

25-5491

No. ____

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

DANIEL JAMES CALDWELL,

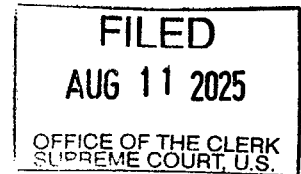
Petitioner,

v.

STATE OF TEXAS FOR THE PROTECTION OF JENNIFER ZIMMERMAN,

Respondent.

On Petition for a Writ of Certiorari to the Texas 3rd Court of Appeals



(CORRECTED per Instruction) PETITION for

WRIT OF CERTIORARI

to the Texas 3rd Court of Appeals

filed by

Daniel Caldwell

Petitioner Pro Se and in forma pauperis

1913 Wild Horse Corral, % Bill or Merrilee Franz

Lewisville, TX 75067

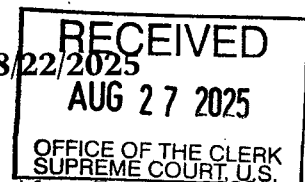
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Received by the Clerk: 8/15/2025

Returned with instructions for correction to Petitioner: 8/18/2025

Received by Petitioner, corrected, and re-submitted: 8/22/2025



No. ____

(CORRECTED) PETITION for

WRIT OF CERTIORARI

to the Texas 3rd Court of Appeals

Daniel James Caldwell, Petitioner pro se, respectfully petitions for a writ of certiorari to review Texas Court of Appeals judgments, review having been denied by the Texas Supreme Court, upholding void orders by retired former judicial officers pretending, without oath nor affirmation, to be a judge of Williamson County Court at Law No. 4.

QUESTIONS PRESENTED

1. Whether a lifetime, nationwide restraining order permanently revoking Second Amendment rights without judicial findings of probable cause for a civil or criminal offense, and without exceptions for time, place, or military service, violates constitutional guarantees of due process, and of the right to bear arms.
2. Whether such an order is void ab initio when signed by a retired former judge who, under Texas Constitution Article 16, Section 1, no longer legally held any state or judicial office.
3. Whether mandamus and habeas corpus relief is warranted to vacate an unconstitutional restraint imposed without lawful authority or evidentiary basis.
4. Whether Petitioner's Sixth and Fourteenth Amendment rights were violated by ineffective assistance of appointed counsel in a related proceeding arising from an arrest for possession of, not a firearm, but a bullet.
5. Whether a lifetime designation as a vexatious litigant is void when imposed by another retired former judge who also lacked lawful authority under Texas Constitution Article 16, Section 1, upheld in a related appellate decision.
6. Whether a lifetime prohibition on all contact with one's child, imposed without a showing of unfitness or evidentiary hearing, violates the First and Fourteenth

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Amendments under the principles articulated in *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996).

PARTIES TO THE PROCEEDING

- **Petitioner:** Daniel James Caldwell
 - **Respondent:** The State of Texas, on behalf of Jennifer Zimmerman
-

OPINIONS BELOW

- The decision of the Texas Court of Appeals, Third District, affirming the permanent “protective” order is enclosed, reported at <https://law.justia.com/cases/texas/third-court-of-appeals/2024/03-22-00464-cv.html>
 - Ten file copies of the decision of the Texas Supreme Court denying review on June 20, 2025, after accepting the petition on April 1, 2025, are enclosed.
 - The decision upholding the vexatious litigant finding is enclosed, reported at <https://law.justia.com/cases/texas/third-court-of-appeals/2019/03-18-00168-cv.html>
 - Ten file copies of the lifetime restraining order and lifetime vexatious litigant finding published by the Texas Office of Court Administration are also enclosed.
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JURISDICTION

The Texas Supreme Court denied review on June 20, 2025 in Case No. 25-0223.

This Court has jurisdiction under 28 U.S.C. § 1257(a).

That jurisdiction is aided by jurisdiction under 28 U.S.C. § 1651, § 2241, and § 2254.

CONSTITUTIONAL PROVISIONS INVOLVED

- U.S. Const. amend. I
 - U.S. Const. amend. II
 - U.S. Const. amend. V
 - U.S. Const. amend. VI
 - U.S. Const. amend. XIV, §1
 - U.S. Const. art. VI, paragraph 3; Texas Const. art. XVI, §1
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STATEMENT OF THE CASE

On July 15, 2022, a lifetime, nationwide restraining order was issued against Petitioner, permanently revoking his Second Amendment rights, with no exceptions for time, place, or military service. This order directly led to Petitioner's discharge from the United States Army. Critically, the order was issued:

- Without a judicial finding of probable cause that Petitioner had committed any civil or criminal offense;
- Without a conviction, indictment, or even a formal charge;
- Solely on the basis of informal accusations of felony stalking, whose statute of limitations has now expired;
- By a retired individual who had not filed nor taken the constitutional oaths of office required under Texas Const. art. XVI, §1 to act in a judicial capacity.

The order additionally imposed a lifetime prohibition on any contact or visitation with Petitioner's son, resulting in a constructive and unlawful termination of the parent-child relationship without due process of law. Petitioner was never found unfit, nor provided with an evidentiary hearing on this issue. The restraint violates his rights to family integrity and association under the First and Fourteenth Amendments, as affirmed in *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996).

Petitioner was then wrongfully arrested in 2023 and charged and placed on bond for mere possession of a single bullet—an object which does not constitute a firearm under Texas law. The February 3, 2025, Order of Dismissal of that charge expressly states the case is “being referred to AUSA for potential Federal prosecution,” as a felony, and the still-pending threat of re-incarceration holds Petitioner to answer for an infamous crime without presentment nor indictment of a Grand Jury, in violation of the 5th Amendment.

Additionally, Petitioner was subjected to a prior lifetime vexatious litigant designation in a separate proceeding in the same court, presided over by retired former judge Alan Mayfield, who also had not complied with Texas Constitution Article 16, Section 1. That lifetime designation was affirmed by the Texas Court of Appeals in *Caldwell v. Zimmerman*, 03-18-00168-CV, 2019 WL 2292545 (Tex. App.—Austin May 30, 2019), and remains in force, unjustly restricting Petitioner’s access to the courts.

The cumulative effect of these unlawful fiats by unqualified individuals continues to deprive Petitioner of fundamental rights.

REASONS FOR GRANTING THE WRIT

I. The Restraining Order Violates Due Process and Second Amendment Rights

The order imposes a permanent handicap and nationwide revocation of Petitioner’s Second Amendment rights without any judicial finding of probable cause, a criminal charge, or opportunity for rebuttal. It fails to meet even the minimal procedural safeguards required under *United States v. Rahimi*, 602 U.S. 680 (2024), where this Court upheld temporary firearm restrictions only when based on findings of dangerousness and adequate process. Unlike in *Rahimi*, Petitioner was not subject to any protective order based on findings of fact. The restraining order here lacks judicial scrutiny, due process, and a limited or reasonable duration, rendering it constitutionally infirm. This

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constitutes infringement of the rights to defense of self and others and protections of due course of law in violation of Petitioner's Second and Fourteenth Amendment rights.

II. Ineffective Assistance of Counsel in Related Criminal Case

He was appointed counsel due to indigency. His appointed counsel, Daniel A. Clark (Bar Card No. 24001889), whose address is PO Box 716, Pflugerville, TX 78691-0716, failed to investigate or challenge the validity of the restraining order or move to limit its scope or duration in any way. Petitioner received ineffective assistance from appointed counsel, who failed to challenge the legality of the restraining order or raise jurisdictional defects. This deprived Petitioner of a meaningful defense and compounded the constitutional violations already suffered. This constituted ineffective assistance of counsel in violation of Petitioner's Sixth and Fourteenth Amendment rights.

III. The Judge Lacked Legal Authority to Issue the Order

The restraining order was signed by a retired former judge who did not comply with Texas Constitution Article 16, Section 1, which requires officeholders to take and file an oath of office to qualify. Neither at the time of signing nor since, that individual had not taken the requisite post-retirement oath and thus did not legally hold any judicial office. Orders issued by individuals lacking judicial authority are void.

IV. The Vexatious Litigant Finding Is Similarly Void

The vexatious litigant designation imposed upon Petitioner in 2018 was ordered by another retired former judge, Alan Mayfield, who likewise lacked the legal capacity to act as an officer of the state under Texas Constitution Article 16, Section 1.

That finding, also upheld by the Texas 3rd Court of Appeals, has served to bar Petitioner from access to redress of grievance in the courts, without due process, contrary to the first prong of the more recent holding in Serafine v. Crump | 691 S.W.3d 917 | Tex. 2024 (requiring a showing that there is no reasonable probability the plaintiff will prevail), and constitutes an unlawful restriction that must be vacated.

V. The Order Unlawfully Terminates the Parent-Child Relationship

The restraining order's lifetime prohibition on any in-person contact or association with Petitioner's child constitutes an unconstitutional termination of parental rights without a finding of unfitness or opportunity to be heard. This Court's precedent in *M.L.B. v. S.L.J.* recognizes that fundamental family rights are protected by the First and Fourteenth Amendments. The state cannot sever a parent-child relationship without affording due process, which was wholly absent in this case.

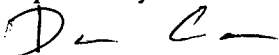
VI. Relief is Warranted by Mandamus and Habeas Corpus Due to Unlawful Restraint

Petitioner's liberty and civil rights were unlawfully restrained via invalid judicial actions. This Court's authority under Article III and federal habeas doctrine warrants intervention to prevent continued enforcement of unconstitutional and jurisdictionally defective orders.

CONCLUSION

For reasons enumerated above and because the underlying judgments are repugnant to principles of justice and liberty, the petition for a writ of certiorari should be granted.

Respectfully submitted,



Daniel James Caldwell

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Originally postmarked August 11, received August 15, returned August 18, 2025.

Revised Date: August 22, 2025.