

In the  
Supreme Court of the United States

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Jean Dominique Morancy and L.M., a minor, by and  
through her father, Jean Dominique Morancy,  
Petitioners,

V.

John Joseph Albert, Gerald Francis Znosko et al,  
Respondents.

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

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**PETITION FOR WRIT OF CERTIORARI**

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## I. Questions Presented

1. Whether *Munaf v. Geren*, 553 U.S. 674 (2008) requirement that courts consider the underlying merits—not merely jurisdictional questions—before abstaining applies to civil rights injunctions under *Younger*, and whether the lower courts' failure to conduct any substantive merits inquiry violated this precedent.
2. Whether a federal court of appeals, reviewing a district court's application of the *Younger v. Harris*, 401 U.S. 37 (1971), abstention doctrine, may in the first instance make its own factual findings on the *Middlesex County Ethics Committee v. Garden State Bar Ass'n*, 457 U.S. 423 (1982), factors—rather than remanding for the district court to resolve disputed facts—consistent with the requirements of due process, Federal Rule of Civil Procedure 52(a), and this Court's precedents limiting appellate fact-finding.



3. Whether the interplay between *Younger* abstention and Federal Rules of Civil Procedure 15 and 16 requires that abstention be analyzed prior to court-approved amendments, such that subsequent refinements to a complaint do not trigger renewed abstention review, thereby preventing procedural confusion and ensuring consistent enforcement of civil rights claims nationwide.
4. Whether the Eleventh Circuit erred in affirming denial of a preliminary injunction through application of a rigid, sequential “likelihood of success” standard—contrary to other circuits’ flexible/sliding-scale approaches—thus deepening a circuit split in the wake of *Winter v. NRDC*, impeding fair and equitable relief in public law controversies.

## **II. Parties to the Proceeding**

Having framed the legal issues, we next identify all the respondents in the federal proceedings.

Albert & Donnelly LLC; John Joseph Albert; Anna Arceneaux; Elaine Agnes Barbour; John David William Beamer; Jay P. Cohen; Michael T. Donnelly II; Florida Department Of Revenue – Child Support Program; Florida Sixth District Court Of Appeal; Florida Ninth Judicial Circuit Court; Angela Lynn Lambiase; Irena Monico; Judy Nicholson; Ashley Moody; David Muguercia; Otero Family Law P.A.; Carlos A. Otero; Wanda Marie Reas; Revival Private Investigators Corporation; Sabrina Alex Salomon; Charles Schreiber; Nicholas Ari Shannin; Shannin Law Firm, P.A.; Carol Bradshaw Shannin; Tiffany Moore Russell; Daniel Traver; Keith Franklin White; Carrie Ann Wozniak; Znosko & Reas, P.A.; and Gerald Francis Znosko.

**Respondents.**

### **III. RULE 29.6 STATEMENT**

Pursuant to Supreme Court Rule 29.6, Petitioners are natural persons and have no parent, subsidiary, or publicly held corporation owning 10% or more of their stock.

### **IV. STATEMENT OF RELATED PROCEEDINGS**

The following is a list of all proceedings in other courts that are related to the case in this Court:

- **Morancy v. Salomon, No. 23-12248 (Feb. 8, 2024)**  
reversed the dismissal ruling in case (6:23-cv-714).
- **Morancy v. Salomon, 24-12505 (11th Cir. 2025)**  
Certiorari pending.
- **Morancy v. Salomon, 6:23-cv-714-CEM-RMN, U.S.**  
District Court for the Middle District of Florida.
- **Morancy v. Salomon, No. SC2022-1531 (Nov. 15, 2022)**
- **Morancy v. Salomon, No. SC2022-1602 (Nov. 23, 2022)**
- **Morancy v. Salomon, No. SC2023-0603 (May 2, 2023)**
- **Morancy v. Salomon, No. SC2023-0496 (May 18, 2023)**
- **Morancy v. Salomon, No. SC2023-0941 (Jun. 30, 2023)**

- **Morancy v. Znosko et al (CACE23021874)**
- *Morancy v. Znosko*, 399 So.3d 1270 (Fla. 4th DCA Nov. 14, 2024)
- *Morancy v. Department of Revenue Circuit 17, Broward Unit DOR*, (4D2025-0239)
- *Morancy v. Salomon*, No. 6D2023-2155 (March 22, 2023)
- *Morancy v. Salomon*, No. 6D2023-2541 (May 11, 2023)
- *Morancy v. Salomon*, No. 6D2023-1645(June 15, 2023)
- *Morancy v. Salomon*, 375 So. 3d 288 (Fla. 6th DCA Oct. 31, 2023) Certiorari denied *Morancy v. Salomon*, S. Ct. No. 23-963 (April 15, 2024)
- *J. D. M. v. S. A. S*, No. 6D2025-1500 (June 25, 2025)
- *Morancy v. Salomon*, No. 6D2023-3456

With the procedural history before this Court set forth, the following contents outline the petition's structure.



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## **VII. PETITION FOR WRIT OF CERTIORARI**

**To the Chief Justice and Associate Justices of the Supreme Court of the United States:**

Petitioner, Jean Dominique Morancy, and L.M. through her father, respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit in Case No. 24-12505, entered on May 8, 2025.

## **VIII. OPINIONS BELOW**

The opinion of the United States Court of Appeals for the Eleventh Circuit in *Morancy v. Salomon*, No. 24-12505 (11th Cir. May 8, 2025), is unpublished and is reproduced in the appendix hereto at pages 1a–14a. The order of the United States District Court denying the preliminary injunction is **unreported and is reproduced in the appendix at pages 17a–24a.**

## **IX. JURISDICTION**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) to review the judgment of the United

States Court of Appeals for the Eleventh Circuit. The court of appeals entered its opinion on May 8, 2025 (*App.*, *infra*, 1a-14a), and denied Petitioners' timely petition for rehearing on June 23, 2025 (*App.*, *infra*, 15a-16a). This petition for a writ of certiorari is timely filed within ninety (90) days of the denial of rehearing, pursuant to Supreme Court Rule 13.3.

## **X. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Pursuant to Supreme Court Rule 14.1(f), the following constitutional provisions, statutes, federal rules, and judicial precedents are involved in this case. Pertinent text is set forth verbatim where applicable;

### **Constitutional Provisions**

- U.S. Const. art. III
- U.S. Const. amend. XIV, § 1 (Due Process Clause): "...nor shall any State deprive any person of life, liberty, or property, without due process of law ...."



## **Statutory Provisions**

- 28 U.S.C. § 1331 (Federal-Question Jurisdiction)
- 42 U.S.C. § 1983 (civil action for deprivation of rights)
- 18 U.S.C. §§ 1961–1968 (Racketeer Influenced and Corrupt Organizations Act) (These sections define racketeering activity, prohibited activities, and civil remedies.)

## **Federal Rules of Civil Procedure**

- Fed. R. Civ. P. 15(a) (amendments of right).
- Fed. R. Civ. P. 16(c) (“amending the pleadings if necessary or desirable”).
- Fed. R. Civ. P. 52(a) (Findings and Conclusions by the Court): "(1) In General. In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court ...."

- Fed. R. Civ. P. 65(a) (preliminary injunctions).

### **Relevant Judicial Precedents**

- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008): Established a four-factor test for granting preliminary injunctions, requiring plaintiffs to show likelihood of success on the merits, irreparable harm, balance of equities in their favor, and that the injunction is in the public interest.
- *Munaf v. Geren*, 553 U.S. 674 (2008): (A difficult question as to jurisdiction is, of course, no reason to grant a preliminary injunction. It says nothing about the "likelihood of success on the merits," other than making such success more *unlikely* due to potential impediments to even reaching the merits.)
- *Foman v. Davis*, 371 U.S. 178 (Dec 3, 1962) ("If the underlying facts or circumstances relied upon by a

plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.”)

The following narrative lays out the controlling Supreme Court precedents and the facts underlying this case.

## **XI. STATEMENT**

This case presents a critical opportunity for the Court to resolve an entrenched circuit split regarding the standards for preliminary injunctions post-*Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008), and to clarify the interplay between *Younger* abstention and merits review under *Munaf v. Geren*, 553 U.S. 674 (2008).

The district court denied Petitioners' motion for a preliminary injunction by applying *Younger* abstention without addressing the underlying merits, and the Eleventh Circuit affirmed, exacerbating inconsistencies in federal equitable relief standards.

### **A. Relevant Supreme Court Precedents**

Younger abstention is a prudential doctrine applied at the outset of federal proceedings to avoid interfering with ongoing state actions. See *Younger v. Harris*, 401 U.S. 37, 43–44 (1971). Once invoked, it is not reconsidered with every complaint amendment. See *Hill v. Snyder*, 878 F.3d 193, 205–07 (6th Cir. 2017). Importantly, Younger does not apply to tort suits, such as civil RICO claims. See *Ankenbrandt v. Richards*, 504 U.S. 689, 707 (1992).

In *Munaf v. Geren*, 553 U.S. at 693 this Court emphasized that courts must evaluate the underlying merits before abstaining or denying injunctive relief, rather than relying solely on jurisdictional grounds. Because *Younger* abstention is non-jurisdictional, it requires district courts to assess injunction merits prior to denial. This did not occur here. The Eleventh Circuit's opinion exemplifies the error:

“[The District Court] properly applied our test for when a preliminary injunction is appropriate and determined that Morancy

failed to meet the first prong—a substantial likelihood of success on the merits—because it was barred from considering his claims under *Younger* (App., *infra*, 11a) .... [W]e need not consider the other prongs of the preliminary injunction inquiry. “(App., *infra*, 14a)

This reasoning creates a circular loop: concern for abstention precludes merits review, and lack of merits consideration justifies abstention—a direct violation of *Munaf*'s mandate. Equally eye-catching, the Eleventh Circuit truncated the preliminary injunction test at the “likelihood of success” prong when *Younger* is invoked, bypassing this Court's full four-factor analysis in *Winter* (requiring likelihood of success, irreparable harm, balance of equities, and public interest) and merits consideration under *Munaf*. This approach has divided the circuits post-*Winter*.

#### **B. The Circuit Split on Preliminary Injunction Standards Post-*Winter***

Since *Winter*, the courts of appeals have diverged into three main approaches to preliminary injunction standards, creating inconsistency in federal equitable

relief and undermining uniform application of federal procedure. This mature split warrant certiorari to restore clarity.

**1. Rigid Sequential Approach (Fourth, Fifth, Ninth (in part), Tenth, Eleventh):**

These circuits mandate independent proof of all four Winter factors, with no sliding-scale or balancing permitted. Emphasis is placed on a strict "likelihood of success" showing. See e.g., *Real Truth About Obama, V. Fed. Elec. Commission*, 575 F.3d 342, 347 (4th Cir. 2009) vacated on other grounds, 559 U.S. 1089 (2010); *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011); *Walgreen Co. v. Hood*, 275 F.3d 475, 477 (5th Cir. 2001) (requiring movant to show "substantial" likelihood of prevailing on merits and "substantial" threat of irreparable injury in the absence of a preliminary injunction); *DISH Network Corp. v. FCC*, 653 F.3d 771, 774 (9th Cir. 2011) amending and superseding, on denial of reh'g en banc, *DISH Network Corp. v. FCC*, 636 F.3d 1139 (9th Cir. 2011); *Diné Citizens Against Ruining Our*

*Env't v. Jewell*, 839 F.3D 1276, 1285-86 (10th Cir. 2016); *Bloedorn v. Grube*, 631 F.3d 1218, 1229 (11th Cir. 2011). As scholar Kevin J. Lynch observed, this rigidity "hamstrung the ability of lower courts to reach equitable and just results." Kevin J. Lynch, Preliminary Injunctions in Public Law: The Merits, 60 Hous. L. Rev. 1067, 1107 (2023).

## **2. Flexible Sliding-Scale Approach (Second, Seventh, Ninth):**

These circuits allow injunctions based on "serious questions going to the merits" if combined with a strong balance of hardships, preserving equity's flexibility. See, e.g., *Citigroup Global v. Vcg Special Opport*, 598 F.3d 30 (Mar 10, 2010) (permitting relief where certainty of success is lacking but costs of denial outweigh benefits). *Hoosier Energy Rural Elec. Coop., Inc. v. John Hancock Life Ins. Co.*, 582 F.3d 721, 725 (7th Cir. 2009); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011). Note the Ninth Circuit's intra-circuit tension, as *DISH Network* (rigid) conflicts with *Cottrell* (flexible).

### **3. Mixed Threshold-Balancing Approach Circuits (D.C.):**

This circuit requires a threshold showing on likelihood of success and irreparable harm before limited balancing of the remaining factors, creating a hybrid approach that attempts to reconcile *Winter's* requirements with equitable flexibility. See *Sherley v. Sebelius*, 644 F.3d 388, 392-93 (D.C. Cir. 2011) (applying a "sliding scale" but mandating that no factor falls below a minimum threshold, effectively blending rigidity with flexibility to ensure equitable discretion while adhering to *Winter's* emphasis on merits).

### **C. Factual and Procedural Background**

This case arises from Petitioners' federal lawsuit alleging tort claims, civil RICO violations (18 U.S.C. §§ 1961–1968), and civil rights deprivations (42 U.S.C. § 1983) arising from systemic misconduct in an ongoing Florida state paternity proceeding. Critically, all state court orders are nullities due to improper substitution of



counsel at the outset and subsequent participation of that counsel in all proceedings.

Mr. Gerald Francis Znosko, counsel for defendant Sabrina Alex Salomon, filed pleadings in the paternity court without leave and attended hearing while defendant was already represented by previous counsel.

Petitioner, Jean Dominique Morancy, alleges a comprehensive conspiracy involving multiple state court actors, attorneys, and private parties engaged in:

- **Fabrication of evidence** and submission of forged documents to state court.
- **Judicial bias**, ex parte communications, and systematic denial of due process.
- **Threats to Petitioners' safety**, including attempted murder.
- **Racketeering enterprise** designed to defraud and manipulate state court proceedings.

- **Obstruction of justice and witness intimidation.**
- **Fundamental procedural error:** The state court entered an amended final order on September 14, 2023, amid the pendency of two interlocutory appeals (*e.g.*, *Morancy v. Salomon*, 375 So. 3d 288 (Fla. 6th DCA Oct. 31, 2023) and a final appeal of the initial final order (6D23-3456).
- **Grand theft of Plaintiff's income through void final state court order.**
- **Legal malpractice and attorney conspiracy.**
- **Fourteenth Amendment violations** (U.S. Const. amend. XIV, § 1) through denial of due process by scheduling final hearing without Petitioner's input or consent (App., *infra*, 25a-29a).

Fearing imminent irreparable harm—including threats to his liberty, ongoing constitutional violations, and personal safety—Petitioners filed this federal complaint asserting RICO, § 1983, and related claims on

April 10, 2023. As of this date, a minimum of four defendants, including the attempted murderer and Plaintiff's former counsel, are in default.

Turning from background to chronology, the procedural posture in both courts reveals the errors that warrant review.

## **D. PROCEDURAL HISTORY**

### **1. Initial Federal Proceedings and Remand**

Petitioners filed suit on April 10, 2023, asserting claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961–1968, and 42 U.S.C. § 1983 against multiple defendants involved in the underlying state paternity proceedings. The district court initially ruled on multiple motions to dismiss, which were denied in part and granted in part under *Younger* abstention in July 2023. On appeal, the Eleventh Circuit reversed the dismissal for reasons unrelated to *Younger* and remanded without addressing abstention, leaving that issue for the district court. (App., *infra*, 4a.)

## **2. Amendment and Motion for Preliminary Injunction**

On remand, the district court granted Petitioners leave to amend the complaint, without restricting the amendments to exclude injunctive relief claims despite previously expressing concerns about *Younger* abstention. Petitioners then filed a second amended complaint and moved for a preliminary injunction, seeking to:

- Transfer the state proceedings to an impartial forum.
- Protect constitutional and property rights, including income affected by void state court orders and threats to Petitioner's medical license.
- Enjoin enforcement of state court orders issued without jurisdiction.
- Preserve evidence and prevent further misconduct by state actors.

- Safeguard Petitioner from ongoing threats and harassment.

### **3. District Court Denial and Related Motions**

On July 31, 2024—after previously ruling on motions to dismiss and granting leave to amend—the district court revisited *Younger* abstention, expressing concerns about its applicability and noting that " It **appears** that all three of [Middlesex] factors are met here " (App., *infra*, 23a); see *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423 (1982). The court ordered Petitioner to show cause by August 19, 2024, why injunctive claims should not be dismissed and damages claims stayed under *Younger* (App., *infra*, 23a-24a). **Critically**, the district court denied the preliminary injunction motion without addressing the merits or conducting an evidentiary hearing despite constitutional rights violations and after it afforded the Plaintiffs an opportunity to amend and to test their claims on the merits.

**Coordinated State Court Response:** On August 2, 2024, immediately after Petitioner filed an interlocutory appeal with the Eleventh Circuit (No. 24-12505), Petitioner notified the state defendants of the appeal via email (App., *infra*, 30a-31a). In a suspiciously orchestrated response—**within forty minutes**—the Florida Sixth DCA issued an order (App., *infra*, 32a) to Judge Barbour (a State Co-Defendant), relinquishing jurisdiction to her in an apparent attempt to re-enter a final order and cure the jurisdictional defects they had been asserting in opposing the injunctive relief. Notably, one judge on the Florida Sixth District panel had previously presided over the paternity case.

**District Court's Jurisdictional Confusion:** On August 6, 2024, Petitioner filed a motion requesting stay of proceedings, emphasizing that:

(1) the *Younger* abstention issue was pending before the Eleventh Circuit on interlocutory appeal;

(2) requiring Petitioner to simultaneously litigate the identical jurisdictional question in two forums would constitute an improper expenditure of judicial resources and unnecessarily exhaust Petitioner's limited resources; and;

(3) the district court lacked authority to adjudicate matters pending on interlocutory appeal, as such proceedings divest the trial court of jurisdiction over the appealed issues under the general rule that an appeal divests the district court of control over those aspects of the case involved in the appeal.

On August 7, 2024, the district court denied Petitioner's requests for clerk's defaults against at least nine defendants, stating that such motions could not proceed until the court resolved its jurisdiction under *Younger*.

On August 9, 2024, state defendants (including the Florida Sixth District Court of Appeal) opposed the stay

motion, attaching the August 2, 2024, relinquishment order (App., *infra*, 32a) and arguing that resolution of the state case could moot federal issues.

The district court did not rule on the August 6, 2024, stay motion until Petitioners filed a renewed motion on September 23, 2024; the court then granted the original motion via an endorsed order on October 3, 2024.

#### **4. Eleventh Circuit Affirmance and Violations of Precedent**

On May 8, 2025, a three-judge panel of the Eleventh Circuit (Judges Rosenbaum, Abudu, and Wilson) affirmed the denial in an unpublished opinion, holding that the district court "did not err in finding that Morancy failed to establish a substantial likelihood of success on the merits" due to *Younger* abstention. (App., *infra*, 14a). The panel added that "the district court's order was brief, [but] it **did specifically find that the Middlesex factors were met.**" (App., *infra*, 11a).



**a) The Eleventh Circuit's Decision Violated Its Own Precedents:**

**First**, the panel violated *Alabama v. U.S. Army Corps of Engineers*, 424 F.3d 1117, 1134 (11th Cir. 2005): "To secure preliminary injunctive relief, a petitioner must demonstrate a substantial likelihood of prevailing on **at least one** of the causes of action he has asserted" (emphasis added). Here, Petitioners asserted multiple viable claims, including grand theft through entry of a final order without jurisdiction.

**Second**, the panel violated *Tokyo Gwinnett, LLC v. Gwinnett County*, 940 F.3d 1254, 1270 (11th Cir. 2019), which held that "the addition of new claims does not require federal courts to reevaluate, years into litigation, whether to abstain under *Younger*," citing *Hill v. Snyder*, 878 F.3d 193 (6th Cir. 2017). The district court improperly renewed its jurisdictional analysis years into litigation after new causes of action were filed.

The panel did not remand for an evidentiary hearing, address Rules 15 and 16 amendment possibilities, or consider the progression of the federal case beyond its embryonic stage.

**a) Motion for Reconsideration**

On May 19, 2025, Petitioners filed a comprehensive motion for reconsideration, arguing that the panel's decision:

- **Exacerbated** circuit splits on post-Winter preliminary injunction standards.
- **Violated** circuit precedents requiring evidentiary hearings, such as *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1313 (11th Cir. 1998), and *Baker v. Buckeye Cellulose Corp.*, 856 F.2d 167, 169 (11th Cir. 1988).
- **Failed to conduct merits inquiry**, taking a procedural shortcut by attributing "lack of merit" to *Younger* abstention.

- Ignored the interplay between *Younger* and Federal Rules 15 and 16 amendments.
- Failed to consider exceptional circumstances that would override *Younger* abstention.
- Made findings never made at the district court by stating it "specifically find[s] that the *Middlesex* factors were met".

The motion was denied without opinion on June 23, 2025 (App., *infra*, 15a-16a).

## **XII. REASONS FOR GRANTING THE WRIT**

For the reasons explained below, this Court should grant certiorari. This case squarely presents four independent—and equally compelling—reasons for this Court’s review.

First, the lower courts abandoned Winter’s four-factor injunction test and Munaf’s merits-first mandate, reducing federal equitable relief to a reflexive *Younger* bar. Second, the district court glossed over *Middlesex*’s

abstention requirements and denied any evidentiary hearing, only to have the Eleventh Circuit usurp Rule 52(a) by inventing “specific findings” that never occurred. Third, the decision deepens a mature circuit split—both on post-Winter injunction standards and on whether court-approved Rules 15 and 16 amendments can ever reopen *Younger* abstention. Fourth, by immunizing alleged state-court corruption, it eviscerates § 1983 and RICO’s core purpose and undermines federal supremacy.

**1. Supervisory Intervention to restore adherence to established legal standard.**

The Lower Courts’ Departure from Established Precedents Warrants This Court’s Supervisory Intervention to Restore Uniformity in Federal Injunctive Relief Standards. Certiorari is warranted to exercise this Court’s supervisory power (Art. III), as the lower courts have so far departed from the accepted and usual course of judicial proceedings that intervention is necessary under Sup. Ct. R. 10(a), 10(c).

Specifically, the District Court and the Eleventh Circuit failed to apply the four-factor test for preliminary injunctions established in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)—requiring evaluation of (1) likelihood of success on the merits, (2) irreparable harm, (3) balance of equities, and (4) public interest.

Both courts applied *Younger* so rigidly that they ignored irreparable-harm, equities, and public-interest factors, collapsing *Winter*’s nuanced four-factor test into a bare jurisdictional hurdle. See *Younger v. Harris*, 401 U.S. 37, 43–44 (1971) (describing abstention as a non-jurisdictional doctrine rooted in federalism and comity).

This approach directly contravenes this Court’s mandate in *Munaf v. Geren*, 553 U.S. 674 (2008), which requires courts to assess the underlying merits before abstaining or denying injunctive relief, rather than conflating jurisdictional questions with merits analysis.

As the Munaf Court explained: "A jurisdictional dismissal says nothing about the merits of a case," and thus "says nothing about the 'likelihood of success on the merits.'" *Id.* at 693 (emphasis added). Here, the lower courts committed precisely this error, as evidenced by the Eleventh Circuit's reasoning: "the district court did not err in finding that Morancy failed to establish a substantial likelihood of success on the merits" solely because "it was barred from considering his claims under *Younger*." (App., *infra*, 11a). In that court's view, the only question before it at that stage of the litigation related to the district court's jurisdiction under *Younger*. As a result, the Court of Appeals held that it "need not address" the merits of Petitioners' RICO and civil rights claims—those merits had "no relevance." (App., *infra*, 14a).

The panel explicitly declined to address the remaining Winter factors, stating that it "need not consider the other prongs of the preliminary injunction inquiry."

(App., *infra*, 14a.) This reasoning is fundamentally flawed because jurisdiction is not even at issue—*Younger* abstention is a prudential doctrine, not a jurisdictional bar. See *Ankenbrandt v. Richards*, 504 U.S. 689, 707 (1992) (distinguishing prudential abstention from jurisdictional limitations). Applying *Munaf*'s logic to this case:

“[O]ne searches the opinions below in vain for any evaluation of the merits of Petitioners' claims, including civil rights violations under 42 U.S.C. § 1983 and racketeering activities under 18 U.S.C. §§ 1961–1968. The Eleventh Circuit viewed the issue as purely jurisdictional under *Younger*, deeming the merits to have “no relevance.” (App., *infra*, 3a, 11a.) Yet *Younger* abstention is prudential, not jurisdictional, and does not excuse merits review—particularly where exceptional circumstances, such as bad faith or harassment, may apply. See *Younger*, 401 U.S. at 53–54.”

The lower courts' approach creates a logical impossibility: if *Younger* abstention precludes merits consideration, and lack of merits consideration justifies *Younger* abstention, then no federal plaintiff subject to ongoing state proceedings could ever obtain preliminary

relief—regardless of the strength of their federal claims or the severity of constitutional violations.

This systematic deviation from established judicial norms calls for this Court's supervisory intervention to restore adherence to established legal standards and ensure uniformity in the application of federal law that this Court has previously enunciated in *Winter* and *Munaf*.

Closely related to the failure of supervisory oversight is the courts' disregard for *Younger's* own built-in exceptions, which demand merits evaluation.

**a) *Younger* Exceptions Require Merits Consideration**

*Younger* abstention is not absolute and recognizes well-established exceptions for: (1) bad faith prosecution or harassment; (2) patently invalid statutes; and (3) extraordinary circumstances where irreparable injury is both great and immediate. *See Younger v. Harris*, 401



U.S. 37, 53-54 (1971); *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 611 (1975).

Determining whether these exceptions apply necessarily requires substantive consideration of the underlying merits—precisely what *Munaf* mandates. *See Munaf v. Geren*, 553 U.S. 674, 693 (2008). Courts cannot evaluate whether state proceedings constitute "bad faith harassment" or create "extraordinary circumstances" without examining the specific factual allegations and their legal sufficiency.

The lower courts' categorical refusal to examine Petitioners' specific allegations prevented proper application of these exceptions. Petitioners alleged:

- **Systematic racketeering enterprise** involving state court actors
- **An attempted murder**, the principal defendant—now in default
- **Fabrication of evidence** and submission of forged documents
- **Fundamental**

procedural violations, including entry of final judgment during pending interlocutory appeals

These allegations would clearly establish both bad faith harassment and extraordinary circumstances warranting an exception to *Younger* abstention. By refusing to consider the merits, the lower courts rendered the *Younger* exceptions meaningless—creating a per se rule of abstention that this Court has never endorsed.

This approach effectively nullifies *Younger's* built-in safeguards and contradicts this Court's instruction that abstention doctrines must be applied with sensitivity to the important federal interests at stake. *See Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976).

**b) The District Court Failed to Make the Necessary Fact-Findings Under Middlesex**

The district court's cursory statement that "It appears that all three of [the Middlesex] factors are met here"

(App., *infra*, 23a) is legally and analytically insufficient—it made no individualized, fact-based findings addressing each Middlesex factor. That omission is fatal to any proper *Younger* abstention analysis. *Middlesex Cnty. Ethics Comm’n v. Garden State Bar Ass’n*, 457 U.S. 423 (1982), requires a careful, fact-sensitive showing that: (1) there is an ongoing state proceeding; (2) the state proceeding implicates important state interests; and (3) the federal plaintiff has an adequate opportunity to raise federal claims in the state proceeding. The district court’s cursory treatment obscures several material defects that demonstrate the Middlesex prerequisites were not satisfied here.

#### **1. Ongoing state proceeding**

- Middlesex requires a valid, ongoing state proceeding. Where state proceedings are void ab initio, they cannot satisfy this threshold. The record here shows that a substituted counsel (Mr. Znosko) filed a counter-petition and participated in

subsequent hearings despite the presence of retained counsel for Defendant Salomon. Under Florida law, an unauthorized substitution or other non-compliant pleading practice render subsequent proceedings void. See *Boca Burger, Inc. v. Forum*, 912 So. 2d 561, 582 (Fla. 2005) (holding that non-compliance with Florida Rule of General Practice and Judicial Administration 2.505(e) renders pleadings a nullity); *Bortz v. Bortz*, 675 So. 2d 622, 624 (Fla. 4th DCA 1996). If the state proceedings were tainted by an improper substitution and thus void, then there was no legitimately ongoing state proceeding for *Younger* to protect.

## **2. Important state interest**

- Middlesex requires that the state proceedings implicate an important state interest. That requirement presupposes the existence of a valid, properly constituted adjudicative process. Where the underlying state proceeding is void or infected by

fundamental procedural defects, the asserted “important state interest” cannot be invoked to foreclose federal relief. States have no legitimate interest in maintaining void judicial proceedings that violate their own procedural rules. Because the record indicates that critical state actions were taken under the cloud of an unauthorized substitution (and related procedural irregularities), the district court’s blanket conclusion that an important state interest exists lacks the necessary factual underpinning.

**3. Adequate opportunity to raise federal claims in state court**

- Middlesex also requires that the plaintiff have an adequate forum in which to vindicate federal rights. This factor cannot be satisfied where the state forum is demonstrably biased, compromised, or otherwise unable to provide an impartial adjudication. Two

features of the state record here undermine any finding of adequacy:

- First, the state defendants include actors whose alleged conduct is central to Plaintiffs' racketeering and civil-rights claims; that inherent conflict of interest raises serious doubts about the state tribunal's capacity to adjudicate those federal claims fairly.
- Second, a member of the Florida Sixth District Court of Appeal who participated in the August 2, 2024 relinquishment order had prior involvement in the underlying paternity litigation, creating a realistic risk of adjudicative bias.

Due process forbids adjudicative participation by an interested judge. See *Williams v. Pennsylvania*, 136 S. Ct. 1899, 1905–06 (2016) (participation of an interested judge can constitute a structural due-process defect not amenable to harmless-error review). The Florida Sixth

District's hasty relinquishment of jurisdiction on August 2, 2024—issued within minutes of Petitioner's notice of his federal interlocutory appeal—only heightens concerns about neutrality and the tribunal's willingness or ability to provide an adequate forum (App., *infra*, 32a). As this Court has explained, the description of an opinion as being "for the court" reflects that "judges have exchanged ideas and arguments in deciding the case"; here the timing and composition of the state action warrant careful fact finding rather than summary abstention. See *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 831 (1986).

The dissenting justices in *Williams v. Pennsylvania*—Chief Justice Roberts, Justice Alito, and Justice Thomas—articulated a precise constitutional standard that directly supports Plaintiffs' due process claims in this case. The dissenters argued that no constitutional violation occurred in *Williams* because the habeas petition claim was factually and legally distinct from the underlying murder conviction, emphasizing that "the due

process clause [is] not violated if the same party participated in both proceedings given it was not the same issue pending before the same person in both proceedings." *Williams v. Pennsylvania*, 136 S. Ct. 1899, 1910-11 (Jun 9, 2016) (Roberts, C.J., Thomas dissenting).

The constitutional violation alleged here presents the exact scenario that even the restrictive Williams dissent would find impermissible. Unlike the separate and distinct proceedings in Williams, this case involves the same issue decided by the same judge on the same factual record and where that decision is part of a broader pattern of racketeering activity alleged in the federal complaint.

Because the district court made no factual findings addressing (and resolving) these issues, its Middlesex determination is conclusory and insufficient as a matter of law. The Eleventh Circuit compounded that error by affirming without requiring the district court to make the



necessary factual findings or to hold an evidentiary hearing. That procedure improperly foreclosed a meaningful inquiry into whether the Middlesex prerequisites were in fact met and thus whether *Younger* abstention was warranted. The district court's failure to make those specific factual findings constitutes reversible error requiring this Court's intervention under Sup. Ct. R. 10(a).

**c) The Panel Exceeded Its Appellate Function by Making Factual Findings Absent from the District Court's Record**

The Eleventh Circuit violated fundamental principles of appellate review by transforming the district court's tentative probability assessment into a definitive factual finding. This substitution of appellate judgment for trial court factfinding contravenes established precedent and Federal Rule of Civil Procedure 52(a).

### **The District Court Made No Definitive Findings**

The district court's order stated only that "*It appears* that all three of [*Middlesex*] factors are met here." App., *infra*, 23a (emphasis added). As this Court explained in *Strickland v. Washington*, 466 U.S. 668, 694 (1984) ("reasonable probability" connotes "a probability sufficient to undermine confidence in the outcome.") The word "appears" similarly conveys uncertainty and doubt—not the definitive factual determination required for *Younger* abstention and Fed. R. Civ. P. 52(a).

The district court's tentative language demonstrates it made no specific factual findings regarding the *Middlesex* factors, instead offering only a preliminary assessment lacking the certainty required for such consequential abstention.

### ***The Eleventh Circuit's Impermissible Factual Substitution***

The Court of Appeals violated Federal Rule of Civil Procedure 52(a) by transforming this uncertainty into a

definitive finding. The Eleventh Circuit stated: "Though the district court's order was brief, it did *specifically find* that the *Middlesex* factors were met." App., *infra*, 11a (emphasis added).

**This transformation is legally impermissible for two reasons:**

1. **Factual Mischaracterization:** The appellate panel substituted "specifically find" for "appears"—converting tentative language into definitive findings that never existed.
2. **Improper Factfinding:** By making this substitution, the Eleventh Circuit engaged in initial factfinding—a function reserved exclusively for district courts.

### ***Violation of Fundamental Appellate Principles***

This Court has unequivocally held that "factfinding is the basic responsibility of district courts, rather than appellate courts." *Pullman-Standard v. Swint*, 456 U.S. 273, 291 (1982) (quoting *DeMarco v. United States*, 415

U.S. 449, 450 n.1 (1974)). The Eleventh Circuit's substitution of its own characterization for the district court's actual language violates this fundamental principle.

The appellate court cannot cure the district court's failure to make specific factual findings by simply declaring that such findings were made. This approach:

- Eliminates meaningful appellate review of factual determinations.
- Permits appellate courts to bootstrap insufficient trial court analysis.
- Violates the clear error standard by preventing review of findings that were never made.
- Undermines the adversarial process by allowing conclusory district court statements to satisfy rigorous factual requirements.

This systematic violation of Fed. R. Civ. P. 52(a) and established appellate principles requires this Court's intervention to restore proper separation of trial and appellate functions.

Justice Barrett's scholarly analysis in *Stare Decisis and Due Process* directly addresses the institutional failure evident in this case. As then-Professor Barrett observed, "courts of appeals should either eliminate the rule that prohibits one panel from overruling another, or change the en banc rules to add error correction as a basis for review." Amy Coney Barrett, *Stare Decisis and Due Process*, 74 U. Colo. L. Rev. 1011, 1061 (2003).

This structural reform would have provided a mechanism for the Eleventh Circuit to correct the panel's blatant deviation from this Court's mandates in *Munaf* and *Winter*. However, the circuit's institutional dysfunction runs deeper than Justice Barrett's proposed reforms could remedy.

The Eleventh Circuit's en banc court compounded the panel's error by refusing rehearing despite clear violations of Supreme Court precedent. This refusal violated the circuit's own Rule 40(b)(2), which mandates en banc consideration when a panel decision conflicts with Supreme Court authority. See 11th Cir. R. 40(b)(2) ("A petition for hearing or rehearing en banc will ordinarily be granted only when... the panel decision is in direct conflict with... a decision of the United States Supreme Court").

The circuit's failure to invoke its own error-correction mechanisms demonstrates a systemic breakdown in judicial accountability. When circuit courts refuse to follow both Supreme Court precedent and their own procedural rules designed to ensure compliance with that precedent, only this Court's supervisory intervention can restore proper judicial functioning.

This case exemplifies precisely the institutional pathology Justice Barrett identified—circuit panels making erroneous decisions insulated from meaningful internal review, necessitating Supreme Court intervention to correct fundamental legal errors that should have been addressed at the circuit level.

This Court has previously addressed analogous violations of Federal Rule of Civil Procedure 52(a) by federal courts of appeals, where appellate factfinding impermissibly supplanted the district court's role. In such cases, the Court has granted the petition for certiorari, vacated the judgment, and remanded the case to the Court of Appeals without requiring further briefing, as the legal issue was clear and violated established precedent. A notable example is *Dennison Mfg. Co. v. Panduit Corp.*, 475 U.S. 809, 811 (1986), where the Court took such action to correct a clear legal error. The present case warrants similar intervention to address the

violation of Rule 52(a) and ensure consistency with this Court's precedents.

**c) Violation of Due Process and Evidentiary Hearing Requirement**

Beyond impermissibly making factual findings in the first instance, the Eleventh Circuit violated fundamental due process by denying Petitioners any evidentiary hearing despite bitterly contested material facts involving constitutional violations and judicial corruption.

**Supreme Court Precedent Mandates Hearings for Contested Constitutional Claims.**

When constitutional rights are implicated and material facts are sharply disputed, this Court has made clear that due process demands a live evidentiary hearing. The refusal to hold such a hearing—particularly where allegations include judicial bias, threats of violence, and other integrity-of-process concerns—constitutes reversible error.



### **A. Contested Facts + Constitutional Rights = Hearing Required**

In *Townsend v. Sain*, 372 U.S. 293, 312–13 (1963), this Court held that a federal court must grant an evidentiary hearing when “the facts are in dispute” and the petitioner “did not receive a full and fair evidentiary hearing” previously. The Court identified “bitterly contested” factual disputes as a core trigger for such hearings.

The record demonstrates sharply contested material facts requiring evidentiary resolution. For example, State Defendants asserted that “The State Court rendered the Final Judgment and Corrected Final Judgment with jurisdiction,” on September 14 2023 while Petitioners contended that “the final order was entered without jurisdiction given the pending interlocutory appeals.” e.g. *Morancy v. Salomon*, 375 So. 3d 288 (Fla. 6th DCA Oct. 31, 2023). Such fundamental jurisdictional disputes demand factual development, not summary dismissal.

## **B. Allegations of Judicial Bias Heighten the Constitutional Imperative**

Judicial bias claims strike at the heart of due process. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009) (due process violated where “probability of actual bias” is constitutionally intolerable). Where a movant alleges specific facts that, if true, would establish bias, courts must permit evidentiary development.

## **C. Threats of Violence and Safety Concerns Demand Fact-Finding**

Threats of violence connected to judicial proceedings implicate the federal court’s inherent authority to protect the integrity of the state judicial process. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (courts possess inherent power to address conduct that abuses the judicial process). Such allegations cannot be resolved on paper alone; they require credibility determinations that only a hearing can provide.

#### **D. Denial of a Hearing Here Violates Both Due Process and Equity**

The refusal to hold any hearing in the face of (1) alleged constitutional violations, (2) judicial bias, (3) disputed material facts, and (4) threats of violence is incompatible with “the rudimentary requirements of fair play” that due process demands. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970). Equitable principles likewise require flexibility “to meet the ends of justice.” *Holland v. Florida*, 560 U.S. 631, 650 (2010).

#### **The Eleventh Circuit Misapplied Its Own Precedent.**

The Eleventh Circuit, citing Federal Rule of Civil Procedure 65(a) , stated that the Rule “does not expressly require a hearing on every motion for injunctive relief,” relying on *Baker v. Buckeye Cellulose Corp.*, 856 F.2d 167, 169 (11th Cir. 1988) . App. 10a-11a n.4. However, the panel’s reliance on *Baker* was incomplete and materially misleading.

The full holding in *Baker* provides:

"Rule 65(a) does not expressly require a hearing on every motion for injunctive relief; however, where there is a presumption of irreparable harm ... the court should conduct an evidentiary hearing before granting or denying the motion." *Baker* 856 F.2d at 169 (emphasis added).

This binding circuit precedent recognizes that, while hearings are not universally required, they become essential when irreparable harm is presumed—precisely as in cases involving constitutional violations, where such harm is established per se. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (holding that constitutional deprivations constitute irreparable injury as a matter of law).

By quoting only the introductory clause of *Baker* while omitting its mandatory hearing requirement for presumptions of irreparable harm, the Eleventh Circuit overlooked controlling precedent and erroneously affirmed the district court's denial of an evidentiary hearing. This misapplication deprived Plaintiffs of their fundamental due process right to present evidence in support of their motion for preliminary injunctive relief,

particularly where the alleged harms—including void judicial orders and systematic bias in state proceedings—implicate core constitutional protections under the Due Process Clause.

The error is particularly prejudicial because it contravenes the constitutional imperative for procedural fairness in preliminary injunction proceedings and also undermines the equitable principles underlying Rule 65(a), warranting reversal to ensure that presumptions of irreparable constitutional harm trigger the required evidentiary safeguards.

**Federal Courts Cannot Immunize Alleged State Court Corruption from Oversight.**

When federal constitutional rights are at stake and state proceedings are alleged to be fundamentally compromised, federal courts must provide meaningful review. This necessarily includes the opportunity to present evidence supporting such serious allegations. The denial of any hearing effectively immunizes alleged state

court corruption from federal constitutional oversight—a result fundamentally inconsistent with federal supremacy and the protection of constitutional rights.

Both lower courts impermissibly concluded that Petitioners were unlikely to succeed based solely on *Younger* abstention, without examining the underlying constitutional violations or the exceptions that would preclude abstention. Due to the existence of irreparable harm and due process violations from void state court orders, the courts denied Petitioners the most basic procedural safeguards.

### **The District and Circuit Courts' Defiance of Supreme Court Precedent**

This systematic denial of due process exemplifies the judicial defiance recently addressed by Justices Gorsuch and Kavanaugh in *National Institutes of Health v. American Public Health Association*, 606 U.S. \_\_\_\_ (2025):

"Lower court judges may sometimes disagree with this Court's decisions, but they are never free to defy them.... When this Court issues a

decision, it constitutes a precedent that commands respect in lower courts... Unless we wish anarchy to prevail within the federal judicial system, a precedent of this Court must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." *Id.* (citing *Hutto v. Davis*, 454 U.S. 370, 375 (1982) (per curiam)).

The District and Circuit Courts' categorical refusal to conduct evidentiary hearings despite clear Supreme Court mandates in *Munaf*, and *Williams* represents precisely the type of judicial defiance that threatens the integrity of the federal system and requires this Court's immediate intervention.

## **2. National Importance**

This case presents issues of profound national importance that strike at the heart of federal constitutional supremacy and the role of federal courts as guardians of individual rights against state governmental overreach.

### **Federal Courts as Constitutional Guardians**

Federal courts exist fundamentally to protect individual citizens' rights under the federal Constitution

and laws. As the Sixth Circuit recognized in *Hanna v. Toner*, federal judicial authority serves as the essential bulwark against state violations of federal constitutional rights. 630 F.2d 442 (6th Cir. 1980), cert. denied, 450 U.S. 919 (1981).

The ability of federal courts to provide meaningful protection against state-court misconduct is not merely important—it is foundational to our federal system. Without this Court's definitive guidance on the scope of federal judicial authority to address systematic state court corruption, similarly situated plaintiffs facing serious constitutional violations will be left without any forum for urgent relief, effectively nullifying federal constitutional protections.

### **Section 1983 and Federal Supremacy**

This case arises partly under 42 U.S.C. § 1983, which embodies Congress's determination that federal courts must serve as the ultimate protectors of constitutional rights. As this Court emphasized in *Mitchum v. Foster*,



407 U.S. 225, 239 (1972) Section 1983 established in American law "the role of the Federal Government as a guarantor of basic federal rights against state power."

Indeed, "[t]he very purpose of § 1983 was to interpose the federal courts between the States and the people." *Id.* at 242. This foundational principle reflects Congress's recognition—born from Reconstruction-era experience—that state courts cannot always be trusted to vindicate federal constitutional rights, particularly when state officials are themselves the alleged violators. See also *Zwickler v. Koota*, 389 U.S. 241, 245, 248 (1967); *McNeese v. Board of Education*, 373 U.S. 668 (1963); *Monroe v. Pape*, 365 U.S. 167 (1961).

### **The Federal Interest Cannot Be Dismissed Summarily**

This central federal interest as guarantor of constitutional rights is fully implicated from the moment federal jurisdiction is properly invoked and cannot be dismissed through perfunctory application of abstention

doctrines. When federal courts abdicate their constitutional role by reflexively deferring to allegedly corrupt state proceedings, they undermine the very foundation of federal constitutional protection.

The national importance of this case extends beyond the parties. It is necessary to:

- Preserve federal judicial authority by clarifying when federal courts must act despite parallel state proceedings to prevent the nullification of constitutional rights.
- Protection Against State Court Corruption: Establishing meaningful standards for federal intervention when state judicial systems are systematically compromised.
- Vindication of Section 1983's Purpose: Ensuring that Congress's guarantee of federal forum access for constitutional violations remains meaningful.

- Maintenance of Federal Supremacy: Preventing state courts from immunizing constitutional violations through procedural manipulation.

Without this Court's intervention, the lower courts' approach effectively eviscerates federal constitutional protection, transforming Section 1983 from a guarantee of federal forum access into a hollow promise subject to state court veto. This fundamental threat to federal constitutional supremacy demands this Court's immediate attention and definitive resolution.

**3. The Eleventh Circuit Decision Deepens an Entrenched and Mature Circuit Split Regarding Preliminary Injunction Standards Post-Winter**  
Having previously described the split, the petition next demonstrates its concrete, real-world effects.

The Eleventh Circuit's rigid application of Winter represents the most restrictive interpretation among the circuits and produces substantial disparities: identical claims may succeed or fail depending solely on geographic

location. This case is an ideal vehicle to resolve that split, because it shows the practical consequences of the Eleventh Circuit's approach in a context involving alleged constitutional violations, judicial corruption, and threats to personal safety.

Critically, this petition turns on purely legal questions, not any disputed facts. Both the district court and the Eleventh Circuit based their decisions exclusively on (1) the proper formulation of the Winter four-factor test under *Younger* abstention, and (2) the temporal scope of abstention after Rules 15 and 16 amendments. There are no ancillary jurisdictional or standing issues, no mootness concerns, and no statutory-interpretation detours. The lower courts fully briefed and squarely addressed those two issues in a clean record—making this petition the perfect vehicle for the Court to issue a definitive, nationwide rule.

#### **4. The Split Is Mature, Entrenched, and Requires Resolution**

The circuits' split has persisted for over fifteen years since *Winter*, with no signs of natural resolution.

The consequences are severe:

- **Forum Shopping:** Litigants seek favorable circuits based on preliminary injunction standards.
- **Unequal Justice:** Identical constitutional claims succeed or fail based on geography.
- **Judicial Confusion:** Lower courts lack clear guidance on balancing equity factors.

Beyond sheer numbers, the real-world consequences of these conflicting approaches underscore the need for this Court's decisive guidance.

#### **5. This Case Demonstrates the Real-World Impact of the Split**

This case illustrates why the rigid approach fails. When state judicial proceedings are alleged to be

fundamentally compromised by corruption or racketeering, federal courts must retain flexibility to provide meaningful relief. The Eleventh Circuit's rule creates a Catch-22: plaintiffs cannot establish likelihood of success without discovery and evidentiary hearings, yet they cannot obtain those hearings until they first establish likelihood of success.

This procedural problem is particularly acute when courts reconsider abstention after district-court-approved amendments.

#### **6. The Decision Creates Critical Confusion Regarding the Interplay Between Younger Abstention and Federal Rules 15 and 16**

The lower courts did not address whether petitioners' court-approved amendment under Federal Rules of Civil Procedure 15 and 16 precludes renewed *Younger* abstention analysis. That omission raises a fundamental procedural question with nationwide implications for civil-rights enforcement. This unresolved or created procedural issue threatens to undermine the stability of

federal jurisdiction and the orderly administration of civil rights litigation, for example:

- **Jurisdictional Instability:** Federal jurisdiction becomes perpetually uncertain, subject to reconsideration with every amendment.

- **Chilling Effect on Civil Rights Claims:** Plaintiffs must choose between refining their claims and preserving federal jurisdiction—a choice that undermines effective civil rights enforcement.

- **Forum Shopping Incentives:** The circuit split encourages strategic forum selection based purely on amendment-abstention policies.

- **Administrative Inefficiency:** Courts waste judicial resources relitigating abstention issues that should be resolved once at the outset.

This procedural confusion particularly harms civil rights enforcement, where plaintiffs often need to refine claims as discovery reveals the scope of constitutional

violations. The lower courts' approach forces civil rights litigants into an impossible choice: accept potentially inadequate initial pleadings or risk losing federal jurisdiction entirely through subsequent amendments.

### **The Sixth Circuit's Definitive Resolution of the Amendment-Abstention Question**

The Sixth Circuit has definitively addressed this precise issue, recognizing that allowing courts to reconsider abstention after approved amendments would create an untenable procedural morass. In *Hill v. Snyder*, 878 F.3d 193, 205-07 (6th Cir. 2017) the court explained:

"[I]f courts were to reconsider exercising their jurisdiction at every amendment, plaintiffs would risk sacrificing federal claims for fear of a late-stage *Younger* analysis. Indeed, the potential for *Younger* abstention would loom large over plaintiffs seeking to refine their claims and streamline litigation...."

"To find that the filing of the [second amended complaint] required the district court to reconsider its jurisdiction would both expand and warp an otherwise cabined and clear doctrine. The resulting rule would be both untenable and unmoored from the purposes that drove *Younger*'s genesis. We decline to open the door to such a morass."



This Court has long emphasized the liberal spirit of Federal Rules of Civil Procedure 15(a)—which directs that leave to amend "shall be freely given when justice so requires"—and, by extension, Rule 16, in *Foman v. Davis*, 371 U.S. 178, 182 (1962). There, this Court held that "[i]f the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits." This principle underscores the federal courts' role in facilitating, rather than foreclosing, the substantive evaluation of potentially meritorious claims through procedural mechanisms like amendments.

In this case, however, Petitioners were denied precisely that opportunity. After the district court granted leave to amend, Petitioners refined their complaint and sought a preliminary injunction to test their claims on the merits. Yet the court invoked *Younger* abstention to bar any merits assessment, effectively rendering the amendment illusory. By

refusing to evaluate the underlying claims, the district court undermined the very purpose of granting leave under Rules 15 and 16, transforming what should have been a gateway to merits review into a procedural dead end.

The Sixth Circuit's reasoning in *Hill* reflects sound policy: once federal jurisdiction is properly established, it should not be reopened repeatedly simply because a party refines its pleadings by court-approved amendment.

The lower courts' approach creates precisely the type of "morass" the Sixth Circuit warned against—transforming federal civil rights litigation into a procedural minefield where court-approved amendments paradoxically threaten the very federal jurisdiction they seek to preserve.

**a) Abstention Analysis Must Precede, Not Follow, Approved Amendments**

The Eleventh Circuit itself has previously recognized the temporal limitations on *Younger* analysis, noting that

"neither the Supreme Court's precedent nor ours tells us that the door to *Younger* is reopened when a plaintiff—many months after a case has been filed—amends its complaint to bring additional claims related to the same controversy." *Tokyo Valentino, Inc. v. City of Aventura*, 940 F.3d 1267, 1271 (11th Cir. 2019).

### **Resolution Is Essential for Civil Rights Enforcement**

Only this Court's definitive guidance can resolve the critical interplay between Federal Rules of Civil Procedure 15 and 16 and *Younger* abstention, while addressing the entrenched circuit split between the Sixth and the Eleventh Circuits on this issue. Such intervention is essential to restore predictability and fairness to federal civil rights litigation, ensuring that procedural rules fulfill their core purpose of promoting justice—by facilitating, rather than obstructing or inviting perpetual abstention challenges to—the vindication of constitutional rights. Without it, plaintiffs

risk being trapped in a cycle of procedural uncertainty that undermines the foundational principles of equity and access to federal remedies.

## **7. The Decision Undermines Federal Civil Rights Enforcement in Cases of Alleged State Judicial Corruption**

The Eleventh Circuit's mechanistic approach creates an impermeable procedural fortress that effectively grants absolute immunity to alleged state court corruption, directly contravening Congress's express intent in enacting comprehensive federal civil rights protections. This judicial abdication represents a fundamental misunderstanding of federal supremacy and the constitutional imperative for meaningful federal oversight of state governmental misconduct.

### **1. Congressional Purpose in § 1983 & RICO**

Congress enacted both 42 U.S.C. § 1983 and the Racketeer Influenced and Corrupt Organizations Act with the express purpose of providing federal remedies for systematic corruption and constitutional violations

that state systems cannot or will not address. The Eleventh Circuit's approach directly frustrates this congressional mandate by erecting insurmountable procedural barriers precisely where federal intervention is most critical.

**a) Section 1983: Federal Protection Against State Abuse**

Section 1983 emerged from Reconstruction-era recognition that state courts could not always be trusted to vindicate federal constitutional rights, particularly when state officials themselves were the alleged violators. As this Court emphasized in *Mitchum v. Foster*, 407 U.S. 225, 239, 242 (1972), Congress deliberately chose to "interpose the federal courts between the States and the people" to serve as "guarantor of basic federal rights against state power."

The Eleventh Circuit's rigid abstention doctrine directly contradicts this foundational purpose. By categorically deferring to allegedly corrupt state

proceedings without meaningful federal review, the District and Circuit Courts transform § 1983 from a guarantee of federal forum access into a hollow promise subject to state court veto.

**b) RICO: Federal Authority Over Systematic Corruption**

Congress enacted RICO specifically to combat "the infiltration of organized crime and racketeering into legitimate and illegitimate organizations" including governmental entities. *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 498-499 (1985). The statute's broad remedial purpose encompasses precisely the type of systematic judicial corruption alleged here.

The Eleventh Circuit's approach eviscerates RICO's effectiveness by preventing federal courts from addressing racketeering enterprises that operate through state judicial systems. This creates a jurisdictional safe harbor for the most dangerous form of corruption—that which perverts the judicial process itself.

## **2. The Decision Destroys the Constitutional Balance Between Federal and State Authority**

While principles of comity and federalism deserve respect, they cannot serve as absolute shields protecting systematic corruption from federal constitutional oversight. The Eleventh Circuit's approach fundamentally misunderstands this balance, elevating procedural deference above constitutional supremacy.

### ***1. Federal Supremacy Requires Meaningful Oversight***

When state judicial proceedings are alleged to be fundamentally compromised by corruption and racketeering, federal intervention serves essential constitutional interests that transcend ordinary comity concerns:

- **Preservation of Constitutional Rights:** Federal courts must remain available to vindicate constitutional violations that state systems cannot address.

- Maintenance of Public Confidence: Systematic judicial corruption undermines public faith in the entire judicial system, requiring federal intervention to restore legitimacy.

- Enforcement of Federal Law: RICO and § 1983 represent congressional determinations that certain misconduct requires federal oversight regardless of state sensitivities.

## ***2. The Abstention Doctrine Cannot Become Absolute Immunity***

This Court has never held that abstention doctrines create absolute immunity for state court corruption. Indeed, the exceptions to *Younger* abstention—including bad faith prosecution and systematic bias—recognize that federal intervention is essential to preserve constitutional governance.

The Eleventh Circuit's rigid approach transforms these limited exceptions into meaningless formalities by making them impossible to prove without the very federal



proceedings that abstention prohibits. This creates a constitutional paradox: the more systematic and sophisticated the alleged corruption, the more effectively it is shielded from federal review.

### ***3. The Broader Constitutional Crisis***

The Eleventh Circuit's decision creates a dangerous precedent that threatens the foundational principle of federal constitutional supremacy. If state judicial systems can immunize themselves from federal oversight through procedural manipulation, the Constitution's promise of equal protection and due process becomes geographically contingent.

This case presents allegations of corruption so systematic and egregious that they demand federal intervention under any principled application of constitutional law:

- Organized racketeering enterprise involving multiple state officials.

- Fabrication and submission of forged evidence in judicial state proceedings.
- Entry of void orders during pending appeals
- Attempted murder and ongoing threats against federal constitutional litigants
- Systematic denial of due process protections

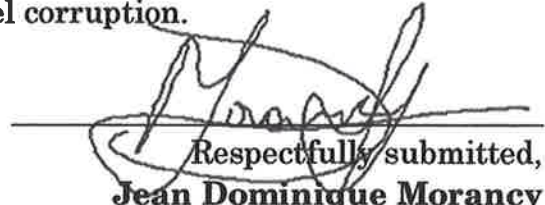
If these allegations cannot overcome the Eleventh Circuit's abstention barrier, then no allegations of state court corruption ever could—effectively writing federal civil rights protections out of existence in cases where they are most desperately needed.

This constitutional crisis demands immediate Supreme Court intervention to restore the proper balance between federal authority and state autonomy, ensuring that congressional civil rights protections retain meaningful force in precisely the circumstances Congress intended them to address.

Having demonstrated the petition's significance, we respectfully submit that certiorari is warranted to restore uniformity and uphold federal supremacy.

### **XIII. CONCLUSION**

The Eleventh Circuit's decision threatens to eviscerate federal civil-rights protections where state adjudication is alleged to be tainted by corruption. For the foregoing reasons, and those explained in the petition, this Court should grant certiorari, reverse the judgment below, and remand for further proceedings consistent with a clarified framework that restores appropriate equitable flexibility, respects court-approved amendments under Rules 15 and 16, adheres to Rule 52(a) where applicable, and upholds federal supremacy in combating state-level corruption.



Respectfully submitted,  
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