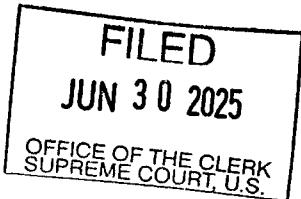


No. 25-5057

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



JOHN DOE - PETIONER

VS.

MARK GLASS,
FLORIDA DEPARTMENT OF LAW ENFORCEMENT - RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO
US APPEALS COURT FOT THE ELEVENTH CIRCUIT
PETITION FOR WRIT OF CERTIORARI

JOHN DOE

BOX 21

DAHLEN, ND, 58224

QUESTION(S) PRESENTED

Question 1: When an expungement has been granted for an arrest by a state agency, FDLE, and state court, Florida 18th Circuit, for protections as per the Fourth Amendment, Florida Expungement Statutes Sections 943.0585 and 943.059 along with Florida Admin Code., (FAC), Chap. 11C-7.006 and 11C-7.007, is it a due process violation for US District Court, Northern Florida District Court, to deny the plaintiff the use of a pseudonym for continued Fourth Amendment, Florida Expungement Statutes, and FAC protections when seeking relief for damages of the arrest?

Question 2: Is it a violation of due process for a US District Court, Northern Florida District Court, to exclude service of the complaint, involving an expungement, onto defendant, FDLE, prior to making a decision denying plaintiff the use of a pseudonym?

Question 3: Is US District Court for Northern Florida in citing 'Doe v. Garland', 341 F.D.R. 116, 117 - 18 (S.D. Ga. 2021) (citing 'Francis' 631, 3d at 1316) and the other cases cited in July 15, 2022 'Order' insufficient for making a decision to deny the use of a pseudonym because it generates a conflict between such case(s), and, the Florida Statutes along with FL Administrative Code for granting an expungement?

Question 4: Is 28 U.S.C. 1915 (a)(3) invalid to determine a case on appeal, as frivolous when, having done so fails to consider Constitutional contradictions and procedural errors?

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LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page.
A list of all parties to the proceedings in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Joe Smith v. Wayne Ivey, BCSD, 6:24-cv-01112-WB-RMN, US Dist. Ct Mid FL.,

•••
ccc

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at US Appeals for 11th Circuit; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at US District Ct. for No. FL; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 23, 2025.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from state courts:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a). //

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US Constitution- Fourth Amendment

US Constitution- Fifth Amendment

Florida Statute, (F.S.), Sections 943.0585 and 943.059

Florida Administrative, (FAC), Code Chapters 11C-7.006 and 11C-7.007

28 U.S.C. 1915 (a)(3) -Appeals if Good Faith

STATEMENT OF THE CASE

(A) Background of the Case-'Doe v. Glass', 4:23cv321, US Dist, Ct., No. FL

1. The civil action herein originated from a history of complaints with the Brevard County Sheriff Department, BCSD, as reported to Internal Affairs which can be seen with attachments # 2 - 11. Particular issues for the complaint are that the BCSD was committing illegal actions and Rights violations towards the plaintiff in failing to take corrective proper actions and for the protections of favored citizens who themselves were committing similar illegal and Rights violations towards and of the plaintiff. Such actions on the part of both these citizens and the BCSD were premeditated.

2. The arrest was made under the illusion and deception of being labeled as a 'detainment' wherein the plaintiff was not read his Miranda Rights or given any reason for such detainment. The plaintiff was not read any Rights under being detained. When asked where his weapon was the plaintiff replied to the location and the BCSD seized it. It is standard practice to give 'Notice' of the weapon and location when in possession of it during travel but this occurred in the plaintiff's residence. The plaintiff did not give any consent to take the weapon. Since no Rights were read under the 'detainment' then the BCSD did not justify the seizure. Once a period of 'detainment' had past the plaintiff was placed under arrest but was not told the charges; was asked for any explanation of his side of events in question; and not read his Miranda Rights. Why have Miranda Rights if they can be usurped by law enforcement stating a citizen is being 'detained'

rather than arrest such that all that is done in a detainment is that which is done under an arrest?

3. The arrest amounted to further harassment, and retaliation for prior complaints to Internal Affairs and the plaintiff stating that he intended to file a civil action for relief to Internal Affairs, BCSD, and FDLE. The requirement of the FL Dept. of Law Enforcement, FDLE, to file, process, and pay fees to restore and make corrections of the plaintiff's Rights for an Expungement is continued harassment and retaliations. This is due not only to the lack of proper actions of the BCSD and Internal Affairs but FDLE since all complaints were forwarded to the FDLE. Corrections of an improper and illegal arrest do not fall on the victim of such practices but those who made the violations. Under such the plaintiff requested an 'automatic expunction'. FDLE stated to the plaintiff that they could not comply with the request. They further stated that they had no direct influence over the plaintiff's complaints. This is a misleading and false directive because the FDLE's action of the Sheriff of Broward County, Tony, wherein the FDLE did conduct an Administrative Complaint that led to the revoking his certification for a series of false statements. This suggest, when compared to the BCSD, Sheriff Wayne Ivey, that the FDLE is practicing discriminating selection basis because Broward Sheriff Tony is black and Wayne Ivey is white. BCSD, Wayne Ivey, did more wrong; and failed to make any proper measures which were in scheme with some citizens of Brevard County as reported, the person lying for making the false arrest; and BCSD dispatch. The arrest was

only part of the overall predetermined scam to cause harm to the plaintiff.

(The attachments provide a more detailed account of the background. They will serve as evidence and further explanation.)

(B) Claims

(1a) It is unconstitutional and improper application pf FL law and Administrative Code for the FDLE to require that the plaintiff file, procees, and complete the forms,requirements, and fees as per the rules of Expunction of a false arrest that was done after a series of illegal preceedings and Rights violations of the plaintiff's onstitutional Rights; to detainment procedure; proper arrest procedure; and proper due process. In not granting an 'automatic expunction' the FDLE violated the plaintiff's Fourth Amendment Rights, Fifth Amendment Rights, Miranda Rights, and Title VI of the Civil Rights Code.

(2a) It is unconstitutional and improper for the FDLE to require the plaintiff to file, pay, and complete a process of Expunction given the arrest was unjustified. There was not provided to the plaintiff a justification on the part of the FDLE to require the plaintiff to pay to have his Rights restored. The failure to act immedidately to expunge, the arrest record, especially when the plaintiff requested such, caused ffurther harm to the plaintiff specific of the FDLE.

(3a) It is unconstitutional to require the plaintiff to pay to restore his reputation of properly exercising his Second Amendment Rights. By not immediately expunging the arrest it demonizes the plaintiff for his proper

and justified use of his Second Amendment Rights. FDLE in not doing so inhibits other citizens from the use of their Second Amendment Rights for their protection for fear of damage to their reputaion and inhibits the principle protection of the Second Amnedment. FDLE did not cite any justification for causing this demonizing of the use of the Second Amendment. Under such conditions there should be an 'automatic expunction' and/or the BSCD, as any sheriff dept. to immediately drop the record, or better attention prior to making improper arrest. Sheriff Judd for Hays City, FL area in reporting incidences on the Web has stated that "good people carry guns". This preserves the Second Amendment use for protections unlike the treatment the plaintiff experienced with the BCSD. What should happen in the plaintiff's situation is that no record should be produced such that it would need to be expunged untill all facts concerning the use of Second Amendment Rights are resolved. The charges were dropped which demonstratges the failure of a proper procedure for producing a record. Had they been fully adjudicated then the issue of improper siezure of the plaintiff's weapon a Fourth Amendment Right would have been reviewed. Under the titled 'detainment' the plaintiff was asked were his weapon was, but this dis not give consent to take the weapon. Such noticve to law enforcement is standard when carrying a weapon. However, the plaintiif was in his residence and the BCSD did cite a reason as to the justifcation for seizing the weapon as no Rights Notice was read to him under 'detainment' as that which as to be read under arrest. This failure demonizes the plaintiff for even just owning a

weapon.

(4a) The use of detainment of the plaintiff without reading any Rights, such as the Miranda Rights, is unconstitutional on the grounds of the US S. Ct. stating a need for them in an arrest. If a citizen needs to have their Rights read to them under an arrest so that they understand and can make their choices, such as the Right to remain silent, then how would a citizen know the difference in Rights under an arrest and those of a detainment? Because law enforcement states that a citizen is being detained does not grant them the special Rights different than an arrest. If so, then a citizen under detainment needs some understanding of the process of detainment and their Rights within such a procedure. Since this situation exists with the plaintiff then the record produced by BCSD is improper and illegal.

(5a) There was damage caused to the plaintiff. The supposed 'detainment' with no Rights read; the failure to read the plaintiff his Miranda Rights' the state process of returning the weapon; and the state expunging process for a failure to make a proper arrest; put improper restriction on Constitutional Rights by the state; and demonized the plaintiff, such that the FDLE has no justification for the expunging process thus any situation of the plaintiff's should be an automatic eraser of the incidents. The length of time to gather the required documentation and certification prolonged the damage from slander, libel, and defamation of character. Since there was not a legitimate arrest there is no legitimate reason for requiring a state expunging process. This should be automatic for all similarly situated citizens.

The state has no justification for restricting, hindering or otherwise interfering improperly with the plaintiff's Constitutional Rights associated with the case, Thus, no justification for requiring him to a process of forms, certification, cost and delays to recognize and restore his Constitutional Rights they had treated as insignificant

(C) Appeal to US Appeals Ct. for Eleventh Cir.-'Doe v. Glass', 24-11185-G

4. With US District Court for No. FL citing Federal R.C.P. 10, App'X P. 46, and from case authorities, App'X PP. 47 - 51, (Listed in Tbl. Auth. herein as (# 1 - 7) the case was dismissed on February 20, 2024. As such there is generated a conflict between Florida Statutes for Expungement along with Florida Administrative Code; and the cited authorities for the dismissal. Thus, a core conflict between the Fourth and Fifth Amendments.

5. Once on appeal to US Appeals Court for the 11th Circuit the request to proceed In Forma Pauperis was forwarded back to US Dist, Ct -No. FL. The resulting Order of May 29, 2024, App'X P 66, was rendered in which the plaintiff was denied IFP because the appeal was not considered "in good faith", 28 U.S.C. 1915 (a)(3). Then 11th Cir. adopted this 'Order' itself, requiring the plaintiff to pay the filing fee to US Dist, Ct.-No. FL.. The plaintiff disagreed with the case being determined a frivolous appeal refused to pay the fee. Thus,, the appeal was dismissed April 23, 2025, App'X P. 41.

REASONS FOR GRANTING THE PETITION

6. Should the plaintiff agree that the appeal was frivolous then he would be contradicting his claims. There is an undue influence of US Dist. Ct. -No. FL for the plaintiff to drop the case, App'X P. 55, Para. 2. This is an attempt to have the plaintiff incriminate himself as someone who files frivolous lawsuits. Leading to this comment is the argument of immunity for defendant, Glass, which is premature and should be done by Glass. The result is that US Dist Ct.-No. FL is already deciding with bias against the plaintiff. It is part of why there is a failure of due process. Glass was not even served the complaint. If the failure to serve is due strictly to criteria of F.R.C.P. (10a) then it has to be weighed against the protections of Florida Statute, (F.S.), Sections 943.0585 and 943.059 and Florida Admin Code., (FAC), Chap. 11C-7.006 and 11C-7.007

7. Had Glass been timely served with the complaint then No. FL Dist. Ct would have had to resolve the issue of why would Glass object to the use of a pseudonym after he granted an expungement per F. S. 943.0585 and 943.059 along with FAC Chap.11C-7.006 and 11C-7.007 ? If Glass had been served it would mean that No. FL Dist Ct. would have had to argue not singularly F.R.C. P. (10a) but resolve the conflict with FL expungement statutes and administrative, FAC, procedures. This generates a due process violation resulting in a failure to sufficiently adhere to the Fourth Amendment. Thereby, the protections of the Fourth Amendment for the

Plaintiff are not maintained by allowing the use of a pseudonym.

F.R.C.P. (10a) is not sufficient for usurping the Fourth Amendment.

8. There is the claim for an 'automatic expungement' because such should be immediate without restrictions placed on restoring the Rights and preventing undue harm for any arrest where charges have been dropped and/or false arrest. Glass/FDLE has no justification for placing requirements onto the plaintiff for restoring and preventing undue harm to Constitutional Rights when the charges were dropped and the arrest was false. Related case 'Joe Smith v. Wayne Ivey, BCSD', 6:24-cv-01112, US Dist. Ct Mid FL covers the details leading up to the arrest, during, and after. Since the arrest was not justified the FDLE has to be swift with damage control most favorable to the plaintiff-'automatic' To be clear 'automatic' refers to the arrest circumstance the plaintiff faced and other similarly arrested citizens. Though there are some arrest that come with convictions which can, also, be expunged, these would not fall into the category of 'automatic' US Dist Ct.-NO. FL did not fully adjudicate this claim because of the due process failure and not resolving the conflict as listed above. This claim of the Fourth Amendment was usurped by the failure to provide continued Fourth Amendment protections with the use of a pseudonym. Until all facts are presented and argued you cannot assume properly that the plaintiff is not entitle to the use of a

pseudonym in a preliminary decision. Should it later, during further processing of the complaint be realized that the plaintiff is being damaged by the use of his real name then the harm will have already been effected. without any way to repair it. None of which is the fault of the plaintiff.

9. An example of 'automatic' corrections is from the nationally publicized Duke Lacrosse Case. When the NC State Attorney's office took over the case the end result was that they said not only were the players not guilty but were in fact innocent. Normally in the legal arena not guilty is not a proof of innocence. Thus. making the assertion that the players were innocent is doing damage reduction. It does not allow the false accusations to continue to harm the players and taking away the attempted control of the accuser. As with the plaintiff's arrest the systems should not continue to allow the harm from false accusations with an 'automatic expungement' making the system work in a justifiable adjudication rather than as a retaliatory dictator mentality. One that cannot be held accountable. It helps to maintain what should be the protective mission of a state agency using the F.S. for Expungement and FAC. FL 18th Cir. promoted the protections but not US Dist. Ct.-No. Fl nor US Appeals-11th Cir.

10. The Glass/FDLE failed to implement any immediate accountability before and after the arrest as committed by the Brevard County Sheriff

Department, BCSD.. It is not Constitutional to punish one person for the failure of others. It fosters deviant passions within the FDLE and BCSD. It means these two organizations are using the legal system to harass a citizen. The Courts should be mindful of such actions and take their own actions to combat the undue burden. An 'automatic expungement' under the plaintiff's situation would eliminate court actions, as to for others similarly situated. Would such be considered frivolous?

11. US Appeal Ct.-11th Cir. requested US Dist. Ct.-No. FL to determine the plaintiff filing the appeal under IFP. The resulting Order, App'X P. 66, rendered a denial citing 28 U.S.C. 1915 (a)(3) as the appeal not being "in good faith". Using this statute for denial of IFP is the same as the reasoning above for F.R.C.P. (10a). Just as there is a conflict with F.R.C.P. (10a) and proper due process so to for 28 U.S.C. 1915 (a)(3). Both decisions fail to take into consideration that the Fourth Amendment is not being maintained. This result in 28 U.S.C. 1915 (a)(3) being in conflict with F.S. Sect. 943.0585 and 943.059, and FAC Chap.. 11C-7.006 and 11C-7.007. These conflicts are not frivolous for an appeal. 11th Cir. did not do its own due diligence to make an independent determination for IFP. It should not be a surprise that the court that generated the conflict and the due process violation as listed above would not want to be reviewed and overruled by 11th Cir.

12. With Glass/FDLE the plaintiff was granted fee waiver which is the

equivalent of IFP. The plaintiff was granted IFP in FL 18th Cir. for approval of the expungement. This is primarily based on ability to pay fees but has with it the fact that no person should be saddled for the cost of others failures. This demonstrates the conflict between F.S. and FAC processing, and federal statute 28 U.S.C. 1915 (a)(3)28 U.S.C. 1915 (a)(3) so as to prevent a seamless protection of the Fourth Amendment protections.

13. US Dist. Ct.-No. FL cites with App'X P. 49, Para. that the originating criminal complaint was filed in FL 18th Cir. 3 years prior to filing the complaint by BCSD, thus, available as a public record. This issue is what an 'automatic expungement' would eliminate from public record. The latter case for approval of FL 18th Cir. in Glass/FDLE granting the expungement erases the criminal record, so why not start with the criminal complaint initially for erasing the record since the charges were not pursued as stated with "Notice of No Information". Additionally, once in US Dist Ct.-No. FL under a pseudonym there is no definitive means of connecting the criminal complaint to the criminal nor civil complaint. Even if there were some means to connect the two, the plaintiff's complaint is to establish a structure so that no future person charged similarly has to have their Fourth Amendment protections broken. The justifiable fight is still there and it is not frivolous.

14. In citing (1) 'Doe v. Family Dollar Stores. Inc., App'X P.48; (2) "Doe v

Garland'. App'X P. 48; and (3) 'Francis', App'X P. 47, US Dist. Ct. No. FL references the justification is actually for use of a pseudonym because there is some criminal activity involved. In 'Family Dollar Stores, Inc.' it is personl safety which means there is involved the threat of some criminally motivated harm.; fpr 'Garland' there is the presence of actual threat of violence and physical harm which is criminal activity; and with "Francis' one is threaten with violence, again criminal activity onto a plaintiff. In the attachments to the present case and the related case 'Joe Smith v. Wayne Ivey' the plaintiff reported a series of criminal activities which includes threatening behavior even by the BCSD. By initiating failure of protection missions this activity is a criminal practice through reported accusations onto the plaintiff the BCSD was used to harm the plaintiff. Such action is referred to a 'swatting'. When reported to Glass/FDLE there was failure to exercise proper oversight. Thus, resulting in harm and damage to the plaintiff. Not allowing the plaintiff the use of a pseudonym means the intended effects of 'swatting' would continue while seeking relief by way of due process. Ivey/BCSD and Glass/FDLE 'hosted' the 'swatting'. In denying the plaintiff the use of a pseudonym the court would, also, be 'hosting' the 'swatting'. In 'Frank'. App'X p. 47, there is produced a contradiction in that such continued harm as is the intent of the accuser would be extended against the criteria of support for the use of a pseudonym

“ where the injury litigated against would be incurred as a result of the disclosure of the plaintiff's identity”. This follows similarly for the violation of the Fourth Amendment because the expungement process contradicts with US Dist. Ct.-No. FL denying the use of a pseudonym; a core issues of the claims in the case. There were actions to violate the plaintiff's Rights to privacy. Thus, a conflict between the Fourth and Fifth Amendments for the failure of one to protect the other. This means the appeal is not frivolous as per 28 U.S.C.1915 (a)(3) as cited by US Dist. Ct.-No. FL and adopted by US Appeals Ct.-11th Cir. The plaintiff has Rights to not be continuously harmed and damaged by false accusations of ‘swatting’ even as they run through the courts.

15. The resulting choice to the plaintiff is that he can have Fourth or Fifth Amendment rights but not both. The decisions leading to the Writ are not coterminous as holding all Rights for the plaintiff as could be done for the avoidance of further harm. Even as the plaintiff is continuously threaten and damaged for filing complaints and civil actions. This is demonstrated by the plaintiff's “ Motion for Inclusion of New Evidence”. App'X P 58, wherein he listed an attempt onto his life for both this case and the related case, ‘Smith v. Ivey’. This violence onto the plaintiff occurred during court processing, therefore, ‘Doe v. Family Dollar Stores, Co.’; ‘Doe v. Garland’; and Plaintiff B v. Francis’ should apply but were not. The court is, therefore, ‘hosting’ the attempt onto the plaintiff's life

as it has done for 'swatting'.

16. The plaintiff's 'Motion to Enjoin" on appeal App'X P. 60, was for bringing into the appeal the issues of the denial of the use of a pseudonym for related case 'Smith v. Ivey'. Both cases arise from the same circumstances of facts. Both cases need the use of a pseudonym because there can be no break of protections in either so as to not negatively impact the other. On US Dist. Ct.-Mid. FL the plaintiff filed a 'Motion to Stay' pending the appeal to US Appeals Ct.-11th Cir.. and the for the present Writ. Should the Writ be denied then the plaintiff will let 'Smith v. Ivey' run it's course to dismissal, then proceed to the appeals process. Consequently, the issues presented are not going away.

17. As each Amendment is unique onto itself, the Fourth Amendment is specific to not being broken into pieces. It can only be upheld if it is continuously maintained. The Fourth Amendment is not a toggle switch. No one has fought for, been damaged by, nor died for, supporting the Fourth Amendment so as to end up with partial interrupted Rights to protections. The rewards of privacy are too great. Because the plaintiff values it so greatly is the reason the accusers and defendants have attacked it extensively. It is shameful the courts have 'hosted' such actions. Presently, with the intrusions of the internet and the government citing a multitude of claims for more and more information, privacy has become more valuable than most other

Amendments for protections against privacy violations and resulting harm. Similarly, involved in the related case 'Smith v. Ivey' is the plaintiff's challenge to the break in Rights of not being read Rights under a detainment, part of which is the failure of Fourth Amendment protections being broken.

18. Security means you have no breaks. All is checked. So to for people and their persons they need to be secure. There are no Rights unless all are maintained within each Right and upheld Jux opposed one to the other.

CONCLUSION

19. The petition for Writ of Certiorari should be granted.

Respectfully Submitted,

John Due
Date June 30 '25