

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-153

ONPATH FEDERAL CREDIT UNION

versus

ROBBIN Y. MILLER AND IAN MILLER SR.

IN RE ROBBIN Y. MILLER AND IAN MILLER SR.
APPLYING FOR SUPERVISORY WRIT TO THE FIRST PARISH COURT, PARISH OF
JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JOHN J. LEE, JR.,
DIVISION "B", NUMBER 178-099

TRUE COPY

May 01, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Stephen J. Windhorst, and Scott U. Schlegel

WRIT DENIED

In this pro se writ application, defendants/relators, Robbin Y. Miller and Ian Miller, Sr., challenge multiple trial court rulings dating back to January 2026. This writ application is procedurally deficient as to all the rulings to which relator refers.

First, relators claim the trial court erred in denying their exception of insufficiency of service of process. Relator filed a notice of intent to seek review of that January 6, 2026 ruling.¹ On January 14, 2026, the trial court set the return date as “no later than 30 days from the date of this order.” Thus, relators had until February 13, 2026 to file a writ application regarding the denial of their exception of insufficiency of service of process. They did not file a motion for extension of the return date and did not file this writ application until April 17, 2026. Thus,

¹ The trial court rendered the written judgment for this ruling on February 4, 2026.

relators' attempt to seek review of the January 6, 2026 ruling in this writ application is untimely.

Second, relators claim the trial court's January 5, 2026 *ex parte* order substituting counsel of record for plaintiff, Onpath Federal Credit Union, is void for want of authority. Relators did not file a notice of intent regarding this order, and more than 30 days have passed since it was rendered. Thus, relators are precluded from seeking review of this order. La. U.R.C.A., Rules 4-2 and 4-3.

Third, relators also assert that the trial court improperly rendered certain orders after the trial court issued a January 14, 2026 stay order, which stayed proceedings in this lawsuit pending resolution of the writ application. Pursuant to the stay order, proceedings were stayed pending resolution of the writ application on the January 6, 2026 judgment denying their exception of insufficiency of service of process. Relators, however, never filed this writ application, and the deadline for filing it has passed. In addition, relators did not timely file a notice of intent regarding these other rulings. Further, the rulings relators refer to are dated January 28 and 30, 2026, and February 4, 2026. More than 30 days have passed since these rulings were rendered. Relators are therefore precluded from seeking review of these rulings. La. U.R.C.A., Rules 4-2 and 4-3.

Fourth, relators assert the trial court never set a return date because according to La. U.R.C.A., Rule 4-3, the trial court shall set an explicit return date. This, however, does not entitle relators to an unlimited deadline to file their writ application. Under La. U.R.C.A., Rule 4-3, relators have 30 days from the date of the ruling to file their writ application unless they timely file a motion for extension, which they did not.

Fifth, relators assert the April 15, 2026 rule to show cause granting the motion to lift stay, dismiss writ application, and reset trial "was entered in violation of the stay and is void." Contrary to relators' assertion, the April 15, 2026 order did not

grant this motion, it merely set the motion for hearing on June 16, 2026. Considering the circumstances present here, it was permissible for the trial court to set this motion for hearing. In addition, relators also did not file a notice of intent regarding this April 15, 2026 order.

Finally, relators assert that the court in this case does not have personal jurisdiction over defendants. Relators do not present pleadings or a judgment reflecting the trial court has considered this issue. To the extent relators assert an exception of personal jurisdiction with this court, this court is not a court of first impression and may only review matters first presented to the trial court for ruling. La. U.R.C.A., Rule 1-3. Because relator has not shown that this particular exception has been filed with and ruled upon by the trial court, we cannot consider this issue.

Considering the foregoing, relators have not shown they are entitled to any relief. We therefore deny this writ application.

Gretna, Louisiana, this 1st day of May, 2026.

SJW
FHW
SUS

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **05/01/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-153

E-NOTIFIED

First Parish Court (Clerk)
Honorable John J. Lee, Jr. (DISTRICT JUDGE)
No Attorney(s) were ENOTIFIED

MAILED

Joshua P. Mathews (Respondent)
Attorney at Law
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Ian Miller Sr. (Relator)
In Proper Person
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