ... upon the attorney so convicted ... the attorney so convicted files a verified denial contesting the finality of the judgment, in which event [BODA] will immediately conduct a hearing to determine the issue...

-- TEX. RULES DISCIPLINARY P.R. 8.05.

Per TRDPs 8.04 and 8.05, an attorney convicted of an Intentional Crime is placed on interlocutory suspension during an appeal of such conviction. If the conviction is set aside or reversed, the interlocutory suspension terminates. TEX. RULES DISCIPLINARY P.R. 8.04; see also, TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(c). But if the conviction is **not** set aside or reversed and instead becomes final, BODA must enter a final judgment disbaring or suspending the attorney. TEX. RULES DISCIPLINARY P.R. 8.05, 8.06; TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(b).

*B. Respondent exhausted her right to direct appeal of the Criminal Conviction, so her conviction is final.*

Respondent does not dispute that she was convicted of an Intentional and Serious Crime for the purposes of compulsory discipline. Instead, she argues that BODA should not enter the proposed Judgment of Disbarment, because she is also attacking the Judgment of a Criminal Case, that was entered against her on March 5, 2025, via a motion filed under 28 U.S.C. §2255.

As noted above, the disciplinary rules provide for the interlocutory suspension of a convicted attorney's law license only during an *appeal* of the attorney's conviction. That is what

happened in this case. Further, BODA's internal procedural rules, approved by the Texas Supreme Court, state in relevant part:

In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the **direct appeal** of the criminal conviction is final. *For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.*

-- TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(a) (emphasis added).<sup>5</sup>

That is, it is only the continued pendency of the *direct* appeal of the respondent attorney's criminal conviction that will serve to delay the entry of final judgment in a compulsory discipline matter. *Id.*; *see also*, TEX. RULES DISCIPLINARY P.R. 8.05. And under BODA's IPRs, Respondent's *direct* appeal became final for the purposes of compulsory discipline on May 11, 2026, when the 5<sup>th</sup> Circuit issued its mandate.

Respondent's pending 28 U.S.C. §2255 proceeding is a *collateral* attack on her criminal conviction and not a *direct* appeal. *See e.g.*, *United States v. Plascencia*, 537 F.3d 385 (5<sup>th</sup> Cir. 2008); *United States v. Thomas*, 203 F.3d 350 (5<sup>th</sup> Cir. 2000); *United States v. Cervantes*, 132 F.3d 1106 (5<sup>th</sup> Cir. 1998).<sup>6</sup> And that *collateral* attack on Respondent's criminal conviction is not part of her *direct* appeal and does not serve to extend her interlocutory suspension or to prevent the Board from entering its final judgment of compulsory discipline, as required.. TEX. RULES DISCIPLINARY P.R. 8.05, 8.06; TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 6.02(b).

Here, the direct review of Respondent's criminal conviction ended, and her criminal conviction became final, with the 5<sup>th</sup> Circuit's issuance of its Judgment as Mandate dismissing her appeal, on May 11, 2026. In similar circumstances involving federal criminal convictions, BODA

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<sup>5</sup> The version of BODA's Internal Procedural Rules applicable to this compulsory discipline matter includes amendments effective as of Feb. 19, 2015.

<sup>6</sup> While not technically a habeas corpus proceeding, §2255 proceedings serve a similar purpose, allowing federal prisoners to *collaterally* challenge the legality of their detention/sentence, post-conviction. *Id.*

has held that such convictions are final for the purposes of compulsory discipline when such direct review has ended. *See, e.g., In re Rosenthal*, BODA Case No. 53873 (May 2, 2016) [Exhibit 3]; *In re Aldridge*, BODA Case No. 49053 (July 30, 2014) [Exhibit 4].

#### **IV. BODA has the discretion to disbar or suspend Respondent.**

In compulsory discipline cases involving fully probated sentences, the Texas Supreme Court has said that “BODA has the discretion to disbar or suspend.” *In re Caballero*, 272 S.W.3d 595, 601. In exercising its discretion, BODA has analyzed the evidence presented at the compulsory hearing and applied the evidence to the factors described in *In re Filippov*, BODA Case No. 30611, *aff’d*, 040151 (Tex. June 18, 2004). BODA applied the aforementioned factors in a case styled *In the Matter L. Issasi*, BODA Case No. 57699, (May 8, 2017). That case is instructive.

The evidence or lack of evidence at the compulsory hearings held on February 12 and 26, 2026 apply to the following factors:

##### **1. Whether the crime was directly related to the attorney’s practice of law.**

Based on the criminal documents on file, Respondent agreed to voluntarily plead guilty to wire fraud under 18 U.S.C. §1343 after falsifying tax documents to obtain a Paycheck Protection Program loan from the Small Business Administration for her side business while employed as an Assistant District Attorney in Dallas, Texas.

##### **2. The conduct of the attorney at the compulsory proceeding.**

As noted in the Interlocutory Order of Suspension issued on March 2, 2026, at the Zoom hearing held on February 12, 2026, “Respondent [] repeatedly sought to delay the hearing and the Board’s decision in this disciplinary matter through last-minute filings and tactics.” *See* ¶ 7. Additionally, Respondent claimed that her computer was “stuck” and asked for a break. While on

the break, “BODA received an e-file notice indicating that Respondent had just filed a petition for writ of mandamus seeking to have a Dallas County district court order the disciplinary proceedings abated, during the time when Respondent’s computer was purportedly not working.” See ¶ 7(k). Respondent did not rejoin the Zoom meeting.

On February 26, 2026, BODA held a second hearing. Respondent did not attend.

Importantly, BODA concluded that “[t]hroughout this case, Respondent [] never presented argument as to the question that Texas Rule of Disciplinary Procedure 8.04 requires that Board to answer in this matter – whether a conviction for violation of 18 U.S.C. §1343, Wire Fraud, constitutes an Intentional Crime as defined by Texas Rule of Disciplinary Procedure 1.06(v).” See ¶ 8.

**3. Whether the attorney has complied with the terms and conditions of her probation.**

Respondent has not completed her probation. Respondent did not submit any evidence that she has complied with the terms and conditions of her probation.

**4. The attorney’s efforts at rehabilitation.**

Respondent did not submit any evidence regarding her efforts to rehabilitate.

**5. The attorney’s credibility under oath.**

As noted in paragraph 2, *supra*, Respondent’s actions raised questions about her credibility.

**6. Whether the attorney accepts responsibility for her past actions.**

Respondent did not testify that she accepted responsibility for her actions.

**7. Any prior discipline imposed on the attorney.**

No evidence was presented at the compulsory hearings regarding Respondent’s disciplinary history.

**8. Seriousness of and circumstances surrounding the attorney’s conduct.**

Respondent falsified tax documents and was convicted after she voluntarily plead guilty to wire fraud under 18 U.S.C. §1343. Wire fraud is an Intentional and Serious Crime that directly affects the integrity of the legal system.

**9. The loss or damage to clients.**

No evidence was presented at the compulsory hearings regarding this factor.

**10. Damage to the profession.**

The evidence presented at the hearing revealed that Respondent was convicted of an Intentional and Serious Crime that harmed the integrity of the legal profession. Furthermore, Respondent's conduct at the February 12, 2026 hearing and her lack of attendance at the February 26, 2026 hearing revealed a lack of respect for the legal profession and the disciplinary process.

**11. Assurances that those seeking legal services in the future will be insulated from this misconduct.**

Respondent did not provide any assurances to the Board that future clients would be insulated from her misconduct.

**12. Profit to the attorney.**

The record shows that Respondent illegally obtained a loan for \$20,871 from the Small Business Administration and used it for personal expenses. Respondent was ordered to pay restitution for the same amount.

**13. Avoidance of repetition.**

Respondent did not provide any evidence regarding this factor.

**14. The deterrent effect on others.**

No evidence was presented at the compulsory hearings regarding this factor.

**15. The maintenance and respect for the legal profession.**

Respondent's conviction of an Intentional and Serious Crime (wire fraud), her refusal to accept responsibility for her criminal conduct, her efforts to delay and impede the compulsory proceedings, her behavior at the February 12, 2026, hearing, and her lack of attendance at the February 25, 2026, hearing all indicate a lack of respect for the legal profession.

**CONCLUSION**

The CFLD requests that BODA deny Respondent's MOTION TO ABATE AND STAY PROCEEDINGS, MOTION TO REMOVE JULY 31, 2026 HEARING, AND REQUEST FOR LIMITED FINDINGS OF FACT AND CONCLUSIONS OF LAW in all respects, and enter a final judgment of compulsory discipline in this matter as requested.

Respectfully submitted,

**SEANA WILLING**  
Chief Disciplinary Counsel

**RAMIRO CANALES**  
Assistant Disciplinary Counsel

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*/s/ Ramiro Canales*  
**RAMIRO CANALES**  
State Bar Card No. 24012377

**ATTORNEYS FOR PETITIONER**

**CERTIFICATE OF SERVICE**

I, Ramiro Canales, certify that a true copy of the above the Commission's Response to Respondent's MOTION TO ABATE AND STAY PROCEEDINGS, MOTION TO REMOVE JULY 31, 2026 HEARING, AND REQUEST FOR LIMITED FINDINGS OF FACT AND CONCLUSIONS OF LAW has been served via electronic mail on this 12th day of June, 2026, to the following: [thelma.anderson10@gmail.com](mailto:thelma.anderson10@gmail.com)

*/s/ Ramiro Canales*  
**RAMIRO CANALES**



**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:26-cv-00726-K**

Anderson v. USA  
Assigned to: Judge Ed Kinkeade  
Related Case: 3:24-cr-00191-K-1  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 03/06/2026  
Date Terminated: 03/24/2026  
Jury Demand: None  
Nature of Suit: 510 Prisoner Pet: Motions to Vacate Sentence  
Jurisdiction: U.S. Government Defendant

**Petitioner**

**Thelma Marshall Anderson**

represented by **Thelma Marshall Anderson**  
3416 Country Club Drive W #122  
Irving, TX 75038  
318-572-0332  
PRO SE

V.

**Respondent**

**USA**

Date Filed	#	Docket Text
03/06/2026	<u>1</u>	MOTION to Vacate under 28 U.S.C. 2255 (Criminal Case Number 3:24-cr-191-K) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information - Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. ***FILED USING EMERGENCY FILING EMAIL*** (chmb) (Entered: 03/10/2026)
03/11/2026	<u>2</u>	Notice and Instruction to Pro Se Party (ykp) (Entered: 03/11/2026)
03/11/2026		***Clerk's Notice of delivery: (see NEF for details) Docket No:2. Wed Mar 11 12:48:31 CDT 2026 (crt) (Entered: 03/11/2026)
03/24/2026	<u>3</u>	MEMORANDUM OPINION AND ORDER -Before the Court is Movant Thelma Marshall Anderson pro se motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Based on the relevant filings and applicable law, the Motion is DISMISSED without prejudice as premature. (Ordered by Judge Ed Kinkeade on 3/24/2026) (chmb) (Entered: 03/24/2026)
03/24/2026	<u>4</u>	JUDGMENT - This action came on for consideration by the court, and the issues having been duly considered and a decision duly rendered, it is ORDERED, ADJUDGED, and DECREED that the motion to vacate sentence under 28 U.S.C. § 2255 is DISMISSED as

	premature without prejudice to re-filing once Movant's conviction and sentence become final. (Ordered by Judge Ed Kinkeade on 3/24/2026) (chmb) (Entered: 03/24/2026)
03/25/2026	***Clerk's Notice of delivery: (see NEF for details) Docket No:3, 4. Wed Mar 25 10:28:16 CDT 2026 (crt) (Entered: 03/25/2026)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/11/2026 11:31:07			
<b>PACER Login:</b>	rcanales	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:26-cv-00726-K
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10



**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:26-cv-01717-K**

Anderson v. USA  
Assigned to: Judge Ed Kinkeade  
Related Case: 3:24-cr-00191-K-1  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 05/27/2026  
Jury Demand: None  
Nature of Suit: 510 Prisoner Pet: Motions to Vacate Sentence  
Jurisdiction: U.S. Government Defendant

**Petitioner**

**Thelma Marshall Anderson**

represented by **Thelma Marshall Anderson**  
3416 Country Club Drive W #122  
Irving, TX 75038  
318-572-0332  
PRO SE

V.

**Respondent**

**USA**

Date Filed	#	Docket Text
05/27/2026		New Case Notes: A filing fee is not due for this case. Case received over counter or electronically. No prior sanctions found. (For court use only - links to the <u>national</u> and <u>circuit</u> indexes.) (rekc) (Entered: 05/27/2026)
05/27/2026	<u>1</u>	Notice and Instruction to Pro Se Party (rekc) (Entered: 05/27/2026)
05/27/2026		***Clerk's Notice of delivery: (see NEF for details) Docket No:1. Wed May 27 14:28:03 CDT 2026 (crt) (Entered: 05/27/2026)
05/27/2026	<u>2</u>	MOTION to Vacate under 28 U.S.C. 2255 (Criminal Case Number 3:24-cr-191-K) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. ***FILED USING EMERGENCY FILING EMAIL*** (rekc) (Entered: 05/27/2026)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/11/2026 11:42:37			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:26-cv-01717-K
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10



**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

<b>IN THE MATTER OF MARC G. ROSENTHAL STATE BAR CARD NO. 17281450</b>	§ § §	<b>CAUSE NO. 53873</b>
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**JUDGMENT OF DISBARMENT**

On the 29th day of April, 2016, the Board of Disciplinary Appeals heard the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Marc G. Rosenthal. Petitioner appeared by counsel and announced ready. Respondent was duly served with the motion by personal service and had notice of the hearing but did not appear. Respondent’s counsel represented to the Board that Respondent did not oppose the entry of final judgment of disbarment.

The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”).
- (2) The United States Court of Appeals for the Fifth Circuit affirmed Respondent, Marc G. Rosenthal’s, criminal conviction in Case No. 13-41329 and entered a Judgment Issued as Mandate indicating that the decision was final on or about November 5, 2015.
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about March 4, 2016, and served same on Respondent in accordance with TRDP 8.05.

- (4) Respondent's conviction for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Southern District of Texas, Holding Session in Brownsville, has become final and is not subject to further direct appeal.
- (5) Respondent's criminal sentence was not fully probated.
- (6) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

### **Interlocutory Suspension**

On the 11th day of April 2014, the Board of Disciplinary Appeals entered an Agreed Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Marc G. Rosenthal, whose State Bar Card number is 17281450, is licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about August 16, 2011, Respondent was charged by Indictment with Count 1 – Conspiracy to Participate in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity, in violation of 18 U.S.C. §1962(d), Count 2 – Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 3 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 4 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 5 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 6 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 7 - Tampering with Witness and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(b)(1) and 2, Count 8 - Tampering with Official Proceeding by False Affidavit, in violation of 18 U.S.C. §§ 1512(c)(2) and 2, Count 9 - Tampering with Official Proceeding by Perjured Testimony, in violation of 18 U.S.C. §§ 1512(c)(2) and 2, Count 10 - Extortion (Under Color of Official Right) and Aiding and Abetting, in violation of 18 U.S.C. §§ 1951 and 2, Count 11 - Honest Services Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341, 1346, and 2, Count 12 - Honest Services Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§ 1341, 1346, and 2, and Count 13 - Honest Services Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341, 1346, and 2, in Cause No. B-11-743, styled *United States of America v. Marc Garrett Rosenthal*, in the United States District Court for the Southern District of Texas, Brownsville Division.

- (3) On or about February 13, 2014, a Judgment in a Criminal Case was entered in Case No. 1:11CR00743-001, styled *United States of America v. Marc Garrett Rosenthal*, in the United States District Court for the Southern District of Texas, Holding Session in Brownsville, wherein Respondent was found guilty of Count 1 - Conspiracy to Participate in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity, Count 2 - Mail Fraud and Aiding and Abetting, Count 3 - Mail Fraud and Aiding and Abetting, Count 4 - Mail Fraud and Aiding and Abetting, Count 5 - Mail Fraud and Aiding and Abetting, Count 7 - Tampering with Witness and Aiding and Abetting, Count 8 - Tampering with Official Proceeding by False Affidavit, Count 9 - Tampering with Official Proceeding by Perjured Testimony, Count 10 - Extortion (Under Color of Official Right) and Aiding and Abetting, Count 11 - Honest Services Mail Fraud and Aiding and Abetting, and Count 12 - Honest Services Mail Fraud and Aiding and Abetting, and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of two hundred forty (240) months on each count, to be served concurrently. Respondent was ordered upon release from imprisonment to be on supervised release for three (3) years on each count, to be served concurrently, ordered to perform 200 hours of community service, ordered to pay an assessment of \$1,100.00 and restitution of \$13,288,984.50.
- (4) Respondent, Marc G. Rosenthal, is the same person as the Marc Garrett Rosenthal who is the subject of the criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G).
- (7) Respondent, Marc G. Rosenthal, having been convicted of Conspiracy to Participate in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity; Mail Fraud and Aiding and Abetting; Mail Fraud and Aiding and Abetting; Mail Fraud and Aiding and Abetting; Mail Fraud and Aiding and Abetting; Tampering with Witness and Aiding and Abetting; Tampering with Official Proceeding by False Affidavit; Tampering with Official Proceeding by Perjured Testimony; Extortion (Under Color of Official Right) and Aiding and Abetting; Honest Services Mail Fraud and Aiding and Abetting; and Honest Services Mail Fraud and Aiding and Abetting, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).

- (8) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (9) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, Marc G. Rosenthal, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (10) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

### **Disbarment**

The Board has determined that Respondent, having been convicted of Intentional Crimes and having been sentenced to a term of imprisonment, should be disbarred. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Marc G. Rosenthal, State Bar No. 17281450, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Marc G. Rosenthal, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Marc G. Rosenthal, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, of the style and cause

Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Marc G. Rosenthal, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail copies of all notification letters to clients to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Marc G. Rosenthal, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this   **2**   day of May 2016.



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**CHAIR PRESIDING**



**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

<b>IN THE MATTER OF</b>	§	
<b>VINCENT W. ALDRIDGE</b>	§	<b>CAUSE NO. 49053</b>
<i>State Bar of Texas Card No. 00793244</i>	§	

**JUDGMENT OF DISBARMENT**

On the 25th day of July 2014, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Vincent W. Aldridge. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rule of Disciplinary Procedure 8.05 (“TRDP”).
- (2) The United States Court of Appeals for the Fifth Circuit affirmed Respondent, Vincent W. Aldridge’s, criminal conviction in Cause NO. 11-20516 and issued its Judgment issued as Mandate indicating that the decision was final on or about February 12, 2014.
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on June 5, 2014, and Respondent was served with the Motion and hearing notice by a Dallas County Deputy Sheriff on June 19, 2014 in accordance with TRDP 8.05.
- (4) Respondent Aldridge, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default.
- (5) Respondent’s conviction for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Southern District of Texas, Houston Division, has become final and is not subject to further direct appeal.
- (6) Respondent having been convicted of Intentional Crimes and been sentenced to a term of imprisonment, Respondent’s criminal sentence is not fully

probated.

- (7) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

### **Interlocutory Suspension**

Following a hearing on the 27th day of September 2011, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Vincent W. Aldridge, appeared and announced ready, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about September 29, 2011, which included the following findings of fact and conclusions of law:

- (1) Respondent, Vincent W. Aldridge, whose State Bar Card number is 00793244, is licensed and authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about March 25, 2010, Respondent was charged by Indictment with Count One - Conspiracy to Commit Mail Fraud and Wire Fraud; Counts Two through Twelve - Aiding and Abetting Wire Fraud; Count Thirteen - Conspiracy to Engage in Monetary Transactions in Criminally Derived Property; Counts Fourteen through Nineteen - Aiding and Abetting Engaging in Monetary Transaction in Criminally Derived Property in Cause No. H-10-185, styled *United States of America v. Vincent Wallace Aldridge, Tori Elyse Aldridge and Gilbert Barry Isgar*, in the United States District Court for the Southern District of Texas, Houston Division.
- (3) On or about July 26, 2011, a Judgment in a Criminal Case was entered in Case No. 4:10CR00185-001, styled *United States of America v. Vincent Wallace Aldridge*, in the United States District Court for the Southern District of Texas, Houston Division, wherein Respondent was found guilty of Count 1 - Conspiracy to Commit Mail Fraud and Wire Fraud; Counts 2 through 12 - Aiding and Abetting Wire Fraud; Count 13 - Conspiracy to Engage in Monetary Transaction in Criminally Derived Property; and Counts 14 through 19 - Aiding and Abetting Engaging in Monetary Transactions in Criminally Derived Property and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of sixty-three (63) months and ordered upon release from imprisonment to be on supervised release for three (3) years, ordered to pay an assessment of \$1,900.00 and a fine of \$891,000.00.

- (4) Respondent, Vincent W. Aldridge, is the same person as the Vincent Wallace Aldridge who is the subject of the Aldridge criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure 7.08(g) (“TRDP”).
- (7) Respondent, Vincent W. Aldridge, having been convicted of Conspiracy to Commit Mail Fraud and Wire Fraud; Aiding and Abetting Wire Fraud; Conspiracy to Engage in Monetary Transaction in Criminally Derived Property; and Aiding and Abetting Engaging in Monetary Transactions in Criminally Derived Property, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (8) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (9) Having been convicted of Intentional and Serious Crimes and having appealed said conviction, Respondent, Vincent W. Aldridge, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (10) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

### **Disbarment**

It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Vincent W. Aldridge, State Bar No. 00793244, be and he is hereby DISBARRED from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Vincent W. Aldridge, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to

others or using his name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further ORDERED that Respondent, Vincent W. Aldridge, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Vincent W. Aldridge, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent’s affidavit shall state with particularity the

efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Vincent W. Aldridge, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 30<sup>th</sup> day of July 2014.

  
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CHAIR PRESIDING