

25-7273

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

FILED

JUL 31 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

JASON LANG

186 HAWLEY CT

LOCKPORT, NY 14094

Petitioner, Pro Se,

v.

INDEX NO. \_\_\_\_\_

HILLARY CLINTON, ET AL.,

Respondents.

WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

## QUESTIONS PRESENTED

1. Whether the government's use of warrantless surveillance under the Foreign Intelligence Surveillance Act (FISA), including the submission of surveillance applications misleadingly labeled as "FISA warrants," violates the Fourth Amendment's prohibition against unreasonable searches and seizures when targeting U.S. persons.
2. Whether the government's surveillance activities under 50 U.S.C. § 702 (FISA Section 702) against American citizens without probable cause, individualized suspicion, or judicial oversight constitute an unlawful search under the Fourth Amendment.
3. Whether the government's conduct in surveilling U.S. persons under 50 U.S.C. § 1881a, contrary to its statutory limitations, violates the FISA Amendments Act when no valid basis existed to target a U.S. citizen.
4. Whether a federal judge must recuse herself under 28 U.S.C. § 455(a) and (b)(1) when she was nominated to the federal bench by a defendant in the same case, creating an appearance of partiality and potential personal bias—particularly where another judge previously recused under identical circumstances and where the court of appeals erroneously found that the judge was not appointed by the litigant-President.

**PARTIES TO THE PROCEEDING**

Petitioner: Jason Lang, Pro Se

186 Hawley Ct

Lockport, NY 14094

jasonwlang@icloud.com

716-990-1299

Jason Lang, a U.S. citizen who alleges he was subjected to unlawful warrantless surveillance under FISA, with specific intent to cause damages.

Respondents:

Hillary Clinton, et al., acting through federal intelligence, investigatory, and executive agencies.

**JOE BIDEN**

**BARACK OBAMA**

**DONALD TRUMP**

**JAMES COMEY**

**ANDREW MCCABE**

**CHRISTOPHER WRAY**

**DANIEL BARRANCOTTA**

**AMANDA SHUFELT**

**JOHN OTTAVIANO**

STEVEN ABBOTT

JAY INSLEE

GAVIN NEWSOM

ADAM SCHIFF

ANDREW CUOMO

KATHY HOCHUL

SEAN BOSI

MANUEL SANTOS

COLLEEN PETTIT

ADRIQN ADAMUS JR

CHIANZO CUNNINGHAM

SCOTT P. CHAMBERLAND

RICK FERRON

BRYAN MACCULLOCH

JOHN FASO

DANIEL STAPLETON

REBECCA TOWN

JOSEPH BESL

KENNETH ARGONA

**JASON CARAFELLA**

**RUDOLPH CONTRERAS**

**MERRICK GARLAND**

**BILL GATES**

**DALE YAEGER**

**JOEL ANZALONE**

**ADTIAN AFAMUS JR**

**DR. PATRICK O'SHAUGNESSY**

**MEGYN KELLY**

**HORATIO CAPOTE**

**BENNETT MYERS**

**MAN IMPERSONATING THOMAS R DONOVAN SR**

**C. LUCINSKI**

**DALE YAEGER**

**DR. JOSEPH BESL, NIAGARA FALLS MEMORIAL MEDICAL CENTER**

**KENNETH ARGONA**

**JUSTIN WELK, NIAGARA COUNTY MENTAL HEALTH**

**JOE PESCI**

**CHEECH MARIN**

**FRANCESCA FALZONE**

**ADAM SANDLER**

**STUART MUMMA**

**MICHAEL FLYNN**

**DA THAT PROSECUTED STUART MUMMA**

**HONORABLE THOMAS DEMILLO**

**GEO AVAK, LGM TRANSPORT INC.**

**MARK ZUCKERBERG, FOUNDER CHAIRMAN CEO FACEBOOK**

**CC CARON**

**DAN BONGINO,**

**LEONARD P. VANEVER JR., DRIVER FOR LGM TRANSPORTATION**

**DEB LIU, CEO OF ANCESTRY**

**VICTOR, NYSDOCCS PAROLE OFFICER IN NIAGARA COUNTY**

**THOMAS LARRY**

**WILLIAM RANDOLPH HEARST III**

**BRADLEY MORROW**

**GOMEZ CHP BADGE. 17900**

**JANE DOE WITH DEAD SON IN MONROE. WA PLAINTIFF USED THOMAS DONOVAN'S**

**NAME ON**

**JOHN DOE UPS WORKER WITNESS TO PLAINTIFF USING THOMAS DONOVAN'S NAME**

**ON THE LADY**

**MCKENZIE PENQUE**

**JOHN ROESSLER**

There are no corporate parties requiring disclosure under Rule 29.6.

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## **OPINIONS BELOW**

The opinion of the United States District Court for the Western District of New York (Hon. Elizabeth A. Wolford), entered December 30, 2024, is unreported but reproduced in the Appendix at App. 1–15. *Lang v. Clinton, et al.*, No. 1:24-cv-00019-EAW (W.D.N.Y. Dec. 30, 2024).

The opinion of the United States Court of Appeals for the Second Circuit, entered May 21, 2025, dismissing the appeal, is unreported and reproduced in the Appendix at App. 16–18. *Lang v. Clinton*, No. 25-126 (2d Cir. May 25, 2025).

## **JURISDICTION**

Jurisdiction is invoked under 28 U.S.C. § 1254(1), which authorizes this Court to review cases by writ of certiorari from the courts of appeals.

This Court has jurisdiction to review the constitutional questions presented—including Fourth Amendment violations and mandatory judicial disqualification under 28 U.S.C. § 455(a) and (b)(1).

The judgment of the United States Court of Appeals for the Second Circuit was entered on May 21, 2025 by the United States Court of Appeals for the Second Circuit in case No. 25-126.

This petition is timely under Supreme Court Rule 13.1, as it is filed within 90 days.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- U.S. Const. amend. IV
- 50 U.S.C. § 702
- 50 U.S.C. § 1881a
- 28 U.S.C. § 455(a)
- 28 U.S.C. § 455(b)(1)
- 28 U.S.C. § 1254(1)

## STATEMENT OF THE CASE

Petitioner alleges that the government subjected him to warrantless electronic surveillance under the Foreign Intelligence Surveillance Act (FISA) without probable cause, judicial approval, or statutory authorization. Surveillance applications were misleadingly referred to as “FISA warrants,” though they lacked any traditional warrant elements—probable cause, particularity, or individualized suspicion.

The government further invoked 50 U.S.C. § 702, a statute designed for non-U.S. persons abroad, to surveil Petitioner domestically. Section 702 expressly forbids targeting U.S. citizens, yet surveillance was allegedly carried out without compliance with § 1881a, which restricts and regulates such activities.

Petitioner moved for recusal of District Judge Elizabeth A. Wolford under 28 U.S.C. § 455(a) and (b)(1) because she was nominated to the federal bench by Defendant President Barack Obama, a litigant in this case. Another judge, John Sinatra, nominated by Defendant Donald Trump, properly recused himself under identical circumstances. Judge Wolford declined to recuse.

The Second Circuit affirmed dismissal and denied recusal, incorrectly stating that Judge Wolford was not appointed by Defendant Obama—even though public records, including the Congressional Record (159 Cong. Rec. S8,666 (Dec. 12, 2013)), confirm she was nominated by him.

This petition seeks resolution of the constitutional violations arising from warrantless surveillance, misrepresentation of “FISA warrants,” statutory violations of § 1881a, and mandatory recusal under § 455.

## **REASONS FOR GRANTING THE WRIT**

### **I. A Judge's Nomination by a Defendant Creates an Unconstitutional Appearance of Bias Under 28 U.S.C. § 455(a)**

Section 455(a) requires recusal where a judge's impartiality "might reasonably be questioned."

Here, Judge Wolford was nominated by Defendant Barack Obama, creating an inherent appearance of partiality in litigation involving the nominative President.

This Court's precedents confirm that:

- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009): due process requires recusal when a party has a significant influence in placing a judge on the bench.
- *Williams v. Pennsylvania*, 579 U.S. 1 (2016): even the appearance of bias is constitutionally intolerable.

Judge Sinatra, nominated by co-defendant President Donald Trump, recused himself, establishing a consistent standard:

a nominative President who is a litigant compels disqualification.

The Second Circuit's factual error—that Judge Wolford was not appointed by Obama—magnifies the constitutional defect and shields a clear § 455 violation.

### **II. Recusal Is Also Mandatory Under § 455(b)(1) Because Presidential Nomination Creates a Personal Tie Bearing on Bias**

Section 455(b)(1) requires recusal when a judge has personal bias or prejudice concerning a party.

A presidential nomination is a uniquely personal professional elevation—an event that reasonably generates:

- personal gratitude,
- professional loyalty,
- and the appearance of indebtedness.

Courts have recognized that earlier professional relationships may necessitate recusal:

- *Liteky v. United States*, 510 U.S. 540 (1994)
- *In re Boston's Children First*, 244 F.3d 164 (1st Cir. 2001)

No meaningful distinction exists between those precedents and this case.

### **III. The Circuits Are Split on Whether Judicial Nomination by a Litigant Requires Recusal**

Some circuits recognize nomination-based conflicts as categorically disqualifying; others apply an ad-hoc test. This Court should resolve the inconsistency.

- *Cheney v. U.S. Dist. Court*, 541 U.S. 913 (2004) (Scalia, J.): personal political ties matter.
- *United States v. Bayless*, 201 F.3d 116 (2d Cir. 2000): applies an objective observer test that Judge Wolford fails under the correct factual record.

This case is an ideal vehicle because the appellate court's decision rests on an incorrect factual premise—a rarity that itself warrants review.

### **IV. The Government's Use of Warrantless FISA Surveillance on U.S. Persons Violates the Fourth Amendment and § 1881a**

#### **1. Fourth Amendment Violations**

The government's reliance on FISA surveillance procedures in place of a traditional warrant conflicts with this Court's holdings:

- *Carpenter v. United States*, 138 S. Ct. 2206 (2018)
- *United States v. Jones*, 565 U.S. 400 (2012)

These precedents establish that modern electronic surveillance requires probable cause and judicial authorization—not statutory shortcuts.

## 2. Misrepresentation of “FISA Warrants”

Calling a FISA application a “warrant” when it lacks probable cause, particularity, or judicial review constitutes fraud upon the court.

## 3. Statutory Violations Under § 1881a

Section 1881a prohibits targeting U.S. persons.

Yet Petitioner alleges exactly that.

The courts below ignored these statutory limits.

## **CONCLUSION**

For the foregoing reasons, this Court should grant the petition for a writ of certiorari to resolve:

1. Fourth Amendment limits on FISA surveillance of U.S. citizens;
2. statutory violations of § 1881a;
3. mandatory judicial recusal when a judge is nominated by a litigant;
4. the Second Circuit's erroneous factual conclusion regarding Judge Wolford's nomination.

Respectfully submitted,

Jason Lang, Pro Se