

Case No. 25-656

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

RAYON PAYNE,  
*Petitioner,*

v.

UNITED STATES COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA CIRCUIT,

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA, and

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA,  
*Respondents.*

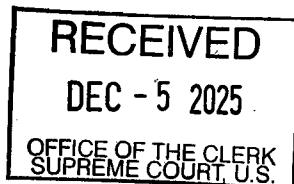
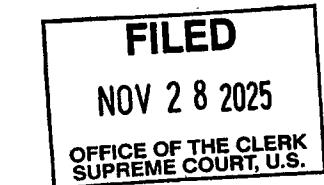
ON PETITION FOR A WRIT OF MANDAMUS  
TO THE U.S. CIRCUIT AND DISTRICT COURT  
FOR COLUMBIA, AND DISTRICT M.D.FL

---

**PETITION FOR A WRIT OF MANDAMUS**

---

RAYON PAYNE, PRO SE  
8815 Conroy Windermere Rd.  
Ste. #208  
Orlando Florida 32835  
Tel: 863-485-0550  
Email: info@folksalert.com



## **QUESTIONS PRESENTED**

1. Whether this Court should exercise its supervisory authority under 28 U.S.C. §1651(a) to resolve a structural conflict created when two federal courts—the D.C. District Court and the Middle District of Florida—asserted jurisdiction over the same 8 U.S.C. §1447(b) matter simultaneously, resulting in irreconcilable orders and a breakdown in the lawful allocation of federal judicial power.
2. Whether the continued suppression of Petitioner’s federal immigration A-File by DOJ, USCIS, and DHS—despite its central role in multiple proceedings across multiple courts—constitutes a structural due-process violation that no single lower court has the authority to remedy, thereby requiring this Court’s intervention to preserve the integrity of the federal judicial process.
3. Whether the paralysis in the D.C. Circuit, caused by DOJ’s procedural default, unresolved conflicts of interest, and the inter-court jurisdictional collision involving Petitioner’s case, presents an exceptional circumstance warranting the issuance of a supervisory writ to restore judicial functionality and ensure access to appellate review.

## PARTIES TO THE PROCEEDING

### **Petitioner:**

Rayon Payne is a pro se litigant and the Petitioner in this matter, sought relief in the D.C. District Court and D.C. Circuit. Petitioner has also raised constitutional claims under 42 U.S.C. § 1985(3), and filed parallel supervisory writs now pending docketing before this Court.

### **Respondents:**

#### **Judicial Proceedings and Forums:**

United States Court of Appeals for the D.C. Circuit — currently presiding over Petitioner's direct appeal (Rule 60(b)) and a pending petition for writ of mandamus.

United States District Court for the District of Columbia — where the underlying § 1447(b), FOIA, and § 1985(3) cases originated or are pending.

United States District Court for the Middle District of Florida — which acted on the transferred § 1447(b) case despite lacking jurisdiction under the statute.

**Agencies and Departments:**

United States Department of Justice (DOJ) — whose attorneys entered appearances despite procedural conflict, instigated and defended structural transfers.

United States Citizenship and Immigration Services (USCIS) — for initiating constitutional injury through reliance on a non-existent conviction.

Department of Homeland Security (DHS) — the parent agency of USCIS and a named party in the FOIA litigation.

**Parties of Interest:**

Judge Ana C. Reyes — U.S. District Judge who transferred the § 1447(b) case in violation of statute and currently presides over the FOIA.

Judge Reggie B. Walton — U.S. District Judge now presiding over the § 1985(3).

Judge Carlos E. Mendoza — U.S. District Judge in the Middle District of Florida who dismissed the § 1447(b) case despite jurisdictional defects.

Derrick Petit and James Walker — DOJ attorneys of record in the appellate proceedings, with Petit also named as a defendant in the § 1985(3) action.

## **RELATED PROCEEDINGS**

This Petition arises out of proceedings connected to multiple related matters across the U.S. District and Circuit Court for the District of Columbia, and the U.S. District Court for the Middle District of Florida. The following cases are directly related:

**Payne v. USCIS**, No. 1:25-cv-01952-ACR (D.D.C.) A civil action seeking adjudication of a long-pending naturalization application.

**Payne v. DHS**, No. 1:25-cv-03186-ACR (D.D.C.) FOIA action was filed by Petitioner seeking access to his complete immigration “A-file.”.

**In re: Rayon Payne**, No. 25-5349 (D.C. Cir.) A pending mandamus petition involving judicial disqualification

**Payne v. USCIS**, No. 25-5355 (D.C. Cir.) The direct appeal from the D.C. District Court’s order denying Rule 60(b) relief.

**Payne v. USCIS**, No. 6:25-cv-01855-CEM (M.D. Fla.) The transfer court, which issued standing orders and dismissed the case despite lacking jurisdiction under 28 U.S.C. § 1447(b).

**Payne v. Reyes, et al.**, No. 1:25-cv-03358-RBW (D.D.C.) A pending §1985(3), currently stalled due to unresolved service and protective motions.

## **TABLE OF CONTENTS**

QUESTIONS PRESENTED .....	i
PARTIES TO THE PROCEEDINGS .....	ii
RELATED PROCEEDINGS .....	iii
TABLE OF CONTENTS .....	iv
TABLE OF AUTHORITIES .....	v
PETITION FOR WRIT OF MANDAMUS .....	1
OPINIONS BELOW .....	2
JURISDICTION .....	3
CONSTITUTIONAL AND LEGAL PROVISIONS INVOLVED .....	4
STATEMENT OF THE CASE .....	5
REASONS FOR GRANTING THE PETITION.	8
REQUEST FOR PROTECTIVE RELIEF.....	19
CONCLUSION AND PRAYER FOR RELIEF...	21

## **APPENDIX**

TABLE OF APPENDICES .....	A2
---------------------------	----

## TABLE OF AUTHORITIES

CASE LAW	PAGES
<i>United States v. Hovsepian</i> , 359 F.3d 1144 (9th Cir. 2004) (en banc).....	8
<i>Etape v. Chertoff</i> , 497 F.3d 379 (4th Cir. 2007).....	8
<i>SEC v. McNulty</i> , 137 F.3d 732 (2d Cir. 1998) .....	9
<i>Gill v. United States</i> , 471 F.3d 204 (1st Cir. 2006).....	9
<i>Liteky v. United States</i> , 510 U.S. 540 (1994).....	10
<i>Caperton v. A.T. Massey Coal Co.</i> , 556 U.S. 868 (2009) .....	10, 16
<i>Aetna Life Insurance Co. v. Lavoie</i> , 475 U.S. 813 (1986).....	11
<i>Tumey v. Ohio</i> , 73 U.S. 510 (1927).....	11, 13
<i>INS v. Chadha</i> , 462 U.S. 919 (1983).....	13
<i>Glus v. Brooklyn Eastern District Terminal</i> , 359 U.S. 231 (1959) .....	14
<i>Goldberg v. Kelly</i> , 397 U.S. 254 (1970) .....	15, 19

*Bounds v. Smith*,  
430 U.S. 817 (1977) ..... 17, 18

*In re Sealed Case*,  
151 F.3d 1059, 1063 (D.C. Cir. 1998)..... 18

*Chambers v. NASCO, Inc.*,  
501 U.S. 32 (1991) ..... 20

## **RULES**

Fed. R. Civ. P. 55(a) ..... Passim

Rule 60(b) ..... 6, 9, 10

Supreme Court Rule 27..... 10

## **STATUTE AND CONSTITUTION**

8 U.S.C. § 1447(b)..... Passim

28 U.S.C. § 1651(a)..... Passim

42 U.S. Code § 1985..... Passim

28 U.S.C. § 455(a) ..... 4, 10, 22

28 U.S.C. § 1291 .....

18

5 U.S.C. § 552 ..... Passim

8 C.F.R. § 336.2(b) ..... 5, 12

U.S. Const. amend. V..... 4

U.S. Const. amend. XIV, § 1 ..... 4

## PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully invokes this Court's authority under 28 U.S.C. § 1651(a) to issue a supervisory writ addressing a structural breakdown that no lower court is empowered to resolve.

The matters presented in this petition involve cross-jurisdictional conflicts between multiple federal courts, the unlawful exercise of jurisdiction by a district court while appellate jurisdiction was vested elsewhere, and the continued suppression of a federal immigration A-File by multiple federal agencies whose conduct cannot be supervised or remedied by the Court of Appeals.

This petition does not seek to compel the D.C. Circuit to act on matters within its ordinary jurisdiction. Rather, Petitioner seeks this Court's intervention because the D.C. Circuit is institutionally incapable of resolving the structural irregularities now embedded in the record:

- (1) simultaneous and conflicting jurisdictional assertions by the D.C. District Court and the Middle District of Florida over the same 1447(b) matter;
- (2) the continued suppression of Petitioner's federal A-File by DOJ and DHS components, which affects multiple cases in multiple courts; and
- (3) the resulting paralysis within the D.C. Circuit, where adjudication has stalled due to procedural defaults and unresolved conflicts of interest that lower courts cannot cure.

Only this Court has the supervisory authority to unify these fragmented proceedings, restore proper jurisdictional boundaries, and ensure that federal agency misconduct does not nullify constitutional access to the courts.

### **OPINIONS BELOW**

There is no opinion below. The matters giving rise to this petition do not stem from a final judgment or reasoned decision of any lower court.

Instead, the record reflects a series of unresolved structural conflicts involving multiple federal courts and federal agencies, including conflicting jurisdictional actions by the D.C. District Court and the Middle District of Florida, the suppression of Petitioner's federal A-File by DOJ and DHS components, and resulting procedural paralysis in the D.C. Circuit.

Because these issues have not produced an appealable opinion and cannot be remedied through ordinary appellate review, Petitioner invokes this Court's supervisory authority under 28 U.S.C. § 1651(a).

**JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1651(a) to issue extraordinary writs in aid of its supervisory authority over the lower federal courts.

This petition does not arise from a final judgment of any court, but from a structural breakdown involving conflicting jurisdictional assertions by multiple federal courts and the suppression of a federal A-File by federal agencies whose conduct cannot be remedied within the ordinary appellate process.

Because no adequate remedy exists in any court below, and because the structural conflicts presented here exceed the institutional capacity of the courts of appeals to resolve, this Court's exercise of its supervisory jurisdiction is invoked pursuant to Rule 20 and the All Writs Act.

## **CONSTITUTIONAL AND LEGAL PROVISIONS INVOLVED**

U.S. Const. amend. V – Guaranteeing due process of law.

U.S. Const. amend. XIV, § 1 – Providing equal protection under the law.

28 U.S.C. § 1447(b) – Governing judicial review of naturalization delays.

28 U.S.C. § 455(a) – Requiring disqualification of any judge whose impartiality might reasonably be questioned.

28 U.S.C. § 1651(a) – The All Writs Act, authorizing the Supreme Court to issue all writs necessary to aid its jurisdiction.

42 U.S.C. § 1985(3) – Addressing conspiracies to deprive individuals of equal protection and other civil rights.

5 U.S.C. § 552 – The Freedom of Information Act (FOIA), ensuring access to federal agency records.

## STATEMENT OF THE CASE

This case presents a breakdown of judicial process spanning multiple federal courts. It began when Petitioner, a pro se litigant, sought access to his immigration “A-file” from United States Citizenship and Immigration Services (USCIS)—a file the Department of Justice (DOJ) has relied on to justify adverse action while refusing to provide Petitioner access. DOJ requested a 30-day extension in the district court to review the file.

In response, Petitioner filed a motion to compel access, which was denied. The district court ruled it would proceed under the Federal Rules of Civil Procedure only after DOJ had reviewed the file and filed its response. Instead, DOJ moved to transfer the case to the Middle District of Florida.

Petitioner objected to the transfer. Nonetheless, the district court granted DOJ’s request via minute order, transferring the case under 8 U.S.C. § 1447(b)—a statute that prohibits such transfers. The case was docketed in the Middle District of Florida, which immediately issued standing orders and later dismissed the case without jurisdiction. Due to the improper use of minute orders to effect the transfer, Petitioner was denied a meaningful opportunity for timely appeal. Consequently, he filed a supervisory writ with the U.S. Supreme Court.

Simultaneously, Petitioner submitted a FOIA request for the A-file. USCIS confirmed receipt but later claimed no responsive documents could be found. Petitioner initiated a FOIA lawsuit, which

was assigned to Judge Ana C. Reyes—the same judge who presided over the original § 1447(b) case and authorized the transfer.

Petitioner moved to disqualify Judge Reyes due to her prior involvement; the motion was denied. He then moved to disqualify DOJ and filed a protective order—both motions were denied, with Judge Reyes continuing to preside.

To reverse the unlawful transfer, Petitioner filed a Rule 60(b) motion, which Judge Reyes resolved via minute order—reopening the case long enough to deny the Rule 60(b) relief and reclose it. This created an appealable final judgment, prompting Petitioner’s direct appeal to the D.C. Circuit.

Meanwhile, Petitioner filed a 42 U.S.C. § 1985(3) civil-rights complaint naming DOJ officials and Judge Reyes. This action was originally assigned to Judge Reyes but reassigned by the calendar committee to Judge Reggie Walton.

Despite the gravity of the claims and structural conflicts, Judge Walton has yet to rule on motions for U.S. Marshal service or for protective order, leaving the case in procedural limbo.

Finally, to address Judge Reyes’s continued jurisdiction over the FOIA case—despite her involvement in the § 1447(b) transfer and her role in related matters—Petitioner filed a writ of mandamus in the D.C. Circuit. That petition remains pending without any ruling, even as DOJ and Judge Reyes continue to act in the FOIA case.

This petition is grounded in the stark incongruity that the D.C. Circuit has two critical matters before it, yet remains entirely inert.

On one hand, the Circuit holds a petition for a writ of mandamus to disqualify Judge Ana C. Reyes from the FOIA case—a judge who transferred the § 1447(b) matter in violation of statute and is now blocking Petitioner’s access to his A-file. On the other hand, the Circuit also holds the direct appeal from the Rule 60(b) denial in the § 1447(b) case itself, a case it should oversee precisely because Judge Reyes improperly transferred it to the Middle District of Florida.

Meanwhile, while the D.C. Circuit stood silent, the Middle District of Florida—despite having no jurisdiction under § 1447(b)—issued standing orders, accepted the case, dismissed it, and did so while the appeal was alive in this Court.

In addition, the D.C. District Court’s inability to provide corrective relief is further demonstrated by the dismissal of Petitioner’s civil-rights action under 42 U.S.C. § 1985(3) before Judge Reggie B. Walton, now included at (App I). Judge Walton accepted the allegations as true for purposes of dismissal, including allegations of agency misconduct, suppression of the A-File, and improper judicial involvement, yet dismissed the action on jurisdictional grounds without addressing the underlying structural conflicts. Petitioner filed a motion for reconsideration (App J). This sequence underscores the cross-jurisdictional injury affecting multiple federal courts and agencies.

## REASONS FOR GRANTING THE PETITION

This petition warrants review and extraordinary relief under the Court’s supervisory authority because it presents structural failures of the federal judicial system, serious violations of statutory and constitutional mandates, and ongoing prejudice to the Petitioner that cannot be remedied in the ordinary course of appeal.

### **A. Judicial Evasion of Statutory Constraints on Venue Undermines § 1447(b) and Demands Supervisory Correction**

Congress enacted 8 U.S.C. § 1447(b) to create a narrow, exclusive jurisdictional mechanism to review delayed naturalization applications. It expressly vests jurisdiction in the district court “where the application is filed,” and courts have uniformly held that such jurisdiction is exclusive and non-transferable. See United States v. Hovsepian, 359 F.3d 1144, 1159–63 (9th Cir. 2004) (en banc); Etape v. Chertoff, 497 F.3d 379, 385–86 (4th Cir. 2007). DOJ had no legal basis to request a transfer, and the district court had no authority to grant one.

Yet, in defiance of this statutory clarity, the DOJ unilaterally requested a transfer for convenience—an option explicitly foreclosed under § 1447(b)—and the district court acquiesced via minute order, depriving Appellant of any meaningful opportunity for appellate review.

After the transfer, the receiving court — the Middle District of Florida — proceeded to act: it issued

standing orders, assumed jurisdiction, and ultimately dismissed the case, despite lacking statutory authority under 8 U.S.C. § 1447(b). At the same time, the United States District Court for the District of Columbia reopened the matter on Appellant's Rule 60(b) motion, ruled on it, and then closed it again — via minute order.

Because a Rule 60(b) decision constitutes a final order and triggered appellate jurisdiction in the D.C. Circuit, see SEC v. McNulty, 137 F.3d 732 (2d Cir. 1998), and Gill v. United States, 471 F.3d 204 (1st Cir. 2006). Meanwhile, the Florida court continued issuing orders and completed disposition — creating parallel proceedings.

Notably, the same Middle District of Florida now stands under a writ of supervisory review at the Supreme Court for defiance of a higher-court tolling order from the Eleventh Circuit, underscoring the structural malfunction. This dual-forum enactment while the appeal was pending undermines § 1447(b)'s exclusive-jurisdiction scheme and the separation of powers. The D.C. Circuit, with full knowledge via a direct appeal and accompanying protective motions, has remained silent, allowing the jurisdictional conflict to fester.

This case presents more than a routine question of venue—it reflects a deeper institutional breakdown. Actions taken outside the bounds of statutory authority, including by the transferee court, have proceeded without corrective oversight, despite pending appellate proceedings and clear jurisdictional constraints. The result is a structural

irregularity that raises serious concerns about statutory fidelity and the proper limits of judicial power. This Court’s review is warranted to clarify the boundaries of lawful judicial action and reinforce the principles underpinning Article III adjudication.

### **B. Judicial Disqualification, Dual Forum Entanglement, and the Duty of the Appellate Court**

Under 28 U.S.C. § 455(a), “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” The Due Process Clause also guarantees the right to a “neutral and detached judge.” See Liteky v. United States, 510 U.S. 540, 554 (1994). In Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), the Court held that due process requires recusal when “extreme facts” create a “probability of bias.”

Here the circumstances raise far more than standard recusal concerns. The district judge presided over the transfer of the § 1447(b) case to a forum lacking jurisdiction and then assumed control of related FOIA and civil-rights proceedings involving the same A-file—the very records whose concealment sparked the litigation. This dual role of restructuring the case and then adjudicating related matters gives rise to a structural conflict, not just individual appearance questions.

Critically, the appellate court—the United States Court of Appeals for the D.C. Circuit—holds both a direct appeal (triggered by Rule 60(b)) of the

§ 1447(b) matter and a pending petition for a writ of mandamus to remove the conflicted judge from the FOIA case. The appellate court's refusal to act in the face of this dual forum entanglement enables the participation of counsel who themselves are defendants in a § 1985(3) matter and allows the judge to continue overseeing a case she helped transfer. This triad—judge, government counsel, and parallel proceedings—undermines the institutional integrity of the federal courts.

In Aetna Life Insurance Co. v. Lavoie, 475 U.S. 813 (1986), the Court held that the Due Process Clause requires recusal when a judge has a "direct, personal, substantial, and pecuniary interest" in the outcome of the case. While that case involved pecuniary interest, its logic applies here: when a judge participates in the design of a litigation path (here the transfer) and then adjudicates related claims, the risk of bias is constitutionally intolerable. See also Tumey v. Ohio, 273 U.S. 510 (1927) (holding that a judge cannot preside over a case when his compensation is contingent on the outcome).

Because the D.C. Circuit has jurisdiction over the appeal and the mandamus petition and has failed to step in, the structural conflict remains unchecked. The Court's supervisory review under 28 U.S.C. § 1651(a) is therefore necessary to preserve the right to a fair tribunal, to reaffirm the separation of powers, and to ensure that no party—government or litigant—is subject to adjudication by a judge whose impartiality can reasonably be questioned.

### **C. Structural Entanglement Between the Executive and Judiciary Undermining Due Process and Congressional Mandates**

This case highlights an alarming convergence of executive misconduct and judicial acquiescence, which together have subverted the separation of powers and eroded constitutionally protected rights. At its core, the misconduct began with USCIS—a federal agency within the Department of Homeland Security—relying on a criminal conviction that had long been vacated to deny a naturalization application. Despite receiving certified proof of the vacatur, USCIS proceeded to collect an appeal fee and then closed the matter without issuing the written decision mandated by 8 C.F.R. § 336.2(b). This not only denied due process but also retained public funds under false pretenses.

Rather than correcting this constitutional and statutory violation, the Department of Justice—tasked with ensuring fidelity to the law—entered the litigation to defend these unlawful actions. Its role evolved from litigation representative to procedural architect, requesting an unauthorized transfer of venue that directly conflicted with 8 U.S.C. § 1447(b), which vests exclusive jurisdiction in the district where the case is filed. DOJ attorneys acted to shield the agency's original misconduct, rather than to remedy it.

The judiciary, rather than acting as a neutral arbiter, enabled this erosion of the statutory framework. A judge in the D.C. District Court permitted the transfer of a case she was statutorily

barred from transferring and then took jurisdiction over a separate FOIA matter tied to the same record—thus assuming responsibility for both the concealment and procedural outcome. Meanwhile, DOJ continued to litigate aggressively in the transferee court, which itself began issuing standing orders despite its lack of jurisdiction.

This entanglement between the DOJ and Article III courts, in a context where the judiciary should act as an institutional check, threatens the integrity of the judicial process. The Supreme Court has made clear that courts must guard against even the appearance of judicial bias or improper influence. As stated in Tumey v. Ohio, 273 U.S. 510 (1927), “Every procedure which would offer a possible temptation to the average man as a judge... not to hold the balance nice, clear and true... denies the [litigant] due process of law.”

Furthermore, the structure of federal power does not permit interbranch alliances that circumvent express statutory mandates. As reaffirmed in Immigration and Naturalization Service v. Chadha, 462 U.S. 919, 953–54 (1983), “The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories... to assure, as nearly as possible, that each branch of government would confine itself to its assigned responsibility.” Here, both the executive and judicial branches have operated outside those assignments.

This Court’s intervention is not only warranted but essential to restoring the constitutional boundaries and legislative supremacy that have been

transgressed in this case. Without it, the statutory scheme enacted by Congress under § 1447(b) and the guarantees of procedural fairness under the Fifth Amendment risk becoming empty formalities.

Rather than taking corrective action, the Department of Justice—through attorneys named in related civil rights litigation—entered the D.C. Circuit proceedings after missing the response deadline for pending procedural motions, including disqualification and protective orders. Despite being on formal notice of structural conflict, the same DOJ attorney who instigated the misconduct contacted Petitioner in an attempt to engineer a procedural concession. This action, taken while DOJ continues to withhold critical evidence (the A-file), illustrates a disturbing breakdown in procedural safeguards. DOJ cannot constitutionally benefit from a structural error it helped create. As this Court held in Glus v. Brooklyn Eastern District Terminal 359 U.S. 231 (1959), “no man may take advantage of his own wrong.” The constitutional imperative is even greater when the government is the violator. Without immediate intervention, the current posture invites the erosion of public confidence in the impartiality of the judiciary and in the fairness of appellate review.

#### **D. Structural Prejudice, Withholding of A-File, and Constitutional Due Process Breakdown**

Petitioner faces an ongoing deprivation of due process that now transcends ordinary procedural irregularities and implicates core constitutional protections. This prejudice originated at the

administrative level with USCIS and has metastasized through multiple judicial forums—now rooted firmly in the record before the D.C. Circuit.

At the center of this structural harm is Petitioner's continued denial of access to his own A-file—an essential government record central to every phase of this litigation. The government, through USCIS and DOJ, continues to withhold this file while simultaneously litigating against Petitioner based on its contents. The denial of access to this file is not only obstructive but constitutionally intolerable. As this Court reaffirmed in Goldberg v. Kelly, 397 U.S. 254 (1970), due process "is not a technical conception with a fixed content unrelated to time, place and circumstances," but a fundamental guarantee of fairness. Fairness cannot exist where one party controls the record and uses it while depriving the other of access.

Petitioner has pursued every available remedy: direct appeal, emergency mandamus, judicial complaints, motions to disqualify, motions for protective orders, and notices to preserve the record. Yet every forum—administrative, district, and circuit—has failed to act meaningfully. Inaction on the disqualification motion and protective filings has allowed structurally conflicted parties to participate unchecked, while the judiciary—entrusted as a constitutional safeguard—remains inert.

The D.C. District Court has failed to rule on service and venue motions critical to a § 1985(3) civil rights action. The D.C. Circuit has likewise failed to address a Rule 60(b) appeal or act on a pending

mandamus petition seeking the removal of a judge with longstanding structural entanglements. Simultaneously, the Middle District of Florida—despite having been served with structural notice and supervisory filings now pending before this Court—has proceeded to issue rulings without pause or acknowledgment of the jurisdictional conflict. This is not an oversight; it is institutional defiance. That court previously disregarded an Eleventh Circuit tolling order and continues to act despite clear jurisdictional limitations under 8 U.S.C. § 1447(b). Petitioner deliberately sought relief in the D.C. forum to escape that structural conflict, only to encounter the same systemic disregard. Compounding the prejudice, DOJ failed to timely oppose critical motions—yet continues to litigate while still withholding the Petitioner’s A-file and making constitutionally improper contact. These coordinated failures reflect more than neglect; they reveal a pattern of institutional resistance to meaningful review.

The judiciary’s silence amid such overt violations signals systemic institutional alignment rather than neutral adjudication. As Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) teaches, due process is offended not only by actual bias, but also by circumstances where there is a serious risk of bias or unfairness. This case presents both.

The recent dismissal of Petitioner’s § 1985(3) action by Judge Walton, despite accepting the key allegations as true and despite the clear structural irregularities those allegations revealed, further confirms that no district judge within the D.C.

District Court is institutionally capable of disentangling or remedying the systemic conflicts underlying this petition.

#### **E. Minute Orders as Devices of Denial of Access to the Courts**

Federal courts are obligated not only to adjudicate, but to provide litigants meaningful access to the judicial process. An unexplained minute order that suddenly terminates litigation or removes a judge from review, especially when final relief or jurisdictional questions are involved, undermines the constitutional guarantee of access to the courts and the rule of law. See Bounds v. Smith, 430 U.S. 817 (1977). (recognizing that “access to the courts is a fundamental constitutional right” and may not be obstructed by the state). In the appellate context, the due-process protections extend to ensuring a litigant has a fair opportunity to challenge judicial action and secure a reasoned decision. See The Right to Appeal, 88 Case W. Res. L. Rev. 1057, 1069 (2013) (noting that procedural rules must not render appellate review “illusory”).

In this case, the record demonstrates repeated reliance on “minute orders” rather than written opinions. The Middle District of Florida accepted a transferred case, issued standing orders and dismissed the proceeding by minute order even though it lacked jurisdiction under 8 U.S.C. § 1447(b). Meanwhile, the D.C. District Court reopened the case under a Rule 60(b) motion, ruled by minute order, and promptly closed it again—leaping over the usual written-opinion

process, thereby denying the petitioner a full and transparent basis for appeal. These minute-order closures prevent the petitioner from knowing why the court acted, foreclose meaningful briefing, and obstruct appellate review. The procedural structure thus becomes a trap: a final result rendered in a form that cannot reliably be reviewed, appealed or meaningfully challenged.

Such misuse of minute orders frustrates the institutional roles of the judiciary: they make decisions without reasoned explanation, deny litigants a record for review, and allow jurisdictional or disqualification questions to slip outside the scrutiny of appellate review. In effect, they become mechanisms of judicial evasion rather than adjudicative transparency.

The repeated use of minute orders—without accompanying findings, reasoning, or formal entry of judgment—effectively shields judicial decisions from appellate scrutiny. This tactic has prevented Petitioner from pursuing even a collateral or interlocutory appeal. As the D.C. Circuit has recognized, “[w]ithout an appealable order, the appellate court lacks jurisdiction.” See In re Sealed Case, 151 F.3d 1059, 1063 (D.C. Cir. 1998). The lack of a final, reviewable order renders appellate remedies illusory.

The Constitution guarantees not merely a right to file papers in court, but to receive “a fair opportunity to challenge judicial action and secure a reasonable decision.” See Bounds v. Smith, 430 U.S. 817 (1977).. The courts’ systemic reliance on minute orders here

nullifies that guarantee and prevents the exercise of appellate rights under 28 U.S.C. § 1291 and Fed. R. App. P. 4(a)(1), which depend on the existence of an appealable order.

#### **REQUEST FOR PROTECTIVE RELIEF**

Petitioner respectfully requests that this Court exercise its supervisory authority to protect the integrity of the immigration A-file, which remains the central evidentiary record in every pending action. Despite repeated statutory requests under FOIA, and despite the A-file's central role in the naturalization proceedings, the Department of Justice and USCIS continue to withhold this file while simultaneously litigating against Petitioner based on its undisclosed contents. The government's continued concealment of the A-file—while entering appearances, filing motions, and invoking its contents creates an intolerable structural imbalance and violates due process as articulated in Goldberg v. Kelly, 397 U.S. 254 (1970).

The A-file is not privileged. The government has identified no statutory exemption under 5 U.S.C. §552(b), nor has it invoked any protective doctrine. The file contains immigration history, administrative actions, internal annotations, and the audit-trail metadata required to determine who accessed, edited, or relied upon it. Because DOJ attorneys (including those named in Petitioner's §1985(3) action) have participated in appellate proceedings without producing the file, Petitioner faces a substantial risk of evidentiary manipulation, alteration, or further withholding.

Given these circumstances and given the procedural misconduct already documented, Petitioner respectfully requests that this Court enter protective relief ensuring the file's preservation, neutrality, and full disclosure.

Accordingly, Petitioner requests:

1. Immediate Preservation. An order requiring all federal agencies and personnel with access to the A-file to preserve its contents, associated records, and the full access-log metadata without alteration or deletion.
2. Custodial Transfer. An order transferring physical or legal custody of the A-file to a neutral judicial authority such as the United States Marshals Service to prevent tampering, destruction, or continued suppression.
3. Full Production. An order compelling immediate disclosure of the complete and unredacted A-file to Petitioner, including all embedded documents, internal notes, inter-agency correspondence, and the full audit-trail access log.

This relief is proper under Chambers v. NASCO, 501 U.S. 32 (1991), the All Writs Act, 28 U.S.C. §1651(a), and the Court's inherent supervisory authority to prevent ongoing structural prejudice and maintain the integrity of judicial proceedings.

**CONCLUSION AND PRAYER FOR RELIEF**

For the reasons set forth in this petition, the circumstances presented here reflect a structural breakdown that no lower court is institutionally capable of resolving. Conflicting jurisdictional actions by the D.C. District Court and the Middle District of Florida, the continued suppression of Petitioner's federal A-File by multiple federal agencies, and the procedural paralysis that has followed in the D.C. Circuit have created a situation in which ordinary appellate review is unavailable and inadequate. These interlocking conflicts extend beyond the authority of any single court of appeals and now threaten fundamental guarantees of due process, access to the courts, and the orderly administration of federal judicial power.

Because the issues presented implicate structural integrity across multiple federal courts and agencies, and because no lower tribunal possesses the capacity to restore uniformity or remedy the ongoing constitutional harm, the exercise of this Court's supervisory power under the All Writs Act is warranted. Petitioner respectfully submits that only this Court can bring coherence to the fractured jurisdictional landscape, enforce the limits Congress imposed under 8 U.S.C. § 1447(b), and ensure that federal agencies do not evade judicial review through the suppression of essential records.

Accordingly, Petitioner respectfully requests that this Court:

1. Assert supervisory jurisdiction under 28 U.S.C. § 1651(a) to address structural conflicts that no lower court is empowered to resolve;
2. Declare that the Middle District of Florida acted without jurisdiction when it took action in a 1447(b) matter while appellate jurisdiction had vested in the D.C. Circuit;
3. Direct DOJ, USCIS, and DHS to produce Petitioner's complete certified A-File, as its suppression has impaired multiple proceedings across multiple federal courts and cannot be remedied through ordinary appellate processes;
4. Clarify the proper jurisdictional boundaries between the D.C. District Court, the D.C. Circuit, and the Middle District of Florida with respect to the matters affected by the suppressed A-File and the overlapping 1447(b) proceedings;
5. Issue a Protective Order regarding the A-file, directing (a) immediate preservation of the complete A-file and all related metadata, (b) transfer of custody to a neutral judicial authority to prevent alteration or concealment, and (c) full production of the unredacted A-file and complete audit-trail access log to Petitioner without further delay or agency withholding.

6. Issue such further supervisory relief as may be necessary to restore lawful judicial process, prevent ongoing constitutional injury, and ensure that federal courts and agencies operate within the jurisdictional limits established by Congress and this Court's precedents.

Date: 11 / 27 /2025      Respectfully submitted,

RAYON PAYNE, PRO SE  
8815 Conroy Windermere Rd  
Ste. #208  
Orlando Florida 32835  
Tel: 863-485-0550  
Email: [info@folksalert.com](mailto:info@folksalert.com)

*A1*

**APPENDIX**