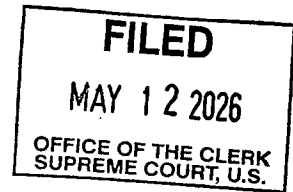


No. 25-1381



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

In re

STEPHEN LYNCH MURRAY

Petitioner

*On Petition for a Writ of Mandamus to the United
States Court of Appeals For the Eleventh Circuit,
Andrew L. Brasher, Nancy G. Abudu, and R. Lanier
Anderson III, Honorable Circuit Judges*

PETITION FOR A WRIT OF MANDAMUS

Question: A Circuit Court of Appeals must
consider appeals of dismissals with prejudice
taken by right under 28 U.S.C. § 1291
and 28 U.S.C. § 1292(a)(1).

Stephen Lynch Murray, pro se
stephenmurrayokeechobee@gmail.com
+1 305.306.7385
Stephen Murray
3541 US HWY 441 S, #141
Okeechobee, FL 34974

Question: A Circuit Court of Appeals must consider appeals of dismissals with prejudice taken under 28 U.S.C. § 1291 and 28 U.S.C. § 1292(a)(1), as "a matter of right" (*Heckler v. Edwards*, 465 U.S. 870,876 (1984)).

All Plaintiff's claims, and motions for injunction, were dismissed with prejudice in Florida Southern District 2:21-cv-14355 on August 31, 2022. Denied any path to amend "piecemeal", Plaintiff appealed those dismissals with prejudice. The 11th Circuit ruled that, or as if, the dismissals with prejudice (injunction refusals) didn't take place and Plaintiff had no right to appeal them. And ruled incorrectly that Plaintiff had opportunity to amend, without considering the real legal details raised by Plaintiff.

Plaintiff then filed in the District a Motion to Vacate the same dismissals with prejudice (new evidence), was denied, and the case was closed. Plaintiff then appealed the same dismissals with prejudice citing *Baldwin v. Redwood City*, and the denial of vacate. The 11th Circuit again refused to consider Plaintiff's appeal of the same dismissals with prejudice, and of the denial of vacate. By again asserting discretion to belatedly interpret the dismissals as giving leave to amend, and construe Plaintiff's appeals of dismissals with prejudice as appeals of a shotgun ruling. The 11th Circuit refused to review these dismissals which Plaintiff was given notice of and confined to appealing, to the exclusion of any other legal path. But without any hearing disputing the right to have such appeals considered and reported to this Court.

PARTIES TO THE PROCEEDING

Petitioner is Stephen Lynch Murray, a private citizen who filed an appeal in the 11th Circuit.

Respondent is United States Court of Appeals for the 11th Circuit, and the panel most recently assigned to Plaintiff's appeal, Andrew L. Brasher, Nancy G. Abudu, and R. Lanier Anderson III, Honorable Circuit Judges.

STATEMENT OF RELATED PROCEEDINGS

United States Court of Appeals, 11th Circuit
Stephen Murray v. Phil Archer, et al
No. 25-12309 (judgment Feb 13, 2026)
Rehearing Denied (March 20, 2026)

United States District Court, Southern District of FL
Stephen Lynch Murray v. Phil Archer, et al
No. 2:21-cv-14355-JEM (judgment Jun 13, 2025)

United States Court of Appeals, 11th Circuit
Stephen Murray v. Phil Archer, et al
No. 22-13155 (judgment Oct 2, 2023)
Rehearing Denied (Jun 17, 2024)

United States District Court, Southern District of FL
Stephen Lynch Murray v. Phil Archer, et al
No. 2:21-cv-14355-JEM (Order Aug 31, 2022)

TABLE OF CONTENTS

Question	i
Parties	ii
Statement of Related Proceedings	ii
Table of Authorities	iv
Petition for a Writ of Mandamus	1
Decisions Below	2
Jurisdiction	2
Constitutional & Statutory Provisions	3

STATEMENT OF THE CASE

A. 1983 Petition for Monetary and Injunctive Relief	3
 B. Proceedings	4

All Plaintiff's claims were shotgun-dismissed with prejudice on August 31, 2022. Plaintiff appealed those dismissals, the 11th Circuit twice refused to consider those appeals.

ARGUMENTS FOR GRANTING THE PETITION

Having the August 2022 dismissals with prejudice reviewed on appeal is a legal right of Plaintiff, and a remedy within and necessary for the jurisdiction of this Court.	10
---	----

TABLE OF APPENDICES

- | | | |
|----|--|-----|
| A. | Order 11 th Circuit denies rehearing, never giving legal reason for refusing to consider appeals of 2022 dismissals with prejudice.
Mar 20, 2026, <i>25-12309</i> , doc 28-2 | 1a |
| B. | Opinion of 11 th Circuit Appeal, doesn't consider appeals of 2022 dismissals with prejudice.
Feb 13, 2026, <i>25-12309</i> , doc 24-1 | 3a |
| C. | Opinion of 11 th Circuit Appeal, doesn't consider appeals of 2022 dismissals with prejudice.
Oct 2, 2023, <i>22-13155</i> , doc 42-1 | 10a |
| D. | Order of Florida Southern District adopting broad Magistrate Report (67), shotgun-dismissing all claims with prejudice (clarified in 75).
Sep 1, 2022, 2:21-cv-14355, ecf 73 | 17a |

TABLE OF AUTHORITIES

CASES

Heckler v. Edwards, 465 U.S. 870,876	i, 1
Baldwin v. Redwood City	i, 8
540 F.2d 1360, 1365 (9th Cir. Sep 14, 1976)	

PETITION FOR A WRIT OF MANDAMUS

Petitioner requests Mandate to the 11th Circuit Court of Appeals, to consider, and rule on for discretionary review, Plaintiff's appeals by right of dismissals with prejudice on August 31, 2022, of his §1983 claims, by the Florida Southern District in 2:21-cv-14355.

There's no question or dispute that Plaintiff has a right to file such appeals, and have them considered. Including after refused injunction, and when final dismissals, legal errors, and broad notice foreclose any path to amend piecemeal. The 11th Circuit reviewing and reporting the issues is necessary for this Court's jurisdiction, and generally for law in a democracy. Petitioner's requested relief is equitable and just, and there is "no other specific legal" process for remedy, in the words of Lord Mansfield.

"Recourse to the court of appeals is a matter of right, 28 U.S.C. § 1291" (*Heckler v. Edwards*, 465 U.S. 870,876 (1984)). The Court of Appeals is obligated to Plaintiff, the legislature, and this Court, to consider such appeals. And cannot dismiss them prudentially, or ignore the appeals filed, by writing nonsense not based on the filings. Nor can the 11th Circuit refuse to consider such appeals and abrogate Plaintiff's rights, such as by using discretion to reinterpret the District's August 2022 ruling, as not having appealable dismissals with prejudice, contrary to reasonable interpretation of text and timely notice.

DECISIONS BELOW

11th Circuit denies rehearing in 25-12309 (*doc 28-2*)
Appendix A, page 1a

11th Circuit Opinion in 25-12309 (*doc 24-1*)
Appendix B, 3a

11th Circuit Opinion in 22-13155 (*doc 42-1*)
Appendix C, 10a

Florida Southern District 2022 "*dismissed with prejudice*" Order in 2:21-cv-14355 (ecf 73)
Appendix D, 17a (not including clarification)

JURISDICTION

The 11th Circuit used discretion to refuse to consider Plaintiff's appeals filed in 25-12309. The 11th Circuit denied rehearing on its refusal to consider Plaintiff's appeals on March 20, 2026 (28-2).

Plaintiff's right for dismissals of prejudice to be reviewed, and the 11th Circuit's obligation to consider them on appeal, are dictated by federal law affecting, supporting, and supervised within the appellate jurisdiction of this Court. These rights and obligations have not been disputed, leaving no question of law, but only of action pursuant to law. (The 11th Circuit never acted to the step of reviewing fact.) The remedy sought is probably necessary to convey to this Court's discretionary certiorari jurisdiction. So mandamus not certiorari is the

correct remedy.

This Court has jurisdiction to mandate actions of such Officers under the United States necessary to the Court's jurisdiction under Article III, the Federal Judiciary Act of 1789, and *Marbury v. Madison*; this process is enumerated in 28 USC 1651 and Rule 20, to manifest and capture the Court's exclusive and non-discretionary jurisdiction and mandate to supervise determination of, compel reporting of, and review disputed appellate matters. And to supervise subordinate and feeder courts in the federal system.

The remedy sought is just and equitable, proportional to provide relief to the stakeholders, and necessary either to convey to or in support of this Court's discretionary jurisdiction; a clear right, obligation, and jurisdiction. There's "no other specific legal" process (Lord Mansfield).

CONSTITUTIONAL & STATUTORY PROVISIONS

"Recourse to the court of appeals is a matter of right, 28 U.S.C. § 1291" *Heckler v. Edwards*, 465 U.S. 870,876 (1984)

STATEMENT OF THE CASE

A. 1983 Petition for Monetary and Injunctive Relief

Around the 2020 election, Plaintiff communicated

grievances to 100's of politicians. A faction of Florida government operatives were in regular but imperfect communication about Plaintiff, resulting in a series of detentions, threats, searches, and an arrest. These were reported by government as intended to stop Plaintiff's political speech, which neither police nor any crime victim were witness to. Plaintiff sued for an injunction and relief against five Defendants in Florida Southern District 2:21-cv-14355, on August 27, 2021. And filed repeated motions for injunction.

B. Proceedings

On August 19, 2022, the Magistrate Report said "*dismissed with prejudice*" 10 times, and said:

"claims should be dismissed with prejudice because amendment would be futile." (67/10)

The Report illegally discarded and ruled against all Plaintiff's firsthand-witnessed facts, asserted a series of falsehoods on behalf of Defendants, and substituted incorrect inventions about the events. Then generally dismissed with prejudice all possible claims involving enumerated co-conspirators, and vaguely for all events as misperceived by the Magistrate, without tying cited law to specific facts.

The Magistrate attempted to dismiss all possible claims without obsessing over details, by dismissing with prejudice broad categories of claims against Defendants, and for unclearly-specified hypothetical events. These vague and sweeping dismissals with

prejudice were explained by the Report saying:

"A court is under no obligation to parse all of this out to identify what specifically Plaintiff is claiming as to each Defendant." (67/12)

This meant there was no way for Plaintiff to parse out what the Magistrate was dismissing or intending to dismiss, except everything. The Report confirmed this intention to dismiss everything with prejudice, by admitting only a possibility of repleading *if* it failed to dismiss everything with prejudice, for not even knowing what the facts and events were:

"replead claims, if any, not dismissed with prejudice. If allowed to replead" (67/19)

No participant has ever indicated any belief that any piece of the claims remained which might be amended piecemeal. No defendant filed any objections to the Magistrate Report, to indicate any disappointment something hadn't been dismissed.

The only leave to amend Plaintiff was given, was not to amend facts or claims, but some nonsense about changing defendant names from the standard term in use "sheriff's office" to "sheriff's official capacity". This was based on a misinterpretation of case law, and had no valid or practical legal meaning, or materiality to any facts or claims. This certainly had no material effect on whether any claim had been dismissed with prejudice, or *"if any"* had not been.

Plaintiff argued multiple times in his 2022 Objections. that instead of dismissals with prejudice, Plaintiff should be given leave to amend:

"Plaintiff should at worst be given leave to amend... This goes for all Defendants" (68/71)

"the Court has not provided any way for Plaintiff to know what future claims would be allowed" (68/75)

Plaintiff also asked for leave to amend in a motion:

"Plaintiff therefore asks leave to withdraw his Complaint before dismissal for the purpose to replace it with multiple complaints" (72/3)

The District denied this motion in 2022 saying:

"Plaintiff cannot escape dismissal with prejudice of his futile claims" (73/3)

The words "***with prejudice***" appear 7 times in the District's 2022 Order adopting the Magistrate Report (73,75). Left with no path to amend any claims, and having been denied injunctive relief, Plaintiff appealed the dismissal of all his claims with prejudice to the 11th Circuit in 22-13155, raising:

"The District... effectively dismissed all claims with prejudice, and denied injunctive relief." (opening brief 16/14)

***"the District intended to dismiss everything without obsessing over details."
(opening brief 16/21)***

The 11th Circuit refused to consider Plaintiff's appeal of the dismissals with prejudice in 22-13155, ruling that, or as if, the dismissals with prejudice didn't take place:

"[Plaintiff] appeals the district court's order dismissing his complaint as an impermissible 'shotgun' pleading. The district court permitted Murray to remedy the complaint's deficiencies in an amended complaint... A magistrate judge recommended the court dismiss the complaint as a shotgun pleading, and the district court adopted the recommendation in full." (42-1/2)

This Court declined to object to the 11th Circuit either ignoring the dismissals with prejudice, or reinterpreting them as leave to amend, in *US 24-59*. It's possible the 11th Circuit didn't adequately convey discretionary jurisdiction over the appeals of the dismissals with prejudice to this Court, by refusing to consider them.

Plaintiff timely filed a motion in the District to vacate the dismissals with prejudice based on new evidence of fraud (ecf 90). The 2025 Magistrate Report then said:

"On September 1, 2022, Judge Martinez adopted my recommendation and dismissed Plaintiff's

claims against Archer, Sprowls, and Governor DeSantis with prejudice, and his claims against OSCO and PCSO without prejudice."
(94/2)

This is false. The 2022 Recommendation, including counts 1,2,3 and 5, shotgun-dismissed with prejudice any facts and actions where the sheriff offices were independent, joint, or subordinate actors. Count 4 says the complaint is dismissed only without prejudice to changing the sheriff name spellings, immaterial to the dismissals with prejudice:

"WITHOUT PREJUDICE to Plaintiff naming the appropriate party" (67/20)

The District adopted the 2025 Report, denied motion to vacate, and closed the case on June 13, 2025:

"5. This case is CLOSED." (97/2)

Having never had any August 2022 dismissals with prejudice reviewed on appeal, Plaintiff appealed such dismissals with prejudice (and the denial of vacate) to the 11th Circuit in 25-12309:

"A. Dismissals with prejudice of all Plaintiff's claims on August 31, 2022; 'When an appeal is not taken, the interlocutory order merges in the final judgment and may be challenged in an appeal from that judgment.' (Baldwin v. Redwood City, 540 F.2d 1360, 1365 (9th Cir. 1976))" (opening brief 4/9)

"c) used facts which were false... ignored actual evidence cops misled" (opening brief 4/10)

"The District denied these motions. Plaintiff now appeals the District's final case-closing Order; the dismissals with prejudice... and refusal to consider the light of what a cop witnessed when it came available." (opening brief 4/20)

The 11th Circuit again ignored the appeals of the August 2022 dismissals with prejudice, saying:

"Stephen Murray... appeals the district court's denial of his motion for leave to amend and motion to vacate." (24-12)

Far from considering Plaintiff's second invocation of his right to appeal the August 2022 dismissals with prejudice, the 11th Circuit said the opposite:

"He argued... that his complaint had never been dismissed with prejudice." (24-1/3)

"he asserts that he was not given 'clear notice' that the district court was dismissing his claims with prejudice." (24-1/4)

"Murray's contention that he lacked notice of the dismissal with prejudice" (24-1/5)

Plaintiff asked for any legal dispute of his right to have his appeals of dismissals with prejudice

considered (in Petition for Rehearing) and got no response.

"All Plaintiff's claims were dismissed with prejudice on August 31, 2022... Will this Court ever consider Plaintiff's appeal of the dismissals with prejudice and why not?" (26/1)

ARGUMENTS FOR GRANTING THE PETITION

Having the August 2022 dismissals with prejudice reviewed on appeal is a legal right of Petitioner, and a remedy within and necessary for the jurisdiction of this Court. Therefore this Court should mandate the 11th Circuit consider Plaintiff's appeals.

Respectfully submitted on May 12, 2026 by:

 s/Stephen Lynch Murray/

stephenmurrayokeechobee@gmail.com
+1 305.306.7385
Stephen Murray
3541 US HW 441 S, #141
Okeechobee, FL 34974