



FILED
May 27 2026

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

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 RESPONSE AND OBJECTION TO PETITIONER'S MOTION FOR
ENTRY OF JUDGMENT OF DISBARMENT, MOTION TO DENY HEARING, AND
MOTION TO REMOVE HEARING SETTING**

TO THE BOARD OF DISCIPLINARY APPEALS:

Respondent, Thelma M. Anderson, files this Appeal from the Order Denying Respondent's Motion to Remove Private Information and respectfully shows:

Respondent Thelma M. Anderson files this Response and Objection to Petitioner's Motion for Entry of Judgment of Disbarment and respectfully requests that the Board deny Petitioner's motion, deny the requested hearing, and remove the July 31, 2026, hearing setting.

Petitioner's motion is premature. Petitioner asks this Board to enter final judgment of disbarment on the theory that Respondent's criminal conviction is final. However, Respondent has filed a pending Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 in the United States District Court for the Northern District of Texas, Criminal No. 3:24-cr-00191-K. That motion challenges the conviction on constitutional grounds, including retaliatory prosecution, material misrepresentation, ineffective assistance of counsel, actual conflict of interest, selective enforcement, and due process violations. The Petitioners may retrieve a copy of the pending § 2255 Motion filed in the Northern District of Texas through the federal PACER system, which reflects that the constitutional validity of the underlying conviction remains actively disputed and unresolved.

Respondent further clarifies the procedural timeline because the dates and procedural posture matter. Respondent initially filed her Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 on or about March 5, 2026. At that time, the § 2255 proceeding could not fully move forward because the direct appeal remained pending, making collateral review procedurally premature. After the appellate court dismissed the direct appeal, Respondent refiled and/or renewed the § 2255 motion so that the federal court could now adjudicate the constitutional violations through the proper procedural vehicle. Therefore, the prior procedural posture that made the § 2255 motion premature no longer exists. The motion to vacate is now properly before the federal district court and remains pending.

Respondent's then-appointed counsel advised that the direct appeal was not the appropriate procedural vehicle to address the constitutional violations affecting the plea, conviction, and sentence, and that a motion pursuant to 28 U.S.C. § 2255 was the proper remedy to seek relief in the federal district court. Consistent with that advice, Respondent initially filed the § 2255

motion on or about March 5, 2026. Because the direct appeal was still pending, the § 2255 proceeding could not proceed at that time. After the appellate court dismissed the direct appeal, Respondent refiled and/or renewed the § 2255 motion so that the federal court could now hear, consider, and adjudicate the constitutional claims. Thus, Petitioner's attempt to treat the appellate dismissal as final for disbarment purposes ignores the actual procedural timeline and the pending federal collateral attack.

Accordingly, Petitioner's reliance on the dismissal of the direct appeal does not establish that final disbarment is proper at this time and is premature. There is no proper basis to enter final disbarment until the § 2255 motion is heard, argued, considered, and adjudicated by the federal court. The constitutional validity of the conviction remains actively challenged, and the underlying issues are not final.

Respondent's active appeal further confirms that the final disbarment proceeding is premature and should have never been set for hearing at this stage of the proceedings. Respondent has an active appeal pending before the Supreme Court of Texas in Case No. 26-0446, *In re Anderson*. The Supreme Court of Texas received and filed the BODA record on May 26, 2026, and the appellate briefing schedule remains active. The appellant's brief is due thirty days from May 26, 2026. Accordingly, final disbarment should not be set, heard, or entered before the appellate issues are fully briefed, presented, argued, and resolved by the Supreme Court of Texas. Proceeding with final disbarment while Respondent's federal § 2255 motion and active Supreme Court of Texas appeal remain pending raises serious due process concerns and would constitute another attempt to convert disputed and unresolved constitutional issues into a final disciplinary judgment before federal collateral review and state appellate review have run their course. Petitioner's request improperly assumes that there are no remaining constitutional or appellate issues affecting final discipline. That assumption is incorrect.

Additionally, Respondent states that there is currently a pending criminal complaint and/or criminal investigation involving Assistant Disciplinary Counsel Ramiro Canales **REPORT NUMBER: 260800190** arising from conduct reported by Respondent involving alleged harassment, cyber-related attacks, and failure to remedy or address conduct affecting Respondent private information being plastered over the internet and failure to redact or remove resulting in harm. Because the matter has escalated into conduct alleged to be criminal in nature and involves an active complaint filed by Respondent, any continued participation by Mr. Canales in these proceedings creates an appearance of impropriety, conflict, bias, retaliation, and prejudice against Respondent. Accordingly, Respondent objects to Mr. Canales' continued involvement in this matter and requests that he be removed from further participation in these proceedings pending resolution of the criminal complaint and related matters.

Additionally, the Board's own interlocutory suspension order acknowledged that jurisdiction for final judgment exists only when the criminal proceedings are final. Here, the underlying conviction remains subject to active constitutional attack through collateral review proceedings specifically designed to address violations not properly litigated on direct appeal. Because substantial constitutional questions remain pending before the federal court, Petitioner's Motion for Entry of Judgment of Disbarment is premature and should be denied.

Respondent further objects to the use, publication, or service of any email address not expressly authorized by Respondent for purposes of these proceedings. Respondent states that there is only one identifying email address associated with Respondent and authorized for use in connection with this matter. Any additional or alternative email addresses appearing in filings, correspondence, or service records were not authorized by Respondent and should be removed from all filings and future correspondence related to this matter. Respondent does not consent to the use of unauthorized email addresses for notice, service, publication, or identification purposes in these proceedings.

For these reasons, the July 31, 2026, hearing should be denied and removed from the Board's docket. The matter should not be heard until the pending federal constitutional challenge and active Supreme Court of Texas appeal are fully resolved.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully requests that the Board:

1. Deny Petitioner's Motion for Entry of Judgment of Disbarment as premature;
2. Deny Petitioner's requested hearing;
3. Remove the July 31, 2026, hearing setting from the Board's docket;
4. Remove the filing from the record
5. Remove Assistant Disciplinary Counsel Ramiro Canales from further participation in this matter due to the pending criminal complaint and resulting conflict and appearance of impropriety;
6. Grant Respondent all other relief to which she may be justly entitled.

Respectfully submitted,
Thelma M. Anderson
Respondent Pro Se