


No. 25-\_\_\_\_\_

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**In the  
Supreme Court of the United States**



JOHN E. HALL,

*Petitioner,*

v.

EXPERIAN INFORMATION SOLUTIONS, INC., ET AL.,

*Respondents.*

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**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI**

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March 25, 2026

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BOSTON, MASSACHUSETTS

**QUESTION PRESENTED**

Whether Article III permits a federal court to impose a *sua sponte* dismissal with prejudice carrying a claim preclusive, merits level finality when no defendant has moved to dismiss the operative complaint, the court has conducted no adversarial testing, petitioner has Article III standing, and the dismissal is entered without notice and without identifying claim specific deficiencies to be cured in amendment.

## **PARTIES TO THE PROCEEDINGS**

### **Petitioner / Plaintiff-Appellants**

- John E. Hall

Petitioner John E. Hall was the plaintiff in the United States District Court for the Southern District of Texas and the appellant in the United States Court of Appeals for the Fifth Circuit.

### **Respondents / Defendants-Appellees**

- Experian Information Solutions, Inc.;
- An unidentified Houston Police Department Internal Affairs Division Investigator sued in an individual capacity
- Jefferson Capital Collection Agency
- IC System, Inc.
- Newman Springs Publishing
- Carlos Suazo
- The United States Department of Education
- The City of Pearland
- Joaquina Spikes
- The City of Houston
- National Auto Group
- Elissa Mohammed
- Credit Acceptance Corporation
- Judge Laryssa Korduba

Respondents were defendants in the district court and appellees in the court of appeals.

## LIST OF PROCEEDINGS

U.S. Court of Appeals for the Fifth Circuit  
No. 25-20068

John E. Hall, *Plaintiff-Appellant* v.  
Experian Information Solutions, Inc., et al.,  
*Defendants-Appellees*.

Opinion and Judgment: November 13, 2025  
Petition for rehearing and rehearing en banc denied:  
December 16, 2025

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U.S. District Court, Southern District of Texas  
No. 4:24-cv-02882

John E. Hall, *Plaintiff* v. Experian Information  
Solutions, Inc., et al., *Defendants*.

Order dismissing action with prejudice:  
February 20, 2025  
Final judgment entered: May 8, 2025

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## OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit affirming dismissal with prejudice is unpublished and dated November 13, 2025. (App.1a). The district court's dismissal order was entered February 20, 2025 (App.9a), followed by final judgment on May 8, 2025. (App.7a).



## JURISDICTION

The United States Court of Appeals for the Fifth Circuit entered judgment on November 13, 2025. (App.1a). A timely petition for rehearing and rehearing en banc was denied on December 16, 2025. (App.13a). A motion for an extension of time was denied for a panel rehearing. This Court has jurisdiction under 28 U.S.C. § 1254(1). The petition is timely filed within 90 days of the denial of rehearing en banc. Sup. Ct. R. 13.3.



## CONSTITUTIONAL PROVISIONS INVOLVED

### U.S. Const. Article III

U. S. Const. Article III Predicates Relevant *to Sua Sponte* Dismissal with Prejudice

1. Vesting of Judicial Power (Article III, Section 1). The Constitution vests the judicial power in federal

courts. This power must be exercised through adjudication of disputes and supports the separation of power structure by the Constitution.

2. Case or Controversy Requirement (Article III, Section 2, Clause 1). Federal courts may decide only actual cases or controversies. This requires a real dispute between parties.

3. Concrete Injury Standing (Article III, Section 2, Clause 1). A plaintiff must allege an injury in fact, causation, and redressability

4. Actual Dispute Requirement (Article III, Section 2, Clause 1). Courts cannot issue advisory opinions. A dismissal based on issues not litigated by the parties can be framed as bypassing the actual dispute requirement.

5. Party Presentation Principle (Derived from Article III adjudication structure). Federal courts rely on adversarial presentation by the parties to frame legal issues.

6. Jurisdiction First Requirement (Article III limits on judicial power). Before reaching the merits of a claim, courts must ensure that Article III jurisdiction exists.

7. Judicial Neutrality (Article III, Section 1 structural protections). Life tenure and salary protection are designed to ensure neutral adjudication.

8. Limits on Judicial Fact-Finding at the Pleading Stage (Derived from Article III adjudicative function). In civil rights and RICO claims, plaintiffs should be granted discovery to develop evidence resolving disputes.

**U.S. Const. amend. I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**U.S. Const. amend. IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**U.S. Const. amend. V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**U.S. Const. amend. XIV, § 1**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State

wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



## INTRODUCTION

Petitioner claims that respondents have engaged in a government conspiracy by concealing IAD records that petitioner has a special right of access to under Texas Government Code 552.023 and under the Texas Government Code 614.023 which mandated that he has a due process right to review and respond in writing to any adverse information placed in his personnel and IAD file. These statutes were written to prevent secret and false accusations against officers without notification. In the current case, government respondents and private actors under the color of law used the false IAD complaints as legitimate complaints, conducted unauthorized pen registered and wire tape surveillance to disseminate negative information to third parties, and fabricated and concealed government records to cover up procedural and constitutional violations causing reputational, employment, financial, credit, and constitutional harms. The Courts incentivized retaliatory harms by denying petitioner discovery and adversarial testing of claims seeking relief placed before the courts.



## STATEMENT OF THE CASE

### A. Nature of the Case

This case concerns the constitutional limits of Article III judicial power and the procedural prerequisites for entering a merits-level judgment with claim-preclusive effect.

Article III confines federal courts to adjudicating live cases or controversies through adversarial proceedings initiated and framed by the parties. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998) (Article III requires a concrete dispute presented by adverse litigants); *United States v. Sineneng-Smith*, 590 U.S. 371, 375-76 (2020) (reaffirming the party-presentation principle and rejecting judicial reframing of cases). Federal courts do not possess authority to resolve disputes absent a procedurally proper presentation by adverse litigants. *See Greenlaw v. United States*, 554 U.S. 237, 243-44 (2008).

Petitioner challenges a *sua sponte* dismissal with prejudice entered after the filing of an operative amended complaint, where no defendant answered or moved to dismiss that complaint, no adversarial testing occurred, and no claim-specific deficiencies were identified for correction. Such judicial action departs from the constitutional requirement that adjudication proceed through adversarial testing. *See Bell Ad. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (adversarial process is central to testing the sufficiency of claims).

A dismissal with prejudice carries claim-preclusive consequences equivalent to a judgment on the merits.

*See Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 505-06 (2001); *Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 398 (1981). The issue presented is whether such finality may be imposed consistent with Article III and due process where the procedural prerequisites for adjudication were not satisfied. *See Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429-30 (1982) (due process prohibits termination of claims through arbitrary procedural mechanisms). Petitioner alleges that he sustained concrete and ongoing injuries traceable to the challenged conduct and redressable through judicial relief. Those alleged injuries include reputational harm coupled with alteration of legal status, impairment of employment opportunities, denial of access to adjudicatory processes, and foreclosure of statutory and constitutional claims. *See Paul v. Davis*, 424 U.S. 693, 708-09 (1976) (stigma-plus doctrine); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 424-26 (2021) (concrete injury includes intangible harms with close common-law analogues).

## **B. Procedural History**

Petitioner initiated this action in the United States District Court for the Southern District of Texas, asserting constitutional and statutory claims arising from the handling, dissemination, and continued non-disclosure of Internal Affairs Division (“IAD”) records maintained by government entities, as well as concealment of consumer credit records.

Petitioner alleged that he sought access to his own IAD records over an extended period through internal requests, administrative processes, and litigation, and that those records remained exclusively within government control. He further alleged that the records

were used in ways that adversely affected his employment prospects and legal interests. *See Greene v. McElroy*, 360 U.S. 474, 492-96 (1959) (government use of undisclosed records affecting employment implicates due process).

After the filing of initial pleadings without citing pleadings deficiencies to cure, the district court granted Petitioner timely filed an amended complaint on January 17, 2025. The petitioner timely filed an amended complaint. Under settled federal law, the amended complaint superseded all prior pleadings and became the operative complaint in the case. *See Rockwell Int'l Corp. v. United States*, 549 U.S. 457, 473-74 (2007); *Boelens v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir. 1985).

No defendant filed an answer or a motion to dismiss directed to the operative amended complaint. Discovery was stayed, and Petitioner did not obtain access to the government-controlled records referenced in the amended pleading. The absence of any responsive pleading eliminated adversarial testing of the claims. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986) (truth-seeking function of litigation depends on adversarial presentation).

The district court thereafter entered a *sua sponte* order dismissing the action with prejudice. The order did not identify claim-specific deficiencies in the amended complaint, provide notice of intent to dismiss with prejudice, or afford an opportunity for further amendment. Such dismissals are disfavored and constitutionally suspect. *See Jefferson v. Hutto*, 713 F.2d 218, 220 (5th Cir. 1983); *Bazrowx v. Scott*, 136 F.3d 1053, 1054 (5th Cir. 1998).

Petitioner appealed. The United States Court of Appeals for the Fifth Circuit affirmed the dismissal. A petition for rehearing en banc was denied.

### C. Continuing Injury in Fact

Petitioner alleges that the dismissal with prejudice foreclosed access to judicial review of claims dependent on evidence exclusively controlled by government entities. Because a dismissal with prejudice carries a claim-preclusive effect, Petitioner asserts that the dismissal itself constituted a concrete injury by extinguishing the opportunity for adjudication of live claims. *See Christopher v. Harbury*, 536 U.S. 403, 413-15 (2002). *See Logan v. Zimmerman Brush Co.*, 455 U.S. at 429-30; *Ex parte Siebold*, 100 U.S. 371, 376-77 (1880) (judgments entered without jurisdiction or lawful authority are void).

Petitioner further alleges that the underlying non-disclosure of IAD records continues to affect his legal status, reputation, employment prospects, creditworthiness, and his ability to pursue statutory and constitutional remedies, creating ongoing harm. Such as the DOE's failure to investigate civil rights violations and failure to process the borrower's defense application, resulting in mortgage loan denials. *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158-61 (2014) (continuing chilling or legal effects satisfy injury-in-fact).

Petitioner contends that these alleged injuries are ongoing and that relief remains available through vacatur of the dismissal and remand for adversarial proceedings consistent with Article III. *See Nguyen v. United States*, 539 U.S. 69, 77 (2003) (structural constitutional defects require vacatur).



## REASONS FOR GRANTING THE PETITION

### I. *A Sua Sponte* Dismissal with Prejudice of a Superseding Amended Complaint is Constitutionally Void for Want of a Live Controversy

Article III limits federal courts to resolving disputes presented by adverse parties through adversarial adjudication. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 170 (1803); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 101-02 (1998).

Once Petitioner filed an amended complaint, all prior pleadings and any motions directed at them were rendered legally inoperative. Under *Boelens*, 759 F.2d at 508; *King*, 31 F.3d at 346, claims that seek to enforce regulatory policies without personal injury can be dismissed but not claims involving stigma plus claims, access to court claims, and informational injuries. A live controversy entitles petitioners to access to records relevant to their concealment claims which are in the possession of the government. Because no defendant moved to dismiss the operative pleading, there was no live, party-presented controversy before the district court. *Greenlaw v. United States*, 554 U.S. 237, 243-44 (2008); *United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020). In the current case, the court ignored concrete injury claims in violation of Rule 8 which required facts to support defendants' liability and relief.

## II. Merits-Level Finality Without Adjudication Corrupts the Judicial Process

Dismissal with prejudice carries claim-preclusive force equivalent to adjudication on the merits. *Semtek*, 531 U.S. at 506. When imposed without adversarial testing and without identifying claim-specific deficiencies to cure, the right to adjudicate claims is a procedural injury in fact.

Corruption of the adjudicative process—rather than mere legal error—requires corrective action to preserve institutional integrity. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944); *Universal Oil Prods. Co. v. Root Refining Co.*, 328 U.S. 575, 580 (1946).

## III. Fraud on the Court and Structural Ratification of a Constitutionally Void Judgment

The dismissal below constitutes more than procedural error; it represents a fraud on the court in the constitutional sense, rendering the judgment *void ab initio*.

Fraud on the court encompasses conduct that corrupts the judicial machinery itself and prevents courts from functioning as adjudicative bodies. *Hazel-Atlas*, 322 U.S. at 246; *Universal Oil*, 328 U.S. at 580. It includes institutional actions that create the false appearance of adjudication where none occurred.

Here, a dismissal with prejudice was entered and affirmed as a merits judgment despite the absence of any adversarial adjudication, defendant-initiated motion, or identification of claim-specific deficiencies to cure. Transforming non-adjudication into binding finality corrupts the judicial process itself.

Judgments entered in excess of Article III authority are constitutionally void, not merely erroneous. *Ex parte Siebold*, 100 U.S. 371, 376-77 (1880); *Nguyen v. United States*, 539 U.S. 69, 77 (2003).

#### **IV. Government Concealment Cannot Be Converted into Immunity from Adjudication**

Where the government exclusively controls evidence necessary to establish stigma-plus injury; black balling, retaliation, and alteration of legal status, a court's mechanical pleading-stage dismissal forecloses constitutional claims before they can be proven—particularly where dismissal is entered without identifying claim-specific deficiencies to cure.

Official concealment that frustrates access to courts constitutes an independent constitutional injury. *Christopher v. Harbury*, 536 U.S. 403, 413-15 (2002). Ongoing concealment constitutes continuing injury warranting judicial review. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158-61 (2014). The Petitioner had a right to access the courts due to the ongoing threat to continuously use the false IAD records to ruin his reputation, impair employment opportunities, and retaliate against him.

#### **V. The Decision Below Conflicts with Other Circuit Authorities on *Sua Sponte* Dismissals with Prejudice**

The Fifth Circuit's affirmance conflicts with Ninth Circuit precedent governing *sua sponte* dismissals, particularly dismissals with prejudice entered without notice and without identification of curable deficiencies, as well as with the majority of other circuits.

The Ninth Circuit has repeatedly held that dismissal with prejudice requires notice and an opportunity to amend unless amendment would be futile. *Lopez v. Smith*, 203 F.3d 1122, 1127-30 (9th Cir. 2000) (*en banc*); *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987). The Second Circuit holds that a district court may not *sua sponte* dismiss with prejudice without notice and an opportunity to respond, especially where no defendant motion is pending; *McGinty v. New York*, 251 F.3d 84 (2d Cir. 2001). In addition, the Third Circuit has emphasized that courts are neutral arbiters, not litigants, and may not resolve merits issues *sua sponte* where facts are disputed (*Oatess v. Sobolevitch*, 914 F.2d 428 (3rd Cir. 1990)). In *Tingler v. Marshall*, 716 F.2d 1109 (6th Cir. 1983), the Sixth Circuit has repeatedly reversed *sua sponte* dismissals with prejudice where no defendant motion was filed, no notice given, and opportunity to amend identifiable deficiencies. Similarly, the Seventh Circuit rejects judicial assumption of the defendant's role and bars *sua sponte* merits dismissals absent adversarial presentation, *Ricketts v. Midwest Nat'l Bank*, 874 F.2d 1177 (7th Cir. 1989).

The judgment below imposed merits-level finality without identifying claim-specific deficiencies to cure and without adversarial presentation, creating a direct conflict with sister circuits; therefore, warranting this Court's review.

## **VI. This Petition Presents a Clean Vehicle for Supreme Court Review**

The dispositive facts are undisputed: the court record reflected no defendants filed motions against the operative complaint, the dismissal was entered without the Court identifying claim-specific deficiencies to cure,

and the judgment lacked adversarial testing. Therefore, this writ embodies the constitutional question of whether Article III and the Due Process Clause permits a federal court to extinguish civil rights claims by a *sua sponte* dismissal with prejudice while the government conceals IAD records essential to standing and merit adjudication.

**VII. The Court of Appeals' Failure to Correct the Record Under Rule 10(e) Allowed an Article III-Void Judgment to Stand in Violation of Rule 12(b)(6)**

Petitioner claims that FRAP 10(e)(2) imposes an affirmative obligation on courts of appeals to ensure that the record accurately reflects “what occurred in the district court.” When the record demonstrates a material defect affecting jurisdiction, procedure, or the validity of a merits judgment, the appellate court may not ignore that defect or affirm on a fictive procedural posture. In the present case, the district court and appellate court dismissed disputed facts in civil right claims at the pleading stage which conflicted with *Swierkiewicz v. Sorema NA.*, 534 U.S. 506 (2002). “The Federal Rules do not contain a heightened pleading standard for employment discrimination suits . . . before discovery has unearthed relevant facts and evidence, it may be difficult to define the precise formulation of the required prima facie case” *Swierkiewicz*, 534 U.S. at 512-13.

Here, the record unambiguously reflects that *no defendant answered or moved to dismiss the operative amended complaint*; (*Connecticut Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992); *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 2001); *Rivas v. United States*,

368 F. App'x 562, 564 (5th Cir. 2010); *Hollis v. Lynch*, 827 F.3d 436, 443 (5th Cir. 2016); and *Boelens v. Redman Houses, Inc.* 759 F.2d 504, 508 (5th Cir. 1985)). Under settled federal law, an amended complaint supersedes all prior pleadings and motions, rendering them void and without legal effect. Once the amended complaint was filed, there was no pending Rule 12(b)(6) motion before the district court—and therefore no procedural vehicle authorizing dismissal for failure to state a claim.

A Rule 12(b)(6) dismissal presupposes a defendant-initiated motion testing the sufficiency of the operative pleading. Absent such a motion, dismissal is not merely premature; it is structurally unauthorized. Yet, the district court entered a *sua sponte* dismissal with prejudice in violation of Article III.

The Fifth Circuit nevertheless affirmed that the District Court dismissal without correcting—or even acknowledging—the record defect under Rule 10(e). By doing so, the appellate panel effectively rewrote the procedural history to sustain a judgment that could not exist under Article III. That failure constitutes reversible error independent of the merits and amounts to ratification of a constitutionally void judgment.

This Court has repeatedly emphasized that federal courts are bound by the party-presentation principle and may not supply missing motions, arguments, or procedural predicates on behalf of litigants. Where no defendant has invoked Rule 12(b)(6), there is no adversarial dispute over pleading sufficiency and no “case or controversy” ripe for adjudication on that ground. Treating a non-existent motion as if it had been filed violates Article III’s requirement that courts decide only disputes presented by adverse parties.

The appellate court's refusal to correct the record under Rule 10(e) compounded the constitutional violation. It transformed a clear absence of jurisdictional and procedural authority into the false appearance of a merits adjudication. That action extinguished Petitioner's claims with claim-preclusive effect while denying him notice, a meaningful opportunity to amend, and adversarial testing—all protections that Rule 12(b)(6) is designed to secure.

Under FRAP Rule 10(e), the panel had a mandatory duty to correct the record or vacate the judgment because Article III jurisdictional defects cannot be ignored, waived, or forfeited. The decision below permits courts to bypass the Federal Rules entirely, dismiss operative pleadings without motion, and insulate such dismissals from review by refusing to correct the record.

That practice cannot be reconciled with Article III, Rule 12(b)(6), or this Court's precedents requiring that dismissal rest on adversarial presentation by the parties. By abandoning Article III's jurisdictional predicates and collapsing the separation of powers, the district court—acting in concert with local law-enforcement actors—created a procedural vacuum in which fraudulent Rule 11(b)(3)–(4) pleadings were filed, due process failures were synchronized, Internal Affairs Division records remained concealed, and jurisdictional defects uncorrected. This cumulative breakdown has produced an erosion of judicial integrity, the denial of court access, and transformed adjudication into judicial improvisation. Review is therefore warranted to restore the constitutional boundary separating valid merits adjudication from the exercise of positional power untethered from Article III authority.



## CONCLUSION

The Constitution does not permit finality purchased at the expense of adjudication. By affirming a *sua sponte* dismissal with prejudice entered without a live controversy, without adversarial testing, and without identifying claim-specific deficiencies to cure, the courts below exceeded Article III authority. The petition should be granted, the judgment vacated, and the case remanded with instructions so that the lower court will conduct adversarial proceedings consistent with Article III, allow evidentiary hearing on disputed facts, and allow discovery of concealed IAD records.

Respectfully submitted,

/s/ John E. Hall

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