FILED
10/23/2026
Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
October 8, 2026 Session

**ELLA TUPLIN v. SERVANDO JORDAN DELGADILLO**

**Appeal from the Circuit Court for Wilson County**
**No. 25-CV-547 Michael Wayne Collins, Judge**

---

**No. M2025-01386-COA-R3-CV**

---

A stalking victim was granted an order of protection prohibiting the Appellant from having contact with her. On appeal, the Appellant contends that the trial court did not have jurisdiction to issue the order of protection due to a federal lawsuit the Appellant initiated against a third party. We conclude that the trial court had jurisdiction and affirm its judgment.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed**

JEFFREY USMAN, J., delivered the opinion of the Court, in which FRANK G. CLEMENT, JR., C.J., and ANDY D. BENNETT, J., joined.

Servando Jordan Delgadillo, pro se.

Mary Alice Eckel, Lebanon, Tennessee, for the appellee, Ella Tuplin.[1]

## OPINION

### I.

Servando Delgadillo and Ella Tuplin were both students at Cumberland University in 2024. Mr. Delgadillo repeatedly initiated unwanted contact with Ms. Tuplin, who sought help from the University. Through Cumberland University, Mr. Delgadillo was prohibited from having contact with Ms. Tuplin.[2]

---

[1] The appellee proceeded pro se through the submission of her brief but was represented by counsel at oral argument.

[2] It appears from the briefing and oral argument that the prohibition arose from a signed agreement.

After the parties graduated from Cumberland University, Ms. Tuplin sought an order of protection on the basis that Mr. Delgadillo was stalking her. As detailed in the petition, Mr. Delgadillo made multiple attempts to contact Ms. Tuplin through social media and created new accounts when she blocked him. The University's prohibition on Mr. Delgadillo's having contact with Ms. Tuplin had lapsed upon the parties' graduation in May 2025, and Mr. Delgadillo that same day attempted to contact Ms. Tuplin through her friend. He subsequently appeared at an indoor soccer league game which had no connection to the University and in which Ms. Tuplin was competing. Ms. Tuplin suffered fear and emotional distress due to the "continuous attempts" at contact. After a hearing, the general sessions court issued an order prohibiting Mr. Delgadillo from contacting Ms. Tuplin.

Mr. Delgadillo appealed to circuit court. He immediately filed a "Motion to Dismiss for Lack of Subject Matter Jurisdiction, for Failure to State Claim and Memorandum of Law" in which he contended Tennessee state courts have no jurisdiction "over federal matters." According to the trial court's statement of the evidence, a hearing was held, at which Ms. Tuplin presented proof regarding the bases of the petition for an order of protection. Mr. Delgadillo did not challenge the factual bases for seeking the order but opined that the court had no jurisdiction because of a federal suit then pending against a third party, Cumberland University. The circuit court issued the order of protection, finding that Ms. Tuplin was a victim of stalking and that Mr. Delgadillo "[d]id the things listed in the Petition."

In addition to having graduated in May 2025, Mr. Delgadillo had also filed a suit that same month in federal court against Cumberland University based on the University's actions in response to Ms. Tuplin's harassment complaint. According to the federal court's opinion in that case, Mr. Delgadillo was accused of harassing a female student at Cumberland University, and the University "threatened or took" disciplinary action. *Delgadillo v. Cumberland Univ.*, No. 3:25-CV-00524, 2026 WL 614224, at *3 (M.D. Tenn. Mar. 4, 2026); *see Delgadillo v. Cumberland Univ.*, No. 3:25-CV-00524, 2026 WL 255031, at *1-2 (M.D. Tenn. Jan. 30, 2026), *report and recommendation adopted*, 2026 WL 614224 (M.D. Tenn. Mar. 4, 2026). Mr. Delgadillo's federal discrimination suit against the University was ultimately dismissed in March 2026 for failure to state a claim for federal relief under Title IX of the Educational Amendments Act of 1972. *Delgadillo*, 2026 WL 614224, at*4; *see Delgadillo*, 2026 WL 255031, at *6-7; 20 U.S.C.A. § 1681 et seq.

Mr. Delgadillo filed a timely notice of appeal, and he subsequently filed two different motions to dismiss in this court, both of which were aimed at challenging the trial court's jurisdiction to issue an order of protection. This court denied both motions. Regarding the record, the trial court rejected Mr. Delgadillo's statement of the evidence and issued its own.

On appeal, Mr. Delgadillo designates four issues. The issues, as stated in Mr. Delgadillo's brief, are:

> I. Whether the Defendant-Appellant received a fair trial and due process pursuant to the Tennessee Constitution Article I § 8 and the Fourteenth Amendment of the U.S. Constitution.
>
> II. Whether the Seventh Amendment of the U.S. Constitution and inviolable right of Article I § 6 of the Tennessee Constitution was applied to this case.
>
> III. Whether both Circuit Court and General Sessions Court have original jurisdiction pursuant to 28 U.S.C. § 1331 over this case that was brought upon the Courts in relations to a District Court filed case that questions the federal law of Title IX of the Education Amendments of 1972 and the Tile VI[3] of the Civil Rights Act of 1964. *See Delgadillo v. Cumberland,* No. 3:25-cv-0524 (M.D. Tenn.).
>
> IV. Whether both Circuit Court and General Sessions Court abused their absolute discretion in casting judgement that violates the Constitutional Right to bear arms pursuant to the Tennessee Constitution Article I § 26 and the Second Amendment of the U.S. Constitution.

II.

Mr. Delgadillo is proceeding pro se in this appeal. Pro se litigants "are entitled to fair and equal treatment by the courts." *Vandergriff v. ParkRidge E. Hosp.*, 482 S.W.3d 545, 551 (Tenn. Ct. App. 2015). Courts should be mindful that pro se litigants often lack legal training and may be unfamiliar with the justice system. *State v. Sprunger*, 458 S.W.3d 482, 491 (Tenn. 2015). Accordingly, courts should afford some degree of leeway in considering the briefing from a pro se litigant, *Young v. Barrow*, 130 S.W.3d 59, 63 (Tenn. Ct. App. 2003), and should consider the substance of the pro se litigant's filing. *Poursaied v. Tenn. Bd. of Nursing*, 643 S.W.3d 157, 165 (Tenn. Ct. App. 2021).

Pro se litigants may not, however, "shift the burden of litigating their case to the courts." *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000). Additionally, "[i]t is not the role of the courts, trial or appellate, to research or construct a litigant's case or arguments for him or her." *Sneed v. Bd. of Pro. Resp. of Sup. Ct.*, 301 S.W.3d 603, 615 (Tenn. 2010). In considering appeals from pro se litigants, the court cannot write the litigants' briefs for them, create arguments, or "dig through the record in

[3] The federal district court does not mention any claims under Title VI. *See Delgadillo*, 2026 WL 614224.

an attempt to discover arguments or issues that [they] may have made had they been represented by counsel." *Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014). It is imperative that courts remain "mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant's adversary." *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003).

III.

While Mr. Delgadillo designates multiple issues on appeal, the majority of these issues were not actually raised below, are not supported by argument or citation on appeal, and are accordingly waived. For instance, Mr. Delgadillo asserts for the first time in his statement of the issues that his right to a jury trial was violated, but he provides no argument on this issue in his brief. Likewise, his statement of the issues asserts that his right to bear arms was violated, but this issue does not appear to have been raised below. Furthermore, his brief contains no argument regarding this purported error. Additionally, he does not explain the alleged due process violation referenced in his statement of the issues, which is likewise first raised on appeal. Mr. Delgadillo also asserts in the body of his brief that the general sessions and circuit court judges should have recused themselves, but this issue was not designated an issue on appeal and was not raised below. In his reply brief, he argues his evidence was improperly excluded, although the trial court explicitly found that he offered no rebuttal proof or testimony.

All of the aforementioned issues are waived. *See Sneed*, 301 S.W.3d 603 at 615 ("It is not the role of the courts, trial or appellate, to research or construct a litigant's case or arguments for him or her, and where a party fails to develop an argument in support of his or her contention or merely constructs a skeletal argument, the issue is waived."); *Powell v. Cmty. Health Sys., Inc.*, 312 S.W.3d 496, 511 (Tenn. 2010) ("It is axiomatic that parties will not be permitted to raise issues on appeal that they did not first raise in the trial court."); *Hodge v. Craig*, 382 S.W.3d 325, 335 (Tenn. 2012) ("[A]n issue may be deemed waived when it is argued in the brief but is not designated as an issue in accordance with Tenn. R. App. P. 27(a)(4)."); *Hughes v. Tenn. Bd. of Prob. & Parole*, 514 S.W.3d 707, 724 (Tenn. 2017) ("Issues raised for the first time in a reply brief are waived.").

Mr. Delgadillo argues in his brief that Tennessee state courts have no jurisdiction over a petition for an order of protection against him. As the basis for his contention, Mr. Delgadillo asserts that his filing of a suit against a third party, Cumberland University, in federal court deprived Ms. Tuplin of the right to seek the protection of the State courts against his stalking.[4] However, he offers no legal support for the theory that his unilateral

[4] The trial court determined that his conduct fit the definition of stalking based on the allegations in the petition and Ms. Tuplin's proof. *See* Tenn. Code Ann. § 36-3-601(13); Tenn. Code Ann. § 39-17-315 (defining stalking). Mr. Delgadillo's own reply brief acknowledges that on November 3, 2024, he sent Ms. Tuplin a message that read, "how long am I going to be blocked for or are we going to talk"; that he was then instructed not to contact her and told by University personnel that Ms. Tuplin had reported him

decision to sue a third party deprived Ms. Tuplin of her right seek an order of protection under a Tennessee state statute in a Tennessee state court.

Under the relevant statute, Tennessee state courts are vested with jurisdiction to issue orders of protection. Title 36 of Tennessee Code Annotated concerns domestic relations, and Part 6 of Chapter 3, addressing domestic abuse, allows for the issuance of orders of protection. *See* Tenn. Code Ann. § 36-3-601 et seq.

Mr. Delgadillo, however, argues that Tennessee state courts do not have jurisdiction over matters involving Title IX. But there were no such matters before the state courts; rather, the general sessions and circuit courts were faced with determining whether to issue an order of protection under Tennessee Code Annotated section 36-3-601 et seq. The general sessions and circuit courts made no determinations regarding any federal matters. Furthermore, Ms. Tuplin was not a party to the federal action that Mr. Delgadillo claims defeated the jurisdiction of the state courts. Mr. Delgadillo cites no authority for the proposition that the federal action against a third party strips state courts of jurisdiction over the matter at hand.[5] *Cf. Seals v. H & F, Inc.*, 301 S.W.3d 237, 241 n. 3 (Tenn. 2010) ("Federal courts are, of course, permitted to decide issues of state law in cases over which they have jurisdiction, as we may decide issues of federal law in cases over which we have jurisdiction."). Mr. Delgadillo's argument that his federal suit against Cumberland University deprived Tennessee state courts of jurisdiction over Ms. Tuplin's petition for an order of protection petition is unavailing.

Mr. Delgadillo also argues that there was an insufficient basis for the circuit court to grant the order of protection. Mr. Delgadillo appears to mistakenly believe that because Ms. Tuplin was the only witness that there was no proof. On the contrary, however, even in a criminal trial with a higher standard of proof, an offense may be established by the testimony of a victim alone. *State v. Bonds*, 189 S.W.3d 249, 256 (Tenn. Crim. App. 2005) ("It is well-settled law in Tennessee that 'the testimony of a victim, by itself, is sufficient to support a conviction.'" (quoting *State v. Strickland*, 885 S.W.2d 85, 87 (Tenn. Crim. App. 1993))). He also asserts that, although the statute requires multiple acts, there was no repeated contact. His insufficiency argument takes out of context one sentence in the petition that identified "[o]ne incident where [Mr. Delgadillo] has showed up where she was." The petition as a whole was not factually based on a singular incident but instead detailed the history of Mr. Delgadillo's continuous, multiple attempts to have unconsented-to contact with Ms. Tuplin. The trial court found that Ms. Tuplin gave testimony establishing all of "the things listed in the Petition." *See* Tenn. Code Ann. § 36-3-601(13)

---

for stalking; that ten days later he contacted her yet again; and that he subsequently attempted contact with her through the University on another occasion.

[5] Mr. Delgadillo cites to 28 U.S.C.A. § 1367 for the proposition that federal courts may exercise supplemental jurisdiction over claims that form part of the same case or controversy, but he cites no authority for the proposition that the state court loses jurisdiction.

(defining "stalking victim" to include a person "who has been subjected to, threatened with, or placed in fear of the offense of stalking, as defined in § 39-17-315"); Tenn. Code Ann. § 39-17-315. Because Ms. Tuplin's testimony alone is sufficient to establish the basis for the order and because she testified to repeated and continuing unconsented contact, Mr. Delgadillo is not entitled to relief.

In sum, we conclude that Mr. Delgadillo has waived several issues. As to matters that he has actually addressed in his briefing, he has not established that the Tennessee courts issuing the orders of protection lacked subject matter jurisdiction based upon the filing of his federal suit against Cumberland University or that there was an insufficient basis to issue the order of protection. Accordingly, the order is affirmed.

IV.

Based upon the record before us, we affirm the trial court's judgment. Costs are taxed to the Appellant, Servando Jordan Delgadillo, for which execution may issue if necessary.

s/ Jeffrey Usman
JEFFREY USMAN, JUDGE