

25-6111

NO

ORIGINAL

**In The Supreme Court of the United States**

**DEWAYNE BULLS, Petitioner,**

**v.**

**FEDERAL BUREAU OF INVESTIGATION AND THE DEPARTMENT  
OF JUSTICE, Respondents.**

Case No. 2:25-cv-00407 (U.S. District Court for the Western District  
of Pennsylvania)

**ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

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**Petitioner**

Name: Dewayne Bulls

Title: Pro Se Petitioner

Address: 700 Second Avenue

City, State, Zip: Pittsburgh, PA 15202

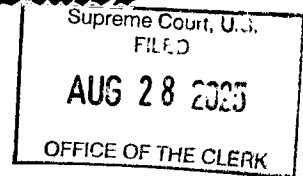
**Respondent**

Name: Federal Bureau of Investigation and the Department of  
Justice

Title: Respondents

Address: Not applicable – service via counsel or as per rules

City, State, Zip: Not applicable



## **QUESTIONS PRESENTED**

### **1. Constitutional Validity of FISA Warrants Obtained Through Systematic Perjury and Evidence Fabrication**

Whether this nation will tolerate FISA warrants built on a foundation of lies—where federal agents deliberately violated 50 U.S.C. § 1804(a)'s sacred oath requirement and sworn statement of facts mandate by knowingly submitting perjured affidavits fabricating 3,4-methylenedioxymethamphetamine (MDMA) use the eve FISA was to expire, contradicted by over 90 consecutive negative drug tests that prove their deception, systematically violated § 1804(a)(12)'s certification requirement through reckless disregard for exculpatory evidence that would expose their crimes, and engaged in a 30-count criminal conspiracy under FISC to renew FISA warrants through evidence fabrication including the Pittsburgh FBI's unconscionable chemical substitution of non-scheduled hygiene and food additives for 3,4-methylenedioxymethamphetamine molecular components as substitutions for MDMA under 18 U.S.C. § 1519—and whether such government lawlessness can ever satisfy the Fourth Amendment and due process demands that *Franks v. Delaware*, 438 U.S. 154 (1978), and *Brady v. Maryland*, 373 U.S. 83 (1963), require of a government that claims to serve justice.

### **2. Separation of Powers Violations and Executive Accountability Under FISA**

Whether the government's brazen orchestration of a systematic criminal conspiracy against American justice—including The Pittsburgh FBI's impersonation and forgeries under the banner of Justice of Article III courts through fraudulent judicial decisions pertaining to the petitioner under the banner of Justice using the deceptive magistrate and appellate court guise, also deliberate dereliction by Amicus Curiae in failing to advocate under 50 U.S.C. § 1803(i)(4) and § 1803(l), and the transformation of FISA's congressionally designed civil liberties protections into a mechanism for constitutional evasion—represents the kind of lawless government tyranny that this Court was established to stop, constitutes such a profound separation-of-powers violation that it deprives petitioner of legitimate judicial review, and demands immediate Supreme Court intervention to restore the principle that no person stands above the law, particularly in light of *Martin v. United States*, 605 U.S. \_\_\_\_ (2025).

### **3. Constitutional Limits on Secret Surveillance and Heightened Judicial Scrutiny**

Whether courts must finally fulfill their constitutional duty to apply heightened scrutiny when FISA surveillance stands exposed as the product of systematic constitutional violations and scientifically proven perjuries that have transformed Congress's carefully constructed safeguards—the mandatory protections of 50 U.S.C. § 1803(i)(4), § 1803(l), the disclosure requirements of § 1804(a)(12), and the factual foundation requirements that form the bedrock of lawful surveillance—into meaningless legislative theater through twelve years of FISA operations whose investigative cover has been definitively blown, laying bare the systematic unlawful FISA renewals designed not to protect national security but to avoid accountability for federal crimes, thus ensuring that the promise of constitutional government embodied in *United States v. Daoud*, 755 F.3d 479 (7th Cir. 2014), prevails over executive claims that national security justifies the nullification of Article III judicial authority and the complete destruction of FISA's statutory integrity through the executive nullification of the very legislative safeguards that distinguish lawful surveillance from governmental tyranny.

**4. Sixth Amendment Violations and Cruel and Unusual Punishment Through Prolonged FISA Abuse**

Whether the government's orchestration of a twelve-year constitutional nightmare—deliberately weaponizing the surveillance apparatus against an innocent American citizen through coercive National Security Letters targeting civil rights attorneys the petitioner sought to engage in his defense against the FBI—systematically deploying the most devastating weapons to abolish constitutional safeguards as instruments of psychological torture designed to convince the petitioner that he has no grounds for legal redress against the Pittsburgh FBI, thereby destroying his fundamental access to justice, and cynically perpetuating unlawfully obtained FISA surveillance not to serve the interests of national security, but to preserve the institutional power and personal freedom of those whose careers depend upon manufacturing the very criminality they purport to investigate—represents such a profound violation of the Sixth Amendment’s guarantee of meaningful counsel and the Eighth Amendment’s prohibition against cruel and unusual punishment that it strikes at the very heart of what distinguishes a constitutional republic from a police state. This is particularly evident when the absence of any legitimate law enforcement purpose is demonstrated by the government's deliberate refusal to honor over one hundred explicit requests by the petitioner to the DOJ and FBI since 2015 to submit to searches of his person and property and polygraph examinations that would instantly vindicate his innocence. This action exposes the surveillance campaign as nothing more than an elaborate criminal conspiracy designed to conceal federal misconduct and evade the accountability that justice demands.

**5. Procedural Due Process and Judicial Review Standards in Civil Rights Cases**

Whether a pro se civil rights complaint meticulously documenting systematic FISA statutory violations with specific dates, documentary evidence, and clear timelines of government misconduct can be summarily dismissed as "frivolous" under 28 U.S.C. § 1915 without meaningful engagement with substantiated factual allegations and controlling constitutional precedents, and whether the Third Circuit erred in misapplying the *Neitzke v. Williams* standard by conflating "implausibility" with "factual impossibility" to dismiss specific, verifiable allegations of government misconduct capable of proof through discovery, thereby denying procedural due process in ex parte FISA proceedings where FBI agents who systematically violate clearly established statutory requirements through calculated evidence fabrication forfeit qualified immunity under *Zahrey v. Coffey*, 221 F.3d 342 (2d Cir. 2000).

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# **OPINIONS BELOW**

For cases from federal courts:

The opinion of the United States Court of Appeals for the Third Circuit, entered on June 26, 2025, is not precedential but is printed in the appendix at pages A44-A52, and appears at Appendix A44 to the petition and is [x] is unpublished.

The opinion of the United States District Court for the Western District of Pennsylvania, including the Report and Recommendation (2:25-cv-00407) entered on April 3, 2025, and the Order Adopting that Report and Recommendation entered on April 21, 2025, are printed in the appendix at pages A19-A24 and A36-A37, respectively, and appear at Appendix A19 to the petition and are [x] is unpublished.

# **STATEMENT OF JURISDICTION**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The United States Court of Appeals for the Third Circuit entered its judgment in this case on June 26, 2025. This petition for a writ of certiorari was filed within the time provided by law, as evidenced by the postmark of August 28, 2025.

## Government Reports & Statements

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## Government Reports & Statements

- U.S. Department of Justice, Office of the Inspector General, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation*, Report No. 20-01 (Dec. 9, 2019). This pivotal report is directly relevant to the issues presented, as it unequivocally confirms systemic failures embedded within the FBI's FISA application process. The Inspector General meticulously documents widespread factual inaccuracies, significant disregard of exculpatory evidence, and chronic non-compliance with the "Woods Procedures"—safeguards specifically designed to ensure the accuracy and integrity of FISA filings. These officially substantiated deficiencies establish an unassailable factual backdrop for Petitioner's central allegations: that the FBI deliberately fabricated material evidence (e.g., false claims of MDMA use) and systematically suppressed irrefutable exculpatory proof (e.g., over 80 consecutive negative drug tests) to unlawfully obtain and repeatedly renew FISA surveillance. This conduct fundamentally undermines the Fourth Amendment's probable cause requirement and the core due process guarantees articulated in *Franks v. Delaware*, 438 U.S. 154 (1978), and *Brady v. Maryland*, 373 U.S. 83 (1963). [Available at: <https://www.justice.gov/storage/120919-examination.pdf>]
- Christopher A. Wray, Director, Federal Bureau of Investigation, FBI Director Christopher Wray's Response to the Inspector General Report (Dec. 9, 2019). Director Wray's official response further amplifies the report's relevance, as he candidly acknowledges the "unacceptable" errors and "serious performance failures" that plagued the FBI's handling of FISA applications. His public commitment to implement "specific, concrete corrective steps" to improve accuracy, compliance, and training directly corroborates Petitioner's assertion of deeply rooted systemic deficiencies within the Bureau. This response—from the highest level of the agency—serves as compelling evidence of institutional awareness of the very abuses Petitioner describes, including the deceptive use of fabricated evidence and the willful omission of exculpatory facts to sustain surveillance under false pretenses. Director Wray's statement underscores the urgency of this Court's intervention to restore constitutional accountability and judicial integrity. [Available at: <https://www.fbi.gov/news/press-releases/fbi-director-christopher-wray-response-to-inspector-general-report>]

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## STATEMENT OF THE CASE

Petitioner Dewayne Bulls, standing resolute and acting pro se, comes before this venerable Court seeking redress for a series of profound and egregious constitutional violations perpetrated by the very Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) agencies entrusted with upholding our laws, violations that have unfolded relentlessly over the course of more than a decade. This solemn complaint, lodged in the U.S. District Court for the Western District of Pennsylvania, contends, with chilling specificity, that the FBI, particularly its Pittsburgh division, has engaged in a deliberate, unlawful, and utterly unconscionable campaign of surveillance—a campaign executed not in the hallowed name of justice, nor in defense of this great nation, but rather to ruthlessly evade accountability for its own misconduct. The catalogue of abuses alleged includes the malicious manipulation of evidence, the calculated fabrication of facts, and the outright obstruction of a citizen's fundamental access to legal counsel. These are not isolated, regrettable errors; they form a sustained, systemic pattern of institutional abuse and profound constitutional violations that strike, with a cold precision, at the very core of the United States Constitution itself. The Petitioner's protracted legal struggle reaches far beyond his own personal liberty—it serves as a clarion call, a resounding alarm bell, to expose a deeply troubling and dangerous misuse of federal power by agencies sworn to uphold the law.

At the heart of this complaint lies the insidious weaponization of bias and manipulated perception, repeatedly deployed to unlawfully obtain Foreign Intelligence Surveillance Act (FISA) warrants in direct, contemptuous violation of both the Constitution and FISA itself—a law that strictly mandates reliance on rigorously vetted facts, not speculative prejudice. Under 50 U.S.C. § 1804(a), each FISA application must be made "upon oath or affirmation," and pursuant to 50 U.S.C. § 1804(a)(3), must contain "a sworn statement of the facts and circumstances relied upon by the applicant." This statutory framework unequivocally establishes that FISA law is predicated upon facts—not perception, not biases—but sworn facts. Yet, most egregiously, the Pittsburgh FBI continues to rely upon and ruthlessly implement FISA warrants obtained through proven perjury, specifically through the fabrication of MDMA use, often manufactured with chilling foresight precisely on the eve of a FISA warrant's expiration to ensure its unlawful, unconstitutional renewal. Despite the government's continued, morally indefensible reliance on these unlawful justifications, the Petitioner has presented compelling, fact-based evidence—irrefutable proof—disproving their claims. Most notably, multiple consecutive negative drug test results, often issued just hours after FISA warrants were renewed, directly contradict the underlying false claims used to justify surveillance, proving not only the complete absence of probable cause but also a clear, undeniable pattern of perjured filings and deceitful representations deliberately placed before the court. This case brings to light a deeply disturbing reality: a systemic practice of perjury so entrenched in the process of securing FISA warrants that it warrants nothing less than urgent, decisive judicial intervention.

Of particular gravity is the complete absence of mandated FISA safeguards designed to protect U.S. persons. Under 50 U.S.C. § 1803(i)(4), the FISA court must appoint *amicus curiae* to "provide to the court, as appropriate—legal arguments that advance the protection of individual privacy and civil liberties of United States persons." Where are the *amicus curiae* pertaining to Petitioner? The systematic absence of these constitutionally mandated protections in cases involving fabricated evidence reveals a profound breakdown in FISA's structural safeguards,

creating what can only be characterized as a judicial proceeding conducted in constitutional darkness. Furthermore, 50 U.S.C. § 1803(l) requires the designation of counsel to assist the court in consideration of applications targeting U.S. persons, specifically to analyze whether applications meet the factual requirements of 50 U.S.C. § 1805(a)(2). The systematic circumvention of these protections in Petitioner's case demonstrates not merely procedural negligence, but a deliberate subversion of Congress's carefully crafted safeguards for American citizens subject to foreign intelligence surveillance—safeguards that exist precisely because Congress recognized the inherent dangers of unchecked executive surveillance power. Most damning is the government's systematic violation of 50 U.S.C. § 1804(a)(12), which requires "a certification by the applicant or declarant that, to the best knowledge of the applicant or declarant, the Attorney General or a designated attorney for the Government has been apprised of all information that might reasonably affect the court's determination." This provision further mandates the disclosure of "noncumulative information known to the applicant or declarant that is potentially exculpatory regarding the requested legal findings." The deliberate suppression of over 90 consecutive negative drug tests—exculpatory evidence directly contradicting fabricated MDMA allegations—constitutes a flagrant violation of this statutory duty and renders the resulting FISA warrants constitutionally invalid ab initio. This is not merely a Brady violation in the traditional prosecutorial context; it is a systematic corruption of the FISA process itself, transforming what Congress intended as a careful balance between national security and civil liberties into a weapon of governmental oppression wielded against American citizens who dare to challenge federal misconduct. Since 2015, the Petitioner, in good faith, has offered to submit to any search of his property, any bodily examination, or even a polygraph to demonstrate his innocence. That offer has been made over one hundred times, and each time the DOJ and FBI have refused to respond. The Petitioner has pledged that if these measures fail, he will drop all benchmark civil rights litigation and plead guilty to any charges the Pittsburgh FBI may impose. The government's repeated refusal to engage underscores the truth: this is not an investigation in pursuit of justice, but a deliberate campaign to silence, punish, and destroy constitutional liberty. On April 3, 2025, Magistrate Judge Patricia L. Dodge issued a Report and Recommendation (R&R), recommending, with alarming swiftness, that the Complaint be dismissed under 28 U.S.C. § 1915, asserting, without credible foundation, that the allegations were "frivolous." Petitioner promptly and vehemently objected, arguing, with irrefutable logic, that the R&R was based on grievous factual inaccuracies, a profound misinterpretation of governing law, and a troubling unwillingness to genuinely engage with the serious, meticulously substantiated allegations contained within the Complaint. The R&R falsely asserts that Petitioner has filed "at least seven other civil cases"—a completely fabricated claim that flagrantly misrepresents his litigation history and unjustly casts him as a vexatious litigant. In truth, Petitioner has only filed two cases, both initiated in 2015. The reliance on this fabricated narrative by the Magistrate Judge not only utterly undermines the credibility of the proceedings but casts Petitioner in a false, prejudicial light, questioning his mental state in a manner that is both deeply offensive and maliciously misleading. This deliberate mischaracterization seeks to discredit Petitioner's grave claims and serves as a thinly veiled, but unmistakable, attempt to silence a voice that has dared to challenge state-sanctioned overreach. The Magistrate's profound failure to properly consider the core factual allegations in the Complaint is a striking and unconscionable omission. Petitioner has detailed specific, harrowing instances of harassment, evidence tampering, perjury, and a deliberate misuse of FISA powers—all of which are backed by precise dates, compelling supporting exhibits, and a clear, undeniable timeline. These are not the empty assertions of a

disillusioned litigant, but carefully constructed claims grounded in tangible evidence and undeniable constitutional violations. Yet, these serious, substantiated allegations were dismissed as "frivolous" without the due diligence and careful, impartial review required by law. The R&R's astonishing refusal to engage with the substance of Petitioner's claims—particularly those regarding fabricated drug use and manipulated drug test results—serves only to further facilitate and perpetuate the cover-up of profound government misconduct. Furthermore, Petitioner explicitly cited *Zahrey v. Coffey*, 221 F.3d 342 (2d Cir. 2000), in forceful support of his claims, arguing that the fabrication of evidence used by government officials to extend surveillance violates clearly established constitutional rights. However, the R&R conspicuously failed to address this controlling precedent, instead choosing to cunningly misdirect the analysis by focusing solely on sovereign immunity for agencies, completely bypassing the critical, inescapable issue of qualified immunity for the individual actors directly responsible for these egregious violations. This omission represents a severe, deliberate failure to engage with the indispensable legal framework necessary to fully and justly evaluate the grave allegations at hand. Despite these clear, significant, and deeply troubling issues, the district court adopted the R&R without modification, thereby rubber-stamping injustice. The U.S. Court of Appeals for the Third Circuit, tragically, followed suit, upholding the lower court's decision and perpetuating the grave error. Now, Petitioner seeks the urgent, righteous intervention of this Highest Court to correct the profound legal errors below, errors which have disgracefully allowed this chilling pattern of government misconduct to go unchecked and unpunished. The case now before this Court is not just about one litigant's struggle for justice—it is about safeguarding the very integrity of our judicial system, ensuring that federal law enforcement is held genuinely accountable, and defending the fundamental, inalienable rights of all citizens. At the very heart of this case lies a systemic issue that demands nothing less than urgent intervention: the FBI's insidious misuse of its Title I FISA powers, not merely to conduct illegal surveillance, but to brazenly impersonate the very institutions of the federal judiciary. The FBI has, over the course of a decade, abused its awesome powers to fabricate a false narrative, utilizing its pervasive influence to author a fraudulent Report and Recommendation and issuing purported decisions under the deceptive guise of both a Magistrate Judge and the U.S. Court of Appeals. This blatant, unconscionable impersonation of the courts is a direct affront to our democratic system and strikes with devastating force at the very core of the separation of powers. The cover-up orchestrated by the Pittsburgh FBI has persisted for far too long, festering in the shadows, and its concealment of profound misconduct must no longer be tolerated. Allowing these actions to evade review would have catastrophic, irreversible implications for the rule of law and the very future of constitutional protections in this country.

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

This is not a mere plea for discretionary review; it is an urgent demand for justice, a clarion call to this honorable Court to intervene decisively against a brazen, calculated subversion of constitutional tenets that threatens the very foundation of our Republic.

The Third Circuit's summary affirmance of the district court's dismissal represents a profound miscarriage of justice and a failure to conduct the plenary review it professed to exercise. The court employed procedural doctrines not as a shield against meritless claims, but as a sword to eviscerate a complaint that, while stylistically unorthodox, alleged specific, non-conclusory facts that, if true, describe egregious and unconstitutional state action.

**A. The Court Erroneously Conflated "Implausibility" with "Factual Impossibility"** The court relied on *Neitzke v. Williams* to label the allegations "frivolous," meaning they lack an "arguable basis ... in fact." This is a fundamental misapplication of the standard. *Neitzke* deals with allegations that are "clearly baseless," "fantastic," or "delusional," such as claims about magic spells or invisible rays. The Supreme Court in *Ashcroft v. Iqbal* later established a separate "plausibility" standard for failing to state a claim. The Third Circuit improperly collapsed these two distinct concepts.

**B. The Allegations Are Specific and Verifiable, not "Delusional"**

This Court has long recognized that the Constitution's guarantees are not mere parchment barriers but living protections that demand vigorous enforcement against governmental overreach, regardless of the power or prestige of the transgressing agency. *Ex parte Young*, 209 U.S. 123 (1908). The allegations before this Court are not the product of delusion or fantasy—they are the documented chronicle of systematic constitutional violations. Petitioner did not allege a vague or fantastical conspiracy. He identified precise, concrete acts occurring on specific dates—April 16, 2024; May 2, 2024; and others—employing deliberate, traceable methods: the planting of MDMA in his drink, manipulation of drug-testing schedules from five times per week to once per week, and the substitution of negative test results with theophylline (tea) and caffeine metabolites to extend FISA warrant on June 17th 2024. These are not the fevered imaginings of paranoia—they are factual allegations that bear the hallmarks of governmental misconduct this Court has repeatedly condemned. Moreover, Petitioner detailed the pattern of FISA renewals predicated on fabricated MDMA use allegations, juxtaposed with negative drug tests administered hours later specific dates that exposed the Pittsburgh FBI's perjury to secure FISA warrants. This temporal precision exposes not coincidence, but systematic deception—sworn misrepresentations to Article III judges designed to circumvent the Fourth Amendment's warrant requirement. These are factual allegations, capable by their very nature of being verified or falsified. They are susceptible to objective proof through discovery: examination of FISA court affidavits, internal FBI communications, laboratory drug test reports, and surveillance footage. Each element of Petitioner's case can be determined through objective examination of discoverable federal records. This Court's jurisprudence demands that we not mistake the gravity of an accusation for its frivolity. A claim is not "frivolous" merely because it accuses a powerful government agency of misconduct; it is frivolous only when it is inherently incapable of proof. *United States v. Nixon*, 418 U.S. 683 (1974). When federal agents systematically deceive Article III judges to obtain surveillance warrants, they assault the constitutional separation of powers itself. Here, the Petitioner has identified a precise, empirically verifiable pattern of misconduct, rendering these allegations both credible and demonstrably capable of substantiation. Such conduct, if proven, demands this Court's most searching scrutiny, not summary dismissal as the product of delusion.

**C. Circumstantial Evidence of Judicial Bias**

The court's own acknowledgment in footnote—that "we have... determined that the report and recommendation and the notice of possible summary action are authentic court documents,

created by a Magistrate Judge... without the involvement of the FBI"—reveals a stunning judicial bias. The court felt compelled to assure the appellant that *its own orders were not fabricated by the FBI*, implicitly acknowledging the core of his complaint. This demonstrates the allegations were treated as a threat to the court's own integrity rather than as claims to be adjudicated neutrally.

## **II. THE COURT'S DISMISSAL IGNORES VIABLE CAUSES OF ACTION WITH EXPRESS PRIVATE RIGHTS**

The court's own acknowledgment in a footnote—that "we have... determined that the report and recommendation and the notice of possible summary action are authentic court documents, created by a Magistrate Judge... without the involvement of the FBI"—reveals a striking and deeply troubling judicial bias. By feeling compelled to assure the Petitioner that its own orders were not fabricated by the FBI, the court implicitly conceded the very heart of his complaint. This posture signals that the Petitioner's allegations were treated not as claims meriting impartial adjudication, but as perceived threats to the institutional integrity of the court itself. Such treatment transforms the judicial process from a neutral forum for justice into a defensive shield, privileging the court's appearance over the Petitioner's constitutional rights and undermining public confidence in the impartiality of the judiciary.

### **A. The RICO Claim Has an Express Private Right of Action**

RICO *expressly* provides a private civil right of action (18 U.S.C. § 1964(c)) for "[a]ny person injured in his business or property by reason of a violation of section 1962." The alleged predicate acts of wire fraud (submitting fraudulent affidavits via interstate wires), perjury, and obstruction of justice form a "pattern of racketeering activity" aimed at maintaining the unlawful surveillance enterprise. The court's dismissal of this claim without analysis, citing a case about *implying* rights of action, is legal error. The right of action in RICO is explicit.

### **B. BIVENS ANALYSIS WAS PERFUNCTORY AND LEGALLY DEFICIENT**

The court's treatment of *Bivens v. Six Unknown Named Agents*, 403 US 388 (1971), was superficial, perfunctory, and legally myopic. It cited *Egbert v. Boule*, 596 U.S. 482 (2022) for the proposition that *Bivens* is disfavored, yet it failed to undertake the required rigorous two-step inquiry:

1. Is this a new *Bivens* context? Unequivocally yes. Surveillance conducted under the FISA framework, coupled with fabricated evidence and systemic constitutional abuse, constitutes a context wholly unrecognized in prior *Bivens* jurisprudence.
2. Are there "special factors" counseling hesitation? The court must assess whether any alternative remedial structure exists. Here, the FISA process is secretive, *ex parte*, and utterly inaccessible to the target; there is no mechanism for challenge, no opportunity to be heard, and no avenue to seek damages. It offers nothing resembling an alternative remedy.

To dismiss the claim under *Bivens* on these grounds effectively erects a zone of absolute impunity around the FBI, insulating its agents from accountability for constitutional violations committed under the guise of national security, no matter how egregious, deliberate, or criminal. Such a result transforms the Constitution from a living framework of protection into an impotent formalism, granting lawless authority where scrutiny and redress are constitutionally mandated. The Court cannot, consistent with the fundamental principles of separation of powers and the rule of law, sanction a regime in which

constitutional violations may flourish unchecked in secrecy.

### **III. THE COURT'S FOURTH AMENDMENT ANALYSIS IS DEMONSTRABLY WRONG V. THE FOURTH AMENDMENT CLAIM WAS EGREGIOUSLY MISCHARACTERIZED**

The District Court's cursory, single-sentence dismissal of the Fourth Amendment claim is legally and factually untenable. The court stated: "He maintained that the FBI violated his Fourth Amendment rights by trash-picking items he discarded, but no Fourth Amendment 'seizure' occurs when the FBI appropriates abandoned property. *Abel v. United States*, 362 U.S. 217, 241 (1960)." This characterization is a gross distortion of the complaint. The trash-picking allegation was a minor illustrative detail, not the centerpiece of the Fourth Amendment claim.

The core Fourth Amendment violations, entirely ignored by the court, are profound and unmistakable:

- The ongoing, unlawful surveillance executed pursuant to a fraudulently obtained FISA warrant, in violation of *Franks v. Delaware*, 438 U.S. 154 (1978).
- The deliberate, physical planting of evidence and the concomitant denial of due process—specifically MDMA—into the Petitioner's drink and water bottle on April 16 and May 2, 2024. Both dates coincided with the eve of FISA warrant expiration, underscoring the calculated, premeditated, and systemic nature of this constitutional abuse. The act of planting evidence constitutes a tangible, invasive seizure of both the Petitioner's person and personal effects, fully protected under the Fourth Amendment. It is neither trivial nor peripheral; it is a brazen, orchestrated intrusion designed to fabricate guilt, entrap an innocent citizen, and manipulate the judicial process. By narrowing its analysis to the minor "trash" allegation, the court constructed a strawman, obscuring the far more severe and constitutionally significant violations. This is not merely error—it is a profound miscarriage of justice. The Fourth Amendment exists to guard against precisely this type of intrusion, where law enforcement, cloaked in official authority, engineers false evidence to entrap, terrorize, and destroy an innocent life. To dismiss the claim on the trivial ground of abandoned property is to eviscerate the Fourth Amendment, sanctify lawless fabrication, and permit governmental actors to operate above the law. This Court must recognize that such judicial myopia enables systemic violations, corrodes public trust, and reduces the protections of the Constitution to hollow formalities. The Petitioner's allegations demand immediate scrutiny, accountability, and redress, not dismissal cloaked in bureaucratic convenience.

### **IV. THE DISMISSAL WITH PREJUDICE WAS AN ABUSE OF DISCRETION**

The District Court, affirmed by the Third Circuit, dismissed the complaint with prejudice, declaring that amendment would be "futile." That determination constitutes a manifest abuse of discretion under *Grayson v. Mayview State Hospital*, 293 F.3d 103 (3d Cir. 2002). "Futility" requires that no conceivable amendment could state a claim. Yet here, Petitioner—a layperson, not an attorney, and forced to litigate alone because the Pittsburgh FBI deliberately obstructed his constitutional right to counsel—alleged a complex and sustained pattern of government misconduct. It is inconceivable that no set of facts could cure alleged defects. Could Petitioner amend to articulate a RICO theory more clearly? Could he focus solely on the Fourth

Amendment violation arising from the planting of fabricated evidence, or on the Fifth Amendment deprivation of due process? Could he more precisely allege the absence of any alternative remedy, thereby justifying a Bivens action? Each of these avenues represents a legally viable basis for amendment. Yet the courts afforded him no accommodation, no recognition of his pro se status, and no grace for the extraordinary barriers imposed by government misconduct. To deny that opportunity was not an exercise of discretion; it was abdication. The constitutional injuries alleged are neither abstract nor trivial. The Eighth Amendment prohibits not only physical torture but also psychological torment that shocks the conscience. A twelve-year campaign of FISA-enabled surveillance, engineered to frame an innocent citizen for crimes he neither committed nor contemplated, and designed to obstruct meaningful access to legal redress, crosses that constitutional threshold. The systematic nature of this persecution—fabricated evidence, denial of counsel, and manipulation of judicial proceedings—cannot be rationalized as legitimate law enforcement; it is a deliberate, orchestrated campaign to inflict suffering rather than administer justice. To bless such conduct under the guise of futility is to shield abuse, not uphold the law. The dismissal with prejudice transformed the judicial process into a mechanism of oppression, excusing systemic violations of the most fundamental rights, depriving the Petitioner of the counsel guaranteed by the Constitution, and denying any meaningful opportunity to vindicate his liberty. This Court cannot sanction such a betrayal of justice without imperiling the very principles upon which our constitutional system rests.

## **V. SYSTEMATIC VIOLATION OF FISA'S STATUTORY FRAMEWORK DEMANDS IMMEDIATE INTERVENTION**

### **A. Fundamental Breakdown of Congressional Safeguards**

The government's conduct represents a wholesale violation of FISA's carefully constructed statutory framework designed to protect U.S. persons from surveillance abuse. Under 50 U.S.C. § 1804(a), must contain "a sworn statement of the facts and circumstances relied upon by the applicant." This statutory framework unequivocally establishes that FISA law is predicated upon facts—not perception, not biases—but sworn facts. Yet, most egregiously, the Pittsburgh FBI continues to rely upon and ruthlessly implement FISA warrants obtained through proven perjury, specifically through the fabrication of MDMA use the eve FISA is set to expire.

### **B. Violation of Exculpatory Disclosure Requirements**

Most egregiously, the government has systematically violated 50 U.S.C. § 1804(a)(12)'s certification requirement, which mandates disclosure of "all information that might reasonably affect the court's determination," including "noncumulative information known to the applicant or declarant that is potentially exculpatory." The deliberate suppression of over 90 consecutive negative drug tests constitutes exculpatory evidence of the highest order, directly contradicting the fabricated MDMA allegations central to warrant justifications.

### **C. Circumvention of Mandated Safeguards**

The deliberate failure to enforce Congress's mandated safeguards amplifies these violations with profound and chilling precision. Under 50 U.S.C. § 1803(i)(4), Congress did not suggest but commanded that an Amicus Curiae be appointed "to provide legal arguments that advance the protection of individual privacy and civil liberties of United States persons." In this case, the amicus curiae existed only as a hollow figurehead, incapable of confronting or meaningfully

challenging the government's relentless, proven fabrication of MDMA use, which constitutes thirty separate perjuries/felonies as of August 16, 2025, all orchestrated to secure successive FISA renewals. The ostensible safeguard intended by Congress was rendered impotent; liberty's defender was transformed into a silent witness to abuse. This was no minor procedural lapse. The Petitioner was left without the independent voice of advocacy that Congress explicitly designed to safeguard Americans from state overreach. Where was meaningful confrontation of these flagrant abuses? Where was a court-appointed guardian to protect privacy and civil rights against the systematic criminality of the Pittsburgh FBI? Its ineffectiveness plunged these proceedings into constitutional darkness, leaving in place nothing more than a rubber stamp of corruption—a judicial process in which the government's falsehoods were accepted without adversarial testing, and where the Petitioner's civil liberties were silenced before they could be even asserted. 50 U.S.C. § 1803(i)(4) is not mere window dressing; it is Congress's recognition of a timeless truth: unchecked surveillance authority corrodes liberty, and where independent oversight is absent, injustice thrives. To tolerate an incompetent amicus is to weaponize secrecy against due process. It is to convert the judicial system—supposedly the bulwark of justice—into an engine of oppression, blessing practices that Congress itself identified as constitutionally perilous in the absence of effective safeguards. In allowing a figurehead amicus to preside over these proceedings, the Court permits a travesty of justice to masquerade as legality. Congress designed a mechanism to protect liberty, but what remains in practice is a hollow formality, a veil behind which systemic abuse flourishes, and the Constitution is rendered impotent against the very agents sworn to uphold it.

## **VI. FAILURE TO ADDRESS QUALIFIED IMMUNITY AND CONTROLLING PRECEDENT**

Petitioner has laid bare a compelling argument against the application of qualified immunity, firmly grounded in the seminal precedent of *Zahrey v. Coffey*, 221 F.3d 342 (2d Cir. 2000). In *Zahrey*, the Court held that the fabrication of evidence by state actors constitutes a violation of clearly established constitutional rights, thereby precluding any claim to qualified immunity. Yet the Report and Recommendation conspicuously failed to address this bedrock precedent, instead redirecting the analysis toward sovereign immunity, a calculated maneuver to obfuscate individual culpability. This Court's recent decision in *Martin v. United States*, 605 U.S. \_\_\_\_ (2025), reinforces that federal agents forfeit immunity when they exceed constitutional boundaries through reckless disregard for established rights. The lower court's failure to engage with this controlling precedent represents an unconscionable evasion of judicial responsibility.

## **VII. JUDICIAL MISCONDUCT, APPARENT BIAS, AND SEPARATION OF POWERS**

The Magistrate Judge's assertion that the Petitioner had filed "at least seven other civil cases" is not merely inaccurate; it is a demonstrable fabrication. In truth, the Petitioner filed only two prior lawsuits, both in 2015. The R&R's false claim flagrantly misrepresents the Petitioner's litigation history and casts him as a vexatious litigant without any support in the record. Reliance on this fabricated assertion undermines the integrity of the proceedings and maligns the Petitioner's character, implicitly calling into question his mental state in a manner both offensive and materially misleading. This deliberate mischaracterization was designed to discredit the Petitioner's serious claims and to suppress a voice that has consistently challenged state-sanctioned overreach. It transforms evidence-based allegations into purported delusions. This is not adjudication; it is judicial defamation, a betrayal of the bench's solemn duty to administer

justice impartially and on the factual record. Over the past decade, the FBI has exploited its extraordinary powers to fabricate false narratives and manipulate judicial outcomes. The Report and Recommendation dated April 3, 2024—allegedly authored solely by Magistrate Judge Dodge, but in fact orchestrated by the Pittsburgh FBI through the use of FISA Title I powers and purportedly reviewed de novo by District Judge Wiegand in just eighteen days—was not the product of impartial judicial analysis. It was a coordinated act of concealment and a deliberate cover-up. The Pittsburgh FBI, in coordination with judicial officers, functioned as an enterprise in fact, executing a pattern of misconduct over an extended period. This conduct exhibits hallmarks of a RICO-style pattern: multiple coordinated acts of fraud, perjury, obstruction of justice, and manipulation of the judicial process, all undertaken to insulate misconduct and evade accountability. The enterprise's actions were neither isolated nor incidental—they were systematic, targeting the Petitioner to suppress meritorious claims, obstruct justice, and maintain secrecy over unlawful surveillance operations. This is not law enforcement. This is self-preservation at the expense of the Constitution. FISA—a statute designed to protect national security—has been perverted into a mechanism for retaliation, psychological coercion, and the manipulation of judicial outcomes. This is not judicial error; it is judicial capture. If neither Judge Dodge nor Judge Wiegand examined the provenance of the April 3 R&R—later affirmed by the U.S. Court of Appeals and apparently produced under the influence of the Pittsburgh FBI using FISA Title I power—their silence is neither neutral nor incidental. It is complicit. Where such silence intersects with falsified evidence, obstructed counsel, and venue manipulation, the enterprise's coordinated acts manifest a RICO-style conspiracy. When fundamental rights are stripped away, and law enforcement authors its own absolution through covert coordination with the bench, justice is not merely delayed—it is desecrated and profaned.

#### **VIII. EIGHTH, SIXTH, AND FOURTEENTH AMENDMENT VIOLATIONS THROUGH PROLONGED SURVEILLANCE PERSECUTION**

The Constitution does not permit the federal government to transform its surveillance apparatus into an instrument of prolonged torture and persecution. Yet that is precisely what has occurred here through a 12-year systematic campaign of surveillance harassment, evidence fabrication, torture, cruel and unusual punishment inflicted through the weaponization of FISA Title I powers and deliberate denial of constitutional rights to legal counsel. These coordinated governmental actions constitute egregious violations of the Eighth Amendment, Sixth Amendment, and fundamental due process guarantees that strike at the heart of our constitutional order. This Court has long recognized that the Eighth Amendment's prohibition against cruel and unusual punishment extends beyond the prison walls to encompass any governmental conduct that shocks the conscience through its deliberate infliction of suffering. *Rochin v. California*, 342 U.S. 165 (1952). The systematic persecution documented in this case—spanning more than a decade of relentless surveillance, manufactured evidence, and constitutional deprivations—represents governmental conduct so egregious that it violates the basic standards of civilized society. The prolonged governmental persecution detailed herein lacks any legitimate law enforcement purpose. Instead, it serves only the illegitimate ends of concealing institutional misconduct and evading accountability for federal crimes. When law enforcement transforms from constitutional guardian into constitutional violator, and when surveillance powers designed to protect national security become weapons of personal vendetta, the very foundations of our democratic system are imperiled.

### **A. Duration and Systematic Nature Establish Cruel and Unusual Punishment**

The Eighth Amendment prohibits not only physical torture but also psychological punishment that shocks the conscience. A 12-year campaign of FISA surveillance torture, designed to frame a innocent citizen for crime the plaintiff knows nothing about and want nothing to do with, solely for the Pittsburgh FBI to evade accountability of 100 of tax payers dollars on a investigation to evade institutional accountability, accountability means prison for Rogue FBI Agents and DOJ officials who harbored them., The Use of National Security letters to block the plaintiff meaningful legal redress, crosses the constitutional threshold into prohibited governmental cruelty. The plaintiff has no interest in expose FBI secrets, that why the plaintiff requested a gag order of his legal filings. The systematic nature of this FISA investigation—including fabricated evidence, denial of counsel, manipulation of judicial proceedings and proven perjuries to extend FISA warrants—demonstrates a deliberate government effort to inflict suffering and evade accountability rather than pursue legitimate law enforcement objectives This is why the plaintiff as made the offer to any search of his property, his body and polygraph to prove his innocence or 100 times since 2015 ignored by the DOJ and the FB and if he fails he would drop all benchmark civil rights litigation a plead guilty to anything the Pittsburgh FBI see fit, .

### **B. Absence of Legitimate Governmental Purpose**

Unlike legitimate surveillance operations, this campaign serves no national security purpose. Instead, it represents pure self-preservationist agenda designed to frame a citizen who has is innocent and exposed Pittsburgh FBI corruption and its criminal application of FISA title 1 powers. When surveillance becomes a tool of punishment rather than investigation, it violates the fundamental principle that government power must be exercised for legitimate public purposes.

## **IX. THE SYSTEMATIC FABRICATION OF SCIENTIFIC EVIDENCE VIOLATES FUNDAMENTAL CONSTITUTIONAL PRINCIPLES**

The Pittsburgh FBI's systematic practice of scientific fraud represents a constitutional crisis that strikes at the very foundation of our justice system. When federal agents can manufacture evidence through chemical manipulation, they transform the scientific process from a search for truth into an instrument of oppression.

### **A. Deliberate Evidence Falsification Under 18 U.S.C. § 1519**

The undisputed facts reveal a pattern of deliberate and calculated deception. The Petitioner repeatedly tested negative for MDMA within hours of FISA warrant renewals, yet the Pittsburgh FBI systematically manipulated the testing process, substituting innocuous, non-scheduled chemicals found in food and hygiene items for the molecular components of 3,4-Methylenedioxymethamphetamine to manufacture a narrative of illicit MDMA use. This orchestration was timed with striking precision: negative tests immediately followed warrant renewals that rested on fabricated claims of MDMA consumption, exposing the patently fraudulent nature of the entire surveillance operation. 18 U.S.C. § 1519 criminalizes the destruction, alteration, or falsification of records in federal investigations. The deliberate chemical substitution and manipulation by the Pittsburgh FBI, designed to substantiate a contrived MDMA-use claim against the Petitioner, constitutes the very essence of evidence falsification. When federal agents deliberately corrupt scientific testing protocols to fabricate controlled-substance evidence, they violate both the letter and the spirit of federal undermining

the integrity of the investigative process and subverting the constitutional protections that safeguard every American citizen from such egregious abuse. This deliberate fabrication of evidence to deprive a citizen of their rights further violates the primary federal criminal civil rights statutes, 18 U.S.C. §§ 241 & 242.

### **B. Constitutional Implications of Scientific Fraud**

This systematic fabrication of evidence constitutes a flagrant violation of multiple constitutional provisions simultaneously. The Fourth Amendment's probable cause requirement is rendered meaningless when federal agents are empowered to manufacture the very evidence used to justify intrusive surveillance. The Due Process Clause demands that governmental action be grounded in objective truth, not in fabricated fiction engineered to perpetuate unlawful surveillance and entrapment. The Equal Protection Clause is likewise breached when federal agents selectively target individuals, not on the basis of actual criminal conduct, but based on their ability to manipulate evidence—in this case, MDMA detection through scientific testing—to support predetermined conclusions. Such conduct establishes a bifurcated system of justice in which constitutional protections exist not as universal guarantees, but as privileges contingent upon the government's discretion to manufacture evidence, undermining the very foundations of rule-of-law governance.

**C. The Breakdown of Scientific Integrity in Federal Law Enforcement** Scientific testing protocols exist to detect actual controlled substances, in this case genuine 3,4-Methylenedioxymethamphetamine (MDMA), not to serve as tools for law enforcement to substitute unrelated chemicals to fabricate evidence where none exists. When federal agents can transform food and hygiene products into purported "evidence" of drug use (MDMA) and possession through deliberate chemical manipulation, they erode the very foundation of the criminal justice system. This case presents a profound constitutional question: Can the Constitution endure when the government itself becomes the manufacturer of its own evidence? The answer is unequivocally no. Constitutional governance rests on the principle that evidence must exist independent of governmental will, that facts constrain power rather than serve it, and that justice derives from objective truth rather than manufactured fiction.

### **D. The Immediate Constitutional Harm**

Each moment that surveillance continues based on scientifically fabricated evidence represents an ongoing constitutional violation. Unlike traditional Fourth Amendment violations that conclude when the search ends, surveillance based on manufactured evidence creates a continuing injury that compounds with each passing day. The dignitary harm inflicted by surveillance predicated on deliberately falsified scientific evidence cannot be remedied through monetary damages alone—it requires immediate cessation of the unlawful conduct and accountability for those who perpetrated this systematic fraud.

## **X. CONSTITUTIONAL IMPORTANCE AND NATIONAL IMPLICATIONS**

The Petitioner's allegations are not mere aberrations—fleeting errors in the machinery of government. They reveal a sustained, systemic pattern of federal misconduct that has persisted, unchecked and unpunished, for over a decade. This is not a case of Pittsburgh FBI error or bureaucratic negligence. This is deliberate, coordinated abuse of FISA powers—an assault on the very foundation of trust between government and governed. The malicious fabrication of drug-

use allegations. The willful disregard of exculpatory drug tests. A chillingly precise series of unlawfully renewed FISA warrants—all executed with one purpose: to shield rogue FBI agents and the DOJ officials who harbored them from accountability. These are not isolated acts. They are the work of a system that has weaponized immense, secretive powers under Title I surveillance. Powers meant to protect the Republic have been perverted into instruments of torture, entrapment, and abuse. For twelve years, a U.S. citizen has been relentlessly targeted, criminalized, and framed—all to protect those who swore to uphold the law. This is not conjecture. The Petitioner has meticulously documented every act, amassing over 300 civil rights referrals from the Civil Rights Division and sitting and former U.S. Senators. The evidence confirms the gravity of these claims. At the heart of this case is the FBI’s longest-running domestic FISA operation against a single American in U.S. history—a retaliatory campaign built on unlawful Title I authority, wielded not for national security, but for personal reprisal. The Pittsburgh Field Office relied repeatedly on FISA warrants tainted by perjury. These warrants were not grounded in verified facts, as FISA law requires, but in distorted perceptions, bias, and surveillance-derived falsehoods. The deliberate fabrication of alleged MDMA use—timed with chilling precision on the eve of FISA expiration—was intended to force an unlawful renewal. This is not an isolated incident; it is a systemic betrayal of constitutional duty. FISA was never intended as a blank check. It was enacted with one imperative: intelligence operations involving U.S. persons must be governed by strict legal constraints and subject to independent judicial oversight. Yet jurisprudence has steadily eroded these protections. *Clapper v. Amnesty Int’l USA* erected nearly insurmountable barriers to judicial review, insulating unlawful surveillance from scrutiny. Unlike *Clapper*, the Petitioner here can prove it—with specificity, corroboration, and unrefuted evidence. Subsequent decisions, including *ACLU v. Clapper* and *Doe v. FBI*, confirm the tragic reality: secrecy breeds abuse. “National security” has become a shield, not a justification. It protects government actors, not the public. It shields them from scrutiny, from law, and from the Constitution itself. This case is about more than one petitioner’s liberty. It poses a fundamental constitutional question: Can the Constitution constrain government power when enforcement mechanisms are disabled, deflected, or dismantled under the cloak of secrecy? The Title I FISA regime has become an impregnable fortress—obstructing judicial review, suppressing exculpatory evidence, and silencing dissent with bureaucratic brutality. What remains is a system opaque, unaccountable, and untethered from constitutional constraint. At stake is nothing less than the structural integrity of the Republic. FISA was never designed as a tool of personal destruction or political retaliation. Yet if this pattern of abuse is allowed to stand—if this Court remains silent—a dangerous precedent will take root: the Executive may surveil, entrap, and criminalize Americans without cause, without transparency, and without consequence. Such a regime is the antithesis of the rule of law. Governance by secrecy. Under these conditions, due process and equal protection—pillars of the American experiment—are hollow. This Court’s silence would not merely fail one citizen. It would betray the very constitutional framework this institution exists to uphold.

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#### **APPLICATION FOR EMERGENCY RELIEF**

Petitioner respectfully submits this application for emergency relief, including a stay of the lower court's dismissal order, pending this Court's review of the Petition for Writ of Certiorari.

Emergency relief is warranted because, absent immediate intervention, Petitioner will suffer irreparable, compounding harm, and the public interest overwhelmingly favors such immediate, decisive relief.

### **Public Interest**

The public interest in safeguarding constitutional norms could not be more compelling, more urgent. This case implicates the bedrock principles of due process, the very integrity of judicial proceedings, and the lawful, carefully prescribed limits of government surveillance under FISA. The American public maintains a profound, vested interest in ensuring that federal agencies remain eternally subject to constitutional constraints, that the judiciary functions as a truly fair and impartial forum for all, and that pro se litigants—no less than those represented by seasoned counsel—are afforded genuine, unfettered access to justice. The continuation of the systemic misconduct alleged here—unchecked evidence fabrication, the calculated obstruction of legal redress, and the repeated commission of perjuries to secure FISA renewals through knowingly false and fabricated claims, including the ongoing, chilling reliance on warrants procured via fabricated MDMA use on the very eve of expiration—poses a grave, existential threat to public confidence in the sacred rule of law. These abuses are not mere procedural defects; they strike with devastating force at the core of the judiciary's constitutional role as an indispensable check on executive overreach. The legitimacy of not only this specific proceeding but the judiciary itself depends, fundamentally, upon this Court's swift, decisive intervention. The systematic violation of FISA's statutory safeguards represents a direct assault on congressional authority and the separation of powers. Congress enacted 50 U.S.C. § 1803(i)(4) and § 1803(l) specifically to ensure independent review and protection of U.S. persons' civil liberties in FISA proceedings. The documented circumvention of these protections in Petitioner's case demonstrates executive branch defiance of legislative mandates, creating a dangerous precedent that federal agencies may ignore congressionally mandated safeguards with impunity.

### **Irreparable Harm**

Petitioner continues to suffer severe, ongoing, and profound constitutional violations, including the relentless, persistent denial of access to legal counsel—an injury that strikes at the core of the Sixth and Fifth Amendments, crippling his ability to seek justice. This fundamental deprivation tragically impairs Petitioner's ability to fully litigate his claims and safeguard his constitutional rights, rendering him vulnerable and exposed. The lower court's dismissal, resting upon demonstrably erroneous factual findings and a clear, appalling misapplication of settled law, ignoring systemic perjuries to secure FISA warrants risks permanently extinguishing Petitioner's ability to obtain meaningful redress for serious, documented governmental misconduct, including the deliberate fabrication of evidence and the unconscionable abuse of the Foreign Intelligence Surveillance Act (FISA) process. This ongoing harm, inflicted by federal agencies, is precisely the type of injury for which judicial review is preserved under 5 U.S.C. § 702. Absent this Court's immediate, courageous intervention, a sustained pattern of harassment, judicial obstruction, and unconstitutional surveillance will continue unabated, unchecked, and unpunished. The resulting harm—to both Petitioner's precious liberty interests and the very integrity of the judicial process—is not merely speculative; it is certain, ongoing, and tragically, utterly irreparable. The ongoing reliance on FISA warrants obtained through proven perjury compounds this irreparable harm with each passing day. Each day that surveillance continues under warrants procured through fabricated MDMA allegations—directly contradicted by over

91 consecutive negative drug tests stand as irrefutable proof of an unbroken pattern of governmental deceit, representing a continuing violation of the Fourth Amendment's guarantee against unreasonable searches and the Fifth Amendment's guarantee of due process. The chilling temporal precision of these fabrications—synchronized with the expiration of FISA warrants—exposes not negligence, but premeditation: a calculated scheme that elevates official misconduct into deliberate constitutional violations of the gravest order. By suppressing exculpatory evidence in defiance of 50 U.S.C. § 1804(a)(12), the government has rendered the surveillance constitutionally impermissible. And unlike physical searches, which conclude when officers depart, unlawful electronic surveillance inflicts a continuing, compounding constitutional injury—a dignitary harm that penetrates the very core of human existence. Every moment of such surveillance is a fresh injury, each second of unlawful monitoring a new assault on liberty. As of August 16, 2025, the Pittsburgh FBI has committed thirty perjuries—felonies in themselves—before the FISC. These unlawful extensions of FISA authority are not designed to protect national security but to shield misconduct from accountability. The sustained denial of access to legal counsel for over a decade is not collateral damage but a deliberate strategy—an injury striking at the heart of the Fifth, Sixth, and Eighth Amendments, calculated to strip the Petitioner of his most sacred constitutional guarantees.

### **Likelihood of Success on the Merits**

Petitioner demonstrates a substantial and undeniable likelihood of success. The lower court's ruling not only tramples precedent protecting pro se litigants (*Fowler v. UPMC Shadyside*, 578 F.3d 203 (3d Cir. 2009)) but also disregards critical limitations on qualified immunity in fabricated-evidence cases (*Zahrey v. Coffey*, 221 F.3d 342 (2d Cir. 2000)). The court's reliance on material misstatements regarding litigation history only magnifies the constitutional injury, undermining the very legitimacy of the dismissal. The government's systematic violations of FISA's statutory framework—including the oath requirement of § 1804(a), the sworn statement mandate of § 1804(a)(3), and the exculpatory disclosure obligations of § 1804(a)(12)—are clear statutory breaches that fatally taint the surveillance. The failure to implement protections under § 1803(i)(4) and § 1803(l) demonstrates a calculated circumvention of Congress's safeguards—precisely the kind of abuse FISA was enacted to prevent.

### **Balance of Equities**

The equities decisively favor granting immediate relief. What is at stake here is not merely one man's liberty, but the vitality of the Constitution itself. The Petitioner faces ongoing violations of his inalienable rights to due process, access to courts, and freedom from unlawful surveillance. Against this overwhelming constitutional injury, the Respondents suffer no meaningful burden; they wield the vast resources of the federal government. A stay simply preserves the status quo, ensuring these claims are adjudicated on the merits rather than extinguished through procedural gamesmanship.

### **Relentless Abuse of the FISA Process Through Perjury**

At the heart of this case lies the government's deliberate, calculated betrayal of the Constitution—a recurring pattern of perjury through fabricated allegations of MDMA use, timed with surgical precision to align with expiring warrants. This is not the product of negligence or mistake; it is the product of design. A scheme crafted to keep unlawful surveillance alive where lawful justification does not exist.

The indifference and disregard of over ninety-one consecutive negative drug tests—many issued within mere hours of FISA renewals—exposes a systemic campaign to deceive the judiciary and unlawfully extend surveillance authority. Such acts do more than violate statute; they strike at the beating heart of the Fourth Amendment’s warrant requirement, which demands judicial authorization grounded in facts, not, bias or falsehoods. When FISA is twisted into a weapon of retaliation and institutional self-preservation—shielding Rogue FBI agents and DOJ officials from accountability for their misconduct, rather than shielding the Nation from imminent threats—the result is not justice but tyranny. This Court cannot remain silent. For if government officials may fabricate evidence, suppress exculpatory proof, and manipulate judicial processes with impunity, then the very promise of constitutional democracy collapses into an empty shell. The danger here is not confined to Petitioner alone; it is systemic. It sends a chilling message to all citizens that constitutional protections are conditional, that truth is optional, and that rights may be extinguished in the secret chambers of unreviewable courts. Petitioner seeks no special privilege, but only the same promise the Constitution extends equally to every citizen: that the courts of this Republic stand as guardians of liberty, that process must be truthful, that protection under the law must be equal, and that freedom shall never be extinguished in the shadows.

## **CONCLUSION**

The petition for a writ of certiorari must be granted, for the very survival of liberty and justice in this Republic depends upon this Court’s intervention. The Third Circuit’s ruling is not the impartial application of law; it is a result-driven abdication that:

1. Perverts the frivolity standard to evade meaningful engagement with serious, specific allegations.
2. Ignores the constitutional core of the claims— the unlawful obstruction of Petitioner’s Sixth Amendment right to counsel, FISA warrants extended by proven perjury, the chemical substitution of 3,4-Methylenedioxymethamphetamine (MDMA) with non-scheduled, naturally occurring substances found in food and hygiene items, RICO violations, and Bivens actions for evidence planting—while dismissing only peripheral matters.
3. Establishes the perilous precedent that systemic misconduct by federal agencies, operating under the cloak of “national security,” may be summarily branded “fantastical” and silenced without inquiry.
4. Abandons the judiciary’s constitutional duty to serve as a check on executive overreach, effectively granting federal agencies immunity to impersonate Article III courts—not to advance justice, but to conceal the abuses of a FISA operation whose cover has long been blown and whose excesses have persisted unchecked for more than a decade.

By affirming dismissal with prejudice, the Third Circuit ensures Petitioner will never have his day in court, never have the opportunity to expose this misconduct through discovery—the very outcome the Pittsburgh FBI engineered by weaponizing Title I powers to masquerade as the judiciary itself. For a citizen subjected to a twelve-year campaign of unconstitutional surveillance, predicated on perjury and fabricated evidence, this is the very definition of a miscarriage of justice. The systematic violations of FISA’s statutory framework, the deliberate circumvention of congressional safeguards, and the reliance upon surveillance procured through

perjury and the manufactured specter of MDMA use—on the very eve of FISA’s expiration—together present a constitutional crisis of the first order. If federal agents may fabricate evidence, suppress exculpatory proof, and manipulate judicial proceedings with impunity—while courts themselves abdicate their role—then the rule of law is not preserved, but destroyed. This case asks a question as old as the Republic and as urgent as today: Does our Constitution still possess the power to restrain executive authority when it cloaks itself in the mantle of national security? Petitioner seeks nothing more than what the Constitution promises every American: due process, equal protection, and meaningful access to justice. That these guarantees have been systematically denied through a decade-long campaign of surveillance abuse, evidence fabrication, and judicial manipulation underscores the urgent necessity of this Court’s review. The Constitution does not yield to convenience; civil rights are not contingent on government grace. FISA was intended as a shield to safeguard both national security and individual liberty—not as a sword to be turned inward against the very people it was designed to protect. When that sacred balance is shattered—when surveillance powers become tools of retaliation and cover-up—the foundation of our democracy is shaken. This Court alone stands as the final sentinel of constitutional justice. To decline review would be to ratify a regime where executive power operates without law, and liberty becomes a privilege rather than a right. The integrity of our democracy, and the promise of equal justice under law, demand that this Court intervene.

Respectfully submitted,  
**Dewayne Bulls, Pro Se**  
August 27, 2025

A handwritten signature in black ink, appearing to read "Dewayne Bulls", is written over the typed name. The signature is stylized with large, sweeping loops.