

No. _____

**IN THE SUPREME COURT
OF THE UNITED STATES**

STEPHEN LYNCH MURRAY, Petitioner

v.

GOVERNOR, STATE OF FLORIDA,
CHIEF JUSTICE, SUPREME COURT OF FLORIDA
Respondents

*On Petition for a Writ of Certiorari
to the 11th Circuit*

PETITION FOR A WRIT OF CERTIORARI

If a 12(b) dismissal/ruling needs certain process elements to be a valid exercise of judicial authority exposed to review, and not intentional executive discretion unregulated by politics.

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Question: If a 12(b) dismissal/ruling needs certain process elements not clarified in case law or 52(a)(3), to be a valid exercise of judicial authority exposed to review, and not intentional executive discretion unregulated by politics. Whether final abstractions for bad law, or disputed reduction reasons/steps for laziness/aggrandizement, must be reported.

PARTIES TO THE PROCEEDING

Petitioner is:

Stephen Lynch Murray, in his capacity as a
taxpaying citizen of Florida and the United States
Plaintiff in the District, Appellant in the 11th Circuit

Respondents are:

Official Capacity of the Governor of Florida
surviving change in officeholder, known as "The
Governor's Office", and
Chief Justice Carlos G. Muñoz or whoever answers to
The Official Capacity of the Supreme Court of
Florida
Defendants in the District, Appellees in the 11th
Circuit

RELATED PROCEEDINGS

United States Court of Appeals, 11th Circuit:
Murray v. Governor, State of Florida, et al
No. 25-11762 (judgment October 29, 2025)
Rehearing Denied (December 11, 2025)

United States District Court, Middle District of FL
Murray v. Governor, State of Florida, et al
No. 6:24-cv-1993 (judgment April 25, 2025)
Rehearing Denied (May 7, 2025)

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INTRODUCTION

Plaintiff respectfully petitions for Writ of Certiorari to the 11th Circuit. And to the mandate of this Court to supervise lower-court activity to remain within the bounds of the judicial branch. Not operate like mini-kings as independent local executive administrators, by avoiding due process in appellate review.

Codifying preferences and conveying them to others as instructions or incentives, is a legislative activity. Measuring facts provided by others against preferences provided by others, is a judicial activity. Taking action based on your own preferences not supported by articulated law, or exercising plenary power in contradiction to law like Marbury, is an executive activity. The Constitution doesn't tolerate hybrid actors whose preferences are confined neither by elections nor law. Federal courts cannot insert their own preferences in an opaque and arbitrary manner which are subject neither to the political process, nor judicial review.

Plaintiff has seen lower courts evade process to go outside their authority as judges, and act as independent executive administrators. This Court must codify a formal process of appellate review, to facilitate that courts remain within the character of judicial authority. By providing details with their rulings, as necessary to facilitate rather than subvert that design -- see Supplemental Appendix diagram S.

The distinguishing characteristic of law is formal

procedure, to create outcomes not consciously preferred by participants. Judicial review is a process, with a "due process" requirement of fairly presenting facts and deciding upon them. If the minimum process elements for judicial review are "whatever we want them to be in each case", there's not structural checks enforcing the requirement of following law in courts. Quasi-political regulation of process elements creates an extreme aggrandizement of discretionary power in the judicial branch.

A judge can say "Plaintiff said aliens took him to space, this Court lacks geographic jurisdiction". This reasoning passes appellate review, even when the plaintiff actually said he was arrested for posting fliers. The error is in the fact-reduction process. But the district doesn't say "I ignored and replaced facts, which is supported by case XYZ". A judge may imagine he's doing the right thing based on his own beliefs or local information not in the record. But never says that, and instead throws up a facade.

The basic process seems to be the plaintiff witnesses unique factset A, says how law B applies to them. Lower courts then report discarded or imagined factset C, and irrelevant law D. Forcing the plaintiff to make his entire complaint again to the appeals court. Where the disagreements with the facts, law, and relevance between them, demand too big a denovo analysis, to fix the buried issues connecting legislation to circumstances.

The key elements are lower courts not articulating

the witness or even the real facts, or immunity and standing law as it matches the actual facts and right. They instead begin by copy-pasting pre-passed legal abstractions, a generic lack-of-standing-and-immunity destination. Then invent, mischaracterize, pick-and-choose, or simply don't state facts and right. But pair a few phrases -- "conclusory, speculative, not imminent, concrete and traceable" -- to satisfy the template. Contriving a theater of saying the present case fits the abstraction. Without actual analysis upon case facts.

They avoid review by throwing up superficial nonsense, not saying what they're doing, or lying to avoid overt legal error. Which is condoned on appeal if only by being impenetrable.

Suppose the court doubts the nature of the facts. For the lower court's "reasoning" to be presented honestly, when law is applied to facts different from those alleged, that adjustment which is the actual reasoning/work -- what was used/doubted and why -- can't be hidden below the surface. The lower court has to "meaningfully" detail factset changes, and reasons, to narrow down real disputes.

And if the stated right (prohibited activity) is incorrect, that should be the only argument an appellant has to make. But in practice, such passable statements of changed/misapplied law will be affirmed.

If the district doesn't provide reasons for a fact or

law change, an appeals court won't exhaustively prove there are none. This discretion in what work is reported to appeals courts, lets courts choose whether to expose their lawless discretion to an honest appeals process, or as a practical effect to certify cases for no appellate review. Judge misstate the right, and minimize stated facts and legal analysis, destined for a designed "do not review" bin for illegal preferences.

The question is whether there's minimum elements of reporting for any regulatory process, or whether lower courts can go below that to operate without legal or political regulation. And not have their decisions remanded to make them amenable to efficient and honest review.

What does an opinion-dispute-clarification-appeal dialog look like, to make connections from case facts to legislation efficiently reviewable, guarding against non-legislated preferences?

Friendly's List suggests minimum elements in a ruling dismissing a 1983 case, to be subject to valid review:

5. The right for the individual to see the opposing side's evidence.
6. The right to cross-examination of the opposition's witnesses.
7. A decision based exclusively on the evidence presented.
9. The requirement that the tribunal prepare a

record of the evidence presented.

10. Requirement that the tribunal prepare written findings of fact and reasons for its decision.

How far can rulings use discretion without such elements, before veering into the role of legislator or executive? What's the burden on a judge, the minimum elements of an opinion, to make it a reviewable exercise of judging? At least, the disputed predicates must be exposed/clarified.

In this case, District Judge Mendoza decided to act as a Florida government official, approving or disapproving actions of government as he chooses -- acting or not based on his own whims -- without referring to or strict adherence to federal law. The 11th Circuit condoned this informal insertion of a local judge's preferences unsupported by federal law -- in effect meddling in the relationship between Florida and its citizen's federal rights, by a judge's own casual preferences. Which preferences may be perceived as appropriate or politically popular, but which are unsupported by authority rigidly dictated by written law.

A judge can't be a third house of the Florida legislature, or a one-man parliament in Orlando, imagining he represents some public interest without citing to federal law, or saying what witnessed facts he's using. Mendoza is the executor of law recorded by people long dead. Not a servant of his own wisdom, choosing whom he thinks should be the beneficiary.

Federal judges have personal connections to local politicians, as predicted in *Imbler* ("it often would prejudice... judicial decisions"). Their loyalty must be to the law, not an arm of personal connections, or finding fact based on their own beliefs or gossip. Plaintiff had ex parte evidence of such influence in his cases. But the evidence of political operation is in the record, in the sparseness of honest judicial activity dictating the decisions.

The intention of the District seemed to be to not do honest legal work. To brazenly lie about what was filed. And create a disconnect between what happened, and appellate or public review of what happened. Judges build in this trap door to do what they want.

The case decision is whether this was an adequate exercise of judging for review, or should be remanded for such. The error is not a particular law, but in not really applying any law to any fact at all. And whether this is an intentional aggrandizement of the judicial branch, a means to evade review and legal regulation, in the manner of an executive-branch activity. What opinion-review process befits the Constitutional confinements of activities of judges?

DECISIONS BELOW

11th Circuit Order denying rehearing is in Appendix A page 1a

11th Circuit Opinion is in Appendix B page 2a.

Florida Middle District Opinion is in Appendix C page 7a.

JURISDICTION

The 11th Circuit's judgment was 10/29/25, denied rehearing on 12/11/25. 28 USC 1254(1) provides jurisdiction.

CONSTITUTIONAL & STATUTORY PROVISIONS

Article II §1

"the executive Power shall be vested in a President"

FRCP 52(a)(3)

"court is not required to state findings or conclusions when ruling on a motion "

STATEMENT

A. Defective Judicial Process Summary

Plaintiff's claims invoked rights to 1) criminal process, 2) enforcement of laws, and 3) to be summoned as juror, all violated by lack of due process, requesting declaratory and injunctive relief.

Plaintiff cited laws for each right. Plaintiff provided firsthand witnessed facts of patterns of injuries to Plaintiff, of criminal process created by Florida law, and of the powers of the Governor and Supreme Court defendants. This showed prospective violations of these rights, how the remedies would mitigate

these injuries, the capacity of Defendants to respond and produce these remedies, and the mandate of federal courts to enjoin them.

Lower courts lawyered and facted on behalf of Defendants. This began with refusing to recount, and instead restating, what right/violation Plaintiff was asserting. They ignored laws supporting Plaintiff's rights without citing any contrary laws appropriate to the facts.

Allegation has two steps, 1) declaring what right law protects, and 2) alleging facts that violate it. Declaring what activity law prohibits, regardless of whether case facts fit it, is the first step of lower courts doing anything. Lower courts ambiguously disagreed with the facts or right, without saying what right law supported, that they were disagreeing the facts fit it. Their vague copy-paste job basically said "Florida doesn't use perjury, Plaintiff hasn't alleged any unconstitutional scheme".

Nobody said "Suppose Florida were rewarding rather than prosecuting perjury and not considering that at the finder of fact, that would violate due process." They were just like "we don't like what you're saying". But instead of ruling shotgun, said Plaintiff lacked standing for no particular right. They never directly addressed the alleged prohibited activity, just said "here's some generic cases, Plaintiff is saying conclusory things, he's not allowed to ask for these remedies."

Lower courts ignored law saying a) individuals can petition for cures of systemic violations they have no right to, b) federal courts bluntly cure systemic problems and protect their jurisdiction on the "vehicle" of individual petitions, c) process rights don't require showing traceable relative harm, and d) states are the defendant in criminal-process petitions (different from the respondent and remedy target). They ruled Plaintiff needs some defendant other than the State for criminal-process rights. All without citing any contrary authority.

They cited no law to dispute Plaintiff's laws that he has the right for someone representative of Plaintiff to be summoned as juror. They ignored case law saying enforcement of law is an individual liberty interest. But cited no law to dispute that Plaintiff has standing as an individual to prosecute his traditional rights to separation of powers, justice, and spending on and enforcement of laws passed by the legislature.

They invented convenient unwitnessed/inaccurate factual statements about the powers and practices of the Florida Governor and Supreme Court. They articulated no factset or relevant similar-case legal authorities, to dispute standing or jurisdiction on any claims. They violated the basic legal requirement of using witnessed fact rather than unarticulated imagination.

They discarded Plaintiff's firsthand witnessed facts, that prosecutors intentionally produce lies, and that

this outcome is a systemic result created by Florida law, without law or witness to do so. By vaguely doubting that state-agenda perjury is rewarded not prosecuted in Florida, and baselessly doubting the prospect of injuries to Plaintiff. But without any contrary factset disputing what Plaintiff witnessed, and without pointing to any flaws in Plaintiff's mundane reasoning. If a judge believed controverting facts from his own experience, the ruling should have "explained" that the legal "reason" was applied to his own beliefs, not what the witness alleged.

For the person-specific allegations of Claim I, they cited neither law, witness, logic, nor beliefs to dispose of Plaintiff's run-of-the-mill observations and predictions. They ruled factually against Plaintiff's predictions, with no controverting witness of the system predicted or the prediction. No contrary factual articulation was reported for review, much less why a legal standard was appropriate to those facts. Lower courts obfuscated their reasons in silence.

They barred Plaintiff's personal details as "immaterial" without citing a context of any cause of action, seemingly based on confused/incorrect ideas about injuries allowed under law. They implicitly demanded factual details, which the 11th Circuit previously instructed the District to prohibit.

That Plaintiff's allegations were true and would result in real harm to Plaintiff, was not disputed by any witness or factset, or analysis of law upon that

witness or factset. Lower courts decided to deny the protections and remedies the legislature has given Plaintiff, based on internal beliefs that were never articulated.

Lower courts dismissed Plaintiff's claims without a full chain of legal reasoning measuring fact witnessed by the parties, or any commonly-accepted set of facts, against legislation. They offered abstract "reasons" without honestly citing case-specific fact or law, to not only avoid doing any work but also avoid making any statement in contradiction of law for review. This buried and insulated decisions of lawless discretion. Based on factors Plaintiff can guess, but which are irrelevant.

This is too great an exercise of unarticulated discretion evading review, a plenary power of preference like pardon, given only to executive officers under political regulation, not delegated to lower courts.

B. Witnessed Facts and Legal Background

Plaintiff witnessed violations of his rights, by cops lying. Plaintiff witnessed cops lying was regular, that it was judicially and socially condoned, and that state law structurally designed this discretion, to subvert judicial process in service of local agendas.

Plaintiff witnessed numerous cases where police and prosecutors subverted warrant and jury hearings with perjury, and researched many that others

witnessed and brought to Plaintiff's attention. Plaintiff witnessed countless people with similar experiences recounting the same pattern. Which is that state-agenda perjury is rewarded not prosecuted, information about this is buried rather than reported and disclosed, empirical evidence about this isn't considered, prejudice about this isn't cured, and propaganda about this is used to mislead, at the finder of fact.

Police could harass Plaintiff in the street and blow off courts with lies, adjudicated facts were parrot circles, court outcomes were negotiated behind closed doors along political expedience, Florida was letting murderers go free while squandering tax dollars wrongfully convicting and freeing whomever was politically convenient at a given moment. The resulting conflict deprived Plaintiff of the peaceful coexistence with fellow citizens he has a traditional right to.

All this was built on the discretion and conflict of interest of local prosecutors to not prosecute state-agenda perjury, designed by Florida law. And rather than this being prohibited by voters, prosecutors used perjury to pander to them.

Plaintiff witnessed federal judges support this, based on a communist theory that voters can directly regulate executive officers using political speech, without needing the middleman of courts and law. Based on a mirage that information can be transmitted more cheaply than it can through

vaguely-imagined social processes, making distributed formal processes a costly interference. Plaintiff witnessed voters rarely know or care when cops lie, or have any accurate or rational thought about innumerable events, or check actions that are calculated to mislead or not cross some majority.

The ability to observe state witnesses lying about things you have firsthand knowledge of, and the harm from it, is inversely proportional to one's political influence. No cop expects to lie about things a Governor or federal judge have witnessed, and get away with anything. To witness the full effects of law and politics rewarding state-agenda perjury, you have to be a nobody, and a witness of facts about other nobodies who are lied about. When you talk about government producing lies in court, you're talking about people with more connections to judges than you have, who lie about outsiders.

It's a supply chain of coin-shavers looking the other way on each other lying to insert their preferences, bolstered by confidence in their moral superiority.

To witness these political facts, you have to participate in political debate, including about local cases you have knowledge of. Plaintiff witnessed cops and their political supporters explaining and defending this in the anonymity of the Internet. The idea that voters can witness government activity but Plaintiff cannot, is a scam.

No judge or Defendant in this case claimed to

witness anything any state witness testified about. People who never witnessed anything state witnesses testified about, gullibly believe cops who claim to not lie. People who never advocated for the innocent, imagine voters cure rather than create the harm. But they can't legally insert this hearsay below the surface and rule on it as fact against the actual witness. When Plaintiff tells judges what many have witnessed, that local voters will never know or care when police and prosecutors torture ordinary people with lies, judges can't substitute their own imagination, and religious propaganda without empirical evidence.

When state witnesses are allowed to lie, it can't be recovered by other processes, not by lawsuits or jurors judging facial expressions or informal social regulation. Plaintiff learned from his own injuries, from his petitions in courts, and about people whose case facts he firsthand witnessed, that when perjury is undeterred, it's hard to recover from afterwards. It's only the prospect of occasionally being caught and punished in rare cases, and fact-finders considering these real risks and incentives for perjury in every case, that can protect nobodies.

C. Witnessing Judges Overwrite Process

We have the right to a jury trial because prosecutors, judges, and voters are evil liars. The fact that when prosecutors can convict whomever they want, they convict the innocent, is implied. The right isn't trusted to the hands of executive officers or voters,

assuming they're virtuous and want jury trials, which they don't.

Defendants express "how dare you accuse us of intentionally using lies to convict the innocent". But it's because the crowd and politicians are assumed to harm the innocent for sport and theater, that we have laws and juries, so that their impulses aren't relevant.

Plaintiff witnessed popular thinking about this -- about who makes decisions and what protects criminal defendants -- contradicts due process. They can't imagine the purpose of courts is to determine facts even if no participant consciously thinks those are the facts, and create outcomes contrary to the conscious preference of any participant. Rather they think the purpose of courts is to obtain the outcome, which participants have consciously decided in some informal social process. So that criticism of a flawed process, is perceived as criticism of conscious intentions of government officers.

They think protection of rights comes from the conscious intentions of government officers to do good, and the ability of voters to observe and regulate each case. But failure of the system doesn't come from defects in the character and choices of prosecutors, who are assumed to be defective liars. The system is supposed to mitigate that and make the judge and prosecutor powerless to choose to convict the innocent and their intentions irrelevant, by distributing power with checks. The system fails

when it doesn't do this, and let's the outcome depend on wisdom and conscious intentions of some participant. They can't imagine the problem process solves, by enforcing laws which may never be understood by any person, living or dead, isn't solvable by their own virtue and wisdom.

The fact that prosecutors tell you they figure out what's true, before they prosecute people and reward felons who lie to obtain this result, is irrelevant. Judges thinking due process is unnecessary because prosecutors figure out who's guilty before rewarding and not punishing people for lying about them, defies legislation. There's no right to a trial by conference room. A prosecutor's supervisor and coworker won't know when he produces lies and convicts the innocent.

In cases like *Hudson* and *Kansas v. Marsh*, Justice Scalia admits he thinks the quality of outcomes is guaranteed by things like "good faith" and "intentions" eclipsing process defects or "mistakes", words not in the Constitution. Scalia thinks it doesn't matter if the process for producing evidence is defective, if courts have a social track for knowing whether it was a good idea to search someone or consider some evidence. When Scalia said it makes sense to admit evidence when someone's obviously guilty, he's saying there's some parallel social process determining guilt, and court proceedings should be rigged to obtain that outcome, excusing process violations.

Florida law is designed to subvert process to conscious intentions based on this misunderstanding, that the quality of outcomes is determined by the good intentions of government. It creates the system Defendants imagine, where intentions matter because prosecutors are checked only by voters and virtue, by giving local prosecutors discretion to reward and not prosecute perjury serving some socially-validated agenda. And by promoting religion about state-witness honesty incentives, while suppressing empirical fact about those incentives, to swindle juries for the public good. Jurors are tricked to imagine "Oath" means good intentions to prosecute perjury.

Judges exploit this hallucination that people can see what others are seeing and doing and optimal actions and supervise them socially. The collective mind of voters and "the" executive branch can observe everyone, and know what actions of others will best serve the interests of strangers in every local situation. Making middlemen like banks, laws, and courts, to transmit information and preferences to noble police and factory managers, vestiges, pointless ancestral rituals. When voters can decide who's guilty, and fire prosecutors if they don't serve the imagined public interest by punishing whomever voters know needs to be cleansed.

Scalia observing that evidence-suppression results in a large number of guilty going free, requires a parallel social process determining the guilt of a large number of people, and knowing the costs of

innumerable police interactions. Without ever working in a trial court, running for sheriff, or being arrested. This favors process hacks that make it easier to convict whomever police or local politics want. While whistling past the peril, like a communist who seizes mines for the public benefit. This fits with Scalia laughing joyfully about trial courts being able to rig outcomes and avoid review.

People say "letting the free market decide leaves some people unable to afford some medical treatments". But they can't say "voters and elected officials know which person should get what operation". When the result is to just hand out operations, they waste resources with an oversized prison population. Whatever the policy is for whose money should be spent on which treatments, needs formal procedure to make local decisions conform. Like the two-key system for missile launches.

Conscious collective processes are captive to fraud and lies. Cheap social opinions of guilt are destructive. Law and process exist because people don't do good and self-destruct without them. Harm from lack of process in individual cases isn't observable by parallel social processes, but by the judgment of history.

Judges have to examine the quality of process to interpret legislation requiring "due" process. The problem is judges aren't trying to fine-tune what process is due. They're trading off process as unnecessary, for this social-regulation mirage.

Rational collective perception and social control don't exist.

To argue against communism, you need to persuade people capitalism gets better results logically, without a controlled lab experiment. To argue against subverting courts with communism, Plaintiff needs only witness people lie to subvert courts, and argue this is illegal. Judges can't dispute that state-agenda perjury is rewarded not prosecuted. But as a practical matter, courts allow law-breaking if they think it works.

D. Proceedings

Plaintiff filed two complaints asking declaratory and injunctive relief (FLMD 6:23-cv-01351, 6:24-CV-1993).

The first asserted that deterrence of perjury, and consideration of empirical data on this, are elements of due process, which Florida law intentionally lets government circumvent based on wanting decisions in the executive branch.

This was called shotgun for not recognizing this right to mitigation of perjury as an element of due process from previous cases, which barred facts relevant to it as immaterial.

Plaintiff appealed to the 11th Circuit to declare whether due process includes this mitigation of perjury, so that Plaintiff could get details relevant to

it through the door in the District. The 11th Circuit as usual didn't read anything Plaintiff said. And instead lawyered offhandedly to say Plaintiff's personal facts couldn't be relevant to any cause of action.

So Plaintiff came back in the District with a Complaint that focused on the systemic and prospective nature of Florida law employing perjury, to get across the rights violation without courts misperceiving a claim of specific past injuries. The personal details weren't really necessary, but in any case the 11th Circuit ruled they weren't.

Defendants responded based on confused and lazy generic ideas that Plaintiff must be talking about past injuries, which they mischaracterized as witnessing random instances of perjury.

The District blew off actual analysis of the Complaint, and basically didn't like what Plaintiff said and didn't want to give Plaintiff remedies. And so offered a disdainful strawman version of the claims, and fake generic non-sequitur reasons of 11th Amendment immunity and lack of standing.

The 11th Circuit then more accurately quoted Plaintiff's allegations, but affirmed lack of standing only by charading generic non-sequiturs about past injuries, without using any witness, law, or reasoning on Plaintiff's actual complaint.

The rulings buried real disputes about what Florida

does and what due process even is. This took the form of throwing away everything Plaintiff said, and citing generic cases having nothing to do with what Plaintiff actually complained about, just generically saying facts or injuries were lacking.

E. Proceeding-Defect Remedies

This Court can't as a practical matter make the 11th Circuit start from scratch whenever the District does garbage work, but can't legally permit appellate garbage from district garbage. And so must instruct the 11th Circuit to send it back to the District to honestly analyze, reduce, and detail real "reasons" for review, so the 11th Circuit can then do real review on narrower disputes.

The 11th Circuit can't recover from the District's slacking with a half-baked denovo analysis. If the District doesn't present for review what any real cause of action is, and what facts were disputed based on what witness, the 11th Circuit can't then say what facts are immaterial, or apply standing law to any cause of action. The 11th Circuit can't just doubt facts without reasons, give "reasons" without standing laws relevant to the facts, and just not dig into the real issues or articulate the real disagreements courts have with what Plaintiff said.

The 11th Circuit has to be clear what the injury is for each claim, based on what witness or theory they dispute the likelihood of that injury, what the burden is for exposure to that injury, and what standing is

required to petition for the remedies based on what law. If the 11th Circuit doesn't have time to figure out denovo what the facts and allegations really are beyond a generic past-injury recitation, they need to send it back to the District to clarify disputed facts and laws, so that the appeal has a narrower task.

Someone has to specify required elements of a district ruling clarifying the witnesses, rights, and standing burdens, to enable efficient appellate review of laws applied to actual facts. Or else courts have discretion to dismiss any details or complaint, without citing or even having real reasons for review.

The 11th Circuit has to clear up their conflicting instructions on what facts are permitted as "material" using real analysis, saying whether the rights are protected and what facts are material to them.

This needs to be remanded for articulation of real legal reasons, so that Plaintiff can appeal any real disagreements, and courts can practice real law.

F. Obfuscated Defective Elements

i. Called Abundant Facts and Law Non-Existent

Plaintiff responded with facts and law addressing everything Defendants and the Magistrate raised. The only way the District could pretend to legally deal with it and obtain the desired outcome of

dismissing the case, is giving shotgun "reasoning" that it was "inscrutable". And lying that Plaintiff stated no facts nor law, with theatric misdirection to the incomparable *Astrue* appeal.

The District smudged the Magistrate's somewhat specific statements "lack of regulation over perjury" and "public right to be summoned as juror", by ruling on vague "ills of the justice system". No honest statement of the issues and rulings was presented above-the-fold for public or judicial review, obfuscating that no honest process took place.

ii. No Court Named Any "Conclusory" Statement

Defendants/lower courts parroted "conclusory", to discard a) facts Plaintiff witnessed, like an ongoing systemic scheme to not deter and instead use state-agenda perjury, b) facts which are common knowledge, such as the powers of the Florida Governor and Supreme Court, and c) factual assumptions from previous cases, that courts ordering states to throw out cases causes states to improve their process.

Iqbal's "conclusory" means legal conclusions without facts; Plaintiff's firsthand-witnessed facts didn't need discovery to be presumed true. They were discarded without dispute by any witness or logic, for being contrary to unarticulated propaganda.

Plaintiff and many have witnessed, and no witness

disputed, that Florida rewards and doesn't prosecute state-agenda perjury. And doesn't produce records of, report, or disclose this, or consider or cure prejudice about this at the finder of fact. And systematically misleads the finder of fact, and subverts the locus of decision-making to the executive branch, with this scheme.

Nowhere did Defendants factually dispute this ongoing encouragement and use of state-witness perjury, empirically witnessed and logically demonstrated by Plaintiff as following from Florida law. No court provided any witness, or articulated any factset, that Florida does prosecute state-agenda perjury when caught. Or mentioned any method by which Florida mitigates rather than hides such perjury, in conflict with it advancing their agenda. When Plaintiff asked Defendants how they hoped to controvert anything Plaintiff witnessed, they asked for a restraining order.

Immunity cases like *Imbler*, recognize prosecutors cultivate testimony which they "doubt", and never mention their reasons for doubt to the jury. Lower courts never argued how a systemic decision not to prosecute perjury when caught, is any different from a systemic decision to use perjury. When that perjury has been previously rewarded, and otherwise cultivated by the State, and jurors are led to believe there's a penalty for lying and courts have some process for making testimony reliable.

Plaintiff cited cases, that say prosecutors knowingly

producing perjury and hiding evidence about that, to intentionally mislead/prejudice jurors about state-witness reliability, violates due process (e.g. *Glossip*). So that Plaintiff's factual allegations matched case law interpreting criminal-process rights, which says the State can't knowingly or systemically produce lies, and mislead judges and jurors about it ("dispense with the requirement of showing a 'specific intent'" *Monroe v. Pape*).

The Magistrate lied that Plaintiff's statements as witness and cases "fail to clearly allege (1) an unconstitutional scheme; (2) an ongoing violation". Courts refused to say "encouraging perjury, and hiding and not considering this at the finder of fact, is not violation of criminal-process rights". Courts must cite or make a law. They can't just lie that Plaintiff didn't allege anything.

The Magistrate mentioned "lack of regulation over perjury" which acknowledges an ongoing process. But then said "Plaintiff's requested injunction is entirely reliant upon the Court declaring past conduct unconstitutional". Thereby reporting non-sequitur "reasons" not based on the Magistrate's own reduced facts.

Justices often articulate actually-conclusory net-cost rather than simple cause-and-effect calculations to defy legislated policy; saying that suing prosecutors or roadblocking dishonest warrant-products creates net costs.

iii. Personal Injury Exposure Discarded Without Contrary Witness or Theory

The 11th Circuit reported generic injury-exposure reasoning based on no witness or claim, which reasoning neither court actually performed. There was no analysis of what law applied to the unique situation of Plaintiff's Complaint. This charade of denovo fact analysis never considered the actual claims, laws, or witnesses.

The 11th Circuit affirmed only lack of standing, based on lack of facts showing a past injury-in-fact. Without citing laws that informed standing burdens relevant to the actual facts and rights in each prospective claim. If this implied Plaintiff lacked past details to predict prospective injuries, this conflicted with barring the same details as "immaterial" in *24-10583*. Which is what happens when every ruling is fake fluff with zero actual reasoning below the surface.

The 11th Circuit quoted the prospective allegation more accurately, but still said "has harmed", without any witness, analysis, or articulated set of beliefs to doubt Plaintiff's allegation of future harm from systemic encouragement of perjury. They doubted Plaintiff without contrary witness or reasoning, by not even considering the quoted allegation. They just said Plaintiff hadn't shown some generic injury, non-sequitur to their specifics of Plaintiff's case.

Nobody argued Plaintiff will never drive past a speed

trap. During which a cop will decide whether to penalize Plaintiff based on his own agenda and values, for not being regulated to measure fact against law by process due to deter perjury. When local judges don't want to stop cops doing what voters want them to do, which is lie and create pretext to harass undesirables. This isn't different from state law giving judges opportunity to try Plaintiff without jury, or cops chances to search Plaintiff without honest affidavit.

Given how easily you can speed by accident, and cop escalation, you can't say Plaintiff's chances of cops lying to harm Plaintiff in the course of that interaction, is less likely than the enforcement of Colorado law on *303 Creative*. Cops like strangers in beater cars, probably less than Colorado likes straight-only cake bakers, and will lie casually that Plaintiff followed too closely. Lower courts never tried to argue which was less likely, just didn't say anything. There's no comparative analysis of imminence or self-censorship.

The facts previously barred from *6:23-cv-01351*, showed a pattern of actual perjury events, including concrete injuries to Plaintiff and reasonable self-censorship to avoid extreme unrecoverable harm, based on a prosecutor coercing inmates to falsely accuse Plaintiff of murder. Police continued to shadow Plaintiff after he filed his complaints. After Plaintiff filed his first complaint, he found out cops were still searching his accounts, by all evidence using warrants based on false statements.

All the injuries the 11th Circuit doubted, happened after Plaintiff filed his complaints. Which honest analysis of even the facts in Plaintiff's "short and plain" version could have reasonably predicted.

Claims II and III aren't Plaintiff-specific. Claim I didn't need the barred personal details, because there wasn't a single witness or articulated theory controverting Plaintiff's reasonable "short and plain" assessment of his exposure.

Defendants and courts didn't try to make or dispute these arguments, just say nothing. Defendants and judges misrepresented the allegations before getting to that.

Honest reasons weren't given, because that wasn't the real analysis. Their actual dislike was never articulated, which was Plaintiff's ideas about prosecutors using lies, and his remedies. Before getting to honest analysis of harm and standing burdens, and personal details previously barred.

If Plaintiff was complaining about past injuries of random perjury, rather than his actual claims of a system created by state law that removes the due process shield between citizens and all future state conduct, the "reasons" given would be valid. But courts simply refused to entertain what Plaintiff really witnessed.

**iv. Controverting Statements on Remedy
Targets Lacked Law or Witness**

Regarding Plaintiff's "conclusory allegation" that the Florida Supreme Court and Governor supervise criminal process, can stop law-breaking, and can order cops and criminal-justice actors to do almost anything, Plaintiff witnessed they can. Plaintiff didn't merely "come close" to alleging Defendants can deliver these remedies. Plaintiff doesn't need Defendants or anyone else to make Plaintiff's factual allegations. Defendants/courts have to dispute the allegations, with laws and witnesses or articulated factsets giving rise to doubt, and didn't.

The Magistrate can't just doubt what Florida government officers do, when Plaintiff witnessed and said what they do. The Magistrate supplied no contrary witness, law, or fact, and must accept Plaintiff as true. It's not clear what Plaintiff can do other than say "short and plain" facts he and everyone else has witnessed, to avoid being called "conclusory", or shotgun the more details he adds.

If the Magistrate wanted to dispute common knowledge, about the near limitless powers and authority asserted between the Florida Governor and Supreme Court, he should've cited some law or witness that informed his doubts, which made him conclude the Florida Supreme Court doesn't have "the responsibility to enforce" and supervise criminal process, and to decide denovo and micromanage any case, and order any criminal-justice actor in Florida.

FLSD accepted The Governor's previous statement, that he can order police to grab anyone on the street and lock them up without going before a judge (2:21-cv-14355 36/2). LEO Shane Desguin swore DeSantis instructed him "you can find a way" to arrest anyone who hasn't broken a law.

None of that's necessary, when federal courts can force states to release prisoners like Bennie Herring, who have no right to be released except to bludgeon the State, until local officers find some cure for their criminal process. Defendants have a larger "scintilla of enforcement" (*Austin v. Paxton*), than the unnamed state agent or judge in *Herring*, who could be enjoined to not use evidence. To somehow force cops everywhere to clean up their warrant databases, without the unnamed agent having enumerated enforcement power over them.

The Magistrate said "a speculative way to redress Plaintiff's injury, but it is not the type of relief available". *Herring* and *Hudson* had no such doubt that any "punishment" to a State tied to invalid criminal process, is an incentive which creates reasonable expectation officers will improve their processes. Judges regularly dismiss cases, on a broad idea this is punishment which deters misconduct.

When a state is presently holding prisoners after violating process in the past, releasing those prisoners isn't a "speculative" way to end ongoing harm.

v. Ignoring Rights to be Summoned as Juror and Enforcement of Law

The Magistrate can't deny Plaintiff has a "public right to be summoned as a juror" just because "Plaintiff does not specify under what law he seeks relief." The Magistrate has to cite or make law that there is no such right. Plaintiff cited The Civil Rights Act, the 6th Amendment, *Smith v. Texas*, and *Taylor v. Louisiana*. Instead of finding any law to dispute Plaintiff's laws and dismiss that one claim, the District lied that Plaintiff didn't say anything.

Plaintiff provided arguments and case law, showing an individual right to enforcement of legislation and justice (*Kansas v. Marsh*, *Winship*, *Glossip*, *Trump v. Anderson*), that individuals can petition for cures to state criminal process they have no right to but that will harm strangers in the future (*Herring*, *Hudson*), that federal courts can protect their jurisdiction sua sponte with writs, and that individuals/minorities have this traditional right to separation of powers. Neither Defendants nor lower courts cited any law to dispute any of this.

Whether there's a public right to be summoned as juror, or individual interest in enforcement of legislation, can't be "conclusory" -- unknown -- to federal courts, when Plaintiff cited cases supporting both. Which the District hid as "inscrutable" rather than honestly reporting the disputed issues and reasoning.

Social harms from lack of process include lost benefit of peaceful coexistence and social association such as trade with people whose rights are infringed, loss of democracy when legislation isn't enforced, and conflict in a lawless society. Lower courts remained silent on this standing.

vi. Generic 11th Amendment Citation

Defendants said "claims against Defendants for perjury by state court witnesses in criminal prosecutions. Plaintiff has not alleged or pointed to any statutes where Congress has abrogated the state's sovereign immunity for these claims." How about *Glossip*? States never had immunity to criminal-process petitions. No court/Defendant cited any law which ever made any state immune to criminal-process petitions, or in the particular circumstances of this case after the 14th Amendment.

Never mind Congress did abrogate much of any 11th Amendment immunity later invented (*Fitzpatrick v. Bitzer*), the 11th Amendment never created immunity to petitions for habeas, certiorari, or 28 USC 1651 after passage of AEDPA. No case or interpretation was offered by Defendants or courts to show it did.

No court or Defendant cited a law that interstate habeas petitions make jailers private individuals or are addressed to individual officers rather than states. Plaintiff cited laws saying the opposite. Every

law and practice says criminal-process petitions are addressed to states via their agents.

Defendants never cited any historical or legislated immunity to petitions for speedy trials, to suppress evidence, or to deter systemic misconduct.

No Defendant or court said where immunity of the State to being "dragged into court" over criminal process existed in England, or how *Ex parte Young* dealing with state tax policy speaks on criminal-justice petitions or 28 USC 1651.

Defendants cited federal jurisdiction over state laws exposing plaintiffs to taxes, not lack-of-process violations. This is what happens when courts discard case facts, and throw up generic superficial garbage. The fact that none of "Plaintiff's claims fall within the parameters of Ex Parte Young", confesses they haven't used a case to fit Plaintiff's facts.

Their immunity citations had to do with street rather than process laws, which can be declared illegal and the state enjoined, if it's a law against speech not a money liability. Plaintiff raised cases like *Mitchum v. Foster*, the District lied that Plaintiff didn't say anything.

If criminal process created by state law being illegal means Plaintiff needs to sue the State as a private person, or every officer individually, neither Defendants nor lower courts said that to address the actual subject-matter. They never said the Governor

can't be sued as an individual to do something, or whatever. They never mentioned 28 USC 1651.

Lower courts provided no reason for immunity citing any law that applies to the actual circumstances of Plaintiff's complaints.

vii. No Law Says Prospective Process Injuries Require Traceable Injury-in-Fact

Neither Defendants nor courts cited any law that criminal-process rights must have an "injury-in-fact, that is fairly traceable to the challenged conduct of the defendant, and that is likely... to be redressed by a favorable judicial decision". You have a right to a jury trial regardless of whether you can demonstrate the outcome would be less harmful than a judge trial. The right to have a judge sign a warrant and a cop risk a penalty for lying, doesn't require showing this would save you from the search.

Law doesn't say you have a right to due process, only if you can prove the result would be less harmful than the result without process. There's no parallel process other than the process, to determine the product of the process and measure traceable harm from not having it. The only visible harm is the lack of process itself. After the cop lies because he wasn't deterred, there's no parallel process to determine harm, the damage is usually unrecoverable.

Requiring process doesn't even require you show you would be searched, or any specific showing of harm.

For a penalty created by government to be legal, requires two steps. The penalty has to be legal. And the process for determining whether the legal penalty has taken place, has to be legal. Government can't kill random people in the street, or people who have spoken bad about government. Government can kill murderers, but requiring a jury to determine if they're murderers or dissidents.

For illegal extra-judicial injuries overtly denied by government, but threatened indirectly by law or a pattern of behavior relevant to a person, the standing burden is to show a person-relevant exposure to future unrecoverable harm, or a reasonable self-censorship like not driving on roads because of regular or systemic state policy.

For judicial-process injuries, the burden is to show a harm and lack of process. Like a speeding ticket from a cop who's allowed to lie, but without needing to show you weren't speeding.

The "Oath" is an element of the Fourth Amendment deterring perjury. Without it, there's not adequate process. A cop considering whether to detain someone knowing he can lie later, is the same as a warrant hearing without the Oath. Every time Plaintiff drives past a cop, that's a warrant hearing in the street. If Florida law called for home searches without warrants, courts would use any "vehicle" that crossed their desks, to enjoin the State.

So Plaintiff needs only show he is likely to get pulled

over at some point in his life, or even just drive past a cop, or that his reasonable fear of cops being allowed to lie causes him to stay home. This is bolstered by person-specific patterns witnessed by Plaintiff, that select Plaintiff for the illegal conduct.

A legislated lack of process regulating all government conduct, isn't like a rare chokehold on one person that's against declared policy. When state law subverts judicial process, cops can pull people over who criticize cops, and lie that they were driving recklessly. Therefore when state law systemically subverts process, all penalties are illegal like speech laws.

When legislation creates a future exposure to rights infringement, it's prospective like *Ex parte Young*. When the rights violation is lack of criminal process like a jury trial, there doesn't need to be any relative concrete injury traceable to it. So for a state law that indirectly exposes people to a future injury on a common activity which is simply a lack of process when driving past a cop, which chills activity in the face of unrecoverable harm but doesn't even need any further traceable or concrete injury from that lack of process, prospective relief is available.

Lower courts subselected generic case elements, and got this backwards.

They implied that a lack of judicial process needs an overtly declared or concrete traceable injury like a street law or event, remedied in individual capacity.

And that an indirect legislated violation like a First Amendment chilling needs a past concrete medical or wallet injury to be enjoined. They combined a law creating prospective relief for overt business tax violations requiring immunity "fiction", and concrete retrospective extrajudicial personal injury events not normalized by law, and applied it to lack of process created indirectly by state law.

If lower courts were forced to say what part of Plaintiff's witnessed facts *Ex parte Young* or their standing law applied to, the conflict would've been clear for review.

But when a court begins by throwing away witnessed facts that describe likely harm, and alleged indirect effects of state law as conclusory, that court can cite cases relevant to tax laws overtly violating rights threatening injuries on regular business activities, and cases relevant to extrajudicial personal injuries requiring concrete retrospective harm. Without explaining how case elements for these other circumstances apply to facts actually witnessed by Plaintiff and Plaintiff's regular activities chilled by exposure.

If Plaintiff needs wait for another defendant's standing/lawyer, to petition retrospectively/enjoin as "vehicle" to declare law and protect Plaintiff from these infringements in the future, a court should say that.

If lower courts "explained reasoning" that the process

injury of not deterring perjury could only be remedied after a warrant search or speeding ticket -- even if the petitioner couldn't prove traceable relative injury in the particular case -- then the reasoning would have been resolved for appellate economy.

G. Ku Klux Taxman - Lawyer-Revenue (Scheduled-Wallet-Injury) Standing

The KKK Act was designed for unscheduled person-specific events which government would deny, but did regularly enough to justify a law. Federal lawyers turned that into overt scheduled taxes or regulations on regular business activities, affecting revenue streams that can pay lawyers. The Supreme Court added their policy preference for non-concrete speech injuries, which offend their perception of government collectively regulated through speech. SC Rule 10 tells courts to misapply those cases, misinterpreting legislation on dissimilar facts.

Courts rewrote legislation by granting big-business cases they can't ignore. Then ignoring cases with non-matching facts, by saying "speculative exposures" meaning this isn't a tax or politically-visible speech case. LJC plaintiffs who believed *TikTok* is associated with dissident viewpoints instead asserted wallet injuries, to fit these "reasons" courts would cite regardless.

Knowing cops can lie about you chills speech about cops the same as an overt speech law. Participants

on websites that criticize cops use aliases, and hesitate clicking on links which might collect their IP address. Plaintiff could be arrested for drunk driving, for making a website about cops. A non-zero chance of a process injury like getting shot in the street or life in prison, is scarier and more unrecoverable than anything *303 Creative* faced. No case says Plaintiff's liberties aren't protected from chills under such threats.

But judges ignore witnesses, and instead ask did police openly say they were going to lie in affidavits or convict the innocent or retaliate against anti-cop agitators? Everything illegal government actually did, every wrongful conviction, was random unpredictable events, that somehow defied their stated intention to do justice. Got a real due-process injury, probably designed into law by actual klansmen in the Florida legislature to enable cop misconduct? Judge won't even read it.

When government denies something, there's no honest analysis of exposure probability over a time period or what is concrete, just money and policy preferences of courts. Recovering process costs lawyers money and deal-making goodwill.

The "exposure" standings left -- self-censorship business and speech injuries openly declared by government, past wallet or medical injuries, First Amendment chilling without traceable "concrete" harm -- don't protect you being beaten by actual perjuring klansmen, unless you have video.

Businesses get real law, people abused by cops get told cops are immune and regulated by "the people". This disconnect of preferences in court from legislation has a specific location, in sparse fake 12(b) dismissals.

REASONS FOR GRANTING PETITION

The discretion taken by lower courts, to make decisions impenetrable to appellate resources, conflicts with due process and separation of powers.

US v. Richardson said "the subject matter is committed to the surveillance of Congress, and ultimately to the political process." *Schlesinger v. Reservists* said "Our system of government leaves many crucial decisions to the political processes." Citizens must have notice what law courts are applying.

Judges can't insert preferences below a facade, which are exposed neither to voters, nor to judicial review as honestly-articulated questions of law.

Disputed decisions cannot be made in secret, without a reviewable statement of the real decision or reasons. By simply not saying what they're doing in their opinion. Often without and against witnessed fact, or not supported by any interpretation of unique facts against legislation that could be tested as case law.

A citation of law isn't reviewable, only its application

to a particular set of facts is. A citation of law without articulating the set of accepted facts or clear chain of legal reasoning upon them, contrives a power of unreviewable discretion not given to lower courts, usurped with obfuscation. By pretending facts never stated for review are something other than any stated by any witness, even brazenly lying that facts and law don't exist or were never pleaded by a plaintiff, lower courts fudge facts to slip in illegal preferences while avoiding clear statements in contradiction of law.

Lower courts parrot generic superficial final abstractions, where they know appeals courts can't reproduce the unarticulated (often non-existent) steps of reduction. Burying chains of fact-adjustment and legal reasoning below the surface is a trick to evade review of lawless decisions. Like a cop who leaves things out of an overly-brief and generic police report. Who never says "I'm lying" in his affidavit, so there's superficially no legal error in an illegal action, and therefore no venue for review. To avoid overt conflict, while serving extra-legal agendas without oversight.

Lack of process elements isn't just bad or rogue judging. Like police lying to obtain popular outcomes, it's intentional judicial-branch aggrandizement, to take locally-condoned executive actions.

This aggrandizes courts to choose state activity according to personal preferences. Subverting checks with personal preferences is "executive-branch".

Discretionary 12(b) reporting creates a structural "Chevron deference" to illegal local agendas.

Using sparsely-worded decisions and hiding fact-adjustment below the surface to achieve unregulated political operation, makes a hybrid judge/local administrator out of a court. Hybrid actors sneaking outside regulation by voters, law, or legally-delegated discretion, is not a design of lower courts tolerated by the Constitution.

It's also important to discourage courts dismissing facts that don't exactly match previous cases, which grants states paths around due process with novel schemes.

Requiring more details to facilitate review, isn't a burden if courts do their job and only need to write minutes. Instead lower courts copy-paste generic legally-passable reasons they know appeals courts can't attempt to penetrate. Federal courts can't legislate this standard trick to aggrandize discretion.

Justice Scalia once laughed "You know, a trial court is much more interested in getting result in the particular case... a district judge can... there are a lot of non-reviewable ways in which he can make the case come out right." It's easy for judges to laugh about aggrandizing their power to engage in quasi-executive/quasi-legislative activities.

But denying plaintiffs protections written by legislators, by not presenting a clearly-stated chain

or any legal reasoning in the context of actual case facts for review, exploits a designed structural oversight to sneak outside judges' subordinate authority.

The most common things courts seem to do, is not accurately declaring the right/prohibition or calling it shotgun, then still applying some generic law to dismiss. And stating facts no witness said. Requiring districts accurately declare the claimed right, and cite witness names and locations in the record, at least where disputes are raised demanding details, proves real work and exposes fraud.

Are we going to have public-facing theater of rigorous interpretation of legislation, while giving local courts a backdoor around it when nobody's looking? Only standing up straight for the cameras? Is denying due process with fake superficial rulings a bug or a feature?

Respectfully submitted,

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Supplemental Appendix S

(main appendix published separately)

Stages of Issue Reduction and Review

