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SJC-13998

JEROME MOTON vs. FALL RIVER HOUSING AUTHORITY & another.[1]

November 9, 2026.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, Jerome Moton, appeals from the judgment of a single justice of this court denying his petition for extraordinary relief pursuant to G. L. c. 211, § 3. We affirm.

Background.[2] In his petition before the single justice, Moton broadly challenged the proceedings in two Housing Court cases. The first was a summary process proceeding brought by the Fall River Housing Authority (FRHA) against Moton. In that case, following the issuance of an agreed judgment and an amended agreed judgment in favor of the FRHA, the FRHA moved for execution, and execution issued in December 2025. Moton's motion to stay the execution was denied.

Moton then moved before a single justice of the Appeals Court for a stay, and the single justice temporarily stayed the execution before ultimately denying the motion in March 2026.

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[1] The Southeast Division of the Housing Court Department was also named as a respondent; we treat it as a nominal party. See S.J.C. Rule 2:22, 422 Mass. 1302 (1996).

[2] The single justice considered the docket sheets in this case, and we include herein information drawn from the electronic dockets. 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).

Execution reissued, after which Moton unsuccessfully petitioned before a single justice of this court pursuant to G. L. c. 211, § 3, for a stay. Moton again filed a motion before a single justice of the Appeals Court seeking a stay, and his motion was denied. In the Housing Court, Moton's motion pursuant to Mass. R. Civ. P. 60 (b), 365 Mass. 828 (1974), for relief from the judgment was also denied.

The second Housing Court case was a civil action commenced by Moton against the FRHA in the Superior Court Department. Moton's complaint challenged the validity of the summary process judgment and sought postjudgment relief. The case was transferred to the Southeast Division of the Housing Court Department, where it was dismissed in July 2026 on the FRHA's motion.

In August 2026, Moton filed the petition at issue, seeking relief pursuant to G. L. c. 211, § 3, from a single justice of this court. Specifically, Moton sought to be returned to possession of the property from which he was evicted, the return of personal property taken by the FRHA in connection with his eviction, vacatur of the underlying judgments and any eviction orders, vacatur of the order transferring his civil action, the removal of any filing restrictions imposed on him, and a remand with instructions that the Housing Court should address his arguments on the merits.

The single justice denied Moton's petition without reaching the merits of his claims because she concluded that adequate alternative remedies were available to Moton and that the petition did not present the type of exceptional matter that required the court's extraordinary intervention. See Commonwealth v. Fontanez, 482 Mass. 22, 24-25 (2019). Moton now appeals from the judgment of the single justice.

Discussion. "In cases such as this one, where the single justice exercises discretion not to reach the merits of a petition" seeking relief pursuant to G. L. c. 211, § 3, "the full court asks only whether the single justice abused his or her discretion in making that decision" (quotation and citations omitted). Boone v. Commonwealth, 494 Mass. 1011, 1012-1013 (2024). "The single justice is not required to become involved if the petitioner has an adequate alternative remedy or if the single justice determines, in his or her discretion, that the subject of the petition is not sufficiently important and extraordinary as to require general superintendence intervention." Fontanez, 482 Mass. at 24-25.

The underlying Housing Court cases had each proceeded to final judgment by the time of Moton's petition before the single justice in this matter.[3] Relief was therefore available to Moton in the ordinary course of appeal from those final judgments. See G. L. c. 211A, § 10; G. L. c. 231, § 113; G. L. c. 239, § 5; Kim v. Newton Hous. Auth., 493 Mass. 1029, 1030 (2024); Matter of an Appeal Bond (No. 2), 428 Mass. 1022, 1022 (1999) ("If the petition is read as one seeking restoration of the petitioner's occupation and use of the premises, we construe it as a challenge to the judgment of the Housing Court, [which is] subject to the regular appellate process . . . and, therefore, not suitable for relief under G. L. c. 211, § 3"). See also Rule 12 of the Uniform Summary Process Rules (2004). He could also have appealed from the denial of his postjudgment motion for relief. See Briscoe v. LSREF3/AH Chicago Tenant, LLC, 481 Mass. 1038, 1038 (2019). See also Mass. R. Civ. P. 60 (b); Rule 11(b) of the Uniform Summary Process Rules (1980). Moton asserts that in light of his eviction, an appeal in the ordinary course would have taken too long to afford him meaningful relief, but he has not demonstrated why he could not have "move[d] to expedite his appeal in the Appeals Court." Stegemann v. Commonwealth, 456 Mass. 1004, 1005 n.3 (2010).

Moreover, to the extent that Moton sought the return of his personal property, which his petition asserted was retained in violation of G. L. c. 239, § 4, that statute expressly provides for relief, inter alia, by way of a petition in the court that heard the underlying summary process action. See G. L. c. 239, § 4 (h). Moton's petition did not sufficiently demonstrate why such relief, including appeal in the ordinary course from any adverse ruling, was inadequate. Cf. Cichocki v. Rehoboth, 481

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[3] Moton has filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), which requires a petitioner seeking relief from an interlocutory ruling of the trial court 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." S.J.C. Rule 2:21 (2). Because the final judgments had entered in the two underlying cases by the time Moton petitioned the single justice, Moton's appeal is not limited by the procedural requirements of rule 2:21. See Briscoe v. LSREF3/AH Chicago Tenant, LLC, 481 Mass. 1038, 1038 (2019). Even so, for the reasons described herein, it is plain from the record and from Moton's memorandum that he was not entitled to the relief he sought under G. L. c. 211, § 3.

Mass. 1002, 1002-1003 (2018) (affirming denial of petition brought pursuant to G. L. c. 211, § 3, and G. L. c. 249, § 5, seeking order to return personal property following foreclosure).

As Moton failed to demonstrate the absence of an adequate alternative avenue to pursue the relief sought, he was not entitled to relief pursuant to G. L. c. 211, § 3, and we discern no error of law or abuse of discretion in the decision of the single justice to deny Moton's petition. See Fontanez, 482 Mass. at 24-25. The judgment of the single justice is affirmed.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Jerome Moton, pro se.