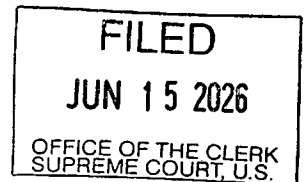


ORIGINAL

No. 25-1414



SUPREME COURT OF THE UNITED STATES

WILLIAM F. KAETZ
Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA,
Hon. Mark R. Hornak,
Respondent.

On Petition for Writ of Certiorari to the United
States Court of Appeals for the Third Circuit (No.
26-1085)

PETITION FOR WRIT OF CERTIORARI

Dated: 6/15/2025 By: William F. Kaetz

William F. Kaetz, Petitioner
437 Abbott Road
Paramus, New Jersey 07652
(201) 753-1063
Kaetzbill@gmail.com

QUESTIONS PRESENTED

1. Whether a court of appeals may deny mandamus relief when a district court in a § 2255 proceeding refuses to decide on the merits a properly raised, served on the Attorney General, and Rule 5.1-certified facial challenge under Article I, § 8 and the Tenth Amendment to Congress's authority to enact the Higher Education Act of 1965 and render student loans nondischargeable under 11 U.S.C. § 523(a)(8).
2. Whether the lower courts' repeated reliance on a prior dismissal that never performed an Article I enumerated-powers analysis constitutes a misapprehension of the record warranting relief under Rule 60(d)(3) and mandamus.
3. Whether this case presents a question of exceptional importance concerning the judicial duty to decide properly certified structural constitutional claims going to the validity of a criminal conviction.

PARTIES TO THE PROCEEDING

Pursuant to Supreme Court Rule 14.1(b), the following is a complete list of all parties to the proceeding in the United States Court of Appeals for the Third Circuit (No. 26-1085) whose judgment is sought to be reviewed:

Petitioner:

William F. Kaetz

Respondents:

- United States of America (in the underlying § 2255 habeas proceeding, No. 2:22-cv-01148-MRH (W.D. Pa.))
- United States District Court for the Western District of Pennsylvania, the Honorable Mark R. Hornak, United States District Judge (in the mandamus proceeding)

No parties are corporations.

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OPINIONS BELOW

The per curiam opinion of the United States Court of Appeals for the Third Circuit denying the petition for writ of mandamus (March 10, 2026) is unreported and appears at Appendix A15–A20. The order denying rehearing and rehearing en banc (March 31, 2026) is unreported and appears at Appendix A1.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1) to review the final judgment of the United States Court of Appeals for the Third Circuit in No. 26-1085. On March 10, 2026, that Court denied Petitioner’s petition for writ of mandamus (Appendix A15–A20). On March 31, 2026, that Court denied Petitioner’s timely petition for rehearing and rehearing en banc (Appendix A1).

BACKGROUND OF THE CASE

Petitioner William F. Kaetz, a resident of New Jersey, filed a timely motion under 28 U.S.C. § 2255 in the Western District of Pennsylvania (No. 2:22-cv-01148-MRH) asserting actual innocence. The conviction under 18 U.S.C. § 119 (a)(1)–(2) arose from Petitioner’s publicizing restricted information about a federal judge who had dismissed his earlier civil challenge to federal authority over education and student loans. That challenge rested on the claim that Congress lacks any enumerated power under Article I, § 8 to create or administer a federal Department of Education or to exercise control over the field of education—a power reserved to the States under the Tenth Amendment.

The roots of Petitioner’s decade-long litigation trace to severe financial hardship following a divorce. In 2012, Petitioner filed for Chapter 7

bankruptcy by hand after enrolling in online classes at Kaplan University—programs that proved fraudulent once federal loan funds were disbursed. The bankruptcy was discharged in January 2013, yet student-loan servicers immediately resumed collection without any adversary proceeding. The resulting seizures of tools, equipment, and business assets destroyed Petitioner's cabinet-making livelihood, ruined his credit, and led to child-support incarceration. Those concrete harms flow directly from the federal student-loan regime Petitioner now challenges as facially unconstitutional.

The constitutional question was properly presented in Petitioner's 2016 civil action in the District of New Jersey (No. 2:16-cv-09225). The Amended Complaint raised a facial challenge to the Department of Education and 11 U.S.C. § 523(a)(8). Petitioner served notice on the United States Attorney General, and on August 6, 2018, Judge Cecchi issued an order certifying the Article I and Tenth Amendment questions to the Attorney General under Fed. Rule. Civ. P. 5.1 and 28 U.S.C. § 2403 (Appendix pages 62 to 63). The certification order expressly states: "CERTIFIED to the United States Attorney General that constitutional questions have been raised in this action." The Attorney General received notice but did not intervene. Judge Cecchi's subsequent 2019 opinion assumed the power existed without performing any Article I, § 8 analysis, stating: "the U.S. Constitution gives the Federal Government the power to create departments to oversee matters that affect the general welfare of U.S. citizens. U.S. Const. Art. 2." (Appendix pages 64 to 76; specifically, Appendix 68).

In the underlying habeas proceeding in the Western District of Pennsylvania, Petitioner filed

multiple pleadings between October and December 2025 that expressly and repeatedly raised the certified Article I question, including whether Judge Cecchi's 2019 dismissal constituted an "official duty" under 18 U.S.C. § 119 when performed without any enumerated-power analysis. The habeas court never answered the constitutional question on the merits. Instead, it labeled the challenge "frivolous," "baseless," "repetitive," "illogical and legally unsupported," and threatened Petitioner with contempt sanctions and further filing restrictions if he continued to press the issue.

Petitioner then properly served a Petition for Writ of Mandamus directly on the Western District of Pennsylvania pursuant to the Federal Rules of Appellate Procedure. The clerk of the Western District of Pennsylvania nevertheless reclassified the served petition as a "MOTION FOR WRIT OF MANDAMUS" inside the § 2255 case, and Judge Hornak dismissed it the next day without merits review before referring it to the Court of Appeals. No court has ever reached the merits of the certified constitutional question that goes directly to the validity of Petitioner's conviction. Petitioner also filed a request for disqualification of the panel (Appendix pages 21 to 23) and parallel civil actions presenting the identical certified challenge (Amended Complaint at Appendix pages 45 to 49; DC Complaint at Appendix pages 50 to 55). Those actions were terminated under preclusion orders issued by Chief Judge Bumb (Appendix pages 56 to 61) and Judge Padin (Appendix pages 77 to 78).

The conviction itself rests on the statutory requirement that the judge was performing "official duties" when she dismissed Petitioner's 2016 civil challenge to the federal education regime. Because

that regime is alleged to be unconstitutional for lack of any enumerated power under Article I, § 8, the dismissal was not an act taken pursuant to lawful authority. Petitioner therefore asserts actual innocence of the § 119 offense and seeks merits review of the certified constitutional question in habeas. The Third Circuit denied mandamus (Appendix pages 15 to 20) and rehearing en banc (Appendix page 1). This petition follows.

REASONS FOR GRANTING THE PETITION

I. The Article I/Tenth Amendment challenge was properly raised, served, and certified under Rule 5.1 and 28 U.S.C. § 2403, but has never been decided on the merits.

Congress possesses no enumerated power under Article I, § 8 to create or administer a federal Department of Education or to exercise control over the field of education; that authority is reserved to the States under the Tenth Amendment. U.S. Const. amend. X ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."). Article I, § 8 enumerates seventeen specific powers—none concerning education. The Framers, having studied centralized educational systems in Europe and antiquity, deliberately withheld such authority to preserve liberty and prevent tyranny. As Madison explained in Federalist No. 45, federal powers are "few and defined," while those reserved to the States are "numerous and indefinite."

In 1979, Congress enacted the Department of Education Organization Act, Pub. L. No. 96-88, creating a Cabinet-level department. Through guaranteed loans, accreditation leverage, and the

perpetual nondischargeability provision in 11 U.S.C. § 523(a)(8), the federal regime operates as a classic “carrot-and-stick” mechanism that exerts substantive control over education far beyond mere conditional spending. This Court has long recognized strict limits on such programs. In *South Dakota v. Dole*, 483 U.S. 203 (1987), the Court warned that “in some circumstances the financial inducement offered by Congress might be so coercive as to pass the point at which ‘pressure turns into compulsion.’” In *National Federation of Independent Business v. Sebelius*, 567 U.S. 519, 581 (2012), the Court held that when the financial inducement becomes compulsion, it crosses the constitutional line: the threatened loss of accreditation and the creation of lifelong, nondischargeable debt servitude “is a gun to the head.” Because Congress lacks enumerated authority, the Department of Education is ultra vires, and every downstream provision—including the loans at issue and their nondischargeability—falls with it. Despite proper service and certification under Rule 5.1 and 28 U.S.C. § 2403 (Appendix 62 to 63), the certified question has never been answered on the merits. Judge Cecchi’s 2019 opinion simply assumed the power existed without performing any Article I analysis (Appendix 64 to 76). Lower courts’ repeated misapprehension of the record produced the orders now under review (Appendix 1; 15 to 20).

II. The same judges who are defendants in parallel civil actions cannot fairly decide the mandamus petition.

Petitioner filed parallel civil actions presenting the identical certified constitutional question (Appendix 45 to 49; Appendix 50 to 55). Certain Third Circuit judges named as defendants

in those actions sat on the mandamus panel. Petitioner filed a timely recusal request (Appendix 21 to 23). The panel denied relief without addressing the recusal issue on the merits (Appendix 15 to 20). Preclusion orders issued by Chief Judge Bumb (Appendix 56 to 61) and Judge Padin (Appendix 77 to 78) further prevented merits review.

III. This case is the perfect vehicle to restore judicial duty under *Marbury* and the Suspension Clause.

When a litigant properly raises, serves, and obtains certification of a structural constitutional claim under Rule 5.1 and 28 U.S.C. § 2403, courts have a non-discretionary duty to decide it on the merits. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (“It is emphatically the province and duty of the judicial department to say what the law is.”). The Suspension Clause reinforces this duty: “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. Here, the certified Article I question goes directly to the validity of Petitioner’s criminal conviction: if Congress lacked enumerated power to enact the Higher Education Act and 11 U.S.C. § 523(a)(8), then the federal judge was not performing “official duties” when she dismissed the underlying civil challenge, and the elements of 18 U.S.C. § 119 are not satisfied. This presents a classic actual-innocence claim that opens the gateway for full habeas review.

The Third Circuit’s decision (Appendix 1; 15 to 20) conflicts with this Court’s repeated admonitions that constitutional questions must be faced, not avoided. *Boumediene v. Bush*, 553 U.S. 723 (2008); *McQuiggin v. Perkins*, 569 U.S. 383

(2013). This petition therefore presents a question of exceptional importance concerning the judicial duty to decide properly certified structural constitutional claims that go to the validity of a criminal conviction.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dated: 6/15/2026 By: William F. Kaetz

William F. Kaetz, Petitioner
437 Abbott Road
Paramus, NJ 07652
(201) 753-1063
Kaetzbill@gmail.com