

No. 25-6444

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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RASHID MUHAMMAD ABDULLAH – PETITIONER,

VS.

CITY OF PLANT CITY, ET AL., – RESPONDANT(S).

ON PETITION FOR WRIT OF CERTIORARI TO

*THE SECOND DISTRICT COURT OF APPEAL*

**PETITIONER'S REPLY BRIEF**

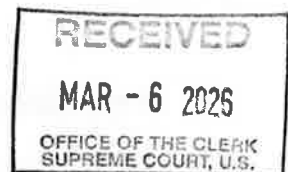
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## REPLY BRIEF

Respondent's Brief in Opposition argues that this Court lacks jurisdiction because no federal question was presented or decided below. The record reflects otherwise. Federal constitutional claims under the ***First, Fourth, Fifth, Eighth, Ninth, Tenth, and Fourteenth Amendments*** were raised throughout the proceedings, and the judgment below necessarily rejected those claims. The questions presented therefore remain unresolved in a manner that conflicts with governing federal law and warrant this Court's review.

### **I. FEDERAL CONSTITUTIONAL QUESTIONS WERE PRESENTED AND NECESSARILY RESOLVED**

#### **A. No Disclaimer of Federal Constitutional Claims**

Respondent asserts that Petitioner "explicitly and unequivocally disclaimed" federal questions in seeking remand from federal district court. The cited remand motion addressed the procedural posture of a declaratory filing then at issue and did not abandon constitutional claims subsequently advanced in the operative proceedings.

Throughout the state courts' litigation, Petitioner expressly relied on specific provisions of the ***United States Constitution***, including the ***Fourth and Fourteenth Amendments***. Those constitutional claims were preserved and presented for adjudication.

#### **B. The Judgment(s) Necessarily Rejected Federal Constitutional Claims**

Respondent contends that no state court was asked to decide any federal issue. Petitioner challenged the legality of repeated seizure and continued retention of

property under the *Fourth Amendment* and invoked due process protections under the *Fourteenth Amendment*, along with other constitutional provisions. The courts below could not authorize the seizure and deny relief without rejecting those federal constitutional claims.

An express written discussion is not required where the federal issue was presented and the judgment could not stand without its rejection. See *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975).

State courts are fully competent to adjudicate federal constitutional questions, and their judgments on those questions are subject to review by this Court. See *ASARCO Inc. v. Kadish*, 490 U.S. 605, 617–18 (1989). The absence of a written opinion does not eliminate the federal character of the determination.

### C. The Denial of Discretionary Review Does Not Defeat Jurisdiction

Respondent relies on *John v. Paullin*, 231 U.S. 583 (1913), to suggest a jurisdictional defect. In *Paullin*, this Court declined review because the appellant failed to comply with state procedural requirements. *Id.* at 584.

Here, the Florida Supreme Court denied discretionary review not due to any procedural default by Petitioner, but because the intermediate appellate court issued a per curiam affirmance without opinion, thereby limiting further review under Florida's jurisdictional framework. The denial rested on the structure of state appellate review, not on any failure to follow state procedure.

Nor does the absence of an explanatory opinion defeat jurisdiction. Under ***Michigan v. Long*, 463 U.S. 1032 (1983)**, this Court will not presume that a judgment rests on adequate and independent state grounds absent a clear statement to that effect. Where federal constitutional claims were presented and no clear state law ground is identified, review remains appropriate.

## II. THE PETITION PRESENTS LEGAL QUESTIONS CONCERNING FEDERAL CONSTITUTIONAL LIMITS

Respondent characterizes the case as fact-bound. The petition instead presents legal questions concerning the constitutional limits on the seizure and continued retention of property under the ***Fourth and Fourteenth Amendments***, particularly where prior adjudications had resolved the same underlying issue in the owner's favor and enforcement officials were aware of those determinations.

Federal law requires state judicial proceedings to receive full faith and credit. See **28 U.S.C. § 1738**. In ***Allen v. McCurry*, 449 U.S. 90 (1980)**, this Court recognized that principles of preclusion apply in cases raising constitutional claims and that state-court judgments may foreclose relitigation of federal constitutional issues.

This Court has further recognized that principles of issue preclusion are embodied in the ***Fifth Amendment's*** protection against double jeopardy. See ***Ashe v. Swenson*, 397 U.S. 436, 443 (1970)**. There, the Court stated: "***When an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties.***"

The petition asks whether repeated seizure and continued retention of property may proceed consistently with those constitutional principles where prior adjudications resolved the same dispositive factual issue in the property owner's favor, and enforcement authorities had actual knowledge of those determinations.

The questions presented are therefore legal in nature. They concern the interaction between **Fourth Amendment** protections against unreasonable seizure, **Fourteenth Amendment** due process guarantees, and the constitutional force of prior adjudications resolving ultimate factual issues. The presented questions extend beyond the particular circumstances of this case and warrant this Court's review.

### III. CLARIFICATION OF THE RECORD

Respondent asserts that Petitioner's son was cited for driving without a license. The record reflects no such citation. That assertion is referenced in support of the probable-cause theory underlying the seizure challenged under the **Fourth Amendment**.

Respondent also maintains that no federal issue was presented. As noted above, multiple provisions of the **United States Constitution** were invoked and addressed in the proceedings below. The absence of a written opinion does not negate their determination.

### CONCLUSION

The federal constitutional issues were raised, necessarily rejected by the judgment below, and remain unresolved in a manner that conflicts with governing federal law. The Petition for a Writ of Certiorari should be granted.