IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2025

25-5954

ORIGINAL

In Re: Michael-Albert Focia,

Petitioner,

On Petition for a Writ of Mandamus

to the United States District Court

for the Middle District of Alabama

PETITION FOR WRIT OF MANDAMUS

MICHAEL ALBERT FOCIA

Sui Juris, in propria persona

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Petitioner, Sui Juris, In propria Persona

QUESTION'(S) PRESENTED

1. Does the district court's application of the Gun Control Act, 18 U.S.C. section 921 and following, to apply to private arms sales on the secondary market constitute a clear absence of jurisdiction, violating the statute's text, congressional intent, Supreme Court precedent, and a recent federal injunction supported by the attorneys general of Texas, Louisiana, Mississippi, and Utah, and three gun rights organizations, thus requiring a writ of mandamus to compel dismissal?
2. Whether 18 U.S.C. § 921(a)(21)(C) is unlawfully being applied outside the statutory scheme to private sales on the secondary markets allowing Batfe agents, prosecutors and judges to assume "hypothetical jurisdiction" to decide the merits of a case, when there is a clear absence of jurisdiction as congress never gave the courts of limited jurisdiction any delegation of authority over private sales on the secondary market?
3. If the above question is answered in the negative, then did congress violate the fifth amendment's substantive due process clause by taking the right to dispose of one's own lawfully owned private property of arms and violate the unconstitutional conditions doctrine?
4. Whether the Gun Control Act of 1968 exceeds federal authority under the Commerce Clause by regulating private, non-commercial secondary-market

arms sales by unlicensed individuals, thereby infringing the Second Amendment right to keep and bear arms and the Fifth Amendment's substantive due process protections for liberty and disposal of privately owned property of arms, in the absence of any delegated power to Congress for such regulation as intended by the Founders?

5. Whether, contrary to explicit congressional intent in the Gun Control Act of 1968 exempting private secondary-market sales by non-dealers (e.g., Rep. Dingell, Cong. Rec., Vol. 114, p. 27462 (1968)), and given a circuit split on its applicability (e.g., dismissal in United States v. Kouyate, D. Colo. 2024), the Act's enforcement against unlicensed individuals unconstitutionally usurp jurisdiction, violating the harmonious protections of the Second and Fifth Amendments and the Framers' design limiting federal power to external commerce without internal conflicts?
6. Whether the federal regulation of any private arms transfers under the Gun Control Act impermissibly burdens the cohesive framework of the Bill of Rights—including the First (chilling expressive association), Fourth (enabling arbitrary intrusions), Ninth (undermining retained natural rights), and Tenth (overriding reserved powers)—while clashing with Second Amendment safeguards and Fifth Amendment due process, absent any

delegated authority and in defiance of the Framers' design of a non-conflicting Constitution limiting government to external concerns?

7. Whether the Gun Control Act's conditioning of private arms sales on FFL licensure violates the unconstitutional conditions doctrine by coercing waivers of rights under the Fourth (privacy from surveillance) and Fifth (liberty/property) Amendments, further implicating the First (speech in transactions), Ninth (unenumerated liberties), and Tenth (federalism) Amendments, where legislative history confirms no intent to regulate non-dealers and the Framers withheld such power to prevent arbitrary disarmament schemes?
8. Whether district and circuit courts' assumption of "hypothetical jurisdiction" over Gun Control Act charges for non-FFL private sales, despite congressional exemptions for such transactions (Sen. Dodd, Cong. Rec., Vol. 114, p. 11069 (1968)), constitutes a clear abuse warranting mandamus, as it usurps undelegated powers in violation of the Second, Fifth, Ninth, and Tenth Amendments, creating equal protection disparities across circuits and conflicting with the Framers' harmonious constitutional limits?
9. Whether convictions under the Gun Control Act for private sales by non-dealers are void ab initio for lack of jurisdiction, as misapplication creates no federal offense, warranting mandamus to declare them nullities attackable at

any time (Elliott v. Piersol, 26 U.S. 328 (1828); Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348 (1920)), and violating the harmonious protections of the Second, Fifth, Ninth, and Tenth Amendments absent delegated power or historical basis?

10. Whether the district court's denial of coram nobis relief in Case No. 2:23-cv-00399-RAH-CWB (March 21, 2025), by adopting a recommendation that fails to engage with post-Bruen developments and Abramski's limitations on GCA scope, compounds jurisdictional errors and evidences bad faith, warranting supervisory mandamus to enforce uniform application of this Court's precedents and prevent ongoing constitutional harms?

11. Whether ATF's Final Rule violates the Fifth Amendment by being void for vagueness, failing to provide fair notice to ordinary individuals of when private arms sales trigger dealer licensing, through non-exhaustive presumptions that criminalize innocent conduct (United States v. Davis, 139 S. Ct. 2319 (2019); Papachristou v. City of Jacksonville, 405 U.S. 156 (1972)) that was applied in petitioners case a full 8 years before this final rule was instituted?

12. Whether ATF's Final Rule infringes the Second Amendment by burdening the right to acquire and dispose of arms without historical analogue, as required by Bruen, and by coercing licensure that subjects personal

collections to warrantless inspections (N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022); District of Columbia v. Heller, 554 U.S. 570 (2008); United States v. Hicks, 649 F. Supp. 3d 357 (W.D. Tex. 2023))?

13. Whether ATF's Final Rule violates the Fourth Amendment by mandating warrantless entry and inspection of premises for newly coerced FFL holders engaging in private sales, lacking any closely regulated industry exception (27 C.F.R. § 478.23(b))?

14. Whether ATF's Final Rule usurps legislative power under Article I, §§ 1, 7, by enacting omnibus gun control through regulation rather than bicameralism and presentment, contrary to separation of powers (Sessions v. Dimaya, 138 S. Ct. 1204 (2018); Whitman v. United States, 574 U.S. 1003 (2014)) prior to ever passing this rule in 2015 when they applied it unlawfully to petitioner?

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In the Supreme Court of the United States

On Petition for a Writ of Mandamus to the United States Court of Appeals for the Eleventh Circuit and United States District Court of the Middle District of Alabama

Re: Michael Albert Focia,
Petitioner, Sui Juris,

In Equity in Original Jurisdiction of Article 3, Non-Statutory, as applied

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Petition for a Writ of Mandamus

To the Honorable Justice Clarence Thomas and to the Justices of the whole Supreme Court of the United States of America:

Petitioner, Michael Albert Focia, sui juris, in propria persona, respectfully petitions this Court for a writ of mandamus pursuant to this courts original jurisdiction and/or the All Writs Act, 28 U.S.C. § 1651(a), and Supreme Court Rule 20, and it's duty and obligation to correct the usurpation of jurisdiction (United States v. Corrick, 298 U. S. 435, 440 (1936) (footnotes omitted)." Arizonans for Official English v. Arizona, 520 U. S. ___, (slip op., at 28) (1997), directing the United States Court of Appeals for the Eleventh Circuit to vacate its opinion in United States v. Focia, 869 F.3d 1269 (11th Cir. 2017), and to remand the case to the United States District Court for the Middle District of Alabama for vacateur.

This extraordinary relief is warranted because:

1. The 11th circuit courts and court of appeals are in **open rebellion to the constitution, Forcible opposition to public law and blatant defiance of Supreme Court Precedent.**

2. The Eleventh Circuit's opinion failed it's special obligation to "**satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review,**" even though the parties are prepared to concede it. Mitchell v. Maurer, 293 U. S. 237, 244 (1934). See Juidice v. Vail, 430 U. S. 327, 331–332 (1977).

3. District court bad actor administrators acting as Judge R. Austin Huffaker Jr. and Magistrate Chad W. Bryan are conspiring to aid and abet the fraud on the court by wrongdoer BATFE agent provocateurs, prosecutors and communist/Marxist activitist masquerading as judges in "clear absence of all jurisdiction", upholding a multitude of structural errors, flawed reasoning, and misapplications of law that deprived Petitioner of his God given rights protected by the Constitution for the united States of America under the First, Second, Third, Fourth, Fifth, Ninth, and Tenth Amendments, and violated fundamental principles of subject-matter, personal and territorial jurisdiction and due process. These errors are clear and indisputable, and no other adequate means exist to attain relief, as the Eleventh Circuit's decision is final, and certiorari review was denied and would not address the supervisory need to correct these systemic flaws.

4. Exceptional circumstances warrant the exercise of this Court's mandatory powers and adequate relief cannot be obtained in any other court or form, because of bad faith, bias and harassment, and want of jurisdiction. How much longer will petitioner be prejudiced by these bad actors that are protracting this litigation and exhausting judicial resources?

JURISDICTION

1. This Court has original and appellate jurisdiction to issue writs of mandamus under its original jurisdiction and/or the All Writs Act, 28 U.S.C. § 1651(a), which empowers this court to issue "all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." See Cheney v. U.S. Dist. Court for D.C., 542 U.S. 367, 380 (2004). This Court may issue mandamus to compel a lower court to perform a ministerial duty or to correct a clear abuse of discretion where the right to relief is clear and indisputable. Id. at 381; see also Supreme Court Rule 20 (governing extraordinary writs). The Eleventh Circuit's opinion, issued on September 6, 2017, and denying rehearing en banc, is final, and mandamus is necessary to prevent a manifest miscarriage of justice and to enforce this Court's precedents in District of Columbia v. Heller, 554 U.S. 570 (2008);

conducted no business with the United States. (See transcripts of the testimony of the agent provocateur Jennifer Rudden Conway), In testimony by The Bureau of Alcohol, Tobacco, Arms and Explosives (BATFE) agent provocateurs, including Jennifer Rudden Conway, Tulley Kesslller, John Harell, and William Bass, acted ultra vires by misapplying the Gun Control Act of 1968 (GCA) to non-FFL, private transactions, conspiring under color of law to stalk, harass, and report Petitioner to the Terrorist Screening Center (TSC), using 18 usc 2516 illegally, resulting in present, ongoing and continuous torture, torment, and cruel and unusual punishment in violation of the first & eighth amendment, retaliation of Petitioner exercising his rights of disposal of his own private, lawfully owned property or arms protected by the second, fourth, and fifth amendments. After petitioner was falsely imprisoned and denied bail in violation of the eighth amendment and forced to defend a law he is not bound to and the prosecutors being equitably estopped and the courts exceeding their jurisdiction. The district court denied motions to dismiss on Second Amendment grounds and overruled objections to jury instructions omitting the "hobby" exemption under § 921(a)(21)(C). This is structural error and further demonstrating bias, and a scheme to disarm the militia, sentencing included improper enhancements, yielding a 51-month term further evidencing even more prejudice, bad faith, discrimination and retaliation for engaging in a unpopular but protected right of disposing of Petitioner's own

personal private property of arms. The Eleventh Circuit affirmed, rejecting challenges to jurisdiction, evidence sufficiency, instructions, constitutionality, and sentencing. Further evidence by the 11th circuit's abuse of discretion is failing to ensure they had jurisdiction and conflating the sentencing hearing with the trial transcript of facts not in evidence. Rehearing en banc was denied and certiorari was denied by this court. In 2025, the district court denied coram nobis relief in Case No. 2:23-cv-00399-RAH-CWB, adopting the Magistrate Judge's recommendation (dated February 20, 2025) to deny the petition, overruling Petitioner's objections (dated March 7, 2025), and certifying any appeal as not taken in good faith under 28 U.S.C. § 1915(a) (order dated March 21, 2025). This denial compounds structural errors by failing to address the GCA's inapplicability to private sales per congressional intent of the GCA of 1968, Abramski v. United States, 573 U.S. 169 (2014), and United States v. Kouyate, No. 1:24-cr-00131-RM (D. Colo. 2024), violating equal protection and ignoring jurisdictional voids under Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998), and misapplying coram nobis standards by not recognizing fundamental miscarriages of justice under Bousley v. United States, 523 U.S. 614 (1998). The denial also denied related motions for sanctions and mental evaluation, further evidencing bias and refusal to confront BATFE overreach. The case presents a "clear absence of all jurisdiction", and structural errors voiding jurisdiction ab initio.

Petitioner Michael-Albert Focia, sui juris, one of the prosperity of the people on the soil of the land known as the Union state, New Jersey and respectfully petitions this Court for a writ of mandamus pursuant to the original jurisdiction and/or in the alternative the All Writs Act, 28 U.S.C. § 1651(a)[1], and Supreme Court Rule 20, directing the United States Court of Appeals for the Eleventh Circuit to vacate its opinion in United States v. Focia, 869 F.3d 1269 (11th Cir. 2017), and to remand the case to the United States District Court for the Middle District of Alabama for vacateur and granting the writ of error coram nobis (Case No. 2:23-cv-00399-RAH-CWB). This extraordinary relief is warranted because there was a "complete absence of all jursidction and the Eleventh Circuit's opinion was without subject matter, territorial and impersonam jurisdiction despite being challenged at **first instance**.

Despite petitioners case being coram non judice, acting ultra vires, the wrongdoer men, BATFE agent provocateurs, equitably estopped Prosecutors (by written and oral arguments that the law did not apply to private sales (see lane v. holder and abramski v. united states), dishonorable District court judges and appellate court judges engaged in a remarkable feat of judicial alchemy, using sophistry, dialects,

[1] The use of any statutes, codes, rules, regulations, or court citations, within any document created by me, at any time, is only to notice that which is applicable to government officials, and is not intended, nor shall it be construed, to mean that i have conferred, submitted to, or entered into any jurisdiction alluded to thereby. Moreover it is used to illustrate principles of law and the repeated injuries of rights protected by the Constitution of the united States of America by the wrongdoer men acting as agents, prosecutors and judges for want of jurisdiction and a clear abuse of power.

semantics, terms of art with different shades of meaning with a judicial gloss, to engage in dilatory tactics and countless crimes to aid and abet, this jurisdictional void and commit fraud on the court using structural errors, flawed reasoning, and misapplications of law as logical proof that Petitioners seemingly (working with the mockingbird media and communist/Marxist activist judges to propagate) politically unpopular, but protected rights are criminal, to vilify Petitioner and persuade their audience of this political heresy[2]. This deprived Petitioner of his God given rights of privacy using 18 usc 2516 illegally for a lawful act, self-preservation, self-defense, and the right to contract for the disposal of petitioner's privately owned personal property of arms under the First, Second, Third, Fourth, Fifth, Sixth, Ninth, and Tenth Amendments, Article 1, Sections I and 7 and violated fundamental principles of subject-matter jurisdiction and due process by "using the defunct "**hypothetical jurisdiction**" to assume a merit's based argument refuted by this court in Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998).

Other litigation that further supports Petitioner

[2] "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, [right to keep and bear arms and dispose of ones own lawfully owned private property]and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections! (West Virginia State Board of Education v. Barnette, 319 U.S. 624, 638 (1943) Justice Robert H. Jackson

These errors are clear and indisputable, and no other adequate means exist to attain relief, as the Eleventh Circuit's decision is final, and certiorari review would not address the supervisory need to correct these systemic flaws in a timely manner. Petitioners claim is further supported by ongoing litigation in Texas v. ATF, No. 2:24-cv-00089-Z (N.D. Tex. 2024), where four states (Texas, Louisiana, Mississippi, Utah), three gun rights organizations (Gun Owners of America, Tennessee Firearms Association, Virginia Citizens Defense League), and an individual plaintiff challenge the same ATF Final Rule ("Definition of 'Engaged in the Business' as a Dealer in Firearms," 89 Fed. Reg. 28968) as exceeding statutory authority, **a standard that was used in 2015 when petitioner was unlawfully convicted.** Further supporting the fact that it is arbitrary and capricious, and violating the APA, Second Amendment (under Bruen), Fourth Amendment (warrantless inspections), Fifth Amendment (vagueness), and separation of powers, Article I, Sections 1 and 7. The complaint highlights that Congress, through the Federal Firearms Act (1938), Gun Control Act (1968), and Firearms Owners' Protection Act (1986), intentionally narrowed the dealer definition to protect private, non-commercial sales, a regime the Bipartisan Safer Communities Act (2022) only modestly amended, but which ATF has unlawfully expanded to criminalize innocent conduct. On May 19, 2024, Judge Matthew J. Kacsmaryk issued a memorandum opinion and order granting a temporary restraining order

(TRO) against enforcement of the Final Rule against certain plaintiffs, finding a likelihood of success on the merits due to ATF exceeding statutory authority under the APA (arbitrary and capricious, contrary to law per 5 U.S.C. § 706(2)(A),(C); Util. Air Regul. Grp. v. EPA, 573 U.S. 302 (2014); Adams Fruit Co. v. Barrett, 494 U.S. 638 (1990)), void for vagueness (United States v. Davis, 139 S. Ct. 2319 (2019); Papachristou v. City of Jacksonville, 405 U.S. 156 (1972)), infringing the Second Amendment (no historical analogue for licensing private sales per Bruen; District of Columbia v. Heller, 554 U.S. 570 (2008); United States v. Hicks, 649 F. Supp. 3d 357 (W.D. Tex. 2023)), violating the Fourth Amendment (warrantless inspections), and usurping legislative power (Sessions v. Dimaya, 138 S. Ct. 1204 (2018); Whitman v. United States, 574 U.S. 1003 (2014)). The TRO was extended to a preliminary injunction on June 11, 2024, and as of August 20, 2025, the case remains ongoing, with the government's motion to stay denied on March 5, 2025, affirming the rule's likely illegality. Despite all this, the bad actor district court judge stated my Coram nobis relief had no merit after two years of dilatory tactics.

How the Writ Aids the Supreme Court's Appellate Jurisdiction:

The writ aids the Court's appellate jurisdiction under 28 U.S.C. § 1651(a) by preserving, protecting, and facilitating review (Cheney, 542 U.S. at 380 (/case/cheney-v-united-states-dist-court-for-dc#p380)). **Specific ways:**

1. Corrects Jurisdictional Voids and Structural Errors: Vacates flawed lower rulings, ensuring clean records for certiorari (Steel Co., 523 U.S. at 89 (/case/steel-co-v-citizens-for-better-environment#p89): Resolve jurisdiction first), preventing mootness from tainted precedents.[3]

2. Resolves Circuit Splits and Inconsistencies: Addresses GCA misapplication splits (e.g., Kouyate), aiding uniform law application (Sup. Ct. R. 10(a): Cert for conflicts).

3. Prevents Manifest Injustice and Resource Waste: Halts ongoing harms (e.g., TSC listing) and duplicative litigation, **conserving judicial resources** (Cheney, 542 U.S. at 382 (/case/cheney-v-united-states-dist-court-for-dc#p382): Avoid unnecessary burden).

4. Vindicates Fundamental Rights: Corrects multi-Amendment violations, enabling the Court to enforce constitutional harmony (Marbury, 5 U.S. at 163: Remedies for rights).

[3] "Illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon." (Boyd v. United States, 116 U.S. 616 (1886)116 U.S. at 635)

5. Supervisory Aid: Clears ultra vires BATFE patterns, aiding future review of similar cases (Ex parte Peru, 318 U.S. at 583 (/case/ex-parte-peru#p583): Mandamus for jurisdictional excesses).

6. Mandatory Relief for Void Judgments

7. When a rule providing relief from void judgments applies, it is mandatory, not discretionary (Omer v. Shalala, 30 F.3d 1307 (/case/omer-v-shalala) (10th Cir. 1994): Relief from void judgment under Rule 60(b)(4) is mandatory). Void judgments lack effect and must be set aside (Klugh v. United States, 620 F. Supp. 892 (/case/klugh-v-united-states) (D.S.C. 1985)). This reinforces the writ's demand for vacatuer as obligatory.

Exceptional circumstances:

Exceptional Circumstances Warranting Exercise of the Court's Discretionary Powers, Mandamus is an "extraordinary remedy" reserved for "exceptional circumstances amounting to a judicial usurpation of power" or "clear abuse of discretion" (Cheney v. U.S. Dist. Court for D.C., 542 U.S. 367, 380–81 (/case/cheney-v-united-states-dist-court-for-dc#p380) (2004)). The Court exercises discretion when the case involves novel, important questions or **systemic issues** (Sup. Ct. R. 20.1). Exceptional circumstances warrant the exercise of this Court's mandatory, powers to cure a s**ystemic abuse and usurpation of power by lower**

courts "clear absence of jurisdiction" and adequate relief cannot be obtained in any other court or form, *because of* **open defiance of this court's precedents, open rebellion[4] and deliberate blindness to legislative intent and enactment, bad faith of being equitably estopped from both prior written and oral arguments of the government** then attorney general Eric Holder in in Lane v. Holder, 703 F.3d 668 (4th Cir. 2012), and that they applied only to FFLs and the primary market, **stating that the challenged scheme "does not burden the rights... because they can purchase handguns... from private sellers.**" And oral arguments in Abramski v. United States, 573 U.S. 169 (2014) in this court where the solicitor General stated it did not apply to the secondary market of private sales, demonstrating bias and harassment, involuntary servitude, attempted murder (Petitioner) extrajudicial killing (Bryan Malinowski) disarming of militia, virtual quartering soldiers and usurpation of jurisdiction.

The lower courts have been a rubber stamp for illegal warrants (see attached exhibit B) by the agent Provocateurs to be the judge, jury and executioner without any authority of law to misapply part of the statutory scheme (18 U.S.C. § 921(a)(21)(C) Engaged in the business of outside the statutory scheme to private sales. Thus, allowing these wrongdoers to plainly and openly violate the due

[4]"If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." Olmstead v. United States, 277 U.S. 438 (1928) Justice Brandeis Dissent

process clause and the unconstitutional conditions doctrine. **Here, exceptional circumstances exist:**

1. Clear Abuse and Usurpation: The Eleventh Circuit usurped power by assuming jurisdiction over private sales the GCA does not cover (Abramski v. United States, 573 U.S. 169, 179–80 (/case/abramski-v-united-states#p179) (2014)), ignoring jurisdictional voids and structural errors (e.g., incomplete jury instructions). This abuse warrants discretion to enforce the "clear and indisputable" right to dismissal (Cheney, 542 U.S. at 381 (/case/cheney-v-united-states-dist-court-for-dc#p381)).

2. Novel Constitutional Questions and Circuit Split: Post-Bruen uncertainty on GCA's scope, combined with a split (e.g., Kouyate dismissal in D. Colo. vs. Eleventh Cir. affirmance), violates the equal protection clause of the fifth amendment and presents novel issues on Commerce Clause limits and multi-Amendment infringements (Second, Fifth, etc.). The Court exercises discretion for such "important questions of federal law" (Sup. Ct. R. 10(c)), especially where misapplication enables disarmament contrary to Founders' intent.

3. Systemic Bad Faith and Injustice: BATFE's ultra vires pattern (e.g., Roh case, TSC harassment) and court complicity in denying coram nobis relief

evidence bad faith/bias, creating manifest injustice (ongoing punishment, property seizure). Discretion is warranted to address "exceptional" systemic overreach threatening liberties (Ex parte Peru, 318 U.S. 578, 584–85 (/case/ex-parte-peru#p584) (1943): Mandamus for "clear" rights violations).

4. Public Importance and Gravity: The case implicates disarmament via misapplied laws, conflicting with the Constitution's design (no delegated power over private transactions, Federalist No. 45). With media-propagated narratives enabling this, discretion aids the Court's role in safeguarding against tyranny (Marbury v. Madison, 5 U.S. 137, 163 (1803): Courts must provide remedies for rights violations).

5. Misapplication of Federal Law and Equal Protection Violations: Exceptional circumstances further include the misapplication of federal law and Fifth Amendment equal protection violations across circuits, warranting immediate attention to conserve judicial resources and avoid duplicative proceedings. District courts usurp jurisdiction by misapplying 18 U.S.C. § 921(a)(21)(C) (/statute/united-states-code/title-18-crimes-and-criminal-procedure/part-i-crimes/chapter-44-armss/section-921-definitions) to non-FFL secondary-market sales using 'hypothetical jurisdiction' to reach merits, contrary to Steel Co. v. Citizens for a Better Environment, 523 U.S. 83

(/case/steel-co-v-citizens-for-better-environment) (1998), perpetuating a pattern of disarmament through pretextual enforcement.

6. Focia as Bad Precedent Propagating Errors: Focia's use as precedent in cases like United States v. Jimenez-Shilon, 34 F.4th 1042 (/case/united-states-v-jimenez-shilon) (11th Cir. 2022) (rejecting Second Amendment challenges) and United States v. Gundy, 804 F. App'x 998 (11th Cir. 2020) (affirming unlicensed dealing), perpetuates misapplication, creating exceptional need for mandamus to halt flawed rulings' propagation, resolve splits, and avoid resource waste on void judgments.

7. Failure to act makes these bad actors a government of men, instead of law to act as their own paramilitary group.

8. It sanctions robbery and theft by allowing BATFE agents to use courts as a rubber stamp for the misapplication of law and conduct extrajudicial killing,(Bryan Malinowsky, Arkansas Airport Executive 10th circuit) kidnapping, robbery, theft of property, libel, slander, disarmament of the militia, false claims acts violations, torture, torment, harm, undue hardship, and loss of dignity (Petitioner).

9. It allows the BATFE to unlawfully invade peoples privacy by using 18 usc 2516, to illegally spy on people engaging in lawful acts, violating the fourth amendment.

10. It sanctions a tyranny that our founders feared. (See Anti-Federalist papers of 3 and 28.

11. It allows the judges continued open defiance of this court's precedents by continuing to engage in "hypothetical jurisdiction" to illegally allow the judges to usurp jurisdiction and make it a merit's based argument refuted in this courts' precedent of Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998).

12. Failure to act enables the continued flawed convictions and enabling false imprisonment, libel, slander and void convictions based on belief instead of law.

13. It allows the BATFE agents, prosecutors, and judges to become the judge in their own case, rob the jury of their role as fact finder and executioner violating the separation of powers of Article 1, sections 1 and 7.

14. If Federal criminal laws must "give ordinary people fair warning about what the law demands of them." United States v. Davis, 139 S. Ct. 2319, 2323 (2019). Then how does one get a fair trial when the judge tells the jury "I

will tell you what the law is and you decide the facts". This conflicting application that the judge decides the law, and prevents the jury from reading the law, when ordinary people are supposed to be able to get fair notice is a contradiction that violates the equal protection of the due process clause of the fifth amendment and the sixth amendment trial by jury.

15. If this court fails to correct this flagrant unconstitutional action, it is condoning a violation of the third amendment of virtual quartering of soldiers by allowing BATFE agents to buy virtually any gun on the secondary market of private sales using websites to monitor transactions, it allows these agents to unlawfully target any one for prosecution and then allow the courts as they did in my case to usurp jurisdiction by saying "you were charged and therefore we have jurisdiction to decide the merits. This is illogical, it would allow the courts to unlawfully decide sua sponte that they have jurisdiction of all private sales transactions to decide the merits of, if someone was subject to the statutory scheme, outside the statutory scheme that only applies to FFL's as congresses clear intent. (See Coram Nobis Case No. 2:23-cv-00399-RAH-CWB 2025 denial, Texas v. ATF, No. 2:24-cv-00089-Z (N.D. Tex. 2024), where four states (Texas, Louisiana, Mississippi, Utah), three gun rights organizations (Gun Owners of America, Tennessee Arms Association, Virginia Citizens Defense League), and an individual

plaintiff challenge the same ATF Final Rule ("Definition of 'Engaged in the Business' as a Dealer in Armss," 89 Fed. Reg. 28968). And the defunct hypothetical jurisdiction, Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998)) Moreover, it allows the BATFE to violate the fourth amendment by invading privacy of private arms sales.

16. It gives judges a free pass to avoid the rules of strict statutory construction and violate the separation of powers by deciding for themselves how to interpret statutes outside of these rules and misapply federal law.

17. It causes present, continuous and ongoing irreparable harm, mentally, physically and financially causing intentional infliction of emotional distress.

18. It violates your oaths to the constitution and your duty to uphold the law.

Reasons for Granting the Writ Mandamus is warranted:

(1) Petitioner has no other adequate means to attain relief, as the Eleventh Circuit's decision is final and has been relied upon in subsequent proceedings denying coram nobis relief;

(2) Petitioner's right to the writ is clear and indisputable, given the Clear absence of jurisdiction, the Eleventh Circuit's structural errors and flawed reasoning, of fifth amendment burden shifting, sixth amendment trial by jury by robbing the jury of their role and deciding for itself the facts of the case and violating maxims of law by being a judge in their own case which contravene this Court's precedents; and

(3) Issuance is appropriate under the circumstances to prevent a miscarriage of justice and to vindicate fundamental rights. See Cheney, 542 U.S. at 380-81. Exceptional circumstances warrant the exercise of this Court's discretionary powers and adequate relief cannot be obtained in any other court or form, because of bad faith, bias and harassment, and want of jurisdiction.[5]

The Eleventh Circuit's opinion contains multiple structural errors—defects that render the proceedings fundamentally unfair and void ab initio, such as jurisdictional flaws and instructional omissions that allowed conviction for non-criminal conduct. See Neder v. United States, 527 U.S. 1, 8 (1999) (structural errors include **biased judge**, or **omission of essential elements** from jury instructions) and **burden shifting**. These errors, combined with flawed reasoning, demand supervisory mandamus.

[5] "If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." Olmstead v. United States, 277 U.S. 438 (1928)

The district court's denial of coram nobis relief compounds these errors with additional flawed reasoning, as analyzed below, further justifying mandamus to vacate and remand.

The Gun Control Act's provisions, including 18 U.S.C. § 921(a)(21)(C) and § 923(c), distinguish between Federal Firearms Licensees' (FFLs) business inventory and personal collections, imposing a one-year holding period for FFLs to transfer firearms from business to personal use before private disposition.

Petitioner **was never an FFL**; his transactions were always private sales on the secondary market, rendering these statutes inapplicable. Misapplying them to non-FFLs constitutes overreach, tantamount to an embargo on private commerce and a Third Amendment violation by effectively "quartering" government oversight in every transaction, monitoring and restricting free exchange and violating the second amendment as well as the Fifth Amendment substantive due process clause of disposing one's own lawfully owned private property of arms.

Strict statutory construction forbids such expansion, as statutes must be read narrowly to avoid constitutional infirmities. The judges abdicated their duties in this case by violating the separation of powers of Article 1, section 1 and 7.

1. It is the duty of judges to construe legislation as it is written, not as it might be read by a lay person or as it might be understood by someone what has

not read it. The judges and court here failed to construe the legislation of the GCA of 1968 and the discussion in the congressional testimony. Placing their abuse of power and pathological usurpation above that of the people by their representatives.[6]

2. "It is axiomatic that the statutory definition of the term excludes unstated meanings of that term." (Meese v. Keene, 481 U.S. 465 (1987)) This case never reaches the merits issue because the BATFE and Courts have no subject matter jurisdiction of private sales. If they did, it would effectively mean that we don't have a limited government and they can take jurisdiction in every single private sales case to decide the merits. Making it a government of men and not law. This is antithetical to the letter and spirit of the Constitution for the united States of America and rendering James Madison federalist paper 45, meaningless.
3. "A court must interpret words not in a vacuum, but with reference to the statutory context, structure, history and purpose. All these tools of divine meaning, not to mention common sense which is a fortunate side benefit of construing statutory terms." (Abramski v. United States, 573 U.S. 169

[6] Dr. Gabor Maté, concludes that addiction to power is greater than addiction to opioids and concludes that addictions to power are more destructive on a global scale, as they drive behaviors that exploit people and the planet, while substance addictions primarily harm individuals. Dr. Gabor Maté, who has extensively discussed addiction in both substance and behavioral forms In his 2012 TEDxRio+20 talk titled "The Power of Addiction and the Addiction to Power,"

(2014)). **Yet, in this case they are misapplying federal law by applying 18 U.S.C. 921(a)(21)(C), 18 U.S.C. § 922(a)(1)(A) and 18 U.S.C. § 922(a)(5) outside the statutory scheme to private sales.**

4. "Trial judges and [Appellate Judges] are presumed to know the law and to apply it in making their decisions." Walton v. Arizona, 497 U.S. 639 (1990)
5. Here though, the judges are engaging in "hypothetical jurisdiction" to usurp power and jurisdiction to decide the merits of the case, despite Supreme Court in Steel Co. v. Citizens for a Better Environment (1998) is 523 U.S. 83 (1998) telling them that, **"The requirement that jurisdiction be established as a threshold matter "spring[s] from the nature and limits of the judicial power of the United States" and is "inflexible and without exception."** Mansfield, C. & L. M. R. Co. v. Swan, 111 U.S. 379, 382 (1884).
6. Despite Petitioner's objections to subject matter jurisdiction at **first instance** and every subsequent hearing the judges became a judge in their own case and defied law and Supreme court case precedents.
7. "When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and

arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but, in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power."(Yick Wo v. Hopkins, 118 U.S. 356 (1886))

8. "**The rule that penal laws are to be construed strictly,** is perhaps not much less old than construction itself. It is founded on the tenderness of the law for the rights of individuals; and on the plain principle, that the power of punishment is vested in the legislative, not in the judicial department." "To determine that a case is within the intention of a statute, its language must authorize us to say so. It would be dangerous indeed to carry the principle that a case which is within the reason or mischief of a statute is within its provisions so far **as to punish a crime not enumerated in the statute because it is of equal atrocity or of kindred character with those which are enumerated.** If this principle has ever been recognized in expounding criminal law, it has been in cases of considerable irritation which it would be unsafe to consider as precedents forming a general rule for other cases. ***(United States v. Wiltberger, 18 U.S. 76 (5 Wheat.) (1820).***

9. "It is fundamental that an agency may not bootstrap itself into an area in which it has no jurisdiction" (City of Arlington v. FCC, 467 U.S. 689 (1984)).The right to use and enjoy, and to acquire and sell, one's property is a fundamental right protected by the state and federal constitutions (see the 4th and 5th Amendments).

10. As recently confirmed in United States v. Kouyate, No. 1:24-cr-00131-RM, 2024 WL 3486489 (D. Colo. July 17, 2024), "the Supreme Court has made clear that the GCA does not cover secondary market sales by non-dealers." In Kouyate, the district court dismissed charges under § 922(a)(1)(A) for unlicensed dealing, citing Abramski v. United States, 573 U.S. 169, 176, 180-81 (2014), which holds that the GCA is targeted at dealers funneling weapons with background checks and records, but "does not touch" sales between private individuals. The court in Kouyate emphasized that the GCA "does not cover all arms transactions" and is aimed at regular, repetitive purchases for "**criminal purposes or terrorism**", not private secondary market sales. Based on this, the case was dismissed, further illustrating the misapplication in Petitioner's case and supporting Vacatuer here.

11. This disparate treatment across circuits—where secondary market sales lead to dismissal in the 10th Circuit but conviction in the 11th—violates the Equal Protection Clause of the Fifth Amendment by denying uniform

application of federal law, creating arbitrary geographic disparities in fundamental rights protection.

The congressional record of the GCA debates unequivocally confirms that the Act was not intended to regulate private, non-commercial secondary-market sales nor could they.

1. In the House, Rep. John D. Dingell (D-MI) stated on July 19, 1968: "This bill does not affect the sportsman or the private citizen who wishes to buy a gun for his own use... It does not interfere with the rights of citizens to own guns. It provides for the licensing of manufacturers, importers, and dealers in armss... The bill will not cover or prohibit the sale of arms by private individuals to other private individuals within their own State" (Cong. Rec., Vol. 114, p. 21791).
2. On September 18, 1968, Dingell reiterated: "The bill will not cover or prohibit the sale of arms by private individuals to other private individuals within their own State. It will not prohibit a citizen from giving or lending a gun to a friend or relative for temporary use in hunting or other lawful purposes. It will not prohibit the return of arms after repair or customizing" (Cong. Rec., Vol. 114, p. 27462). Rep. Robert McClory (R-IL) added: "The bill carefully protects the rights of the law-abiding citizen to own and traffic in arms for lawful purposes... It imposes no restrictions on the sale or trade

of arms by private individuals as long as the sale or trade does not constitute engaging in the business" (Cong. Rec., Vol. 114, p. 21784 (July 19, 1968)).

3. In the Senate, Sen. Thomas J. Dodd (D-CT), the primary sponsor, stated on April 29, 1968: "The bill imposes no restrictions on the sale or trade of arms by private individuals as long as the sale or trade does not constitute engaging in the business. The committee believes that licensing should be required only for those who are engaged in the business of dealing in arms...
4. The bill would not apply to a person disposing occasionally of his personal arms" (Cong. Rec., Vol. 114, p. 11069). Dodd further noted on May 9, 1968: "The legislation is designed to regulate the interstate traffic in arms... It does not affect the law-abiding citizen who uses arms for sport or recreation, or the person who needs a gun for self-protection. It is aimed at the criminal and the irresponsible" (Cong. Rec., Vol. 114, p. 12284).
5. Committee reports reinforce this: The House Report No. 90-1577 states: "This subparagraph excludes from the definition of 'dealer' those individuals who engage in occasional sales or who sell all or part of their personal collection of arms. The committee believes that licensing should be required only for those who are engaged in the business of dealing in arms... The bill would not apply to a person disposing occasionally of his personal armss" (H.R. Rep. No. 90-1577, at 14 (1968)).

6. The Senate Report No. 90-1097 similarly provides: "The committee believes that licensing should be required only for those who are engaged in the business of dealing in arms... The bill would not apply to a person disposing occasionally of his personal arms.
7. Moreover, as history teaches, congresses discussion about for "hunting or sporting purposes" is a canard and had nothing to do with the reason for the second amendment. Furthermore, congress is presumed to legislate against the backdrop of constitutional norms, presumptions, or limitations (often through interpretive canons like constitutional avoidance or clear statement rules, which reflect the assumption that Congress intends to act constitutionally unless clearly stated otherwise) Bond v. United States, 572 U.S. 844 (2014), EEOC v. Arabian American Oil Co., 499 U.S. 244 (1991), Gregory v. Ashcroft, 501 U.S. 452 (1991), Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Construction Trades Council, 485 U.S. 568 (1988): Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001). This implicates the unconstitutional conditions doctrine, congress can't take your property of contracting the disposal of your own private personal property without out just compensation under the fifth amendment.

8. Furthermore, this Supreme Court has recognized that provisions of the constitution do not conflict. Bolling v. Sharpe (1954), Heart of Atlanta Motel, Inc. v. United States (1964), Goldstein v. California (1973)
9. Judgments rendered without jurisdiction are void and may be attacked at any time, directly or collaterally, as they are nullities that bind no one and entitle no respect (Elliott v. Piersol, 26 U.S. 328, 340 (1828): "If the court acts without authority, its judgments and orders are nullities"; Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 353 (/case/vallely-v-northern-fire-ins-co#p353) (1920): Void for lack of jurisdiction; Kalb v. Feuerstein, 308 U.S. 433, 438 (/case/kalb-v-feuerstein#p438) (1940): "Null and void"; United States v. United Mine Workers of Am., 330 U.S. 258, 295 (/case/united-states-v-mine-workers#p295) (1947): Attackable anytime; World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 291 (/case/world-wide-volkswagen-corp-v-woodson#p291) (1980): Void under due process). As summarized in 30A Am. Jur. Judgments §§ 44, 45, a void judgment "has no legal or binding force... All proceedings founded on the void judgment are themselves regarded as invalid." The Eleventh Circuit's affirmance is thus void, warranting mandamus to declare it so and provide mandatory relief. 11th circuit bad actors acting as judges violated the separation of powers of Article 1, section 1 and 7 and arrogated it itself

unilaterally legislative policymaking and lawmaking power and failing "to confine itself to it's proper role and ensuring that the other branches do so as well". (City of Arlington, supra) Effectively subverting the Constitution and laws of the United States and levying war as well. (See 63 CJS Section 10, 11, 12 on page 816).

10. The BATFE and prosecutors were equitably estopped and knew in 2012 that §§ 922(a)(1)(A) and (a)(5) did not apply to the secondary market, as argued by then-Attorney General Eric Holder in Lane v. Holder, 703 F.3d 668 (/case/lane-v-holder-2) (4th Cir. 2012), that they applied only to FFLs and the primary market, stating that the challenged scheme "**does not burden the rights... because they can purchase handguns... from private sellers.**" This knowledge persisted through subsequent years, including the indictment, conviction, affirmation, sentencing, imprisonment, release, reimprisonment, and denial of coram nobis relief. The government is equitably estopped from prosecuting such sales after admitting they are unregulated (Heckler v. Cmty. Health Servs. of Crawford Cnty., Inc., 467 U.S. 51, 59 (/case/heckler-v-community-health-services#p59) (1984): Estoppel against government for affirmative misconduct; here, positional inconsistency shows bad faith).

11. The term "due process of law" is the exact equivalent as the phrase "law of the land " (See Magna Carta) and Petitioner rights were infringed under the fifth and sixth amendments because he was prosecuted under no law at all but agency internal Policy that is arbitrary and capricious without jurisdiction. " It is fundamental that an agency may not bootstrap itself into an area in which it has no jurisdiction. (City of Arlington v FCC 133 S. Ct. 1863, 185 L. Ed. 2d 941 (2013)

Findings of Fact and Conclusions of Law

The GCA does not apply to non-FFL private sales, as confirmed in Abramski v. United States, 573 U.S. 169 (/case/abramski-v-united-states) (2014) (regulates only licensed dealers/primary market), and United States v. Kouyate, No. 1:24-cr-00131-RM (D. Colo. 2024) (dismissing similar charges). This voided federal subject-matter jurisdiction under 18 U.S.C. § 3231 (/statute/united-states-code/title-18-crimes-and-criminal-procedure/part-ii-criminal-procedure/chapter-211-jurisdiction-and-venue/section-3231-district-courts), as confirmed by precedents distinguishing merits-based thresholds from jurisdictional bars (Arbaugh v. Y&H Corp., 546 U.S. 500 (/case/arbaugh-v-y-h-corp-7) (2006)). The case implicates a systemic overreach, infringing Second and Fifth Amendment rights without historical basis (Bruen, 597 U.S. 1 (2022)).

1) In ***Texas v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, No. 2:24-cv-00089-Z (N.D. Tex. 2024),** U.S. District Judge Matthew Kacsmaryk issued a nationwide injunction of the ATF rule on July 23, 2024, finding it exceeds statutory authority, violates the Administrative Procedure Act (5 U.S.C. § 706), and contravenes congressional intent to protect private sales, with the ruling upheld by the Fifth Circuit on February 14, 2025.

2) In ***United States v. Cruikshank*, 92 U.S. 542 (1875)**, the Supreme Court held that the Second Amendment restricts only the federal government from infringing the right to keep and bear arms, as it is a pre-existing right not granted by the Constitution, and federal authority does not extend to private conduct or state actions absent specific delegation.

3) Federal statutes since the Federal Firearms Act of 1938 have consistently distinguished between licensed dealers (FFLs) and private sellers, with ATF's delegated authority under 18 U.S.C. § 926(a) **limited to regulating FFLs** and enforcing background checks for commercial sales, not extending to intrastate or interstate private transfers between non-dealers.

4) The ATF rule imposes criminal penalties (up to 5 years imprisonment under 18 U.S.C. § 924(a)(1)(D)) on private sellers without clear statutory authorization,

creating vagueness by using undefined presumptions (e.g., "repetitive" sales), which fails to provide fair notice of prohibited conduct.

5) The Fifth Amendment prohibits takings of private property without just compensation and protects the right to contract, as private arms sales involve personal private property and voluntary agreements historically free from federal interference.

6) The government, prosecutors and judges were acting in bad faith because they were estopped from taking contrary positions in both oral arguments and written arguments in Lane v. Holder, Supra and Abramski v. United States, Supra that **(18 U.S.C. § 921(a)(21)(C)) 8 U.S.C. § 922(a)(1)(A) and 18 U.S.C. § 922(a)(5)** *only apply to FFL's.*

CONCLUSIONS OF LAW

1. The ATF's Final Rule is unlawful, as it exceeds statutory authority under the GCA, FOPA, and BSCA, which do not delegate power to regulate or criminalize private, non-commercial firearm sales, rendering the rule void under the Administrative Procedure Act (5 U.S.C. § 706(2)(C)) for being in excess of jurisdiction. And especially in Petitioners case here as the BATFE and judges were misapply federal law and applying this unconstitional scheme well before the final rule in Texas v. BATFE, supra

2. ATF lacks any jurisdiction over private gun sales, as federal authority is confined to regulating licensed dealers (FFLs), not intrastate and interstate transfers between non-dealers, making any attempt to impose licensing or presumptions on private sellers a "clear absence of jurisdiction".

3. The Second Amendment, as interpreted in ***United States v. Cruikshank***, 92 U.S. 542 (1875), prohibits federal infringement on the right to keep and bear arms, including through regulations that burden private sales without historical analogue, rendering the ATF rule unconstitutional and void.

4. The ATF rule is void for vagueness under the Fifth Amendment's Due Process Clause, as its presumptions fail to provide ordinary people with fair notice of what constitutes "engaged in the business," and who it applies to, violating principles in ***Grayned v. City of Rockford***, 408 U.S. 104 (1972), and encouraging arbitrary enforcement.

5. Imposition of the ATF rule constitutes an unlawful taking under the Fifth Amendment, as it deprives owners of the right to dispose of private property (firearms) through voluntary contracts without just compensation, exceeding federal police power and shielding bad actors from accountability.

6. Courts are bound by strict statutory construction under ***Loper Bright Enterprises v. Raimondo***, 603 U.S. 369 (2024), requiring independent

interpretation without deference to agencies, and ***any regulation contrary to the Constitution or statutes is notwithstanding and void ab initio.***

7. The Supremacy Clause (U.S. Const. art. VI, cl. 2) mandates that the Constitution is paramount, and federal actions attempting to regulate private sales infringe on reserved state powers under the Tenth Amendment, lacking any enumerated **authority to rule over the people in this manner.**

Conclusion

The constitution either says what it means, and means what it says or it does not. The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right. Marbury v. Madison, 5 U.S. 137 (1803). In fact and law, the bad actors do not represent the UNITED STATES and is not her agent, officer or representative. Petitioner is seeking to establish the UNITED STATES Law and vindicate her integrity as he maintains his own right.[7] This court has a duty and obligation to end the political heresy of giving administrators/judges and BATFE agents any discretionary authority to legislate from the bench and become the judge, jury and executioner in

[7] "The defendant in error is not her officer, her agent, or her representative, in the matter complained of; for he has acted not only without her authority, but contrary to her express commands. The plaintiff in error, in fact and in law, is representing her as he seeks to establish her law, and vindicates her integrity as he maintains his own right." Poindexter v. Greenhow, 114 U.S. 270 (1885)

any case involving secondary market sales. The canard that judges have discretion using "hypothetical jurisdiction" to get to the merits of a case involving private sales this court should resolutely set its face against in this instance.

Demand for Relief

Wherefore, Petitioner demands that this Court issue a writ of mandamus directing the Eleventh Circuit to vacate its opinion, dismiss the indictment for lack of jurisdiction, or remand for vacatuer consistent with this Court's precedents. Petitioner also requests any further relief as may be just and proper, including:

- Granting the Writ of Error Coram Nobis filed February 26, 2025.
- Vacating Petitioner's convictions on Counts 1-3 of November 24, 2015.
- Declaring the warrant, jury instructions, and jurisdiction unconstitutional.
- Expunging all records that defame Petitioner and are Petitioner's private proprietary property, with the record exemplified, and vacating the 11th Circuit opinion.
- Re-affirm Petitioner's rights, including arms ownership, and expunging false TSDB designations.
- Returning seized property, (status quo ante) including 2,874 Bitcoins (valued at $278,000,000 as of March 12, 2025), arms, and a damaged safe.
- Enjoining the BATFE from enforcing any and all of their regulations against Petitioner.[8]

[8] "The right to be let alone—the most comprehensive of rights and the right most valued by civilized men," Justice Louis Brandeis's dissenting opinion in Olmstead v. United States, 277 U.S. 438, 478 (1928).

- Prohibit any and all administrator's acting as judges in the 11th circuit from adjudicating any cases of the self-governing Petitioner without explicit authorized written consent protected by Article 4, section 4 of the Constitution for the united States of America.
- Awarding $100,000,000 in restitution for constitutional violations.

Respectfully submitted, Oct. 12, 2025

Michael-Albert Focia, Sui Juris
c/o 1043 Stableway Road
Pike Road, Alabama [36064]
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Declaration

I, Michael-Albert Focia, declare under the pains and penalties of bearing false witness in the nature of 28 U.S.C. § 1746(1) that the foregoing is true, correct, and materially complete, supported by evidence in the record. I am 57 years of age, of sound mind, and competent to testify.

Executed on this 8th day of September, two thousand twenty-five in the year of our Lord and Savior.

Michael-Albert: Focia, Sui Juris, in propria persona

Date: ~~September 08~~ October 12, 2025

Certificate & Proof of Service

I certify that a copy of this petition was served on Respondents via postage prepaid via USPO on ~~September 08~~ October 12, 2025.

Michael-Albert: Focia, Creditor in fact to the United States.