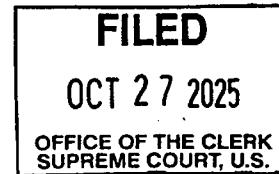


25-6299



SUPREME COURT OF THE UNITED STATES
ORIGINAL

PETER JOSEPH POLINSKI

Petitioner in Equity

-v.

UNITED STATES

Respondent

WRIT OF CERTIORARI

From Federal Court of Appeals for the Federal Circuit
Case No. 25-1561

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WRIT OF CERTIORARI

In the Supreme Court of the United States

Peter Polinski, Living Man, Ecclesiastical) Case No.
Minister, Private Attorney General,
Ambassador for Christ

Petitioner in Equity

)

) Judge:

V.

)

)

The United States of America

) PETITION FOR WRIT OF
CERTIORARI

Respondent.)

PETITION FOR WRIT OF CERTIORARI

I. QUESTIONS PRESENTED

1. Whether the United States is liable under the Tucker Act and the Fifth Amendment's Takings Clause when a State Treasurer, acting under federally delegated financial authority, refuses to discharge lawful obligations secured by a bonded bill of exchange and commercial surety instruments, thereby resulting in a constructive taking of private property.
2. Whether Article III, Section 2 of the United States Constitution permits a *sui juris* living man to file claims in the U.S. Court of Federal Claims, and whether such claims based on federal commercial obligations and trust instruments fall within the court's jurisdiction under 28 U.S.C. § 1491.
3. Whether the use of the Court Registry Investment System (CRIS), governed by 28 U.S.C. §§ 2041–2042 and Federal Rule of Civil Procedure 67.1, in coordination with state court

proceedings, constitutes a federal takings when the funds or bonded instruments deposited are converted without compensation.

4. Whether 48 C.F.R. §§ 28 and 53, relating to sureties and federal contract performance, provide additional money-mandating authority and fiduciary obligations when private parties submit bonded obligations in satisfaction of federal debt.
5. Whether the Federal Circuit and the Court of Federal Claims erred by dismissing the complaint *sua sponte* without addressing the factual substance or documentary evidence of a valid deposit, bonded instrument, and commercial surety that triggered a duty to perform by federal actors.
6. Whether judicial avoidance of the merits in cases involving *sui juris* litigants violates due process and the canon of judicial ethics, especially where statutory obligations are facially invoked and not rebutted with controlling authority.
7. Whether the alleged conduct of state actors implementing federal financial policy constitutes federal action under *Lebron v. Nat'l R.R. Passenger Corp.*, 513 U.S. 374 (1995), *Brentwood Academy v. TSSAA*, 531 U.S. 288 (2001), and *San Francisco Arts & Athletics v. USOC*, 483 U.S. 522 (1987), thus triggering direct liability under the Takings Clause.

II. PARTIES TO THE PROCEEDING

Petitioner is Peter Polinski, *sui juris*, a Natural Person, executor and secured party creditor of property deposited and bonded in connection with this matter.

Respondent is The United States of America, named as Defendant-Appellee in the U.S. Court of Appeals for the Federal Circuit, and previously named as Defendant in the United States Court of Federal Claims, Case No. 24-2124.

III. RELATED PROCEEDINGS

The following related proceedings are directly related to this petition:

- **Peter Joseph Polinski v. United States**, No. 24-2124C, United States Court of Federal Claims.

Judgment entered: March 25, 2025. Motion for Reconsideration denied: May 2, 2025.

- **Peter Joseph Polinski v. United States**, No. 25-1561, United States Court of Appeals for the Federal Circuit.

Judgment affirmed: September 4, 2025. Panel Rehearing denied: October 2, 2025.

No other proceedings are directly related within the meaning of Supreme Court Rule 14.1(b)(iii)

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IV. JURISDICTION

The judgment of the United States Court of Appeals for the Federal Circuit was entered on September 4, 2025. The Petitioner filed a timely Petition for Rehearing pursuant to Rule 40 on September 18, 2025, which was denied on October 2, 2025.

This petition is filed within 90 days of the denial of rehearing, in accordance with Rule 13.3 of the Rules of the Supreme Court.

Jurisdiction is invoked under 28 U.S.C. § 1254(1), which authorizes this Court to review by writ of certiorari the final judgments or decrees rendered by a United States court of appeals.

In the court below, Petitioner alleged violations of the Takings Clause of the Fifth Amendment, invoking jurisdiction under the Tucker Act, 28 U.S.C. § 1491, and cited federal money-mandating provisions including 31 U.S.C. §§ 1304 and 1346, 15 U.S.C. § 1122, and 42 U.S.C. § 4202. Petitioner also asserted violations of federal procedure and trust law through the operation of state actors under color of federal authority, implicating the Court Registry Investment System (CRIS) under 28 U.S.C. §§ 2041–2042 and Federal Rule of Civil Procedure 67.1.

The lower courts erroneously dismissed the complaint for lack of subject matter jurisdiction, refusing to consider the federal nexus, the express trust, and the federal takings claim arising

from bonded securities and negotiable instruments deposited with the New York State Treasurer and wrongfully absorbed under federal banking infrastructure and policy.

Accordingly, this Court has jurisdiction to review this case under the United States Constitution Article III, § 2, as the claims arise under federal law and the United States is the real party in interest, regardless of whether its agents acted through state channels.

V. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment V (Takings Clause)

No person shall be... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Article III, § 2

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made... under their Authority... [and] to Controversies to which the United States shall be a Party...”

28 U.S.C. § 1254(1)

“Cases in the courts of appeals may be reviewed by the Supreme Court by... writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.”

28 U.S.C. § 1491 (The Tucker Act)

Grants the U.S. Court of Federal Claims jurisdiction over claims against the United States founded upon the Constitution, an Act of Congress, a regulation of an executive department, or an express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

28 U.S.C. §§ 2041–2042

Establishes the Court Registry Investment System (CRIS) and the framework for depositing and withdrawing funds subject to the order of the court, including obligations involving trust assets, bonds, and securities.

31 U.S.C. § 1304

Authorizes payment of judgments and compromise settlements against the United States from permanent indefinite appropriations.

31 U.S.C. § 1346

Authorizes appropriations to pay claims certified by law and decisions of courts against the United States.

42 U.S.C. § 4202

Provides for coordination of federal and state programs and the recognition of obligations between agencies, especially in the context of disability and other federal-state obligations involving citizen rights and credits.

15 U.S.C. § 1122

Waives sovereign immunity of the United States in trademark proceedings, representing a broader principle that the United States can be sued in matters involving property, rights, or equitable claims under federal jurisdiction.

Federal Rule of Civil Procedure 67

Governs deposits in court and registry accounts, including funds held under CRIS, reinforcing judicial oversight of seized or held property.

48 C.F.R. §§ 28 and 53

Codifies federal acquisition regulations (FAR) governing bonds, sureties, and security interests in federal contracting and obligations involving third-party performance or trust-based fiduciary structures.

United States Constitution, Article VI, Clause 2 (The Supremacy Clause)

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

VI. STATEMENT OF THE CASE

Petitioner, Peter Polinski, *sui juris*, filed suit in the United States Court of Federal Claims on December 26, 2024, asserting a claim for just compensation under the Fifth Amendment Takings

Clause and pursuant to the Tucker Act, 28 U.S.C. § 1491. Petitioner alleged that the New York State Treasurer and officials of the Town of Schuyler unlawfully seized bonded instruments, promissory obligations, and registered securities, which were private property lawfully deposited and tendered by the Petitioner. These takings occurred in connection with state proceedings involving a third party but were carried out under color of federal authority and in systemic participation with the Court Registry Investment System, governed by 28 U.S.C. §§ 2041 and 2042 and Federal Rule of Civil Procedure 67.1.

The original complaint identified a violation of federally protected property rights and the unlawful conversion of federal obligations executed under the authority of the General Services Administration (GSA) and other Treasury-backed instruments. The Petitioner alleged that state actors, acting as de facto federal agents or as parties benefiting from federal funding and regulatory entwinement, caused the taking of lawful assets without compensation, thereby implicating federal liability under established Supreme Court precedent. The amount in controversy was stated as \$468,000,000.00 in damages, reflecting the face value and enforceable nature of the underlying instruments and interests.

On February 13, 2025, the Court of Federal Claims (Judge Bruggink, Case No. 24-2124) sua sponte dismissed the action for lack of subject matter jurisdiction, holding that the complaint impermissibly named state defendants and failed to invoke a money-mandating source of law. The court concluded that the claims arose from torts and constitutional provisions not recognized as jurisdictional triggers under the Tucker Act, namely the Fourth, Fifth (Due Process), and Thirteenth Amendments.

Petitioner timely appealed to the United States Court of Appeals for the Federal Circuit, Case No. 25-1561. On September 4, 2025, the Federal Circuit summarily affirmed the dismissal in a nonprecedential opinion, stating that Petitioner's claims were "sweeping," "frivolous," and did not demonstrate a proper takings claim under the Fifth Amendment. The panel failed to address Petitioner's invocation of Title 31 (U.S.C. §§ 1304, 1346), Title 28 (U.S.C. §§ 2041–2042), and federal liability stemming from custodial mismanagement of private property under the CRIS system. The panel also failed to acknowledge this Court's binding precedent on federal responsibility where state action is entwined with federal obligations.

Petitioner timely filed a petition for rehearing on September 16, 2025, which was denied on September 30, 2025. This Petition for Writ of Certiorari follows, within the 90-day timeframe set forth in Supreme Court Rule 13.

VII. REASONS FOR GRANTING THE PETITION

Petitioner has exhausted all available remedies in both the United States Court of Federal Claims and the United States Court of Appeals for the Federal Circuit. Despite proper filings, timely appeals, and reliance on federal constitutional and statutory provisions, Petitioner has been denied due process of law and remedy for the unlawful taking of private property by actors enforcing federal obligations.

1. The Court Below Ignored Petitioner's Tucker Act Right to Just Compensation for a Federal Taking

The United States Court of Federal Claims failed to properly analyze Petitioner's claims under the Takings Clause of the Fifth Amendment and the Tucker Act, Title 28 U.S.C. § 1491.

Petitioner's financial instruments were deposited through the New York State Treasury and processed into the Court Registry Investment System, ultimately placing them into the custody of the United States Treasury. These instruments were never returned or compensated. The lower courts disregarded this as a mere "sweeping assertion" and refused to address the federal nature of the takings, ignoring binding precedent that permits Takings Clause claims where state actors are executing federal obligations.

2. The Lower Courts Disregarded Statutory Federal Obligations Established by Title 31 and Title 28 of the United States Code

Petitioner's claims arise directly from federal fiduciary obligations codified in Title 31 U.S.C. §§ 1304 and 1346 and Title 28 U.S.C. §§ 2041 and 2042. These statutes require the proper custodial handling and disbursement of funds held in judicial deposit systems such as the Court Registry Investment System. Federal Rule of Civil Procedure 67.1 reinforces this fiduciary duty. The failure to account for and return Petitioner's property constitutes a violation of express statutory mandates.

3. The Federal Circuit's Opinion Conflicts with Supreme Court Precedent on State Action and Federal Entwinement

The United States Court of Appeals for the Federal Circuit failed to apply the binding precedent of this Court regarding federal entwinement and state action. In *Brentwood Academy v. Tennessee Secondary School Athletic Association*, 531 U.S. 288 (2001), the Court held that when state or private actors are deeply entwined with federal authority, their conduct may be attributed to the federal government. The lower court erred by focusing solely on the identity of

the actors rather than the nature of the constitutional injury and the source of federal funding, regulatory authority, and system operation.

4. The Issue Presents a Recurring and Important Question of National Significance

The systemic mismanagement and conversion of private financial instruments through the Court Registry Investment System and other Treasury-linked judicial accounts is not isolated to this Petitioner. This is a recurring issue nationwide, affecting many individuals whose property is absorbed into quasi-federal systems without proper adjudication, compensation, or accounting. The issues presented are constitutional, fiduciary, and commercial in nature and directly implicate the government's ability to maintain trust-based custodianship of private financial property.

5. Petitioner Has Been Denied Due Process and Equal Protection

Petitioner has not received an opportunity to be heard on the merits. The courts below dismissed his claims under the pretense of lacking jurisdiction, despite the presence of a clear federal question, a money-mandating constitutional provision, and federal statutory authority. This constitutes a denial of the due process protections of the Fifth Amendment and the equal protection guarantees applicable through the Fourteenth Amendment.

6. Federal Nexus

This case arises from the federal government's assumption of custody over financial instruments deposited through a state intermediary and absorbed into the Court Registry Investment System, which is directly administered by the Administrative Office of the United States Courts and

interfaces with the United States Treasury. The instruments included bonded securities, bills of exchange, and promissory obligations backed by federal law and registered with agencies including the General Services Administration.

The New York State Treasurer, although nominally a state actor, was operating within a federal system and under federal banking oversight. The Office of the Comptroller of the Currency and other federal agencies maintain regulatory control over these transactions. The substantial federal involvement in the origination, custody, and non-return of these instruments establishes a direct federal nexus under Article III Section 2 of the United States Constitution and justifies jurisdiction under the Tucker Act.

This level of entwinement, as articulated in *Brentwood Academy v. Tennessee Secondary School Athletic Association*, 531 U.S. 288 (2001), renders the federal government liable for constitutional violations arising from the misuse or misappropriation of these financial instruments.

7. Jurisdiction and Money-Mandating Source of Law

This Court has affirmed that the Takings Clause of the Fifth Amendment is a money-mandating constitutional provision. In *United States v. Testan*, 424 U.S. 392 (1976), the Court held that a claim for monetary damages must arise from a statute or constitutional provision that can fairly be interpreted as mandating compensation.

The financial instruments taken from Petitioner meet this standard. They are recognized forms of private property, and their unauthorized seizure, under color of federal authority and through federally administered systems, constitutes a compensable taking.

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- 4. On what date did the Secretary of State issue the executive order? List the date and the year.
- 5. Who was the Secretary of State at the time of the executive order?
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