



FILED

Jun 08 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

**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

**RESPONDENT 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 BOARD OF DISCIPLINARY APPEALS:

COMES NOW Respondent files this Motion to Abate and Stay Proceedings, Motion to Remove the July 31, 2026, Hearing, and Request for Limited Findings of Fact and Conclusions of Law. Respondent respectfully requests that the Board abate and stay this proceeding, remove the July 31, 2026, hearing setting, and suspend any further action on the Commission for Lawyer Discipline's Motion for Entry of Judgment of Disbarment until the threshold issues affecting finality, jurisdiction, service, notice, and due process are resolved.

I. INTRODUCTION

The Commission seeks final disbarment while ignoring the unresolved constitutional and procedural issues that directly affect whether final judgment may properly be entered. Respondent has a pending federal Motion to Vacate under 28 U.S.C. § 2255 challenging the constitutional validity of the underlying conviction. That conviction is the predicate for the Commission's requested disbarment.

Respondent does not contend that the mere filing of a § 2255 motion automatically vacates the conviction. Respondent's position is that the conviction remains under active constitutional attack and that the Board should not proceed to final disbarment while refusing to address a pending federal proceeding that directly challenges the judgment upon which disbarment is sought.

The Commission has relied on selected federal records from PACER, including judgment and mandate materials, while failing to address the pending § 2255 proceeding appearing in the same federal record system. Respondent has attached Exhibit A, which confirms that the Motion to Vacate was filed in the United States District Court for the Northern District of Texas and opened as Civil Action No. 3:26-cv-726-K.

A stay is warranted to preserve the status quo, prevent irreparable prejudice, avoid inconsistent rulings, and allow the threshold federal, jurisdictional, and due process issues to be resolved before any final judgment of disbarment is considered.

II. FACTUAL BACKGROUND

On May 27, 2026, the Commission filed its Motion for Entry of Judgment of Disbarment and set that motion for hearing on July 31, 2026. The Commission's motion relies on federal court documents it contends establish finality based on the Fifth Circuit's mandate.

On June 1, 2026, the Board entered a Corrected Order Denying Respondent's Motions. The Order denied Respondent's objections and left the July 31, 2026, hearing setting in place. The Order further states that if Respondent files a verified denial contesting finality, the matter will remain on the hearing docket for a determination of finality.

Respondent contests finality, jurisdiction, service, notice, and due process.

Respondent has also filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 *U.S.C.* § 2255 in the United States District Court for the Northern District of Texas. The federal court confirmed that the pleading was filed as Docket No. 41 and opened Civil Action No. 3:26-cv-726-K. See Exhibit A.

The pending § 2255 motion challenges the conviction on constitutional grounds. It is not a routine filing. It is a federal post-conviction procedure by which a criminal defendant seeks to vacate, set aside, or correct a judgment on constitutional, jurisdictional, or other fundamental grounds.

Respondent further continues to object to the disciplinary proceedings on procedural and constitutional grounds, including lack of personal jurisdiction, defective service, insufficient notice, late-produced jurisdictional materials, disputed discovery documents, denial of a meaningful opportunity to be heard, medical unavailability, and denial of continuance.

III. ARGUMENT

A. A stay is warranted because the underlying conviction remains subject to active federal constitutional attack.

The Commission seeks final disbarment on the theory that Respondent's conviction is final. But finality cannot be treated as a mechanical label that permits the Commission or the Board to ignore an active federal constitutional challenge to the judgment itself.

Respondent's pending § 2255 motion directly attacks the constitutional validity of the conviction being used as the basis for disbarment. If the federal court grants relief, the

conviction, sentence, or judgment relied upon by the Commission may be vacated, set aside, corrected, modified, or otherwise altered.

A stay is appropriate where proceeding would create a substantial risk of inconsistent results, unnecessary litigation, irreparable harm, or prejudice. Proceeding now would risk final disciplinary action based on a conviction that remains under active constitutional review.

The disciplinary process should not be used to outrun or foreclose the adjudication of Respondent's pending federal constitutional challenge.

B. Texas Rule of Disciplinary Procedure 8.05 and the Board's own order recognize that finality must be determined when contested.

Under Texas Rule of Disciplinary Procedure 8.05, when finality is contested, the Board must determine finality before entering final judgment. The Board's June 1, 2026, Corrected Order likewise recognizes that the matter remains on the hearing docket if Respondent files a verified denial contesting finality.

Respondent contests finality.

The Board cannot simultaneously recognize that finality is subject to determination while treating finality as conclusively established. Because Respondent has identified a pending § 2255 proceeding directly challenging the validity of the conviction, the prudent and constitutionally sound course is to abate and stay the proceeding until the federal constitutional challenge and related threshold issues are resolved.

C. The Commission has presented an incomplete federal record.

The Commission relied on federal judgment materials, appellate materials, mandate materials, and probation-related documents. The Commission plainly accessed PACER and used the federal docket when it supported the requested disbarment.

However, the Commission failed to meaningfully disclose or address the pending § 2255 proceeding, despite that proceeding being part of the same federal record system. Exhibit A confirms that Respondent's Motion to Vacate was filed and that the federal court opened Civil Action No. 3:26-cv-726-K.

The Commission cannot selectively present federal records supporting disbarment while ignoring federal records showing an active constitutional attack on the judgment itself.

This omission is material because the § 2255 motion directly challenges the conviction that serves as the predicate for final disbarment.

D. Proceeding now would create avoidable prejudice, risk inconsistent results, and undermine judicial economy.

If the Board proceeds now, it risks entering final discipline based on a conviction that may later be disturbed in federal court. That would create unnecessary additional litigation and may require the parties and the Board to revisit any final judgment entered before the federal constitutional challenge is resolved.

A stay avoids that problem. It preserves the status quo, conserves resources, prevents avoidable prejudice, and protects Respondent from irreversible professional consequences before the constitutional validity of the underlying conviction has been fully adjudicated.

E. Respondent's jurisdictional, service, notice, and due process objections further support abatement.

Respondent has consistently challenged the legitimacy of the disciplinary proceedings on constitutional and procedural grounds.

Respondent continues to contest:

1. Whether lawful service was accomplished;
2. Whether BODA acquired personal jurisdiction;
3. Whether notice was constitutionally sufficient;
4. Whether Respondent received a meaningful opportunity to be heard;
5. Whether the denial of continuance during Respondent's medical leave violated due process;
6. Whether disputed jurisdictional and discovery materials were improperly relied upon;
7. Whether the Commission's finality presentation was incomplete; and
8. Whether final disbarment is premature while the § 2255 proceeding remains pending.

These issues go to the legitimacy of the proceedings themselves. The Board should not advance to final disbarment while these objections remain unresolved, there is a pending appeal with the Supreme Court of Texas and the pending motion that has been filed with the federal court since March 5, 2026.

F. The requested relief is limited and narrowly tailored.

Respondent does not seek dismissal of the disciplinary proceeding through this motion.

Respondent seeks only to abate and stay the proceeding, remove the July 31, 2026, hearing, and suspend any final-disbarment action until the pending § 2255 proceeding and related threshold issues are resolved.

This relief preserves the Board's authority to act later if appropriate while preventing premature final action now.

G. In the alternative, Respondent requests limited findings of fact and conclusions of law.

If the Board declines to abate or stay these proceedings and declines to remove the July 31, 2026, hearing, Respondent alternatively requests limited Findings of Fact and Conclusions of Law addressing only the material issues the Board has not resolved.

Respondent specifically requests findings of fact identifying:

1. Whether the Board considered Exhibit A establishing that Respondent's Motion to Vacate pursuant to 28 U.S.C. § 2255 was filed in the United States District Court for the Northern District of Texas and opened as Civil Action No. 3:26-cv-726-K;
2. Whether the Board considered Respondent's pending § 2255 Motion to Vacate and the effect, if any, that proceeding has on the Board's determination of finality;
3. Whether the Board considered Respondent's objection that the Commission presented an incomplete federal record by relying upon selected PACER documents while failing to disclose or address the pending § 2255 proceeding;
4. The legal basis for denying relief despite Respondent's pending constitutional challenge to the underlying conviction that has been pending since March 5, 2026 and reactivated.

Without these limited findings, Respondent cannot determine whether the Board considered these issues, rejected these issues, or failed to address them. These findings are necessary to preserve the record and permit meaningful appellate review.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent Thelma M. Anderson respectfully prays that the Board of Disciplinary Appeals:

1. Grant Respondent's Motion to Abate and Stay Proceedings;
2. Remove the July 31, 2026, hearing setting;
3. Suspend any further action on the Commission for Lawyer Discipline's Motion for Entry of Judgment of Disbarment until Respondent's pending 28 U.S.C. § 2255 proceeding is resolved and the threshold issues affecting finality, jurisdiction, service, notice, and due process are determined;
4. Deny the Commission's request to proceed to final judgment of disbarment currently
5. Consider Exhibit A as evidence that Respondent's § 2255 Motion to Vacate was filed in the United States District Court for the Northern District of Texas and opened as Civil Action No. 3:26-cv-726-K;
6. In the alternative, if the Board denies abatement, stay, or removal of the July 31, 2026, hearing, issue limited Findings of Fact and Conclusions of Law addressing only:

- a. Exhibit A;
 - b. Respondent's pending § 2255 Motion to Vacate;
 - c. Respondent's objection that the Commission presented an incomplete federal record;
 - d. The legal basis for denying relief despite the pending federal constitutional challenge to the underlying conviction;
- 7. Grant Respondent all other relief to which she may show herself justly entitled.**

Respectfully submitted,

/s/ Thelma M. Anderson

Thelma M. Anderson

Respondent Pro Se

EXHIBIT A

March 6, 2026, Filing Confirmation from the United States District Court for the Northern District of Texas confirming that Respondent's Motion to Vacate was filed as Docket No. 41 and opened Civil Action No. 3:26-cv-726-K

EXHIBIT A

March 6, 2026, Filing Confirmation from the United States District Court for the Northern District of Texas

Exhibit A demonstrates that the Motion to Vacate was accepted for filing by the United States District Court. The court confirmed that the pleading was filed at Docket No. 41 in Criminal No. 3:24-cr-00191-K and that the filing automatically opened Civil Action No. 3:26-cv-726-K.

Court Confirmation

Good morning, your pleading has been filed at docket 41 in the criminal case. The pleading automatically opens a civil case, the number is 3:26-cv-726-K, all future filings should be in that case.



Criminal No. 3:24-cr-00191-K MOTION TO VACATE,

USDCemergencyfile <USDCemergencyfile@txnd.uscourts.gov>
To: Thelma Anderson

Fri, Mar 6, 2026 at 11:55 AM

Good morning,

Your pleading has been filed at docket 41 in the criminal case. The pleading automatically opens a civil case, the number is 3:26-cv-726-K, all future filings should be in that case. Please provide the court with your mailing address, otherwise you will not be sent notification of pleadings. All future filings will need to be mailed or brought to the division for filing.

Kind regards,

Carla

Carla Applebee

Data Quality Analyst

Operations Assist Team

US District Court

Northern District of Texas

*****An Email sent to this account is not an accepted method to submit documents for filing. Please visit the court's website for filing instructions: <https://www.txnd.uscourts.gov> *****