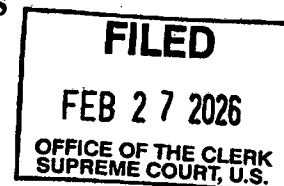


25-7159  
No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Seth Neil Helgeson,  
Petitioner,



v.

The Honorable Dann E. Greenwood,  
Judge of the District Court, Southwest Judicial District,  
and City of Dickinson,  
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF NORTH DAKOTA

PETITION FOR A WRIT OF CERTIORARI

Seth Neil Helgeson  
297 Suncrest Avenue  
Dickinson, North Dakota 58601  
(701) 300-3722  
helgesonseth1@gmail.com  
Petitioner, pro se

## QUESTIONS PRESENTED

1. Whether a state court that accepts jurisdiction, directs adversarial briefing on preserved federal constitutional claims, and thereafter denies discretionary relief without resolving those claims has entered a final judgment reviewable under 28 U.S.C. § 1257(a).
2. Whether Article VI, Clause 3 of the United States Constitution requires that an individual exercising state prosecutorial authority take and subscribe the constitutional oath before exercising that authority, and whether a timely structural challenge to that qualification must be adjudicated.

## **LIST OF PARTIES AND RELATED PROCEEDINGS**

### **A. Parties**

Petitioner **Seth Neil Helgeson** was the petitioner in the original supervisory-writ proceeding before the Supreme Court of North Dakota and is the petitioner here.

Respondents **Hon. Dann E. Greenwood** and **City of Dickinson** were the respondents in the supervisory-writ proceeding before the Supreme Court of North Dakota and are the respondents here.

All parties to the proceeding in the court whose judgment is sought to be reviewed are listed in the caption of this petition. No additional parties are required to be listed pursuant to Supreme Court Rule 12.6.

### **B. Related Proceedings**

This petition arises from the following proceedings:

1. **District Court of North Dakota, Southwest Judicial District,**  
Case No. 45-2025-TR-01241.  
Proceedings initiated and conducted by a prosecuting official whose constitutional authority was challenged.
2. **Supreme Court of North Dakota,**  
**Seth Neil Helgeson v. The Honorable Dann E. Greenwood, Judge of the**

District Court, Southwest Judicial District, and City of Dickinson,  
Supreme Court No. 20250358.

Petition for Supervisory Writ accepted for limited briefing on specified federal constitutional questions; relief denied without opinion; petition for rehearing denied.

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

## TABLE OF CONTENTS

	PAGE
Questions Presented .....	i
List of Parties and Related Proceedings .....	ii
Table of Authorities .....	iii
Appendix Table of Contents .....	iv
Opinions Below .....	1
Jurisdiction .....	2
Constitutional Provisions Involved .....	3
Statement of the Case .....	4
Reasons for Granting the Writ .....	6
I. The State Supreme Court Accepted Jurisdiction	
Yet Refused to Decide Preserved Federal Questions .....	6
II. Article VI Requires Enforcement of the	
Constitutional Oath as a Structural Safeguard .....	8
Conclusion .....	10

## TABLE OF AUTHORITIES

### Cases

Cooper v. Aaron, 358 U.S. 1 (1958) .....	7
Norton v. Shelby County, 118 U.S. 425 (1886) .....	8
Ryder v. United States, 515 U.S. 177 (1995) .....	8
Testa v. Katt, 330 U.S. 386 (1947) .....	7

### Constitutional Provisions

U.S. Const. art. VI, cl. 2 (Supremacy Clause) .....	6
U.S. Const. art. VI, cl. 3 (Oath Clause) .....	3, 8
U.S. Const. amend. XIV, § 1 (Due Process Clause) .....	3

### Statutes

28 U.S.C. § 1257(a) .....	2, 6
---------------------------	------

## **OPINIONS BELOW**

The Supreme Court of North Dakota denied the Petition for Supervisory Writ by unpublished order dated December 5, 2025. (App. A).

The court denied rehearing by unpublished order dated December 17, 2025. (App. B).

No written opinion adjudicates the federal constitutional questions presented in this petition.

## **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1257(a).

Petitioner presented federal constitutional claims under Article VI and the Fourteenth Amendment to the Supreme Court of North Dakota in an original supervisory proceeding. The court expressly accepted the petition, ordered responses, and limited briefing to specified federal constitutional questions. Order dated October 17, 2025 (App. C).

After receiving briefing from respondents on those federal questions, the court denied relief by order dated December 5, 2025 (App. A). That denial terminated petitioner's effort to obtain adjudication of the federal constitutional claims presented and left no further avenue for state review.

Petitioner timely filed a Petition for Rehearing, which was denied on December 17, 2025 (App. B). That order constitutes the final judgment of the highest court of a State in which a decision could be had. This petition is filed within 90 days as required by Supreme Court Rule 13.

The denial of relief constitutes a final judgment within the meaning of 28 U.S.C. § 1257(a).

The court expressly accepted the supervisory petition, directed adversarial briefing limited to specified federal constitutional questions, and received briefing from respondents on those issues. It thereafter entered a final order declining to grant relief.

#### **CONSTITUTIONAL PROVISIONS INVOLVED**

**U.S. Const. art. VI, cl. 2 (Supremacy Clause) provides:**

“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.”

**U.S. Const. art. VI, cl. 3 (Oath Clause) provides:**

“The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or

Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”

**U.S. Const. amend. XIV, § 1 (Due Process Clause)** provides, in relevant part:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

#### **STATEMENT OF THE CASE**

1. Petitioner sought original supervisory relief in the Supreme Court of North Dakota, presenting preserved federal constitutional claims under Article VI and the Fourteenth Amendment.

2. The petition challenged the constitutional authority of the prosecuting official on the ground that the oath required by Article VI, Clause 3 of the United States Constitution had not been taken prior to the exercise of prosecutorial power.

3. The Supreme Court of North Dakota accepted the supervisory petition and entered an order expressly limiting briefing to specified federal constitutional questions, including the Supremacy Clause and the Oath Clause. (App. C).

4. The court issued notice directing respondents to file briefs addressing the specified federal constitutional questions, and respondents did so.
5. Respondents filed briefing addressing those federal constitutional issues. Petitioner sought leave to file a reply limited to the scope of the court's order.
6. The Supreme Court of North Dakota thereafter denied the Petition for Supervisory Writ by order, declining to exercise discretionary jurisdiction. (App. A). No opinion was issued adjudicating the federal constitutional questions the court had directed the parties to brief.
7. Petitioner timely filed a Petition for Rehearing, again directing the court's attention to the unresolved federal constitutional claims.
8. Rehearing was denied by order dated December 17, 2025. (App. B).
9. The orders below conclusively terminated petitioner's effort to obtain adjudication of his preserved federal constitutional claims and left no further avenue for review within the state system.
10. This petition for a writ of certiorari follows.

#### **REASONS FOR GRANTING THE PETITION**

- I. The Decision Below Presents an Important Question Concerning Finality and Review Under 28 U.S.C. § 1257(a).**

This case presents a question concerning the effect of a state court's acceptance of jurisdiction and direction of adversarial briefing on preserved federal constitutional claims, followed by a denial of discretionary relief.

Clarification of this question is important to the uniform administration of 28 U.S.C. § 1257(a). State courts frequently exercise discretionary jurisdiction over extraordinary writs, supervisory petitions, and other original proceedings. When a state court accepts such a petition, directs adversarial briefing on specified federal constitutional questions, and receives merits briefing on those questions, litigants reasonably rely on that posture as constituting the exercise of judicial power over the federal claims presented. If a subsequent denial of discretionary relief after full federal briefing is treated as categorically insulated from review, the finality doctrine under § 1257(a) risks becoming unpredictable and unevenly applied across jurisdictions.

This case presents a clean opportunity to clarify whether, and under what circumstances, a state court's acceptance of jurisdiction and direction of adversarial federal briefing transforms a discretionary proceeding into a final judgment reviewable by this Court. Absent such clarification, litigants may be left uncertain whether federal constitutional claims fully briefed before a state court of last resort are reviewable in this Court.

Petitioner invoked the original supervisory jurisdiction of the Supreme Court of North Dakota and presented preserved federal constitutional claims under the Supremacy Clause and the Oath Clause. The court expressly accepted the petition and limited briefing to specified federal constitutional questions.

(App. C). After receiving briefing from respondents on those federal issues, the court entered a final order declining to exercise discretionary jurisdiction and denied relief. (App. A). Rehearing was denied. (App. B).

Where a state court accepts jurisdiction over preserved federal constitutional claims, directs briefing on those claims, and then enters a final judgment without resolving them, the effect is to terminate further state review while leaving the federal questions unresolved. That posture implicates the relationship between discretionary review and the Supremacy Clause. See *Testa v. Katt*, 330 U.S. 386 (1947); *Cooper v. Aaron*, 358 U.S. 1 (1958).

In *Testa v. Katt*, 330 U.S. 386 (1947), this Court held that state courts of competent jurisdiction may not refuse to enforce federal rights. In *Cooper v. Aaron*, 358 U.S. 1 (1958), this Court reaffirmed that state officials are bound by the Constitution and by this Court's authoritative interpretation of it.

When a state court accepts jurisdiction over federal claims yet declines to adjudicate them after directing briefing, the Supremacy Clause obligation recognized in those decisions is implicated.

This case therefore presents a significant question concerning when a federal constitutional claim has been 'adjudicated' within the meaning of 28 U.S.C. § 1257(a).

If a state court may accept jurisdiction, limit briefing to federal constitutional issues, and then decline to resolve them in a final judgment, litigants may be left without meaningful state adjudication of federal rights. Clarification from this Court is warranted to ensure consistent enforcement of the Supremacy Clause and to preserve the integrity of federal constitutional review.

## **II. The Petition Also Presents a Structural Question Concerning the Oath Clause.**

The petition independently presents a structural question concerning Article VI, Clause 3 of the Constitution. That Clause provides that executive officers of the several States "shall be bound by Oath or Affirmation" to support the Constitution.

Petitioner raised the constitutional oath defect at the earliest opportunity before adjudication of the underlying proceeding and prior to the exercise of prosecutorial authority in the challenged action. The objection was preserved

and presented directly to the State's highest court in the supervisory proceeding.

This Court has recognized that certain structural constitutional defects are not subject to ordinary de facto officer principles when timely challenged. See *Ryder v. United States*, 515 U.S. 177 (1995).

Where a constitutional qualification is made a prerequisite to the lawful exercise of executive authority, and the defect is promptly raised, the structural safeguard cannot be disregarded without nullifying the constitutional command itself.

The petition presents the federal question whether a State may exercise prosecutorial authority through an individual who has not satisfied the constitutional oath requirement and whether a timely structural challenge to that qualification must be adjudicated. See *Norton v. Shelby County*, 118 U.S. 425, 442 (1886) (acts performed under unconstitutional authority are void). When a structural qualification imposed by the Constitution is timely challenged, the defect cannot be disregarded without undermining the constitutional framework itself.

The issue concerns the constitutional conditions under which state executive authority may be exercised. That question warrants this Court's review.

### **III. This Case Presents a Clean Vehicle.**

This case presents a suitable and final vehicle for resolving the questions presented. The Supreme Court of North Dakota expressly accepted the supervisory petition, ordered adversarial briefing limited to federal constitutional questions, and thereafter entered a final order denying relief. Rehearing was denied. The judgment conclusively terminated petitioner's ability to obtain further state review of his preserved federal constitutional claims.

The court's final order declined discretionary relief and did not identify any state-law ground independent of the federal questions presented. The case presents no jurisdictional or procedural obstacle to this Court's review. The federal questions were preserved, briefing was ordered and received, and the final order conclusively terminated the federal claims.

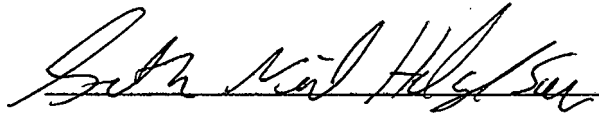
The issues are purely legal, and the record presents no factual disputes material to the questions before the Court. The judgment conclusively disposed of petitioner's preserved federal constitutional claims and foreclosed further review within the state system, making this case appropriate for review under 28 U.S.C. § 1257(a).

**CONCLUSION**

For the foregoing reasons, the petition for a writ of certiorari should be granted to  
resolve the important federal questions presented.

Respectfully submitted,

Dated this 30<sup>th</sup> day of March, 2026.



Seth Neil Helgeson  
297 Suncrest Avenue  
Dickinson, North Dakota 58601  
(701) 300-3722  
helgesonseth1@gmail.com

Petitioner, pro se