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SJC-13849

KELECHI LINARDON vs. STAYBRIDGE SUITES.

March 2, 2026.

Supreme Judicial Court, Superintendence of inferior courts.  
Mandamus. Practice, Civil, Transfer of action to Superior Court.

The petitioner, Kelechi Linardon, appeals from a judgment of a single justice of this court denying her petition for relief in the nature of mandamus. We affirm.

In July 2025, RBP Hotel, LLC, doing business as Staybridge Suites (Staybridge), commenced a summary process action against Linardon in the Eastern Division of the Housing Court Department. On August 18, Linardon filed in the Housing Court a notice purporting to effect the automatic transfer of the case from the Housing Court to the Superior Court. The notice also requested that the record be assembled and transmitted to the Superior Court. A judge of the Housing Court denied the transfer sought by the notice, and Linardon's case proceeded in the Housing Court.

In September 2025, Linardon petitioned a single justice of this court, seeking relief in the nature of mandamus to compel the Housing Court to transfer the case. The single justice remanded the matter to the Housing Court for the issuance of written findings with respect to the denial of Linardon's August 18 notice. In October 2025, the Housing Court judge issued written findings as to his denial. In his written findings, the Housing Court judge surveyed the statutes relied on by Linardon, as well as other potentially relevant statutes, and concluded that there was no statutory right or other appropriate basis for

transferring the case to the Superior Court.<sup>1</sup> After receiving the written findings, the single justice denied Linardon's requests for relief.<sup>2</sup>

We discern no abuse of discretion or error of law in the single justice's denial without a hearing of Linardon's petition for relief in the nature of mandamus.<sup>3</sup> See Laura v. A Justice of the Dist. Court Dep't, 496 Mass. 1030, 1031 (2025). "Relief in the nature of mandamus is extraordinary, and is granted in the

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<sup>1</sup> The electronic docket for the underlying summary process case reflects that since the commencement of this appeal, summary judgment has entered in Staybridge's favor, granting Staybridge possession, damages, and costs, and denying Linardon's counterclaims. See Donald v. Commonwealth, 494 Mass. 1016, 1017 (2024), citing Mushwaalakbar v. Commonwealth, 487 Mass. 627, 631-632 (2021) (court may take judicial notice of docket entries).

<sup>2</sup> The single justice also denied the requests for relief in Linardon's motion to stay proceedings, filed on September 26, 2025, and her motion to expedite and for an order to show cause, filed on October 27, 2025. The requests in those motions were based on the same arguments advanced in Linardon's petition, though in the latter motion, Linardon also sought an order to show cause why the Housing Court judge should not be held in contempt for allegedly failing timely to comply with the single justice's deadline for issuing written findings. For the reasons discussed herein, Linardon's petition lacked merit, and the single justice did not err or abuse his discretion in denying these related motions. We also note that although the written findings were not filed in the county court until later, they were dated timely, and the electronic docket in the underlying Housing Court case reflects their timely issuance and filing.

<sup>3</sup> The denial of Linardon's attempt to transfer the case was an interlocutory ruling of the trial court. Linardon therefore should have filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), which requires an appellant to "set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means." See Commonwealth v. Monteiro, 492 Mass. 1013, 1014 n.3 (2023). Given our disposition of the case, we do not rely on this alternative procedural ground for denying relief. See Afrasiabi v. Rooney, 432 Mass. 1006, 1007 (2000).

discretion of the court where no other relief is available." DeLong v. Register of Probate for Middlesex County, 495 Mass. 1031, 1032 (2025), quoting Murray v. Commonwealth, 447 Mass. 1010, 1010 (2006). Here, Linardon has not shown that she could not obtain review of the denial of her requested transfer on appeal following final judgment or, if she wished, in a petition to a single justice of the Appeals Court for interlocutory relief under G. L. c. 231, § 118, first par. See Foley v. Commonwealth, 437 Mass. 1016, 1017 & n.4 (2002); Callahan v. Superior Court, 410 Mass. 1001, 1001 (1991).

Moreover, "[a] request for relief in the nature of mandamus is a call to a government official to perform a clear cut duty" (quotation and citation omitted). Padmanabhan v. Executive Director of the Bd. of Registration in Med., 491 Mass. 1031, 1032 (2023). Linardon's petition sought mandamus on the ground that the Housing Court judge had a clear duty to transfer her case, which duty, Linardon argued, was based on G. L. c. 212, § 4, and G. L. c. 231, § 103. But the former does not provide for any automatic transfer and only describes the jurisdiction of the Superior Court. See G. L. c. 212, § 4. And the latter specifies that it does not apply to summary process actions. See G. L. c. 231, § 103 ("This section and sections one hundred and four to one hundred and ten, inclusive, shall not apply to actions or counterclaims under the provisions of [G. L. c. 239]"). Linardon's petition therefore did not establish a clear cut duty to transfer her case, and relief in the nature of mandamus was inappropriate.

The judgment of the single justice is affirmed. We exercise our discretion to deny Staybridge's motion for sanctions. In that motion, Staybridge requested as relief that an appeal bond be imposed and that Linardon be required to make use and occupancy payments during the pendency of any appeal. Since the commencement of this appeal, the Housing Court issued judgment in favor of Staybridge and an order requiring an appeal bond in the full amount of the underlying judgment. Moreover, use and occupancy payments previously were the subject of motion practice in the underlying Housing Court case and may be addressed there again should Linardon pursue any appeal from the underlying judgment. See Adjartey v. Central Div. of the Hous. Court Dep't, 481 Mass. 830, 858-859 (2019) (Appendix).<sup>4</sup>

Judgment affirmed.

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<sup>4</sup> Staybridge's motion for leave to file a supplemental appendix, filed on December 17, 2025, is hereby allowed.

The case was submitted on briefs.

Kelechi Linardon, pro se.

Anthony J. Coletti for the respondent.