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2-12-2008

Boyd v. Wachovia Bank NA

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-2949

JOANNE BOYD,

Appellant

v.

WACHOVIA BANK NA AS TRUSTEE FOR
PA HOUSING FINANCE AGENCY

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil No. 07-cv-02032)
District Judge: Honorable J. Curtis Joyner

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
December 6, 2007
Before: SCIRICA, MCKEE, and RENDELL, Circuit Judges

(Opinion filed: February 21, 2008)

OPINION

PER CURIAM

Joanne Boyd appeals from the order of the United States District Court for the Eastern District of Pennsylvania denying relief on the action she filed in that court. We will affirm the District Court's order.

Boyd initiated her action in District Court by filing a "petition for notice of appeal," which named Wachovia Bank, N.A. ("Wachovia") as the respondent and sought review of a March 19, 2007 action by the United States Supreme Court. The District Court sua sponte denied the petition for failure to comply with Rule 3 of the Federal Rules of Civil Procedure, which requires the filing of a complaint to commence a civil action, and noted that the District Court did not have jurisdiction to review a decision of the United States Supreme Court. Boyd appeals.¹ Wachovia has filed a motion for summary affirmance of the District Court's order and a motion for leave to file a memorandum brief on appeal, to which Boyd has filed a response. Boyd has also filed a "motion for affirmative relief" as an additional response to Wachovia's motion.²

We will summarily affirm the order of the District Court pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6, because it appears that no substantial question is presented by

¹ Boyd has another appeal pending before this Court, C.A. No. 07-3525, arising from the District Court's order denying relief on another action filed at docket number E.D. Pa. Civ. No. 07-cv-02033. The matters were consolidated for disposition by Clerk's Order entered September 26, 2007, but we will address the other appeal separately.

² Boyd's "motion for affirmative relief" contains her objection to the September 26, 2007 Clerk's Order consolidating her two appeals for disposition. As noted above, we shall address the matters separately. We note that Boyd filed a "Motion For Leave For Stay And Injunction" in this appeal, which this Court denied on December 5, 2007.

this appeal. We are free to affirm the District Court's judgment on any basis supported by the record. Fairview Township v. United States Env'tl. Prot. Agency, 773 F.2d 517, 525 n.15 (3d Cir. 1985). Boyd asserts that the District Court's dismissal of her action was erroneous and was contrary to several procedural rules, including Rules 9(e), 52, and 58 of the Federal Rules of Civil Procedure. However, we agree with the District Court that it does not sit as an appellate court to review an action by the United States Supreme Court. The federal procedural rules upon which Boyd relies do not support her position.

For the foregoing reasons, we grant Wachovia's motion for summary action and will summarily affirm the order of the District Court. Wachovia's motion for leave to file a memorandum brief is denied as moot.