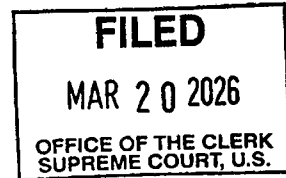
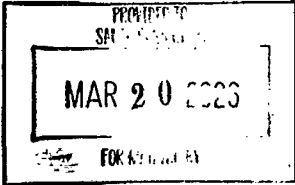


25-7138

Supreme Court of the United States

CASE NO. \_\_\_\_\_



EDDIE JAMES MOULTRIE,

*Petitioner*

vs.

GERALD L. EDWARDS

*Respondent.*

**ORIGINAL**

PETITION FOR WRIT OF CERTIORARI

ON CERTIORARI REVIEW FROM THE  
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT  
Appeal No. 24-12887-GG

Eddie James Moultrie  
DC# J54553  
Santa Rosa Correctional Institution  
5850 East Milton Road  
Milton, Florida 32583

## QUESTION(S) PRESENTED

In affirming dismissal of a First Amendment retaliation claim finding that a casual connection between the retaliatory conduct and the adverse effect on the protected conduct did not exist, a Federal Court of Appeals based its conclusion off of facts and evidence not supported by the record on appeal. These insubstantial facts and evidence also led to the Court of Appeals departing from precedent without reason.

A Federal Court of Appeals was presented with an issue to determine whether a prisoner has failed to exhaust all administrative remedies before asserting an Eighth Amendment claim under 42 U.S.C. 1983. Rather than address the issue squarely presented the Court of Appeals affirmed dismissal with an opinion that the complaint failed to state an Eighth Amendment claim. This case thus presents the following questions:

- I. Whether "judicial power" under Article III of the U.S. Constitution gives Federal Courts of Appeal the authority to resolve an issue on appeal without facts or evidence in the record to support its findings and conclusion.
- II. Whether under Article III of the U.S. Constitution, the doctrine of stare decisis is discretionary and Federal Court of Appeals may depart from precedent on questions of law and facts without any reason
- III. Whether under Article III, § 2 of the U.S. Constitution Federal Court of Appeals may exercise the discretion to not resolve the disputed issue but replace it with an issue of its own.

SUPREME COURT OF THE UNITED STATES

CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT

Eddie James Moultrie vs. Gerald L. Edwards S. Ct No. \_\_\_\_\_  
To Be Assigned  
By Clerk's Office

Pursuant to applicable Supreme Court rules the Petitioner certifies to the best of his knowledge that the following is a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that holds 10% or more of the party's stock and other identifiable legal entities related to a party:

1. Honorable Judge Grant - U.S. Circuit Judge
2. Honorable Judge Lagoa - U.S. Circuit Judge
3. Honorable Judge Wilson - U.S. Circuit Judge
4. Honorable Judge J. L. Badalamenti - U.S. District Judge
5. Honorable Judge Kyle C. Dudek - U.S. Magistrate Judge
6. Eddie J. Moultrie - Petitioner - Appellant - Plaintiff, pro se
7. Gerald L. Edwards - Respondent - Appellee - Defendant
8. Office of the Florida Attorney General - Law Firm representing Gerald L. Edwards.

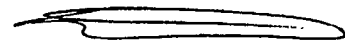
9. Katherine Rosen, Assistant Attorney General - Counsel  
representing Gerald L. Edwards.
10. Ivy P. Rollins, Assistant Attorney General - former Counsel  
representing Gerald L. Edwards
11. Samantha - Josephine Baker - Assistant Attorney General -  
former Counsel representing Gerald Edwards

### CORPORATE DISCLOSURE STATEMENT

Pursuant to applicable Supreme Court rule, the Petitioner hereby certifies that no publicly traded company or corporation has an interest in the outcome of this case.

Respectfully Submitted by:

sl

  
Eddie J. Moultrie, DC#J54553  
Santa Rosa Correctional Inst  
5850 East Milton Road  
Milton, Florida 32583

## LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

- Moultrie v. Edwards, No. 23-cv-416, U.S. District Court for the Middle District of Florida. Judgment entered Aug. 8, 2024
- Moultrie v. Edwards, No. 24-12887, U.S. Court of Appeals for the Eleventh Circuit. Judgment entered Sep. 11, 2025

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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**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.

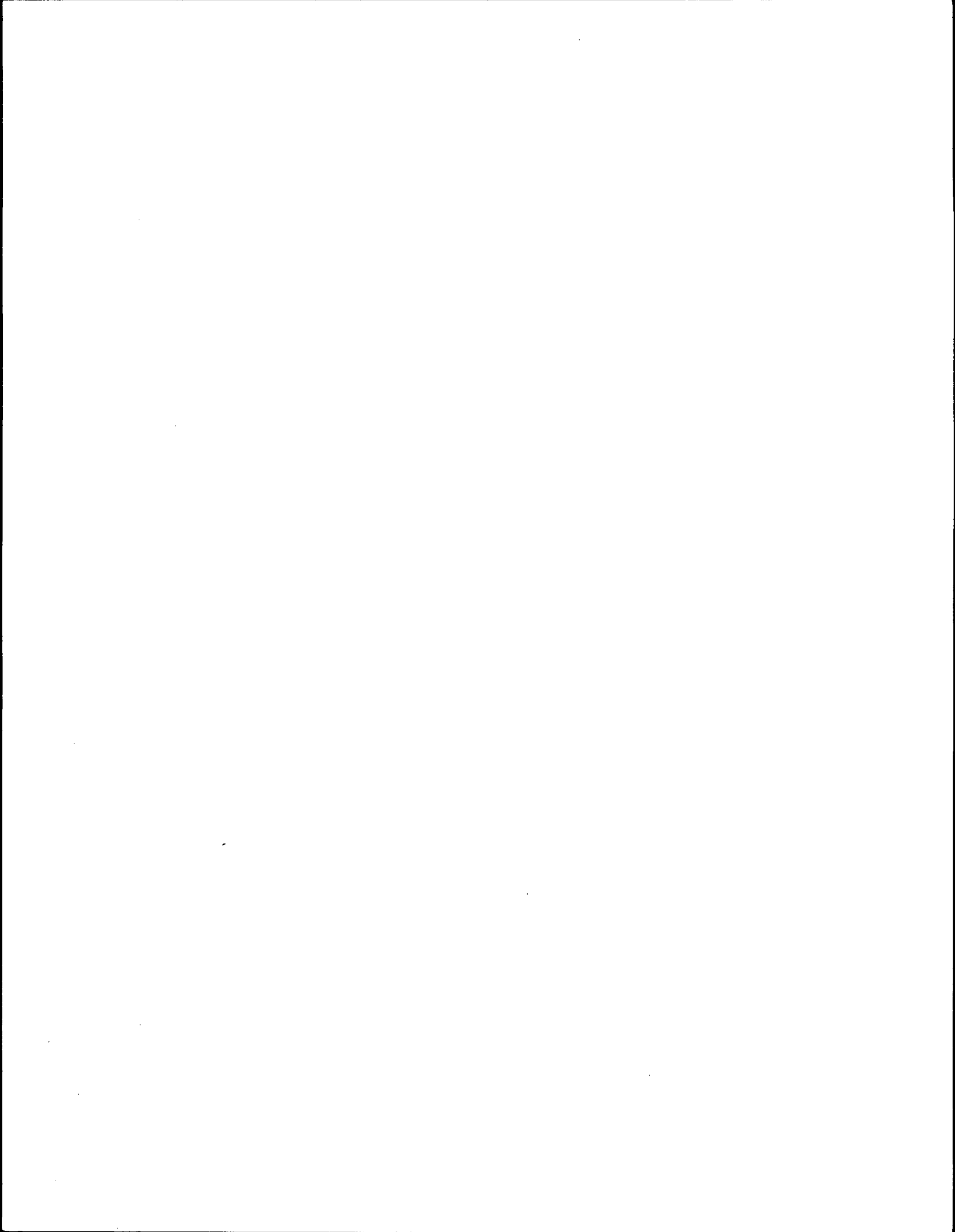
For cases from **state courts**:

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 Sep. 11, 2025.

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: Nov. 6, 2025, and a copy of the order denying rehearing appears at Appendix C.

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).

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

### U.S. Const. Amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting that free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### U.S. Const. Amend VIII

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

### U.S. Const. Article III

Section 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, or which shall be made, under their authority; - to all cases affecting ambassadors, other public ministers and consuls; - to all cases of admiralty and maritime jurisdiction; - to controversies to which the United States shall be a party; - to controversies between two or more states; - between a state and citizens of another state; - between citizens of the same state claiming lands order grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

### 28 U.S.C § 1291

Cases in the court of appeals may be reviewed by the Supreme Court by the following methods:

(1) 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;

(2) By certification at anytime by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

#### 28 U.S.C. § 1915A

A district court may dismiss the complaint of a prisoner if the complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted.

#### 42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person with the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be

considered to be a statute of the District of Columbia.

42 U.S.C. § 1997e(a)

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

## STATEMENT OF THE CASE

Petitioner Eddie Moultrie is an inmate in the Florida Department of Corrections and the Respondent Gerald Edwards is a lieutenant employed by the Department. On June 14, 2023 Moultrie filed a prose Civil Rights Complaint under 42 U.S.C. § 1983 against Edwards in the U.S. Middle District Court of Florida raising a First Amendment retaliation claim and an Eighth Amendment conditions of confinement claim.

After the Magistrate Judge screened the Complaint under the Prison Litigation Reform Act and found it sufficient to proceed on both constitutional claims Edwards filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). The District Judge granted the Motion to Dismiss for failure to satisfy the adverse action element and the causal connection element of a retaliation claim and failure to exhaust administrative remedies on the conditions of confinement claim under 42 U.S.C. § 1997e(a). See Appendix B

Moultrie appealed the dismissal of the Complaint to the U.S. Court of Appeals for the Eleventh Circuit who reviewed de novo the dismissal of the Complaint and found Moultrie only failed to satisfy the causal connection element of a retaliation claim and failed to state a conditions of confinement claim even though the issue squarely brought on appeal was whether the District Court erred in finding Moultrie failed to exhaust on his conditions of confinement claim. See Appendix A

Moultrie petitioned the Court of Appeals for a rehearing demonstrating that the dismissal of the appeal was based in part on evidence or facts that did not exist and on an issue that was not raised on appeal. Moultrie also sought a rehearing *en banc* in regards to the three judge panels departure from earlier precedent but the petition for rehearing and rehearing *en banc* was denied. See Appendix C

The manner in which the Court of Appeals resolved this appeal gives no indication that it was done with impartiality and sound judicial consideration to constitutional requirements. Any fairminded person would agree the conclusion of the appeal was reached in an arbitrary and capricious fashion devoid of calm and fair judicial guidance. The abnormality of this case with its unprecedented decision is most certainly worthy of the Supreme Court's attention.

## REASONS FOR GRANTING THE PETITION

### I. FEDERAL COURT OF APPEALS RELIED ON FACTS AND EVIDENCE NOT FOUND IN THE RECORD ON APPEAL

The Supreme Court made known that it will not grant writ of certiorari to review evidence and discuss specific facts. *United States v. Johnston*, 268 U.S. 220, 45 S.Ct. 496 (1925). see also *NLRB v. Waterman S.S. Corp.*, 309 U.S. 206, 60 S.Ct. 493 (1940) (Supreme Court will not ordinarily grant certiorari to review judgments based solely on questions of fact.)

The case presently before this Court is not an ordinary one regarding facts, evidence nor the evaluation of it. Rather the issue before this Court is about the "existence" of facts and evidence and whether the Court of Appeals went wholly beyond its authority, departing from accepted and usual course of judicial proceeding by dismissing an appeal based on factual determinations that is not supported by the record on appeal. See Rule 10(a), Supreme Court Rules

In referring to federal statute 28 U.S.C. § 1915A the Supreme Court explained that judges have "the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless" (quoting *Neitzke v. Williams*, 490 U.S. 319, 327, 109 S.Ct. 1827 (1989)). Moultrie is sure that affirming dismissal of a complaint based off factual allegations or evidence absent from the record on appeal is inconsistent with what this Court had intended.

The Court of Appeals alleged Edwards was not subjectively motivated to take adverse action for two reasons. App.A at 5

The first reason comes from a claim that "Edwards approved all of Moultrie's grievances regarding the uncleanness of the cell- including one that his colleague [plumber] previously denied." *Id.* Edwards only approved two of the two grievances he reviewed regarding Moultrie's "unsanitary living conditions" and neither was one previously denied by his "colleague." Furthermore Edwards does not have the authority to review a grievance previously denied by another staff.

The Court of Appeals second reason for affirming dismissal of the retaliation claim comes from its claim that "Moultrie admitted in his grievance forms that he possessed contraband," which caused the property restriction. *Id.* However there's no grievance(s) in the record on appeal that suggest Moultrie admitted to possessing "contraband." Furthermore what the Court of Appeals refers to does not correspond with the basis of Edwards reason on record for the property restriction.

The Court of Appeals factual determination on Moultrie's retaliation claim was so in no way supported by the record on appeal, the error would be well understood and comprehended beyond any possibility for fairminded disagreement. *Harrington v. Richter*, 562 U.S. 86, 103, 131 S.Ct. 770, 786-87 (2007). If the Supreme Court at its own discretion was to do a factual finding for clear error and review the record on appeal it would be left with a definite and firm conviction that a mistake has been made. *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395, 68 S.Ct. 525 (1948)

However seeing how the conclusion of law as to federal limitation of judicial power and findings of facts are so

intermingled in this instant case it is necessary that this Court analyze the facts in order to pass upon the federal question of whether judicial power extends to considering facts and evidence not presented nor submitted in a case. The real-world consequences compels this Court to do.

Nowhere in Article III of the Constitution or any Judiciary Act does Congress empower the judicial courts with the authority to utilize facts or evidence without record support to decide an issue. After much research Moultrie has not been able to find any other case law where a party alleged a judicial court erred in resolving a case or appeal without record evidence to support its decision. Hence the manner in which this instant case was resolved appears to be unprecedented.

To allow a judicial court the authority to allege without record support facts and evidence to resolve a case or appeal would be an extraordinary act of judicial power. It would also be repugnant to the fairness, justice and equality embodied in the Constitution, treaties and law of the United States. The idea of an inherent power of a federal court of appeals using unsupported facts or evidence to make a ruling on a citizens constitutional rights threatens the integrity of the federal judicial system.

Considering the real and substantial interest this issue have towards the entire American court system, it is most important and indispensable that the Supreme Court grant certiorari to certify whether a judicial court abuses its judicial power when it resolves a case or appeal using facts or evidence in which no evidence exist to support it.

## II. FEDERAL COURT OF APPEALS DID NOT OFFER REASON FOR ITS FAILURE TO ADHERE TO PRECEDENT

The principle of stare decisis is encompassed within the "judicial power" of Article III of the Constitution. The issue presented here is whether stare decisis, the doctrine governing judicial adherence to precedent is discretionary in the Federal Courts. To see how this matter could potentially have an affect on other Federal Court of Appeals it is necessary that this Court take judicial notice of *O'Bryant v. Finch*, 637 F.3d 1207 (CA11 2011) (per curiam)

In *O'Bryant*, the Eleventh Circuit held that "[i]f a prisoner is found guilty of an actual disciplinary infraction after being afforded due process and there was evidence to support the disciplinary panel's fact finding, the prisoner cannot later state a retaliation claim against the prison employee who reported the infraction in a disciplinary report." 637 F.3d at 1275. The Eleventh Circuit explicitly stated later that "[u]nder our Circuit rules 'no panel' may overrule '*O'Bryant*.'" *Sears v. Roberts*, 992 F.3d 1199, 1211 (CA11 2019) (emphasis added).

Moultrie never received a disciplinary report for the property restriction, therefore he was never afforded minimal procedural due process protection as a means of opportunity to effectively challenge "Edwards" reason for the property restriction. See *Wolff v. McDonnell*, 418 U.S. 539, 564-66, 94 S.Ct. 2963 (1974) (due process protection in a prison disciplinary proceeding).

By making *O'Bryant* a leading case any jurist would say that the Eleventh Circuit considers the quality of its reasoning, the

workability of the rule it established and its reliance on the decision as one that's essential to questions of law in regards to a prisoner's retaliation claim. *Janus v. State, County and Municipal Employees*, 585 U.S. 878, 917, 138 S.Ct. 2448 (2018).

In referring to adherence to precedents the Supreme Court stated that it is "a foundation stone of the rule of law." *Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 798, 134 S.Ct. 2024 (2014). This Court also stated that it "contributes to the actual and perceived integrity of the judicial process," and ensures that decisions are founded in the law, and not in the "personal preferences" of judges. *Payne v. Tennessee*, 501 U.S. 808, 827, 111 S.Ct. 2597 (1991). Such form of "personal preferences" could be shown in this instant case by the Court of Appeals decision to make an unsupported by record claim that Moultrie admitted to possessing contraband as an excuse for the property restriction to circumvent O'Bryant. App. A at 5. Despite that not being "Edwards" reason for the property restriction.

If word spread throughout the Federal judicial community that the Court of Appeals are not bound to its own precedent rule when it haven't been overruled or undermined to the point of abrogation by the Supreme Court or by its own Circuit Court sitting en banc the integrity, consistency and predictability of a judicial proceeding would be without legal guidance. *United States v. Archer*, 531 F.3d 1347, 1352 (CA11 2008). Because the Supreme Court have the authority to certify whether stare decisis is a discretionary function it is of grave importance that it do so.

### III. FEDERAL COURT OF APPEALS DECISION TO NOT PERFORM ITS DESIGNATED DUTY CREATED A CONFLICT WITHIN ITSELF, OTHER CIRCUITS AS WELL AS WITH THE SUPREME COURT

Art. III, § 2, cl. 1, of the Constitution gives Courts judicial power to resolve cases and controversies. The controversy here involves whether a Federal Court of Appeals can address an issue that was not properly raised on appeal. The Supreme Court was previously confronted with a similar issue. See *Cone v. Bell*, 556 U.S. 449, 482, 129 S.Ct. 1769 (2009) ("Appellate Courts generally do not reach out to decide issues not raised by the appellant.")

The Third, Fifth, Sixth, Ninth and Tenth Circuits have also expressed their views on this subject. See *Galvan v. Alaska Dept. of Corrections*, 397 F.3d 1198, 1204 (CA9 2005) ("Courts generally do not decide issues not raised by the parties"); *Geiger v. Jowers*, 404 F.3d 371, 373 n.6 (CA5 2005); *Snell v. Tunnell*, 920 F.2d 673, 676 (CA10 1990); *Powers v. Hamilton Cty. Public Defender Comm'n*, 501 F.3d 592, 609-10 (CA6 2007); see also *Reynolds v. Wagner*, 128 F.3d 166, 178 (CA3 1997)

Moreover on two separate occasions the Eleventh Circuit where this instant case arose expressed their refusal to consider an issue not briefed on appeal. See *Timson v. Sampson*, 518 F.3d 870 (CA11 2008); see also *Sapuppo v. Allstate Floridian Ins.*, 739 F.3d 678, 681 (CA11 2014) (claim "abandoned [ ] on appeal by making only a passing reference to it.") On appeal Moultrie never made a passing reference to whether or not he stated an Eighth Amendment claim but rather whether the District Court erred in finding he did not exhaust his administrative remedies on his Eighth Amendment claim. See Appendix A at 7

The Court of Appeals however affirmed dismissal of the Eighth

Amendment claim for failure to state a claim completely ignoring the issue of exhaustion. Yet failure to state an Eighth Amendment was never an issue on appeal. See *United States v. Ballard*, 322 U.S. 78, 64 S. Ct. 882 (1944) (Supreme Court would deem it more appropriate to remand cause to Court of Appeals so that it might pass on questions reserved.)

Dismissing a claim based on an issue not presented makes an entire appellate proceeding fundamentally unfair for it deprives a party the opportunity to respond. Cf. *Galveston*, 397 F.3d at 1204. By statute Federal Court of Appeals are empowered to review "final decisions" of a Federal District Court. 28 U.S.C. § 1291. The District Court in this instant case never decided whether Moultrie failed to state an Eighth Amendment claim, therefore the Court of Appeals was without jurisdiction to do so.

The Supreme Court said that it will grant certiorari to review decision of Federal Court of Appeals where decision presents conflict with uniform course of decisions previously made on same questions by other Court of Appeals. *Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 82 S. Ct. 913 (1962). Even though the Eleventh Circuit did not adhere to an earlier precedent in this case, Moultrie has demonstrated that six Federal Circuit Court of Appeals including the Eleventh Circuit are against considering an issue not briefed on appeal.

Moreover in *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 95 S. Ct. 2561, (1975) this Court stated it would not resolve issues neither of which was briefed or argued. And so not only does the opinion of the court for the instant Court of Appeals presents a conflict between other Court of Appeals, a conflict with the

Supreme Court's usual course of judicial proceeding, it also presents a real and embarrassing conflict within its own circuit. Rice v. Sioux City Memorial Park Cemetery Inc., 349 U.S. 70, 75 S.Ct. 614 (1955)

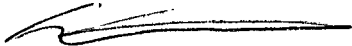
Any party that has a legitimate federal claim or defense dismissed in a Federal District Court has a constitutional right to seek appellate review in the form prescribed by law. This form is a "statement of the issues presented for review" and argued in an initial brief. See Fed. R. App. P. 28(a)(5). If an appeal is decided on an issue that was not presented for review, that court has failed to perform its duty. It denies a party the right to be heard which is the most basic of due process right and it makes Rule 28 of the Federal Rules of Appellate Procedures an ineffectual rule.

The consequences of deciding an appeal based on issue(s) not presented for review would almost always guarantee an arbitrary or oppressive conclusion is reached. Seeing that this manner of dispute has been previously discussed by several Federal Courts but yet no definite proposition of law for this particular issue has been made, the conflict created here deserves the Supreme Court's judicial wisdom. Wherefore it is vital that the Supreme Court address the question of whether Federal Court of Appeals can resolve an appeal based on an issue not presented.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: March 20, 2026

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

EDDIE JAMES MOULTRIE — PETITIONER  
(Your Name)

VS.

GERALD L. EDWARDS — RESPONDENT(S)

**PROOF OF SERVICE**

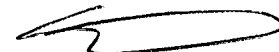
I, Eddie James Maultrie, do swear or declare that on this date, \_\_\_\_\_, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Katherine Rosen, Assistant Attorney General, 3507 E. Frontage Road,  
Suite 200, Tampa, FL 33607

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2026



\_\_\_\_\_  
(Signature)