

In The
Supreme Court of the United States

YASMANI GURRI RUBIO,
Petitioner,
v.
CITY OF ALEXANDRIA, et al.,
Respondents.

On Petition For A Writ Of Certiorari

To The United States Court Of Appeals
For the Fourth Circuit

PETITIONER'S SUPPLEMENTAL BRIEF

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TABLE OF AUTHORITIES

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- *Bell v. Hood*, 327 U.S. 678 (1946)
- *Capron v. Van Noorden*, 6 U.S. (2 Cranch) 126 (1804)
- *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635 (2009)
- *Chandler v. Judicial Council of the Tenth Circuit*, 398 U.S. 74 (1970)
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- *Muskrat v. United States*, 219 U.S. 346 (1911)
- *Royal Canin U.S.A., Inc. v. Wullsleger*, 604 U.S. ____ (2025)
- *Rucho v. Common Cause*, 588 U.S. 684 (2019)
- *Smith v. United States*, 599 U.S. ____ (2023) (Alito, J.)
- *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998)
- *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966)
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**PETITIONER'S SUPPLEMENTAL BRIEF
PURSUANT TO SUP. CT. R. 15.8**

PETITIONER'S SUPPLEMENTAL BRIEF PURSUANT TO SUP. CT. R. 15.8

Petitioner respectfully submits this supplemental brief to notify the Court of additional authorities and developments that directly bear on the questions presented. This filing does not introduce new issues but instead highlights recent Supreme Court precedent and ongoing district court proceedings that reinforce the systemic and structural nature of the violations at issue. Most notably, this Court's unanimous decision in *Royal Canin U.S.A., Inc. v. Wullsleger*, 604 U.S. ____ (2025), reaffirms that supplemental jurisdiction under 28 U.S.C. § 1337 cannot survive once federal claims are dismissed. Yet the district court here, after conceding lack of jurisdiction and improper venue, nonetheless dismissed state-law claims with prejudice.

What makes this filing especially urgent is that these very same Article III violations are now recurring in a parallel case before another judge in the Eastern District of Virginia, confirming that the problem is not an isolated error but an entrenched institutional practice. Accordingly, Petitioner respectfully submits this brief to ensure that the Court has before it the most current and authoritative guidance bearing directly on the structural jurisdictional defects presented in this petition.

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

1. U.S. Const. art. III – Judicial Power and Case-or-Controversy Requirement

Federal courts may only exercise jurisdiction where authorized by the Constitution and Acts of Congress. Jurisdiction and venue are non-waivable structural limits. Any adjudication of claims without Article III authority or in

violation of statutory venue provisions is *ultra vires* and void. See *Ex parte McCardle*, 74 U.S. (7 Wall.) 506 (1869); *United States v. Corrick*, 298 U.S. 435 (1936).

2. 28 U.S.C. § 1367 – Supplemental Jurisdiction

(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

(b) In any civil action of which the district courts have original jurisdiction founded solely on section 1332 of this title, the district courts shall not have supplemental jurisdiction under subsection (a) over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 of the Federal Rules of Civil Procedure, or over claims by persons proposed to be joined as plaintiffs under Rule 19 of such rules, or seeking to intervene as plaintiffs under Rule 24 of such rules, when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of section 1332.

(c) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

(1) the claim raises a novel or complex issue of State law,

- (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
- (3) the district court has dismissed all claims over which it has original jurisdiction, or
- (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

Congress thus drew a sharp distinction: subsection (a) is a jurisdictional grant, mandatory when satisfied; subsection (b) is a jurisdictional limitation; subsection (c) provides only discretionary authority, triggered solely by enumerated conditions. This structure prohibits federal courts from retaining state-law claims once federal jurisdiction has been dismissed. See *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639–40 (2009).

3. U.S. Const. amend. V – Due Process Clause

“No person shall … be deprived of life, liberty, or property, without due process of law.”

Due process requires that threshold jurisdictional and venue issues be resolved prior to any merits ruling. Merits dismissals with prejudice in the absence of jurisdiction violate this guarantee.

4. U.S. Const. amend. I – Right of Petition / Access to the Courts

“The right of the people … to petition the Government for a redress of grievances.”

Access to courts includes the right to have claims heard in a tribunal with proper jurisdiction and venue. Improper merits dismissals obstruct this constitutional protection, especially for *pro se* litigants.

5. U.S. Const. amend. XIV – Equal Protection Clause

“No state shall … deny to any person within its jurisdiction the equal protection of the laws.”

Federal courts cannot selectively disregard jurisdictional requirements in cases involving *pro se* litigants, as such unequal treatment undermines judicial integrity and equal protection.

6. 28 U.S.C. § 1391(b) – Venue Generally

A civil action may be brought only in a judicial district where any defendant resides or where a substantial part of the events giving rise to the claim occurred. Venue defects cannot be bypassed by merits adjudication.

7. 28 U.S.C. § 1406(a) – Cure or Waiver of Venue Defects

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or, if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”

Dismissal with prejudice in the absence of proper venue exceeds statutory and constitutional authority.

8. Fed. R. Civ. P. 12(b)(3) – Improper Venue

A party may move to dismiss for improper venue. Courts must resolve venue as a threshold matter before adjudicating the merits.

9. E.D. Va. Local Civ. R. 3(C)

“All civil actions shall be assigned by the Clerk to the proper division in accordance with 28 U.S.C. § 1391(b).”

Improper assignment in violation of this local rule constitutes a structural defect that taints subsequent proceedings.

INTRODUCTION

This petition arises from a structural violation of Article III and the statutory limits of 28 U.S.C. § 1367. The district court acknowledged that venue was improper under § 1391(b) and Local Rule 3(C), yet instead of transferring or dismissing without prejudice as required by § 1406(a), it proceeded to adjudicate the merits with prejudice. Even more troubling, once the federal claims were extinguished, the court reached beyond its authority and dismissed Petitioner’s state-law claims with prejudice—despite the absence of any federal jurisdictional anchor to support supplemental jurisdiction.

Congress in § 1367 carefully delineated the scope of supplemental jurisdiction: subsection (a) confers jurisdiction only where state claims are tethered to federal claims forming part of the same “case or controversy” under Article III (*United Mine Workers v. Gibbs*, 383 U.S. 715, 725 (1966)); subsection (b) restricts that grant in diversity cases; and subsection (c) allows a court discretion to decline state claims, but only in enumerated circumstances and only while jurisdiction exists. Once “all claims over

which [the court] has original jurisdiction” are dismissed, § 1367(c)(3) requires that supplemental claims be declined. As this Court reaffirmed in *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639–40 (2009), the exercise of supplemental jurisdiction is not jurisdictional in nature but discretionary, and that discretion evaporates when original jurisdiction is gone.

By adjudicating state-law claims after federal jurisdiction had been extinguished, the district court acted *ultra vires* and in direct conflict with controlling precedent. See *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. ____ (2025) (once federal claims are dismissed, supplemental jurisdiction “cannot survive”); *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 554 (2005) (“Incomplete diversity destroys original jurisdiction with respect to all claims, so there is nothing to which supplemental jurisdiction can adhere.”); *Lyndonville Sav. Bank & Trust Co. v. Lussier*, 211 F.3d 697, 704 (2d Cir. 2000) (no supplemental jurisdiction where federal and state claims rest on unrelated facts).

For over two centuries, beginning with *Capron v. Van Noorden*, 6 U.S. (2 Cranch) 126 (1804), this Court has made clear that jurisdictional defects cannot be overlooked and that any merits judgment entered without jurisdiction is void. The Fourth Circuit’s unpublished summary affirmance compounded the error, leaving in place a judgment rendered outside Article III’s limits.

The stakes extend beyond Petitioner’s case. If federal courts may adjudicate state-law claims after dismissing all federal claims, § 1367 and Article III become discretionary tools rather than binding constraints. This case presents a clean vehicle for reaffirming that supplemental jurisdiction is strictly bounded by statute and Constitution, and that

when federal claims fall away, state-law claims must follow them out of federal court. Certiorari is warranted to restore that structural guarantee.

Supplemental Developments

Since the filing of the petition, additional constitutional and statutory authorities have crystallized the jurisdictional defects presented here. Most notably, this Court’s unanimous decision in *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. ____ (2025), reaffirmed the categorical rule that once federal claims are dismissed, supplemental jurisdiction under 28 U.S.C. § 1337 cannot survive. Yet in Petitioner’s case, the district court proceeded to dismiss state-law claims with prejudice after federal claims had been extinguished, thereby exceeding its statutory and constitutional authority.

This error is underscored by *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639–41 (2009), which held that the decision whether to decline supplemental jurisdiction under § 1337(c) is discretionary, but that discretion presupposes the existence of valid federal jurisdiction to begin with. Once original jurisdiction disappears, as here, no discretion remains—the court must dismiss without prejudice.

Equally relevant, *Smith v. United States*, 599 U.S. ____ (2023), reinforced that Article III’s limits are structural, not optional, and that courts act ultra vires when they proceed without a jurisdictional anchor. And as this Court made clear in *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94–102 (1998), jurisdictional prerequisites cannot be bypassed or treated as technicalities; “hypothetical jurisdiction” is impermissible.

Taken together, these authorities confirm that the district court’s adjudication of Petitioner’s state-law claims after federal claims had vanished was not only legal error but a structural violation of Article III.

Appeal to the Fourth Circuit

Respondents did not participate in the appellate proceedings, filing no brief, motion, or opposition. Despite their absence, the Fourth Circuit *sua sponte* summarily affirmed the district court’s dismissal in a one-paragraph, unpublished opinion. By doing so, the appellate court rendered judgment in favor of appellees without adversarial input, oral argument, or substantive analysis, effectively insulating ultra vires conduct from meaningful review.

The district court had already acknowledged that venue was improper under 28 U.S.C. § 1391(b) and E.D. Va. Local Civ. R. 3(C) & 7(J). Under § 1406(a), its authority was strictly limited to either transfer or dismissal without prejudice. Instead, it adjudicated the merits and dismissed with prejudice. More critically, after disposing of all federal claims, the court also dismissed Petitioner’s state-law claims—despite the categorical rule, reaffirmed in *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. ____ (2025), that supplemental jurisdiction under § 1337 cannot survive once federal claims are gone.

The Fourth Circuit deliberately disregarded these threshold defects. By summarily affirming, it ratified a judgment entered without both proper venue and valid subject-matter jurisdiction. The appellate panel thus overlooked not only statutory violations of §§ 1391 and 1406(a), but also the structural command of Article III that jurisdiction must exist before any merits adjudication.

This omission was not mere oversight. By characterizing the district court’s ultra vires dismissal as containing “no reversible errors,” the Fourth Circuit abdicated its duty to enforce Article III’s structural limits. It ignored that supplemental jurisdiction had evaporated once federal claims were dismissed, leaving no constitutional or statutory basis for the resolution of state-law claims.

The institutional consequence is profound. If allowed to stand, the decision signals that both district courts and courts of appeals may exceed their authority with impunity, especially against pro se litigants presumed less able to police constitutional boundaries. This Court’s intervention is necessary to restore fidelity to Article III, to reaffirm that supplemental jurisdiction cannot exist in a vacuum once federal jurisdiction is gone, and to prevent systemic erosion of separation-of-powers safeguards.

REASONS FOR GRANTING THE WRIT (Supplemental Emphasis)

This case crystallizes the structural limits of Article III and the non-negotiable role of jurisdiction as a prerequisite to adjudication. The district court acknowledged on the record that divisional venue was improper under 28 U.S.C. § 1391(b) and Local Rule 3(C), yet instead of transferring or dismissing without prejudice under § 1406(a), it adjudicated the merits and dismissed Petitioner’s claims with prejudice. That ultra vires act was compounded when the court went further and dismissed state-law claims after federal jurisdiction had already collapsed.

First Moment: Venue defect extinguished judicial authority. Local Rule 3(C) and § 1406(a) categorically limited the court to transfer or dismissal without prejudice. By

proceeding to merits review, the district court abandoned adjudication and acted outside Article III's grant of power.

Second Moment: Rule 12(b)(6) merits analysis was unconstitutional. This Court has repeatedly held that without subject-matter jurisdiction, "the court cannot proceed at all in any cause" and its only function is dismissal. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998). By applying Rule 12(b)(6), the court usurped power it did not possess.

Third Moment: Supplemental jurisdiction evaporated once federal claims were gone. Section 1367 "supplements" but does not create jurisdiction. In *Royal Canin U.S.A. v. Wullsleger*, 604 U.S. ____ (2025), this Court unanimously reaffirmed the categorical rule: when federal claims are dismissed, state claims cannot remain in federal court. See also *Gibbs*, 383 U.S. 715 (1966); *Finley*, 490 U.S. 545 (1989). Yet the district court dismissed Petitioner's state claims with prejudice, an action constitutionally void under Article III.

The Fourth Circuit's one-paragraph affirmation ratified all three transgressions. By ignoring venue, jurisdiction, and supplemental limits, it effectively licensed federal judges to exceed statutory and constitutional boundaries—particularly against pro se litigants least able to defend those structural safeguards.

Certiorari is warranted to reaffirm two centuries of uniform precedent: that jurisdiction is a prerequisite to adjudication, that improper venue limits courts to transfer or dismissal without prejudice, and that supplemental jurisdiction cannot survive without a valid federal anchor. Without this Court's intervention, the decision below stands as a precedent that federal judges may disregard Article III with impunity.

Supplemental Developments: Current Proceedings Confirm Structural Violations

Since the petition was filed, the urgency of this case has only deepened. In a separate action now pending before Judge Abney (*Rubio v. Novak*, No. 3:25-cv-00594, E.D. Va.), the same structural violation of Article III has been repeated. Judge Abney has adopted Judge Novak's rationale, asserting that the Court lacks subject-matter jurisdiction because the challenged conduct occurred in an "adjudicatory role." This reasoning conflates judicial immunity with jurisdiction, effectively disguising a merits defense as a jurisdictional bar. It is indistinguishable from the doctrine of "hypothetical jurisdiction" that this Court categorically rejected in *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998).

Judge Abney's reliance on this fiction is not an isolated error but a conscious ratification of Novak's ultra vires adjudication. When two judges in the same district replicate the same defect, it reveals an entrenched practice or custom within the Eastern District of Virginia to disregard Article III limits whenever judicial colleagues are defendants.

This institutional pattern magnifies the urgency of intervention. Unless corrected, the Fourth Circuit's tolerance of these practices will normalize a structural doctrine that strips litigants of constitutional rights, converts Article III into a discretionary tool, and shields judicial actors from accountability. The facts unfolding before Judge Abney confirm beyond doubt that the problem is systemic, not accidental. Only this Court can restore the principle that jurisdiction is a constitutional prerequisite, not a judicial convenience.

I. Jurisdictional Principles and the Ultra Vires Nature of the District Court's Actions

This case epitomizes what this Court has repeatedly condemned: the exercise of judicial power without constitutional authority. Under *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998), federal courts have an “inflexible obligation” to establish jurisdiction before reaching the merits. Jurisdiction is not a procedural nicety; it is the constitutional foundation of Article III. A federal court that proceeds to adjudicate without jurisdiction acts not merely in error but in direct violation of Article III’s structural limits.

In *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. ____ (2025), this Court reaffirmed the categorical rule that supplemental jurisdiction under 28 U.S.C. § 1337 cannot survive once federal jurisdiction is absent. Supplemental jurisdiction is purely derivative: § 1337(a) authorizes it only when there is an existing federal claim forming part of the “same case or controversy” under Article III, as articulated in *United Mine Workers v. Gibbs*, 383 U.S. 715, 725 (1966). Without that anchor, § 1337 provides no independent source of judicial power.

Yet here, after conceding lack of jurisdiction and improper venue, the district court dismissed both federal and state claims with prejudice, extinguishing them permanently. That action contravenes *Royal Canin*’s bright-line mandate and demonstrates an adjudication made wholly without jurisdiction. Indeed, as this Court clarified in *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639–40 (2009), the decision to decline supplemental jurisdiction under § 1337(c) is discretionary only when original jurisdiction once existed. Where no jurisdiction exists in the first place, courts have no discretion to act—dismissal without prejudice or transfer under § 1406(a) are the only permissible remedies.

The principle was reinforced again in *Smith v. United States*, 599 U.S. ____ (2023) (Alito, J.), where this Court emphasized that courts cannot collapse jurisdictional defects into merits determinations. Doing so corrupts the separation of powers and obliterates the constitutional requirement that jurisdiction is a threshold barrier, not a discretionary hurdle. Likewise, in *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 554–55 (2005), the Court reaffirmed that incomplete jurisdiction destroys the entire foundation of federal judicial power: “Incomplete diversity destroys original jurisdiction with respect to all claims, so there is nothing to which supplemental jurisdiction can adhere.”

This Court has long rejected “hypothetical jurisdiction”—the practice of addressing merits despite jurisdictional defects—for the very reason that it transforms constitutional limits into conveniences. From *Capron v. Van Noorden*, 6 U.S. (2 Cranch) 126 (1804), through *Arizonaans for Official English v. Arizona*, 520 U.S. 43, 73 (1997), and reaffirmed in *Steel Co.*, the Court has been unequivocal: without jurisdiction, federal courts have no power to do anything other than recognize the defect and dismiss without prejudice.

Here, the district court openly acknowledged that venue was improper and that jurisdiction was lacking, yet still entered a judgment with prejudice on the merits. By dismissing state-law claims under § 1367 when no original jurisdiction survived, the court exceeded even the narrowest conception of Article III authority. Such an act is not merely “ultra vires”—it is constitutionally void. The Fourth Circuit’s decision to affirm without correction compounds the violation, leaving in place a ruling rendered entirely in the absence of constitutional authority.

II. Venue Errors and the Statutory Duty to Transfer Under 28 U.S.C. § 1406(a)

The district court not only acknowledged that venue was improper, but also ignored the mandatory remedies expressly enacted by Congress. Under 28 U.S.C. § 1406(a), a court faced with improper venue has no discretion to adjudicate the merits. Congress was categorical:

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or, if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”

This language leaves no room for judicial improvisation. Once improper venue is established, the statute offers only two lawful options: (1) dismissal without prejudice, or (2) transfer in the interest of justice. Merits adjudication—including dismissal with prejudice—lies wholly outside the court’s Article III authority.

This Court has repeatedly affirmed the mandatory nature of this statutory scheme. In *Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 466–67 (1962), the Court held that § 1406(a) was designed to “remove whatever obstacles may impede an expeditious and orderly adjudication” by ensuring that procedural defects in venue could not be exploited to defeat a litigant’s claims on the merits. Likewise, in *Van Dusen v. Barrack*, 376 U.S. 612, 634 (1964), the Court emphasized that transfer statutes reflect “the strong congressional policy favoring adjudication on the merits in the proper forum.” When a court dismisses with prejudice instead of transferring or dismissing without prejudice, it does precisely what Congress forbade: converting a venue defect into a permanent jurisdictional bar.

The Eastern District of Virginia itself has reinforced these safeguards through its Local Civil Rules. Local Rule 3(C) mandates divisional filing in the correct division where the operative events occurred, and Local Rule 7(J) provides an express procedure for curing venue defects. These rules make clear that divisional venue is not discretionary but mandatory. The district court expressly recognized that all operative events occurred in Alexandria, not Richmond, and thus venue lay exclusively in the Alexandria Division. Yet, instead of transferring as required, the court dismissed all claims with prejudice.

The impropriety of this action is confirmed by *Multiscaff Limited v. APTIM Federal Services, LLC*, No. 1:23-cv-00734 (E.D. Va. Sept. 2023), where the same district held that once improper venue is established, a judge's authority is strictly limited to two lawful options: transfer or dismissal without prejudice. Adjudicating the merits in the wrong division, as occurred here, is ultra vires.

The error here is not a mere technicality. Venue is a statutory expression of Article III's structural limits. By refusing to transfer under § 1406(a), the district court not only violated a mandatory congressional command but also extinguished Petitioner's federal and state claims with prejudice, a result that neither Article III nor § 1406(a) permits. This Court has long recognized that venue statutes embody substantive safeguards against judicial overreach, not mere formalities. See *Olberding v. Illinois Central R. Co.*, 346 U.S. 338, 340 (1953) (venue "is more than a matter of convenience" but a fundamental protection for litigants).

The Fourth Circuit's affirmation compounds this violation. By upholding a judgment that openly contravened § 1406(a), the appellate court signaled that district courts may

bypass statutory limits whenever convenient. That outcome strips § 1406(a) of its force, erodes the separation of powers, and deprives litigants—particularly pro se parties—of the statutory guarantees enacted to protect their constitutional rights.

In sum, venue defects cannot be weaponized into dismissals with prejudice. Section 1406(a) and Local Civil Rules 3(C) and 7(J) strictly limited the district court to transfer or dismissal without prejudice. By disregarding these mandates, the court acted outside Article III and congressional authority. The judgment below is therefore constitutionally void.

III. The Fourth Circuit’s Abdication of Appellate Duty and Its Structural Consequences

The right to appellate review is not discretionary grace; it is a structural safeguard mandated by Congress under 28 U.S.C. § 1291 and anchored in Article III’s separation of powers. When the Fourth Circuit summarily affirmed in a one-paragraph, unpublished opinion—ignoring jurisdictional and venue defects already acknowledged below—it did not merely err. It abdicated its constitutional function, converting appellate review into a hollow formality.

This Court has long held that appellate courts cannot affirm judgments rendered in the absence of jurisdiction. In *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986), the Court vacated a decision because the court of appeals “had no authority to adjudicate the merits” once jurisdiction was absent. The same principle applies here: because the district court acted ultra vires after conceding venue and jurisdictional defects, the Fourth Circuit lacked authority to affirm those rulings on the merits.

The abdication is compounded by the deliberate refusal to address jurisdictional limits. In *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1869), this Court emphasized that

appellate jurisdiction is defined exclusively by Congress. By declining to enforce § 1291’s guarantee of meaningful review, the Fourth Circuit usurped Congress’s prerogative and undermined the very system of checks that prevents structural violations from becoming entrenched.

Nor may appellate courts invoke prudential discretion to bypass jurisdictional defects. As this Court made clear in *Bowles v. Russell*, 551 U.S. 205, 214 (2007), jurisdictional rules are “inflexible and without exception.” Likewise, in *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006), the Court reaffirmed that when jurisdiction is absent, “the court’s sole remaining function is to announce that fact and dismiss the cause.” The Fourth Circuit did the opposite: it treated jurisdiction as irrelevant and insulated ultra vires conduct from correction.

The institutional consequences are grave. When appellate courts decline to enforce jurisdictional boundaries, they not only deny due process to the individual litigant but also erode the separation of powers by allowing lower courts to arrogate powers Congress and the Constitution forbid. The danger is especially acute for pro se litigants, who rely on appellate oversight as the last safeguard against structural overreach. By refusing to correct clear violations of §§ 1391 and 1406(a), and by ignoring the categorical limits of supplemental jurisdiction under § 1367 and *Royal Canin*, the Fourth Circuit reduced its constitutional duty to a rubber stamp.

This Court’s intervention is necessary to reaffirm the national rule that appellate courts cannot affirm void judgments, that § 1291 guarantees meaningful review of jurisdictional errors, and that structural limits imposed by Congress and Article III cannot be waived by judicial silence. Without correction, the Fourth Circuit’s abdication

stands as precedent that federal judges may act ultra vires with impunity, while appellate courts deliberately look away.

CONCLUSION

This case presents a structural violation of Article III that cannot be tolerated. The district court openly acknowledged improper venue and the absence of jurisdiction, yet exceeded the strict limits of both the Constitution and Congress by adjudicating the merits and dismissing federal and state claims with prejudice. The Fourth Circuit compounded this violation by affirming without addressing these defects, reducing appellate review to a rubber stamp.

This Court has been unequivocal for over two centuries: federal courts cannot act without jurisdiction. *Capron v. Van Noorden*, 6 U.S. (2 Cranch) 126 (1804); *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998); *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. ____ (2025). Once federal claims are gone, supplemental jurisdiction under § 1337 cannot survive. Venue defects must be cured by transfer or dismissal without prejudice, never by adjudication on the merits. These principles are categorical, structural, and non-negotiable.

To allow the decision below to stand would not only legitimize ultra vires conduct but also erode the separation of powers, leaving pro se litigants especially vulnerable to judicial overreach. The Constitution demands more.

For these reasons, and to restore fidelity to Article III, the statutory framework of §§ 1391, 1406, and 1337, and this Court’s own precedents, the petition for a writ of certiorari should be granted.

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

Pursuant to Supreme Court Rule 33.1(h), I hereby certify that this supplemental brief contains 5,024 words, excluding the parts of the brief that are exempted by Rule 33.1(d).

I further certify that this brief has been prepared in a proportionally spaced typeface using Microsoft Word, 12-point Times New Roman font.