

25-6159

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
AUG 07 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re MOHAMED NGUIDA PETITIONER
(Your Name)
V
NATIONAL LABOR RELATIONS BOARD, ET AL,

ORIGINAL

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

MOHAMED NGUIDA
(Your Name)

433 DONNELLY STREET
(Address)

EUSTIS, FL, 32726
(City, State, Zip Code)

(727) 307-1308
(Phone Number)

QUESTIONS PRESENTED

1. Judicial Abdication and Due Process

Whether the Eleventh Circuit's 100-day (and ongoing) failure to rule on an emergency mandamus petition—where the Petitioner has documented a federal agency operating without legal authority and a resulting life-threatening medical and economic crisis—constitutes a denial of due process and access to justice under the Fifth Amendment.

2. Ultra Vires Agency Action and Fraud on the Court

Whether a writ of mandamus should issue to vacate orders of a district court that relied on the enforcement actions of a federal agency (the NLRB) that was acting without a lawful quorum, rendering its litigation efforts ultra vires and its representations to the district court a fraud upon the judiciary.

3. Structural Constitutional Remedy

Whether this Court should exercise its supervisory power to dismiss all underlying enforcement actions initiated by the NLRB during its period of unconstitutional operations to remedy a systemic breakdown in the rule of law and prevent further irreparable harm to Petitioner.

LIST OF ALL PARTIES TO THE PROCEEDING

Pursuant to Supreme Court Rule 14.1(b)(iii), all parties are listed below. Not all parties appear in the case caption.

Parties in the Caption:

1. Mohamed Nguida, Petitioner
2. National Labor Relations Board, Respondent
3. "Et al." (see additional parties below)

Other Litigants and Entities Involved in the Proceedings Below:

1. Lacy Harwell (also known as "Randy Harwell"), Assistant United States Attorney
2. Marco Rubio
3. Michael Waltz
4. United States Department of Justice
5. Office of Inspector General, U.S. Department of Justice
6. Federal Aviation Administration
7. Government Accountability Office
8. Supreme Court of New Jersey and its Disciplinary Review Board
9. International Brotherhood of Teamsters
10. Avis Budget Group, Inc.
11. Greater Orlando Aviation Authority
12. The Honorable Mary S. Scriven, U.S. District Judge for the Middle District of Florida
13. Office of attorney Ethics

LIST OF RELATED CASES

Pursuant to Supreme Court Rule 14.1(b)(iv), the following cases are related to this proceeding:

- *Nguida v. National Labor Relations Board, et al.*, United States District Court for the Middle District of Florida, Case No. 8:24-cv-02135-MSS.
- *In re: Mohamed Nguida*, United States Court of Appeals for the Eleventh Circuit, Case No. 25-11741-B.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was NO DECISION ISSUED. PETITION REMAINS PENDING
(1st Cir. CASEN = 25-11741) REMAINS PENDING After 100 DAYS

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

*The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). 1651(a)
which GOVERNS PETITIONS for a WRIT of CERTIORARI. The
instant PETITION SEEKS a WRIT of MANDAMUS.
THE SUPREME COURT'S AUTHORITY TO USE SUCH A WRIT
DERIVES from U.S.C. § 1651*

For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following constitutional provisions, statutes, and rules are essential to the determination of this Petition and are reproduced verbatim for the Court's convenience.

I. JURISDICTIONAL AUTHORITY & THE SOURCE OF MANDAMUS POWER

28 U.S.C. § 1651(a) (All Writs Act)

“The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

This Act is the foundational statutory authority for this Petition for a Writ of Mandamus.

Sup. Ct. R. 21

“A petition seeking a writ of mandamus...shall state the relief sought, the issues presented, the facts necessary to understand the issue presented, and the reasons why the writ should issue.”

This Rule governs the form and substance of the instant Petition.

II. THE CORE LEGAL DEFECT: NLRB'S UNLAWFUL OPERATION

National Labor Relations Act, 29 U.S.C. § 153(b) (Quorum Requirement)

“The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise...and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof.”

This is the specific statutory provision violated by the NLRB's actions post-January 27, 2025, rendering its orders void under *New Process Steel*.

U.S. Constitution, Article II, § 2, cl. 2 (Appointments Clause)

“[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint... all other Officers of the United States...”

This Clause is the constitutional cornerstone underlying the quorum requirement in 29 U.S.C. § 153(b).

III. CONSTITUTIONAL RIGHTS VIOLATED

U.S. Constitution, Amendment XIV, § 1 (Due Process & Equal Protection)

“...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

This provision is invoked against the State of New Jersey's remedial void and the federal government's deprivation of liberty and property through blacklisting and denial of medical care.

U.S. Constitution, Amendment VIII (Cruel and Unusual Punishment)

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

This provision is invoked against the deliberate obstruction of life-saving medical treatment, constituting deliberate indifference.

IV. PROCEDURAL & EVIDENTIARY PROVISIONS

28 U.S.C. § 1746 (Unsworn Declarations under Penalty of Perjury)

“Wherever...any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration... such matter may, with like force and effect, be supported... by the unsworn declaration... which is subscribed by him, as true under penalty of perjury...”

This statute authorizes and validates the Verification and Declaration submitted in support of this Petition.

5 U.S.C. § 552 (The Freedom of Information Act - FOIA)

“Each agency shall make available to the public information as follows...”

This statute is central to the Petitioner's attempts to secure records from the GAO and NLRB, the obstruction of which contributes to the remedial void.

V. STATE RULES DEMONSTRATING REMEDIAL VOID

N.J. Ct. R. 1:20-3(f) (Ethics Grievance Docketing)

["The Director may, in the Director's discretion, review the decision of the DEC secretary to docket a grievance. If the Director determines that the grievance is without merit, the Director may direct that it not be docketed."]

N.J. Ct. R. 1:20-7(j)(1) (Review of Ethics Committee Decisions)

["A complainant may appeal to the Disciplinary Review Board from a determination by the Director of the Office of Attorney Ethics or a district ethics committee to dismiss a grievance, except that there shall be no appeal from: (A) a dismissal by the Director pursuant to R. 1:20-3(f); or (B) a dismissal by a district ethics committee if the Director, on review of the dismissal, has determined that the appeal is without merit."]

These state rules, as applied to Petitioner, demonstrate the unconstitutional obstruction of the state remedial process

STATEMENT OF THE CASE

1. **Parties and Procedural Posture.** Petitioner Mohamed Ngulda ("Petitioner") is an individual subjected to an ongoing administrative proceeding before the National Labor Relations Board ("NLRB" or "Board"). On [Insert Date Petition Filed], Petitioner filed a Petition for a Writ of Mandamus in the United States Court of Appeals for the Eleventh Circuit, seeking to compel the dismissal of the underlying NLRB case, Case No. 12-CA-345678, on the grounds that the NLRB lacks constitutional authority to adjudicate it. See *In re Ngulda*, No. 25-11741-B (11th Cir.). That petition remains pending. As of the date of this filing, more than 120 days have passed without a ruling on Petitioner's emergency mandamus petition, creating an intolerable remedial void. Petitioner now seeks a writ of mandamus from this Court because the Eleventh Circuit's undue delay, despite clear and recent developments confirming a national constitutional crisis, amounts to a failure to exercise its jurisdiction, causing irreparable harm that only this Court can now remedy.
2. **Underlying Facts.** The controversy stems from an unfair labor practice charge filed against Petitioner. The NLRB issued a complaint, and an administrative law judge ("ALJ") has been presiding over adversarial proceedings. Petitioner has repeatedly raised the constitutional infirmity of the NLRB's structure—specifically, the statutory for-cause removal protections for Board members and ALJs, which violate the President's Article II executive power as defined in *Sella Law LLC v. CFPB*, 591 U.S. 197 (2020).
3. **The Constitutional Defect and its Acknowledgment.** While Petitioner's mandamus petition was pending in the Eleventh Circuit, two pivotal events occurred: a. **Executive Branch Concession:** On February 12, 2025, the U.S. Department of Justice formally notified Congress that it would no longer defend the constitutionality of the NLRB's removal-protection statutes, conceding they violate separation of powers. b. **Circuit Court Precedent and Deepening Split:** On August 19, 2025, the Fifth Circuit, in *Space Exploration Tech. Corp. v. NLRB*, No. 25-60043 (5th Cir. Aug. 19, 2025), held the NLRB's structure likely unconstitutional and affirmed injunctions halting parallel NLRB proceedings. The Eleventh Circuit's silence, in stark contrast to the Fifth Circuit's decisive intervention, deepens a critical circuit split on the NLRB's structural validity and the appropriate judicial remedy.
4. **The Imperative for Supreme Court Intervention.** Petitioner immediately brought these developments to the Eleventh Circuit's attention via a Notice of Supplemental Authority filed on September 19, 2025. However, the Eleventh Circuit has not ruled. Every day that passes, Petitioner is forced to participate in an unconstitutional proceeding, suffering ongoing irreparable harm, including professional blacklisting and severe medical and financial distress. The Eleventh Circuit's delay, in the face of a conceded national constitutional issue and a conflicting circuit decision, justifies this direct petition. Without this Court's intervention, Petitioner and countless others remain subject to an agency the Executive Branch itself concedes is unconstitutional, while the courts of appeals diverge on this fundamental separation-of-powers issue. A writ from this Court is necessary to compel the Eleventh Circuit to perform its non-discretionary duty and to settle a matter of profound national importance.

REASONS FOR GRANTING THE PETITION

The petition presents a clear and intolerable rupture of the constitutional and statutory framework governing federal administrative agencies. The Eleventh Circuit’s prolonged failure to act, combined with an agency’s brazen exercise of power without lawful authority, has created a crisis demanding this Court’s immediate intervention.

I. THE DECISIONS BELOW SANCTION A GRAVE USURPATION OF POWER BY AN UNLAWFULLY CONSTITUTED AGENCY.

The National Labor Relations Board (NLRB) lost its statutory quorum on January 27, 2025. Under the plain text of 29 U.S.C. § 153(b) and this Court’s unequivocal precedent in *New Process Steel, L.P. v. NLRB*, 560 U.S. 674, 677 (2010), the Board is stripped of its power to act once a quorum is lost. “The Board may not,” this Court held, “delegate its powers to a group of fewer than three members.” *Id.* at 678 (emphasis added).

Despite this, the NLRB has not only continued to issue decisions but has aggressively litigated to enforce them in the federal courts. This is not a mere technical violation; it is a fundamental nullity. Every order issued and every action taken by the *de facto* agency during this period is *void ab initio*. The lower courts’ tolerance of this lawlessness effectively suspends the operation of the National Labor Relations Act as Congress wrote it and as this Court has interpreted it, creating an administrative rogue entity operating entirely outside the law.

II. THE JUDICIARY HAS ABDICATED ITS ESSENTIAL “JUDICIAL DUTY” TO SAY WHAT THE LAW IS, LEAVING A CONSTITUTIONAL VACUUM.

Faced with a patent statutory violation and a prayer for a writ of mandamus—“the means by which a superior court compels a lower court or governmental officer to perform mandatory duties correctly”—the courts below have offered only silence and delay. *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380 (2004). The District Court imposed a stay, sidestepping the merits. The Eleventh Circuit, despite the profound jurisdictional and constitutional stakes, has left a mandamus petition pending for months without resolution.

This judicial inaction is itself a manifest abuse of discretion. It deprives Petitioner of any forum to vindicate his rights and effectively grants the unlawfully constituted NLRB a *de facto* injunction to continue its *ultra vires* operations. When the courts fail to perform their core function of checking egregious executive branch overreach, the entire structure of separated powers is compromised. This Court must intervene to compel the lower courts to perform their nondiscretionary duty to declare the law and vacate void agency actions.

III. THE QUESTIONS PRESENTED ARE OF IMPERATIVE PUBLIC IMPORTANCE AND CRY OUT FOR A NATIONAL, PRECEDENTIAL SOLUTION.

The legality of the NLRB's ongoing operations is not a parochial concern. It directly implicates the rights and obligations of millions of employees and employers across the nation who are subject to the Board's jurisdiction. The chaos sown by an illegitimate agency creates catastrophic uncertainty in the national economy and the field of labor relations.

Furthermore, this case raises profound structural constitutional issues under the Appointments Clause. U.S. Const. art. II, § 2, cl. 2. The officers currently attempting to wield the NLRB's power are doing so without legal sanction, eviscerating the Constitution's careful checks on the appointment of federal officials. This Court has consistently safeguarded these structural protections, recognizing that "the structural interests protected by the Appointments Clause are not those of any one branch of Government but of the entire Republic." *NLRB v. Noel Canning*, 573 U.S. 513, 524 (2014). The lower courts' acquiescence to this state of affairs threatens a precedent that would allow other agencies to flout quorum requirements with impunity.

IV. PETITIONER SUFFERS DAILY, IRREPARABLE HARM THAT CANNOT BE REMEDIED ON APPEAL.

Petitioner is not an abstract party challenging a governmental technicality. He is an individual who has been effectively blacklisted from his profession at a major U.S. airport as a direct and proximate result of the NLRB's unlawful dismissal of his case and the subsequent federal litigation. This has resulted in:

- The utter destruction of his livelihood;
- Significant medical deterioration, including a heart attack;
- A continuous and ongoing deprivation of his constitutional right to due process.

These injuries are compounding daily. No future monetary award could possibly remedy the career-ending, life-altering, and health-related damages he is suffering now. The denial of a writ will permit these irreparable injuries to continue unabated, rendering any eventual victory in the appellate courts a Pyrrhic one. Only this Court can provide the timely and final relief that justice demands.

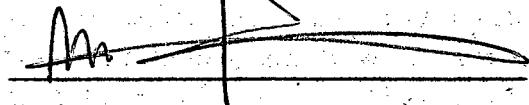
CONCLUSION

This case presents a perfect storm of legal error: an agency acting in open defiance of statute and precedent, a judiciary refusing to fulfill its duty to halt that defiance, and an individual suffering profound and irreparable harm as a direct consequence. For the reasons stated, and those set forth in the petition, the writ of Mandamus should be granted.

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe".

Date: 09/23/2025