

25-5670  
No. \_\_\_\_\_

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

SARAI HANNAH AJAI,

Petitioner,

v.

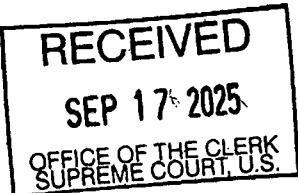
NORTH DAKOTA DEPARTMENT OF TRANSPORTATION;  
UNITED STATES POSTAL SERVICE, OFFICE OF INSPECTOR  
GENERAL, et al.,

Respondents.

On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Eighth Circuit  
(Eighth Circuit No. 24-3164;

Rehearing Denied June 20, 2025)

**PETITION FOR A WRIT OF CERTIORARI**



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## QUESTIONS PRESENTED

Petitioner, a pro se civil-rights litigant, challenges the ongoing alteration and redistribution of her state-issued North Dakota REAL ID identification cards and identity records. The lower courts dismissed on Rule 4(m) and sovereign-immunity grounds without reaching her constitutional claims.

1. **Rule 4(m) / pro se / actual notice.** Whether a district court abuses its discretion by dismissing a pro se civil-rights action under Federal Rule of Civil Procedure 4(m) despite diligent service efforts, and despite respondents' actual notice and no showing of prejudice, where the district court neither grants additional time nor directs reasonable alternative service, and without otherwise assisting the pro se litigant facing complex multi-sovereign service rules.
2. **Eleventh Amendment / *Ex parte Young*.** Whether the Eleventh Amendment bars a pro se litigant's suit seeking prospective injunctive relief to halt the ongoing misuse and alteration of state-issued identification cards and identity records where the pleadings invoked *Ex parte Young* and alleged continuing violations of federal constitutional rights, but the lower courts dismissed on sovereign-immunity grounds without addressing that doctrine or allowing amendment to name the responsible state officers.
3. **REAL ID / constitutional violations.** Whether a State's alteration or redistribution of state-issued REAL-ID driver's-license cards and linked identity records without notice or judicial process violates the Fourteenth Amendment's Due Process and Equal Protection Clauses; whether federal actors' manipulation of those records and the warrantless interception or seizure of the Petitioner's sealed mail violates the Fourth and/or Fifth Amendments; and whether those practices, insofar as they compel Petitioner's identity-related services or associations, implicate the Thirteenth Amendment.

## **PARTIES TO THE PROCEEDING**

- 1. Parties.** The caption on the cover lists all parties to the proceedings in the courts below. Petitioner is Sarai Hannah Ajai. Respondents are the North Dakota Department of Transportation; the United States Postal Service, Office of Inspector General; et al.
- 2. Corporate Disclosure Statement.** Petitioner is an individual and therefore has no parent corporation and issues no stock. Respondents are governmental entities, not corporations; Rule 29.6 requires no further statement.

## STATEMENT OF RELATED PROCEEDINGS

The following proceedings are directly related to this case:

- **United States Court of Appeals for the Eighth Circuit**  
*Sarai Hannah Ajai v. North Dakota Department of Transportation; United States Postal Service, Office of Inspector General, et al., No. 24-3164.* Judgment entered April 10, 2025; rehearing (including rehearing *en banc*) denied June 20, 2025.
- **United States District Court for the District of North Dakota**  
*Sarai Hannah Ajai v. North Dakota Department of Transportation, et al., No. 3:24-cv-00127-ARS.* Judgment entered September 19, 2024.

There are no other state or federal proceedings arising from the same transactions or events.

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## **OPINIONS BELOW**

The United States Court of Appeals for the Eighth Circuit issued an unpublished per curiam opinion on April 10, 2025, Pet. App. 1a–2a opinion, entered judgment the same day, Pet. App. 3a judgment, and denied rehearing on June 20, 2025, Pet. App. 4a rehearing.

The United States District Court for the District of North Dakota entered an unpublished order on September 19, 2024, Pet. App. 5a–12a D.N.D. order, and a separate judgment the same day, Pet. App. 13a D.N.D. judgment.

## **JURISDICTION**

The judgment of the United States Court of Appeals for the Eighth Circuit was entered on April 10, 2025. A timely petition for rehearing was denied on June 20, 2025. This petition is filed within ninety days of that denial. This Court has jurisdiction under 28 U.S.C. § 1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Pursuant to Sup. Ct. R. 14.1(f), the following provisions are involved. Because several are lengthy, Petitioner identifies them here and reproduces their text verbatim in the appendix at the cited pages.

- **U.S. Const. amend. IV (App. A-1).**
- **U.S. Const. amend. V (Due Process and Takings Clauses) (App. A-2).**
- **U.S. Const. amend. XI (App. A-3).**
- **U.S. Const. amend. XIII (App. A-4).**

- **U.S. Const. amend. XIV, § 1** (Due Process and Equal Protection Clauses) (App. A-5).
- **42 U.S.C. § 1983** (App. A-6).
- **REAL ID Act of 2005**, Pub. L. No. 109-13, div. B, 119 Stat. 302 (2005) (codified at **49 U.S.C. § 30301 note**) (App. A-7).
- For the Court's convenience, the text of **Fed. R. Civ. P. 4(m), 4(i), and 4(j)(2)** appears at App. A-8 to A-10.

## **STATEMENT OF THE CASE**

### **A. Factual Background**

Petitioner Sarai Hannah Ajai is a pro se civil-rights litigant who lawfully obtained her state-issued North Dakota REAL ID driver's-license card ("ND Real ID driver's-license card") on May 15, 2019. In 2024, Petitioner discovered credible evidence indicating that officials at the North Dakota Department of Transportation ("NDDOT") had altered, replicated, and redistributed her state-issued identification credentials without her knowledge or consent. A LexisNexis consumer disclosure dated April 7, 2024 revealed two conflicting driver-license records associated with her identity, one of which incorrectly listed her height and driver-classification codes.

Further forensic analysis of the Petitioner's physical state-issued identification cards revealed that multiple Document Discriminator ("DD") codes had been assigned to her profile, indicating that at least twenty-three

counterfeit license versions predated her relocation to North Dakota, with five additional variants issued between 2019 and her updated renewal card dated April 29, 2024. Some of these fraudulent licenses misidentified Petitioner's sex as male and were circulated without lawful authorization.

Petitioner further alleges that agents of the United States Postal Service ("USPS") including, as alleged, Office of Inspector General ("OIG") personnel, unlawfully intercepted, confiscated, and redirected her certified-mail parcels including legal documents by falsely routing them to similarly named or fictitious individuals. These actions, she contends, prolonged and concealed the underlying identity-fraud scheme and interfered with her access to judicial relief. Petitioner contends that the pattern of conduct by state and federal actors amounted to deliberate misidentification and digital displacement, in violation of her rights under the Fourth, Fifth, Sixth, Eighth, Thirteenth, and Fourteenth Amendments. She invoked causes of action under 42 U.S.C. §§ 1981, 1983, 1985, and 1986, as well as an implied remedy under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

## **B. District-Court and Appellate Proceeding**

Petitioner filed a verified civil complaint in the United States District Court for the District of North Dakota (the "district court") on June 27, 2024, asserting federal constitutional claims and seeking declaratory and injunctive relief. On July 23, 2024, the North Dakota Department of Transportation

(“NDDOT”) moved to dismiss, arguing defective service under Federal Rule of Civil Procedure 4(m) and Eleventh-Amendment immunity.

On August 20, 2024, Petitioner filed a Motion to Quash the Motion to Dismiss and opposition, asserting diligent, good-faith attempts at service across multiple sovereign respondents, actual notice to respondents, and no prejudice; she also requested an extension under Rule 4(m), reasonable alternative service, and, as needed, leave to amend to correct or substitute responsible parties. NDDOT replied on August 29, 2024, and Petitioner filed a reply on September 12, 2024.

On September 19, 2024, the district court granted NDDOT’s motion and dismissed, citing untimely or improper service and sovereign-immunity grounds, without addressing Petitioner’s *Ex parte Young* theory or her request for leave to amend. See Pet. App. 6a, 9a–10a (Eleventh-Amendment analysis); 12a–13a (disposition & judgment).

On April 10, 2025, the United States Court of Appeals for the Eighth Circuit (“Eighth Circuit”) issued an unpublished per curiam opinion affirming, concluding that the court lacked personal jurisdiction over unserved parties, that the United States Postal Service retained sovereign immunity, and that there was no abuse of discretion in denying additional time for service or amendment. Petitioner sought rehearing and rehearing en banc; both were denied on June 20, 2025. See Pet. App. 1a–3a. This petition followed.

### **C. Preservation of Federal Questions and Vehicle**

This case is an ideal vehicle to resolve the Questions Presented because the issues were pressed or passed upon below; the record squarely presents the Rule 4(m) question (diligence, actual notice, and no prejudice); the sovereign-immunity dismissal did not address *Ex parte Young* or permit targeted amendment; and no antecedent obstacles appear (final judgment has been entered, and standing and mootness are not at issue).

The Questions Presented were pressed or passed upon below. The Petitioner asserted federal claims under the Fourteenth Amendment (Due Process and Equal Protection) and, insofar as federal actors are implicated, the Fifth Amendment; she also cited the Thirteenth Amendment. These civil causes of action included 42 U.S.C. § 1983 (state actors) and a federal-actor claim under *Bivens*, along with 42 U.S.C. §§ 1981, 1985(3), and 1986. In the district court, the Petitioner invoked federal-questions and civil-rights jurisdiction under 28 U.S.C. §§ 1331 and 1343 and supplemental jurisdiction under § 1367.

On service, the Petitioner moved to quash the motion to dismiss and opposed dismissal, requesting relief under Fed. R. Civ. P. 4(m), additional time and reasonable alternative service based on diligent efforts, actual notice, and the absence of prejudice. She also sought leave to correct parties and to substitute Doe respondents pursuant to the Fed. R. Civ. P. 15(c)(1)(C). The

district court dismissed; the Eighth Circuit affirmed, concluding no abuse of discretion. See Pet. App. 12a–13a (district-court disposition & judgment); 1a–2a (8th Cir. op.)

On sovereign immunity, the Petitioner sought prospective injunctive relief and expressly invoked *Ex parte Young*. She requested leave to amend to name responsible state officers. The lower courts dismissed on sovereign-immunity grounds without addressing *Ex parte Young* or allowing targeted amendment. See Pet. App. 6a, 9a–10a (D.N.D. Eleventh-Amendment ruling); 12a–13a (disposition & judgment); 1a–2a (8th Cir. op.).

Petitioner's claims also challenge the alteration and redistribution of her state-issued ND REAL ID driver's-license cards and identity records without notice, consent, or judicial process, as incompatible with the Constitution and subject to prospective relief.

#### **REASONS FOR GRANTING THE WRIT**

This petition presents three recurring and nationally important questions: (1) how the district courts should exercise discretion under Rule 4(m) when a pro se petitioner has diligently attempted service, respondents have actual notice, and no prejudice is shown; (2) whether courts may dispose of suits seeking prospective relief for an ongoing violations without engaging *Ex parte Young* or allowing targeted amendment to name responsible officers; and (3) the constitutional limits on a State's alteration, replication, or

redistribution of federally integrated state-issued REAL ID driver's-license cards and identity records without notice, consent, or judicial process. Review is warranted under Rule 10 because the decision below conflicts with other authority and leaves important federal questions unresolved.

**I. Courts Diverge on Dismissing Under Rule 4(m) Where There is Diligence, Actual Notice, and No Prejudice.**

Rule 4(m)'s text authorizes dismissal or an extension; even absent good cause, a court may grant more time. The Fed. R. Civ. P. 4(m) advisory committee's note to 1993 amendment emphasizes that extensions are appropriate in equitable circumstances including when dismissal would time-bar the claim. Against that backdrop, the courts of appeals take meaningfully different approaches in pro se civil-rights cases.

**1. Leniency / Merits-First Approach.**

Several decisions stress that where a Petitioner diligently attempted service, the respondent had actual notice, and no prejudice is shown, the district courts should extend time or direct reasonable alternative service rather than terminate the case. These courts fault dismissals that ignore Rule 4(m)'s remedial design or fail to weigh equitable factors such as (i) notice and prejudice, (ii) the length and reasons for delay (including multi-sovereign complexity under Rules 4(i)/4(j)), (iii) pro se status, and (iv) whether dismissal would foreclose the claim by limitations. *See, e.g., Lemoge v. United States*, 587 F.3d 1188, 1198 (9th Cir. 2009) (reversing where the District Court failed to

account for excusable neglect and limitations consequences); *Thrasher v. City of Amarillo*, 709 F.3d 509, 514 (5th Cir. 2013) (abuse-of-discretion analysis requires considering prejudice and lesser sanctions); *Rivera-Díaz v. Humana Ins. of P.R.*, 748 F.3d 387, 392 (1st Cir. 2014) (recognizing court's authority to extend even absent good cause and identifying equitable factors).

## **2. Strict-Compliance / Dismissal-Permissive Approach.**

Other decisions affirm dismissal despite actual notice where the Petitioners missed technical steps, placing heavy weight on formal compliance and limited deference to pro se status. See, e.g., *Zapata v. City of New York*, 502 F.3d 192, 196–99 (2d Cir. 2007) (upholding dismissal despite limitations concern; courts may deny extensions even absent prejudice); *Scott v. Mich. Dep't of Corr.*, 986 F.3d 939, 967 (6th Cir. 2021) (affirming dismissal where service was not timely perfected); *Smith v. City of Chicago*, 3 F.4th 332, 335 (7th Cir. 2021) (strict application of Rule 4). The Eighth Circuit likewise frequently affirms Rule 4(m) dismissals in pro se cases where the district courts treat actual notice and lack of prejudice as non-dispositive.

## **3. This Court Cleanly Presents the Issue and Shows Why the Leniency Framework Is Correct.**

Petitioner (i) diligently attempted service across state and federal respondents; (ii) Respondents had actual notice and identified no prejudice; and (iii) Petitioner asked for the very remedies Rule 4(m) contemplates extra time and reasonable alternative service in a setting made complex by multi-

sovereign requirements. Terminating a pro se civil-rights suit on these facts misreads Rule 4(m) and deepens the divergence. The lower court should grant review to clarify that, where diligence, actual notice, and no prejudice are shown, the district courts must at minimum weigh those factors on the record and ordinarily prefer extensions or directed alternative service over dismissal especially where dismissal risks limitations forfeiture and where Rule 4(i)/4(j) layered service steps create traps for pro se litigants.

#### **4. A Practical, Uniform Standard.**

This Court can resolve the conflict by instructing that the district courts abuse their discretion when they dismiss under Rule 4(m) without considering: (a) the Petitioner's diligence and reasons for delay; (b) actual notice to respondents; (c) prejudice (or lack thereof); (d) the complexity of required service (including Rule 4(i) service on the United States and agencies, and Rule 4(j) on state entities); (e) whether dismissal would time-bar the claims; and (f) pro se status. Where these factors favor adjudication on the merits, the lower courts should extend time, direct alternative service, or assist a pro se litigant in curing defects rather than ending the case.

#### **II. The Decision Below Disregards *Ex parte Young* and Conflicts with This Court's Prospective-Relief Precedents.**

For more than a century, this Court has held that sovereign immunity does not bar suits for prospective relief against state officers to halt an ongoing

violations of federal law. *Ex parte Young*, 209 U.S. 123, 155–60 (1908). Later cases distill the analysis into three straightforward inquiries:

**1. Ongoing Violation of Federal Law.**

Is the Petitioner alleging a present, continuing contravention, not merely past injury?

**2. Prospective Relief Only.**

Is the requested remedy forward-looking (injunction/declaration) rather than retroactive monetary liability? *Edelman v. Jordan*, 415 U.S. 651, 664–68 (1974); *Green v. Mansour*, 474 U.S. 64, 68–73 (1985).

**3. Proper State Officer.**

Has the Petitioner sued (or been given leave to sue) an official with a “connection with the enforcement” of the challenged conduct? *Ex parte Young*, 209 U.S. at 157; see also *Verizon Md., Inc. v. PSC*, 535 U.S. 635, 645–46 (2002); *Va. Office for Prot. & Advocacy v. Stewart*, 563 U.S. 247, 254–58 (2011).

This case checks each box. Petitioner alleges an ongoing misuse and redistribution of her state-issued North Dakota REAL ID driver’s-license cards and identity records; she seeks prospective injunctive and declaratory relief; and her pleadings identified the State function at issue and requested leave to amend to name the responsible officer(s). The courts below nonetheless treated sovereign immunity as categorical, never engaging the *Ex parte Young* test and refusing targeted amendment, and affirmed dismissal. That approach is

irreconcilable with the decisions above and with the routine practice of allowing official-capacity suits to proceed when the relief is forward-looking and the proper officer can be identified.

Granting review will allow the courts to apply *Ex parte Young* and, on remand, adjudicate Petitioner's preserved individual-capacity damages claims separately from the official-capacity prospective relief.

**A. The Eighth Circuit's Disposition Departs From The Accepted Course.**

Under *Verizon Maryland* and *Stewart*, courts must address *Ex parte Young* when a complaint seeks prospective relief for an ongoing violations. The lower courts affirmed without doing so and without requiring the district court to consider targeted amendment to substitute the officer who administers state-issued REAL ID driver's-license cards recordkeeping and handling. That contravenes the principle that "leave shall be freely given when justice so requires." *Foman v. Davis*, 371 U.S. 178, 182 (1962). Where a Petitioner especially pro se has plausibly identified the State function but not the precise officer responsible for its enforcement, the accepted course is to permit amendment rather than invoke sovereign immunity to terminate the suit.

**B. Prospective Relief Here Is Narrow, Judicially Manageable, And Respects State Dignity While Damages Proceed In the Proper Lane.**

The requested official-capacity relief is forward-looking and tailored: damages proceed in the proper lane an order preventing further alteration or

redistribution of Petitioner's state-issued ND REAL ID driver's-license cards and identity records absent procedures consistent with federal law, and directing the responsible official to correct any ongoing biological birth-sex and gender-identity misclassification. That fits squarely within *Edelman/Green*: courts may issue prospective commands even if compliance entails incidental administrative or budgetary consequences. Separately, the Petitioner preserves individual-capacity damages claims for past harms under 42 U.S.C. § 1983 (and any other duly preserved theory). Those damages claims do not implicate Eleventh-Amendment immunity and can be adjudicated on remand. Recognizing *Ex parte Young* here preserves state dignity while preventing continuing violations against the Petitioner.

**C. The Consequences Of The Eighth Circuit's Rule Are Serious and Recurring.**

If a State may invoke "sovereign immunity" without a *Ex parte Young* analysis, and the lower courts may deny targeted amendment in cases involving sensitive identity systems, then an ongoing constitutional violations tied to governmental control of identity credentials will be effectively insulated from review. That outcome conflicts with this Court's precedents and invites divergent practices across circuits on when (and whether) *Ex parte Young* applies. This Court should grant review to reaffirm the *Ex parte Young* framework and make clear that prospective-relief suits must be evaluated on the merits, with leave to amend to name the proper officer when necessary.

### **III. REAL ID Misuse Raises Urgent Constitutional Questions.**

Congress' REAL ID framework turns States-issued drivers'-license cards and linked identity records into "gateway" credentials for air travel, employment and housing eligibilities verifications, and entry to federal facilities. When State officials alter, replicate, or redistribute those states-issued REAL ID drivers'-license cards credentials and the associated records without notice, consent, or judicial process, the consequences are immediate and practical: denial of services, stigma, and continuing dissemination of false data. The federal and state structure magnifies the harm because downstream actors including federal agencies and commercial verifiers rely on what the States' records prints and transmits. This case squarely presents whether the Constitution tolerates such manipulation of core identity information, and whether forward-looking relief must be available to stop it.

#### **A. Altering And Redistributing Core Identity Data Without Process Offends The Fourteenth Amendment.**

The Due Process Clause safeguards individuals from government-created deprivations of protected liberty and property interests without adequate procedures. Identity credentials and the State-maintained records that drive them are the keys to travel, work, housing, banking, and access to justice. When officials unilaterally alter a person's sex marker, name, classification codes, or license status, and propagate those changes to third parties, they impose concrete burdens and risks that no private actor can cure.

Basic notice and an opportunity to be heard are required before the States changes and circulates such information; at minimum, prospective procedures must ensure accuracy and a means to correct errors. Here, Petitioner plausibly alleged ongoing alterations and redistribution of her state-issued ND REAL ID driver's-license cards and records, including misclassification of sex and driver codes, with no notice and no avenue for timely correction. See Pet. App. 5a–6a. That continuing conduct states a live due-process violation warranting prospective relief.

Equal protection concerns follow as well. Government manipulation that misclassifies sex or otherwise singles out an individual in identity systems is arbitrary and unequal on its face; it triggers at least rational-basis review, which the conduct here cannot satisfy. Where intentional misclassification targets a protected characteristic, heightened scrutiny is appropriate. Either way, the Constitution does not permit the States to engineer inaccurate identity attributes and circulate them.

**B. REAL ID's National Role Makes The Issue Recurring And Exceptionally Important.**

States'-issued REAL ID drivers'-license cards and records credentials function nationwide and are demanded at airports and federal facilities. Errors or deliberate alterations ripple across interconnected databases and private verifiers. Without clear constitutional guardrails, States (and cooperating federal actors) can effectively write a person out of basic civil life or force them

to carry states-issued documents that assert false facts about who they are. The question presented thus reaches far beyond a single case and affects millions of Driver-license States Identifications cards holders, frequent travelers, and anyone whose livelihood requires identity screening. Only this Court can prescribe uniform, minimum process before these States changes and redistributes identity data in those states-issued REAL ID drivers'-license cards and records ecosystem.

**C. Forward-Looking, Narrow Relief Is Manageable And Necessary; Sovereign-Immunity Rules Cannot Bar It.**

Prospective relief under *Ex parte Young* is the well-fitted remedy for ongoing misuse of identity systems. A targeted injunction can require: (i) cessation of an unauthorized alteration and redistribution; (ii) correction of existing records; and (iii) implementation of constitutionally sufficient notice-and-hearing procedures for any future changes. That relief respects State dignity, imposes limited administrative burden, and leaves any preserved damages claims for past harms to normal adjudication. By disposing of Petitioner's suit without engaging *Ex Parte Young* or allowing targeted amendment to name the responsible official, the courts below effectively insulated continuing violations from review. See Pet. App. 10a; 12a–13a; 1a–2a. This Court's intervention is needed to reaffirm that sovereign immunity does not bar prospective relief to halt an ongoing constitutional wrongs in states-issued REAL ID drivers'-license cards and records identity systems.

**D. Federal Involvement Underscores The Need For Guidance.**

Petitioner also alleged conduct by federal actors (including USPS sent and delivered mail letters interceptions and redirections) that compounded the North Dakota State's alterations and impeded access to the courts. See Pet. App. 5a–6a. The federal and state interplay characteristic of the state-issued ND REAL ID drivers'-license cards and records heightens the stakes and the need for a clear constitutional baselines. Absent guidance, responsibility will be diffused and accountability evaded precisely the scenario *Ex parte Young* was designed to prevent.

**E. Government-Enabled Appropriation of Identity Credentials Raises Takings-Clause Concerns (Alternative to Due-Process Theory).**

The record reflects that Doe actors, acting under color of state law and/or in concert with states' officials, obtained and disseminated reproductions of the Petitioner's ND REAL ID driver's-license cards and linked identity records, at times adopting Petitioner's legal name or using a fictitious mirror identities. That conduct commandeers states'-issued identity credentials for public-facing identity verifications without notice, consent, judicial process, or compensation. To the extent a legally cognizable property (or quasi-property) interest exists in one's state-issued identity credentials and associated records, the State's appropriation and compelled dissemination for "gateway" functions (commercial air travel, employment and housing eligibilities for a national

security clearances checks, as well as access to federal facilities) is a taking without just compensation or, at minimum, a severe regulatory taking, in violation of the Takings Clause (as incorporated). See, e.g., recognition of takings in certain intangible interests (*Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984)); cf. *per se* appropriation principles (*Horne v. Dep’t of Agriculture*, 576 U.S. 350 (2015); *Cedar Point Nursery v. Hassid*, 594 U.S. \_\_\_\_ (2021)). The practical consequences are immediate: barriers to the right to interstate travel, denial of services, reputational stigma, and continuing propagation of false data. Prospective relief is necessary to halt an ongoing misuse, restore accurate records, and implement procedures that prevent recurrence. See Pet. App. 5a–12a.

#### **IV. This Case Is An Ideal Vehicle.**

Each question was pressed below; Questions 1 and 2 were passed upon by the courts below (Pet. App. 1a–2a; 8a–10a; 12a–13a). Question 3 was not reached because of the threshold rulings; correcting those errors will permit merits resolution on remand; and there are no antecedent obstacles such as standing or mootness. The record presents straightforward legal questions: (i) whether dismissal was proper under Rule 4(m) despite diligence, actual notice, and no prejudice; (ii) whether sovereign immunity bars prospective relief without addressing *Ex parte Young* or allowing amendment; and (iii) the constitutional limits governing States manipulation of states’-issued REAL ID

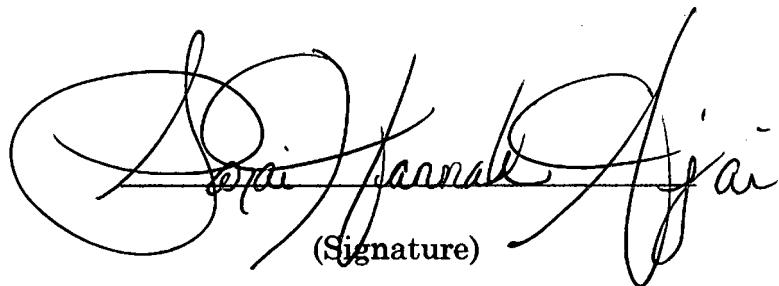
drivers'-license cards and identity records. This case cleanly illustrates systemic risks involving identity credentials and provides a suitable vehicle for resolving the split and clarifying governing standards.

## **CONCLUSION**

This case presents recurring questions of federal law with significant consequences for pro se litigants and for citizens affected by government control of identity credentials. The Eighth Circuit's *affirmance* without engaging the Petitioner's diligence, actual-notice/no-prejudice showing under Rule 4(m) or her request for prospective relief under *Ex parte Young* conflicts with other authority and leaves important questions unresolved. The ongoing misuse and redistribution of the Petitioner's state-issued ND REAL ID driver's-license cards and identity records implicate core constitutional protections under the Fourteenth and Fifth Amendments (and, as asserted, the Thirteenth) and warrant forward-looking relief.

The petition for a writ of certiorari should be granted, and the judgment vacated and remanded for further proceedings, including application of *Ex parte Young* and adjudication of Petitioner's preserved individual-capacity damages claims.

Respectfully submitted.



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(Signature)

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