

**25-6825**

**ORIGINAL**

**FILED**  
**DEC 23 2025**  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

1 No. -\_  
2 IN THE  
3 SUPREME COURT OF THE UNITED STATES

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5 **RICHARD R. LAWLESS,**  
6 Petitioner,  
7 v.  
8 **UNITED STATES OF AMERICA, et al.,**  
9 Respondents.

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11 **ON PETITION FOR A WRIT OF CERTIORARI**  
12 **TO THE UNITED STATES COURT OF APPEALS**  
13 **FOR THE NINTH CIRCUIT**

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15 **PETITION FOR A WRIT OF CERTIORARI**

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22 Petitioner, Pro Se

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1    **QUESTIONS PRESENTED**

- 2           1.   **Whether a court of appeals may dismiss an appeal as “frivolous” under 28 U.S.C. §**  
3               **1915(e)(2) based on a record that was truncated at the screening stage through**  
4               **exclusion of probative evidence, where no adversarial proceedings or factual**  
5               **development occurred below.**
- 6           2.   **Whether the Due Process Clause permits a “frivolous” dismissal under § 1915(e)(2)**  
7               **where the litigant was denied the opportunity to develop a factual record, including**  
8               **through adversarial proceedings, and where a parallel federal proceeding involving the**  
9               **same claim has held that the claim cannot be rejected as a matter of law without such**  
10              **development.**

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12    **OPINIONS BELOW**

13    The order of the United States Court of Appeals for the Ninth Circuit dismissing the appeal as  
14    frivolous is unpublished and appears in the Appendix at **Appendix A.**

15    The order of the United States District Court for the Central District of California appears in the  
16    Appendix at **Appendix B.**

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18    **JURISDICTION**

19    The judgment of the United States Court of Appeals for the Ninth Circuit was entered on  
20    **November 19, 2025.**

21    A timely petition for rehearing was **not** filed.

22    The jurisdiction of this Court is invoked under **28 U.S.C. § 1254(1).**

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24    **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

25    This case involves the Due Process Clause of the Fifth Amendment to the United States  
26    Constitution and **28 U.S.C. § 1915(e)(2)**. The relevant statutory provisions are reproduced in the  
27    Appendix.

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29    **STATEMENT OF THE CASE**

1 This petition arises from the dismissal of an appeal at the screening stage as “frivolous” under  
2 28 U.S.C. § 1915(e)(2).

3 Petitioner’s underlying claim sought recovery for alleged financial losses arising from conduct by  
4 federal agencies and related parties.

5 In the district court, Petitioner submitted federal agency records and documentary evidence  
6 obtained through lawful requests to the United States Government, including materials  
7 produced pursuant to the Freedom of Information Act. The district court excluded these records  
8 on the ground that they lacked a signature, notwithstanding that no provision of the Federal  
9 Rules of Evidence imposes such a requirement on government records. See Fed. R. Evid. 803(8),  
10 902(1). The court then dismissed the case without permitting Petitioner to respond or to  
11 develop the record through adversarial proceedings.

12 On appeal, the United States Court of Appeals for the Ninth Circuit dismissed the case as  
13 “frivolous” under § 1915(e)(2), relying on a record that had been truncated at the screening  
14 stage and never subjected to factual development or merits adjudication.

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

17 This case presents a recurring and nationally important issue concerning the interaction  
18 between screening procedures, evidentiary exclusion, and the constitutional requirement of  
19 meaningful appellate review.

20 Federal courts increasingly employ § 1915(e)(2) screening as a threshold disposition  
21 mechanism. When screening is combined with pre-merits evidentiary exclusion, the result can  
22 be the dismissal of appeals as “frivolous” despite the absence of any developed factual record.  
23 That practice collapses the distinction between truly frivolous claims and claims that require  
24 factual development in order to be evaluated.

25 **This case satisfies the criteria for certiorari under Supreme Court Rule 10(c).** The question  
26 whether § 1915(e)(2) screening, combined with pre-merits evidentiary exclusion, may  
27 constitutionally support a “frivolous” dismissal is an important federal question that this Court  
28 has not addressed. The absence of guidance has produced inconsistent outcomes across and  
29 within circuits and has left litigants without a meaningful standard for appellate review of  
30 truncated records. This Court’s intervention is necessary to clarify the constitutional boundaries  
31 of screening-stage dismissals.

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## 33 **CONCLUSION**

1 The petition for a writ of certiorari should be granted.

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3 Respectfully submitted,

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5 **Richard R. Lawless**

6 Petitioner, Pro Se

7 Date: February 3, 2026

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9 **CERTIFICATE OF COMPLIANCE**

10 Pursuant to Supreme Court Rule 33.2, I certify that this petition complies with the formatting  
11 and type-volume limitations applicable to petitions filed in forma pauperis. The petition  
12 contains **560 words**, excluding those portions exempted by Rule 33.2.

13 This document was prepared using Microsoft Word.

14 Date: February 3, 2026

15

16 **CERTIFICATE OF SERVICE**

17 I declare under penalty of perjury that on February 3, 2026, I served a copy of the foregoing  
18 **Petition for a Writ of Certiorari** on the Solicitor General of the United States by depositing the  
19 same in the United States mail, first-class postage prepaid, addressed as follows:

20 Solicitor General of the United States

21 Room 5614

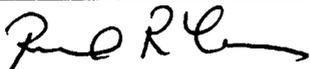
22 Department of Justice

23 950 Pennsylvania Avenue, N.W.

24 Washington, D.C. 20530-0001

25 Executed on February 3, 2026,

26 \_\_\_\_\_

27 

28 **Richard R. Lawless**

29 Petitioner, Pro Se