

25-1010

11/10/25

In The
Supreme Court of the United States

Lee Michael Tomko
Petitioner

v.

Bruno Martin
Respondent

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

Petition for Writ of Certiorari

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Question

Is my complaint frivolous or otherwise insubstantial, when applying the motion to dismiss standard of accepting all allegations in the complaint as true and drawing all inferences in favor of the non-moving party?

Corporate Disclosure Statement

Not applicable

Related Proceedings

United States District Court, Middle District of
Florida, Orlando Division

6:24-cv-01063-WWB-DCI

Lee Michael Tomko vs Bruno Martin

Date of entry of judgment: September 27, 2024

United States Court of Appeals for the Eleventh
Circuit

24-13353

Lee Michael Tomko vs Bruno Martin

Date of entry of judgment: September 25, 2025

**Citations of the official and unofficial reports
of the opinions and orders entered in the case
by courts or administrative agencies.**

Report and Recommendation

Real v. City of Fort Myers, 2018 WL 2011322, at *1)
(M.D. Fla. Apr. 30, 2018)

Bivens v. Six Unknown Named Agents, 403 U.S. 388
(1971)

Cuyler v. Aurora Loan Servs., LLC, 2012 WL
10488184 (11th Cir. Dec. 3, 2012)

Barnes v. Comcast Xfinity, 2021 WL 7448075, at *1
(M.D. Fla. Nov. 15, 2021)

Clark v. Ga. Pardons & Paroles Bd., 915 F.2d 636,
639 (11th Cir. 1990)

Denton v. Hernandez, 504 U.S. 25, 32-33, 112 S. Ct.
1728, 118 L. Ed. 2d 340 (1992)

Cornelius v. Bank of America, NA, 585 F.App'x 996,
1000 (11th Cir. 2014)

Garner v. CIA, 2017 WL 11025763, at *2 (M.D. Fla.
June 12, 2017)

Denton v. Hernandez, 504 U.S. 25, 32-33 (1992);
Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993)

Order (District Court)

Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512
(11th Cir. 1990)

Kohser v. Protective Life Corp., 649 F. App'x 774, 777

Marsden v. Moore, 847 F.2d 1536, 1548 (11th Cir.
1988)

Opinion of the Court (Appeals Court)

Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)

Miller v. Donald, 541 F.3d 1091, 1100 (11th Cir. 2008)

Guideone Elite Ins. Co. v. Old Cutler Presbyterian Church, Inc., 420 F.3d 1317, 1324 (11th Cir. 2005)

Rance v. Rocksolid Granit USA, Inc., 583 F.3d 1284, 1286 (11th Cir. 2009)

Cockrell v. Sparks, 510 F.3d 1307, 1310 (11th Cir. 2007)

McNair v. Johnson, 143 F.4th 1301, 1306 (11th Cir. 2025)

Jefferson Fourteenth Assocs. v. Wometco de Puerto Rico, Inc., 695 F.2d 524, 526 (11th Cir. 1983)

Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001)

Denton v. Hernandez, 504 U.S. 25, 32–33 (1992)

Cockrell, 510 F.3d at 1310

In re Ellingsworth Residential Cmty. Ass'n, Inc., 125 F.4th 1365, 1377 (11th Cir. 2025) Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008) United States v. Campbell, 26 F.4th 860, 871 (11th Cir. 2022) (en banc)

Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)

Jurisdiction

The date of the appeals court judgment is September 25, 2025.

28 U.S. Code § 1254:

“Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

- (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;”

28 U.S. Code § 2101, c:

“Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree.”

The Supreme Court has jurisdiction to review this case.

The constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case:

Complaint

The fourth amendment of the United States Constitution protects citizens from unreasonable searches.

Report and Recommendation

28 U.S.C. § 636(b)(1)(C)

The party has fourteen days from the date the party is served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C).

28 U.S.C. § 636(b)(1)

A party's failure to serve and file written objections waives that party's right to challenge on appeal any unobjected to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1)

28 U.S.C. § 517

The United States specifies that it is not a party to this action because Defendant does not exist, and the United States is moving to dismiss pursuant to 28 U.S.C. § 517. Doc. 10 at 1, n.1.

Order (District Court)

28 U.S.C. § 636(b)(1)

When a party objects to a magistrate judge's findings, the district court must "make a de novo determination of those portions of the report . . . to which objection is made." 28 U.S.C. § 636(b)(1)

Case Statement

I sued Bruno Martin, an FBI employee, after I was informed of and observed his corrupt activities. The United States attorney in Orlando joined the case to defend after time had already run out for a response to the lawsuit. The defense attached a declaration from an FBI employee stating that Bruno Martin was not an FBI employee. I argued that the declaration was possibly a lie and that I was being told that Bruno Martin was his exact name and that the FBI changed his name.

The case was quickly dismissed on a motion to dismiss before an answer.

I appealed to the United States Court of Appeals for the Eleventh Circuit arguing that the complaint is supposed to be accepted as true and that I was informed that the defense was covering up the issue. The appeals court affirmed the decision of the lower court.

The basis for jurisdiction in the court of first instance (United States District Court, Middle District of Florida) is *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) for violations of the fourth amendment of the United States Constitution. “The actions of Bruno Martin are clearly unreasonable because they have continued for approximately four years and are mostly intended to harm, harass and cause economic losses. [...]” (Complaint, page 4).

Argument Amplifying Allowance of Writ

This case should be reviewed by the Supreme Court of the United States for several reasons, including:

- The defense is attempting a cover up. The court’s decision is an obvious error of judgment. The court immediately accepted the government’s argument and dismissed mine. That is a clear bias.

- The appeals court “has so far departed from the accepted and usual course of judicial proceedings” by affirming the decision of the lower court when I claimed the lower court’s decision was an obvious cover up and gave rational arguments as to why it should not have been dismissed, such as the standard that it must be accepted as true. Essentially cooperating with the cover up. The lower court dismissed the case before the defense was required to file an answer.
- This FBI agent caused significant damage including: defamation to employers resulting in lost opportunities and manipulation of stock prices to my disadvantage.

/s Lee Michael Tomko

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