IN The United States Supreme Court

No. 25-5753 Original

WRIT OF CERTIORARI

IN THE

SUPREME COURT OF THE UNITED STATES

Eddie Scott, Petitioner

V.

United States District Court for the Middle District of Florida, Respondents

---

ON PETITION FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR REHEARING

PETITION FOR WRIT OF CERTIORARI

Eddie Scott

3617 NE 24 Court

Ocala, Florida,34479

Eddiescott1234@yahoo.com

(904) 795-6627

i

RULE 29.6 STATEMENT

The corporate disclosure statement in the petition for a writ of certiorari remains accurate.

TABLE OF CONTENTS

Table of Authorities.....iii

Petition for rehearing.....5

Grounds for rehearing.....5

A. There are substantial grounds that were not previously presented, proving that the State Prosecution was being brought in Bad Faith Pursuant to *Dombrowski*; showing that the Younger Doctrine should not been applied to this case, making the District Court decision void ab initio. The Federal District Court administered no hearing.

B. This case is the perfect vehicle for Stare Decisis, and if followed, would solve the conflict issue that's before this Court, making the previously Federal District Court judgment void with Federal Rule 60(B)(4) due to the petitioner's acquittal on 8/1/2024. *Younger* and failure to state a claim no longer applies.

C. Because this matter is exceptional and unusual, the District Court's deviation from the norm makes the Supreme Court action "peculiarly appropriate." To enforce and protect the Bill of Rights from due process violations.

Conclusion.....11

Certificate of Counsel.....12

iii

Table of Authorities

Case

United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010)....

Dombrowski v. Pfister, 380 U.S. 479 (1965).....

Mitchum v. Foster, 407 U.S. 225 (1972).....

Younger v. Harris, 401 U.S. 37 (1971).....

Goldey v. Fields, 606 U.S. ___ (2025).....

Chiaverini V. City of Napoleon, Ohio, 602 U.S. 556 (2024).....

Ex Parte Young, 209 U.S. 123 (1908).....

Testa V.Katt, 330 U.S. 386 (1947).....

Bell ATL Corp V. Twombly, 550 U.S. 544(2007).....

Gerstein v. Pugh, 420 U.S. 103 (1975).....

Jackson V. Motel 6. Multipurpose, Inc., 130 F.3d 999, 1004 (11th Cir. 1997)

Statutes and Constitutional Provisions

Section 1983.....

28 U.S. 1651.....

Habeas Corpus 2241.....

5 U.S. 7062(E).....

First Amendment.....

Fifth Amendment.....

Rules and Substantial or Controlling Effects

Federal Rule of Civil Procedure 60(B).....

Charge-Specific Rule(Common law principle of 1871).....

Appendices E(Federal District Court Injunction Request and Habeas Corpus by the Florida Supreme Court)

Other Authorities

Reading Law: The Interpretation of Legal Texts by Justice Antonin Scalia.

Federalist Papers No. 78 by Alexander Hamilton.

IN The United States Supreme Court

PETITION FOR REHEARING

Pursuant to this Court rule 44.2, petitioner Eddie Scott will ask the Honorable Court for rehearing of the denial of the petition for writ of Certiorari that was made on 1/12/2026. The rehearing petition is being requested in good faith and without delay.

GROUNDS FOR REHEARING

United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010) Explains "Rule 60(B)(4) applies only in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard, opinion written by Justice Thomas. The Federal District Court in Ocala never administered a hearing for the petitioner; I was deprived of the opportunity to be heard, and a hearing never occurred. Federal Rule of Civil Procedure 60(B)(4) authorizes federal courts to vacate a judgment when it is void, while seeking vacatur, to refuse will be an unauthorized abuse of discretion and usurpation of power, unlawfully seizing the petitioners' unalienable rights by the Federal District Court. This case shows substantial grounds that were not previously presented pursuant to this Court rule 44.2, proving that the State Prosecution was being brought in Bad Faith Pursuant to Dombrowski, showing that the Younger Doctrine should not been applied to this case, making the District Court judgment void ab initio in the first instance. According to Federal Rule 60(B)(4), the previous judgment that was made by the District Court barring the petitioner from filing a section 1983 would be void now due to the petitioner's acquittal after a state trial. This substantial evidence will show that Younger was misinterpreted and applied incorrectly, causing irreparable harm. Because the State case was being prosecuted in "Bad Faith, that would have been an exception according to Younger, allowing a section 1983 to proceed. The District Court should have applied Mitchum v. Foster, 407 U.S. 225 (1972), by granting the petitioner an "injunction relief. Furthermore, because the State case was brought in Bad Faith, showing that this was a malicious prosecution, the "Charge-Specific Rule" pursuant to Chiaverini V. City of Napoleon, Ohio, 602 U.S. 556 (2024) should be applied to vacate and remand in the light of such a case after the petitioner's acquittal after the State trial. This Court should grant rehearing and vacate

and remand the case for further proceedings in light of Chiaverini V. City of Napoleon, Ohio, 602 U.S. 556 (2024) or any other appropriate relief this Court finds necessary to aid this Court's jurisdiction with 28 U.S. 1651. With these facts being supported within this petition would be plausible and factual on its face, meeting the burden for relief pursuant to Bell ATL Corp V. Twombly, 550 U.S. 544(2007).

A

There are substantial grounds that were not previously presented, proving that the State Prosecution was being brought in Bad Faith Pursuant to *Dombrowski*, showing that the Younger Doctrine should not been applied to this case, making the District Court decision void ab initio. The Federal District Court administered no hearing.

The substantial grounds that were not previously presented to the Court are a Habeas Corpus that was issued by the Florida Supreme Court on May 31, 2024. I filed a petition for a writ of certiorari in accordance with 5. U.S. 7062(E), which was then granted and reviewed by the Florida Supreme Court, and afterwards the Florida Supreme Court treated it as a Habeas Corpus, sending it down to the trial court docket at the Marion County Courthouse as a new case. This substantial evidence shows this Honorable Court that I was in the custody of the State of Florida, unconstitutional and against the laws of the United States. This shows on its face that the prosecution was brought in "Bad Faith" pursuant to Dombrowski v. Pfister, 380 U.S. 479 (1965), "In Ex parte Young, 209 U. S. 123 (1908), the fountainhead of federal injunctions against state prosecutions, the Court characterized the power and its proper exercise in broad terms: it would be justified where state officers "... threaten and are about to commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution...." 209 U.S. at 209 U. S. 156 Opinion by Justice Peckham being quoted also in *Dombrowski* Pp. 380 U.S. 483-484. Furthermore, *Dombrowski* states, "We hold the abstention doctrine is inappropriate for cases such as the present one, where, unlike *Douglas v. City of Jeannette*, statutes are justifiably attacked on their face as abridging free expression, or as applied for the purpose of discouraging protected activities. Pp. 380 U.S. 489-490. Opinion written by Justice Brennan. Even after the Habeas Corpus was issued by the Florida Supreme Court, the state never responded, so the case was sent down to the Fifth District Court of Appeals. While pending at the appeals court,

the state of Florida prosecutor, knowing that the Florida Supreme Court issued a Habeas Corpus proving my Constitutional rights were being violated, still forced me to go to trial, making her prosecution a malicious harassment act involving prosecutorial misconduct.

The habeas corpus (see Appendices E), furthermore shows that the case was made in Bad Faith and protection was needed making it a exception according to Younger v. Harris, 401 U.S. 37 (1971) which states "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." Page 401 U.S. 40 opinion written by Justice Hugo Black. Section 1983 was enacted to protect U.S. citizens from having their Constitutional rights violated under the color of State law. Section 1983 is an expressly authorized act of Congress enacted on April 20th, 1871, and should have been applied to the petitioner's case against the State of Florida, at the very least, giving the petitioner his day in court to be heard according to Mitchum v. Foster, 407 U.S. 225 (1972). An injunction was requested by the petitioner in the Federal District Court on April 10, 2024 (see Appendices E), but was dismissed without a hearing to validate the facts in the petition. This is also substantial evidence that was not presented in accordance with this Court's Rule 44.2. Habeas Corpus 2241 is also an expressly authorized act of Congress enacted by Title 28 U.S. Code on June 25th, 1948; it should not have been barred by the Federal District Court, or at least a hearing on the facts of my application should have been held, with granting review by certiorari, the Florida Supreme Court agreed.

B

This case is the perfect vehicle for Stare Decisis, and if followed, would solve the conflict issue that's before this Court, making the previously Federal District Court judgment void with Federal Rule 60(B)(4) due to the petitioner's acquittal on 8/1/2024. *Younger* and failure to state a claim no longer applies.

Some will argue that a widespread adoption of... [the] techniques [we advocate in this book] would be to 'turn back the clock . . . [But w]e do not propose that all the decisions made, and doctrine adopted, in the past half-century or so of unrestrained

constitutional improvisation be set aside....[W]e must bow to [stare decisis, that is, to precedent]." Reading Law by Justice Antonin Scalia. "To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents [Stare Decisis], which serve to define and point out their duty in every particular case that comes before them," Federalist Papers No. 78 by Alexander Hamilton. This is important when this Court decides its cases, stare decisis, which means to stand by things decided. Just last year with case Goldey v. Fields, 606 U.S. ___ (2025) this court stand by the decision that was given in *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) and agreed to not expand it for an Eighth Amendment claim for excessive force., using stare decisis to come to its judgment. I'm asking this Court to do the same here to stand by things decided, in pursuance of Chiaverini V. City of Napoleon, Ohio, 602 U.S. 556 (2024), for a malicious prosecution claim. The substantial evidence of the Habeas Corpus shows on its face that the State prosecution was in Bad Faith and with harassment, according to *Dombrowski,* making an injunction appropriate in pursuance of *Mitchum,* and while doing so would make applying the *Younger abstention doctrine* wrong.

Testa V.Katt, 330 U.S. 386 (1947) opinion states, " For the policy of the Federal Act is the prevailing policy in every state. Thus, in a case which chiefly relied upon the Claflin and Mondou precedents, this Court stated that a state court cannot"refuse to enforce the right arising from the law of the United States because of conceptions of impolicy or want of wisdom on the part of Congress in having called into play its lawful powers." P. 330 U. S. 393 opinion written by Justice Hugo Black. The State court did not enforce federal law and, by doing so, denied the powers of Congress under Article I, Section 8, Clause 18 (Necessary and Proper Clause), which deprived the petitioner of my liberty. I'm asking this Court to apply the «Charge-Specific Rule," stating that the existence of probable cause for one charge does not "create a categorical bar" against a malicious prosecution claim relating to other charges, by majority opinion author Justice Kagan. Page 602 U. S. 6. Each criminal charge must be evaluated individually for probable cause; probable cause for one charge doesn't defeat a claim for a separate, baseless charge, meaning plaintiffs can sue over fabricated charges in 1983 actions. Providing this Court with substantial relevant evidence [Habeas Corpus and an Injunction request] that a reasonable mind could accept as adequate

to support a conclusion makes a vacate and remand warranted in the Federal District Court judgment. Accordingly, the Federal District Court's judgment after acquittal on 8/1/2024 would be void pursuant to Federal Rule 60(B)(4).

Pursuant to Gerstein v. Pugh, 420 U.S. 103 (1975) opinion states, "The Fourth Amendment requires a judicial determination of probable cause as a prerequisite to extended restraint of liberty following arrest. Accordingly, the Florida procedures challenged here, whereby a person arrested without a warrant and charged by information may be jailed or subjected to other restraints pending trial without any opportunity for a probable cause determination, are unconstitutional." Pp. 420 U. S. 111-119. Opinion written by Justice Powell. Manuel v. Joliet, 580 U.S.___ (2017) Opinion written by Justice Kagan. "As reflected in *Albright*'s tracking of *Gerstein*'s analysis, pretrial detention can violate the Fourth Amendment not only when it precedes, but also when it follows, the start of the legal process in a criminal case. The Fourth Amendment prohibits government officials from detaining a person in the absence of probable cause. That can happen when the police hold someone without any reason before the formal onset of a criminal proceeding. But it also can occur when the legal process itself goes wrong—when, for example, a judge's probable-cause determination is predicated solely on a police officer's false statements. Pp. 580 U. S. 8-9. According to Florida rules of criminal procedure 3.133, a probable cause hearing should have occurred within 48 hours, but it never occurred. The search warrant is prima facie, nothing criminal was found, and it was on the state court record. The writ of certiorari was granted, reviewed, and habeas corpus issued by the Florida Supreme Court validates on its face why a probable cause hearing was not permitted, because there was never probable cause to begin with, making the prosecution malicious according to the Fourth Amendment.

C

Because this matter is exceptional and unusual, the District Court's deviation from the norm makes the Supreme Court action "peculiarly appropriate." To enforce and protect the Bill of Rights from due process violations.

U.S. Constitution First Amendment is a right to petition the government for a redress of grievances, which guarantees people the right to ask the government to provide relief for a wrong through litigation or other governmental action. Applying the Younger Doctrine after it no longer applies keeps the petitioner from enjoying this instrument and strips away the absolute right of petitioning the government. The U.S. Constitution Fifth Amendment guarantee of due process for all persons requires the government to respect all rights, guarantees, and protections afforded by the U.S. Constitution and all applicable statutes before the government can deprive any person of life, liberty, or property. Due process essentially guarantees that a party will receive a fundamentally fair, orderly, and just judicial proceeding. This absolute right under the Fifth Amendment was not enjoyed by the petitioner as well. The petitioners' section 1983 was not allowed before and after being acquitted, which is a clear abuse of discretion, with the District Court using *Younger* as its tool for injustice. So, this Court should fix this abuse of discretion and deprivation of rights, with *Younger* being used as a " Gatekeeper " to keep the court doors closed. Due process is the mouthpiece to the U.S. Constitution; deprive it, and a citizen's right to speak is taken away.

Footnote 1

The appellants in *Dombrowski* [Negro Citizens of Louisiana] had offered to prove that their offices had been raided and all their files and records seized pursuant to search and arrest warrants that were later summarily vacated by a state judge for lack of probable cause. They also offered to prove that, despite the state court order quashing the warrants and suppressing the evidence seized, the prosecutor was continuing to threaten to initiate new prosecutions of appellants under the same statutes, was holding public hearings at which photostatic copies of the illegally seized documents were being used, and was threatening to use other copies of the illegally seized documents to obtain grand jury indictments against the appellants on charges of violating the same statutes. These circumstances, as viewed by the Court, sufficiently establish the kind of irreparable injury, above and beyond that associated with the defense of a single prosecution brought in good faith, that had always been considered sufficient to justify federal intervention. Page 401 U.S. 48 of *Younger*. This example in *Dombrowski* shows that my case was an act of Bad Faith and harassment by the State prosecution. To still force the petitioner to face trial after the Florida Supreme Court granted certiorari, reviewed, and then issued a Habeas Corpus shows ill intent against the petitioner by the State Prosecution, by trying to unlawfully deprive the petitioner of his liberty, who is a negro as well. If a court hearing by the Federal District Court was permitted, applying *Younger* would have been inappropriate in the first instance.

IN The United States Supreme Court

Conclusion

Jackson V. Motel 6. Multipurpose, Inc., 130 F.3d 999, 1004 (11th Cir. 1997), written opinion says a Mandamus is "used to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so, a Mandamus is not a substitute for an appeal", but yet the petitioners Mandamus was construed to be an appeal by the Eleventh Circuit Court of Appeals 1/13/2025 contradicting itself see appendices(C) of the Certiorari petition. The Eleventh Circuit wrote, "Motel 6 now petitions for mandamus again, arguing that the communications order was an abuse of discretion ab initio," as I stated earlier in this petition, the District Court of Florida judgment against the petitioner was void ab initio. The Eleventh Circuit then stated, "We agree that the communications order was an abuse of discretion from the beginning." The Eleventh Circuit Court of Appeals did not follow its own legal binding precedent of 1997, in which it granted Mandamus relief.

The rehearing Petition for a writ of certiorari should be granted.

I declare (or certify, verify, or state under penalty of perjury that the foregoing is true and correct. Executed on 1/13/2026.

Signature _____Eddie Scott_____ 28 USC 1746.

Respectfully submitted,

Eddie Scott

IN The United States Supreme Court

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

Eddie Scott

Respectfully Submitted

Eddie Scott.

Supreme Court of The United States

No: 25-5753

.....X

Eddie Scott,

Petitioners

V.

United States District Court for the Middle District of Florida,

Respondents

.....X

Appendices E

- The request seeking preliminary injunction relief on 4/10/2024.
- Amended Complaint for seeking Habeas Corpus 2241 relief 4/22/2024.
- Florida Supreme Court Habeas Corpus 5/31/2024

Respectfully Submitted, Eddie Scott

I declare (or certify. Verify, or state under penalty of perjury that the foregoing is true and correct. Executed on 1/13/2026.
Signature Eddie Scott 28 U.S.C. 1746.

10 motion | Report and Recommendations | Wed 05/01 11:04 AM

REPORT AND RECOMMENDATIONS re 9 Amended Complaint filed by Eddie Scott, 2 MOTION to Proceed In Forma Pauperis / Affidavit of Indigency filed by Eddie Scott. Signed by Magistrate Judge Philip R. Lammens on 5/1/2024. (EE)

Monday, April 22, 2024

9 cmp | Amended Complaint | Tue 04/23 2:09 PM

AMENDED COMPLAINT against Crystal Blanton, Ocala Police Department Terminating Marion County Fifth Circuit Court filed by Eddie Scott. Related document: 1 Complaint filed by Eddie Scott.(RLK)

Wednesday, April 10, 2024

8 10 pgs | order | Order on Motion to Proceed In Forma Pauperis | Wed 04/10 3:33 PM

ORDER taking under advisement 2 Motion to Proceed In Forma Pauperis. Signed by Magistrate Judge Philip R. Lammens on 4/10/2024. (EE)

7 motion | Preliminary Injunction | Wed 04/10 2:07 PM

THIRD SUPPLEMENT re1 Complaint by Eddie Scott. (LAB) Modified text on 4/10/2024 (LAB)

Monday, April 08, 2024

6 misc | Supplement | Mon 04/08 2:12 PM

SECOND SUPPLEMENT re1 Complaint by Eddie Scott. (LAB)

Wednesday, March 27, 2024

5 misc | Supplement | Wed 03/27 11:15 AM

SUPPLEMENT re1 Complaint by Eddie Scott. (LAB)

Thursday, March 21, 2024

4 notice | Notice to Counsel of Local Rule | Thu 03/21 1:57 PM

NOTICE of Local Rule 3.02(a)(2), which requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov. The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at www.flmd.uscourts.gov under the Forms tab for each judge. (Signed by Deputy Clerk). (TPL)

Wednesday, March 20, 2024

3 order | Standing Order - Pro Se Litigants | Wed 03/20 4:24 PM

STANDING ORDER for all incarcerated pro se litigants. Signed by Magistrate Judge Philip R. Lammens on 3/20/2024. (LAB)

2 motion | Proceed In Forma Pauperis | Wed 03/20 4:17 PM

MOTION to Proceed In Forma Pauperis / Affidavit of Indigency by Eddie Scott. (LAB)

Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
JULIA BREEDING
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

ACKNOWLEDGMENT OF NEW CASE
Friday, May 31, 2024

RE: Eddie Scott,
Petitioner(s)
v.
Secretary, Dept. of Corrections
Respondent(s)

Case Number: SC2024-0824
Lower Tribunal Case Number(s): 422023CF001071CFAXXX

Case Type: Original Proceedings - Writ - Habeas Corpus

The Florida Supreme Court has received the following documents reflecting a filing date of May 31, 2024:

Letter to Court
Writ of Certiorari which has been treated as a Petition for Writ of Habeas Corpus

Please be sure to register for your Appellate Case Information System (ACIS) account. For more information on registering please visit https://www.flcourts.gov/ACIS.

TW

cc:

MARION CLERK
GENERAL COUNSEL DEPARTMENT OF CORRECTIONS
EDDIE SCOTT

Supreme Court of Florida

TUESDAY, JULY 9, 2024

Eddie Scott,
Petitioner(s)
v.

Secretary, Dept. of Corrections,
Respondent(s)

SC2024-0824
Lower Tribunal No(s).:
422023CF001071CFAXXX

Petitioner has submitted a petition for writ of certiorari, which this Court has treated as a petition for writ of habeas corpus. The petition is hereby transferred, pursuant to *Harvard v. Singletary*, 733 So. 2d 1020 (Fla. 1999), to the Fifth District Court of Appeal. The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, nor as a determination that the transferee court has jurisdiction or that the petition has been properly denominated as a petition for writ of habeas corpus+. The transferee court should not interpret the transfer of this case as an indication that it must or should reach the merits of the petition. The transferee court shall treat the petition as if it had been originally filed there on the date it was filed in this Court. Any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court. Any and all pending motions in this case are hereby deferred to the transferee court.

Any future pleadings filed regarding this case should be filed in the above mentioned district court at 300 S. Beach St., Daytona Beach, Florida 32118.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

A True Copy
Test:

SC2024-0824 7/9/2024

John A. Tomasino
Clerk, Supreme Court
SC2024-0824 7/9/2024

DL

Served:
5DCA Clerk
Marion Clerk
General Counsel Department of Corrections
Eddie Scott

Supreme Court of The United States

No: 25-5753

.....X

Eddie Scott,

Petitioners

V.

United States District Court for the Middle District of Florida,

Respondents

.....X

Certificate of Service

I certify that a copy has been furnished to the U.S Supreme Court Clerk, 1 First Street NE, Washington, DC 20543, and Solicitor General, Room 5616, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530 by certified mail 1/17/26.

Respectfully Submitted, Eddie Scott

I declare (or certify. Verify, or state under penalty of perjury that the foregoing is true and correct. Executed on 1/17/2026.
Signature Eddie Scott 28 U.S.C. 1746.

Supreme Court of The United States

No: 25-5753

.....X

Eddie Scott,

Petitioners

V.

United States District Court for the Middle District of Florida,

Respondents

.....X

Certificate of Compliance

As required by Supreme Court Rule 33.1(H), I certify that the reply brief contains 2,691 words, excluding the parts of the brief that are exempted by Supreme Court Rule 33.1(D).

Respectfully Submitted, Eddie Scott

I declare (or certify. Verify, or state under penalty of perjury that the foregoing is true and correct. Executed on 1/13/2026.
Signature Eddie Scott 28 U.S.C. 1746.