

25-339

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

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MICHAEL R. ATRAQCHI, ET UX.,

Petitioners,

v.

UNITED STATES, ET AL.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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September 2, 2025

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Whether the Eleventh Circuit violated due process by simultaneously denying a Rule 60(b)(6) motion and a petition for panel rehearing, both based on newly discovered evidence, without explanation or comment, contrary to *Goldberg v. Kelly*, 397 U.S. 254 (1970).
2. Whether the use of coerced affidavits obtained from a severely dyslexic individual with known cognitive and speech impairments to justify a wiretap warrant violates constitutional protections under *Colorado v. Connelly*, 479 U.S. 157 (1986).
3. Whether the failure to investigate credible claims of fabricated evidence and government misconduct, including the role of FBI Agent Edward Traeger (deceased), warrants Supreme Court intervention under *Banks v. Dretke*, 540 U.S. 668 (2004).

LIST OF PROCEEDINGS

Direct Proceedings below

U.S. Court of Appeals For the Eleventh Circuit
No. 24-12625

Michael R. Atraqchi and Irene S. Atraqchi,
Plaintiffs-Appellants, v. United States of America,
State of Florida, Ramez Andrawis, Maseeha Khaleel,
John Doe and Jane Doe, *Defendants-Appellees*.
Judgement of the Court, July 8. 2025

U.S. Court of Appeals For the Eleventh Circuit
No. 24-12625

Michael R. Atraqchi and Irene S. Atraqchi,
Plaintiffs-Appellants, v. United States of America,
State of Florida, Ramez Andrawis, Maseeha Khaleel,
John Doe and Jane Doe, *Defendants-Appellees*.
Opinion of the Court: June 3, 2025

U.S. Court of Appeals for the Eleventh Circuit
No. 24-12625

Michael R. Atraqchi and Irene S. Atraqchi,
Plaintiffs-Appellants, v. United States of America,
State of Florida, Ramez Andrawis, Maseeha Khaleel,
John Doe and Jane Doe, *Defendants-Appellees*
Order of the Court: June 27, 2025

U.S. District Court, Middle District of Florida,
Tampa Division, Tampa, Florida
Civil Action No. 8:22-cv-935-SDM-AEP
Michael R. Atraqchi and Irene S. Atraqchi,
Plaintiffs-Appellants, v. United States of America,

PARTIES TO THE PROCEEDINGS

Petitioners and Plaintiffs-Appellants below

Michael R. Atraqchi, Pro se

Irene S. Atraqchi, Pro se

Respondents and Defendants-Appellees

United States

State of Florida

Ramez Andrawis

Maseeha Khaleel

Jane Doe

John Doe

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6 of the Rules of the Supreme Court of the United States, Petitioners state that they are not a corporation and that no corporate disclosure is required.

LIST OF PROCEEDINGS-continued

State of Florida, Ramez Andrawis, Maseeha Khaleel,
John Doe and Jane Doe, *Defendants-Appellees*
Order of the Court: May 4, 2022

Related Proceedings below

Michael R Atraqchi, et al. v. United States, et al., No. 8:22-cv-00935-SDM-AEP (M.D., Fla)- Judgment entered May 4, 2022.

Michael R Atraqchi, et al. v. United States, et al., No. 24-12625 (11th Cir.)-Judgment entered June 3, 2025,

Background: While Petitioners have previously litigated matters involving allegations of unlawful surveillance, the instant case presents distinct factual and procedural issues not addressed in prior proceedings. The Eleventh Circuit's reference to 'fifty-four suits over thirty-eight years' does not reflect the specific medical, cognitive, and evidentiary claims, raised here, nor the current request for DNA testing and relief from a wiretap order.

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PETITION FOR A WRIT OF CERTIORARI

Petitioners, Michael R Atraqchi and Irene S Atraqchi, Pro se, respectfully request the issuance of a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit

OPINION BELOW

The Eleventh Circuit denied both the Rule 60(b)(6) motion on June 3, 2025, and the petition for panel rehearing without explanation on June 27, 2025. Mandate issued July 8, 2025. The order of the district court is United States District Court for the Middle District of Florida, Tampa Division in No. 8:22-cv-935, May 4, 2022. Chief Judge Steven D Merryday. Copies of the orders are included in the Appendix.

JURISDICTION

The Eleventh Circuit entered its decision on June 3, 2025, and a timely petition for panel rehearing was denied on June 27, 2025. This petition is filed within the 90-day period following the denial of rehearing. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V (Due Process Clause)

U.S. Const. amend. XIV (Equal Protection and
Due Process)

Statute 28 U.S.C. § 1254(1)

STATEMENT OF THE CASE

Petitioners filed a Rule 60(b)(6) motion and a petition for panel rehearing in the Eleventh Circuit based on newly discovered evidence. Central to this evidence is an affidavit submitted by Brenda Theresa Case, the severely dyslexic daughter of Michael Atraqchi, falsely accusing her father of rape, incest, and of fathering her child.

This affidavit was allegedly obtained under coercion, facilitated by FBI Agent Edward Traeger (now deceased) and used to justify a wiretap warrant and subsequent legal actions against the Atraqchis and their businesses. At the time of filing, DNA testing was not available or conducted to verify the paternity claim.

Subsequent developments now make such testing possible, and preliminary indications suggest that Michael Atraqchi is not the biological father, directly contradicting the affidavit's claims.

Newly discovered evidence further reveals that similar false paternity accusations were made against Michael Atraqchi by other individuals, including Aisar Atrakchi, Bonnie Vermandel (deceased); Jackie Lemke and her daughter Julie; a Black female (name unknown) residing in Missoula, Montana; Michele George; and Deborah Coffin. These individuals were

manipulated and coerced into making or supporting false claims of paternity and rape, contributing to a broader pattern of fabricated evidence and reputational harm.

Despite the gravity of these revelations, the Eleventh Circuit denied both the Rule 60(b)(6) motion and the petition for rehearing simultaneously, without explanation or comment.

This silence in the face of credible allegations of fabricated evidence and prosecutorial misconduct violates due process and demands review under *United States v. Morgan*, 346 U.S. 502 (1954).

REASONS FOR GRANTING THE WRIT

I The Eleventh Circuit’s Summary Denial Violates Fundamental Due Process

As held in *Goldberg v. Kelly*, 397 U.S. 254 (1970), due process requires an opportunity to be heard “at a meaningful time and in a meaningful manner.” The unexplained denial of two critical motions, each raising serious constitutional issues, violates the principle of procedural fairness and transparency.

II Newly Discovered DNA Evidence Directly Refutes Key Allegations

Relief under Rule 60(b)(6) is appropriate in cases of “extraordinary circumstances,” as recognized in *Gonzalez v. Crosby*, 545 U.S. 524 (2005), and *Ackermann v. United States*, 340 U.S. 193 (1950). DNA testing now available could conclusively

exonerate petitioners and invalidate the affidavit used to justify surveillance and prosecution.

III Coerced Testimony from a Cognitively Impaired Individual Is Constitutionally Suspect

In *Colorado v. Connelly*, 479 U.S. 157 (1986), the Court held that confessions must be voluntary, and mental impairment can render statements inadmissible. Similarly, *Blackburn v. Alabama*, 361 U.S. 199 (1960), found that confessions from mentally ill defendants were unconstitutional. Brenda Case's affidavit was allegedly extracted under duress and should not have been used.

IV A Pattern of False Paternity Accusations and Rape Undermines Judicial Integrity

The affidavit submitted by Brenda Theresa Case is not an isolated incident. Newly discovered evidence shows that similar false paternity claims were made against Michael Atraqchi by Aisar Atrakchi, Bonnie Vermandel (deceased), Jackie Lemke and her daughter Julie, a Black female (name unknown) residing in Missoula, Montana, and Michele George, and Deborah Coffin.

These individuals were manipulated and coerced into making or supporting false accusations, which were then used to justify legal actions and surveillance against the Atraqchis and their associates.

This pattern or misconduct suggests a coordinated effort to manipulate the judicial process through false testimony. The Supreme Court has

long held that convictions based on perjured or coerced testimony violate due process, as in *Mooney V Holohan*, 294 U.S. 103 (1935), and *Napue v. Illinois*, 360 U.S. 264 (1959).

Argument

Petitioners' case presents a textbook example or a miscarriage of justice. The affidavits used to justify legal action were allegedly coerced from a cognitively impaired individual and is now contradicted by DNA evidence. The Eleventh Circuit's refusal to engage with these serious claims violates the standards set forth in *Mooney v Holohan*, 294 U.S. 103 (1935), which prohibits convictions based on perjured testimony.

The newly discovered evidence also reveals a broader pattern of false paternity accusations and rape involving multiple individuals, Aisar Atrakchi, Bonnie Vermandel (deceased), Jackie Lemke, and her daughter, Julie; a Black female in Missoula, Montana and Michele George, and Deborah Coffin.

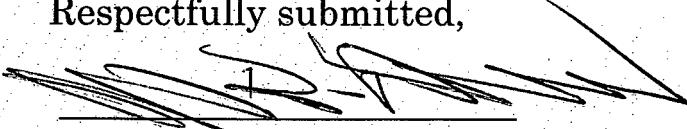
These claims were allegedly fabricated or coerced and used to support legal actions against the Atraqchis. This systemic misconduct demands judicial scrutiny and correction.

The Supreme Court should grant certiorari to clarify the standards for reviewing newly discovered evidence, coerced testimony, and unexplained judicial denials. As noted in *Supreme Court Rule 10*, certiorari is appropriate when a federal question has been decided in a way that conflicts with precedent or involves an important issue not yet settled.

CONCLUSION

For the foregoing reasons, Petitioners respectfully request that this Court grant the petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

Respectfully submitted,



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