ORIGINAL

No. 25-7288

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

IN RE MICHAEL ROCKS-MACQUEEN

On Petition for Writ of Mandamus to the United States
Court of Appeals for the Ninth Circuit

PETITION FOR WRIT OF MANDAMUS

Submitted by:

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QUESTION PRESENTED

Whether the Federal Government may rely on claims of national security to utilize undisclosed technological processes, including artificial intelligence systems or adversarial testing frameworks, and surveillance to observe, influence, or direct a citizen's life without consent, without proof of that consent, and without meaningful judicial review, under the constraints of the First, Fourth, Fifth, Thirteenth, and Fourteenth Amendments?

LIST OF PARTIES AND RELATED CASES

Petitioner:

Michael Rocks-Macqueen

Respondents / Interested Parties:

United States of America
Central Intelligence Agency
United States Court of Appeals for the Ninth Circuit

Related Cases:

Rocks-Macqueen v. Central Intelligence Agency, No. CV-25-02564, U.S. District Court for the District of Arizona. Judgment entered Aug. 7, 2025.

Rocks-Macqueen v. Central Intelligence Agency, No. 25-5056, U.S. Court of Appeals for the Ninth Circuit. Docketed Aug. 11th, 2025, No judicial assignment, pending.

Rocks-Macqueen v. Harris, No. CV-25-3049), U.S. District Court for the District of Arizona. Judgment entered Dec. 12th, 2025

Rocks-Macqueen v. Paramount Global et al. CV-25-3135, U.S. District Court for the District of Arizona. Judgment entered Apr. 10th, 2025.

Rocks-Macqueen v. Paramount Global et al. II, No. CV-25-03290, U.S. District Court for the District of Arizona. Consolidation into related Case No. 3135 on Jan 8th, 2025

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No court has issued a substantive opinion addressing the constitutional question presented in this Petition.

The United States District Court for the District of Arizona dismissed Petitioner's action without prejudice for lack of subject matter jurisdiction on August 7, 2025, without addressing the merits of the asserted statutory and constitutional violations, and without granting leave to amend. See Order App. I, *Rocks-Macqueen v. Central Intelligence Agency, et al.*, No. CV-25-02564 (D. Ariz.).

Petitioner timely appealed to the United States Court of Appeals for the Ninth Circuit (No. 5056) on August 8, 2025. The appeal was docketed on August 13, 2025. As of the date of this filing, no judicial officer has been assigned, no briefing schedule has been issued, and no action has been taken.

This prolonged inaction, now exceeding eight months, has effectively foreclosed appellate review under 28 U.S.C. § 1291, despite a properly filed and pending appeal.

Accordingly, no lower court has substantively reviewed the claims presented. The absence of review, combined with extended procedural inaction, renders meaningful judicial relief unavailable absent this Court's intervention.

JURISDICTION

This Court's authority is invoked under 28 U.S.C. §1651(a) and Supreme Court Rule 20.

Petitioner timely sought appellate review under 28 U.S.C. §1291 in the Ninth Circuit, but no judicial officer has been assigned and no substantive action has occurred for over eight months.

As a result, no adequate alternative remedy presently exists.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Petition involves the Declaration of Independence as a foundational statement of the right to life, liberty, and the pursuit of happiness, together with the Constitution of the United States, including Article I, Section 8, and Amendments I, IV, V, VI, VIII, X, XIII, and XIV, as cited herein. It further involves the Freedom of Information Act, 5 U.S.C. § 552; 18 U.S.C. §§ 241–242; 28 U.S.C. § 1291; and the All Writs Act, 28 U.S.C. § 1651(a).

These provisions are implicated by the questions presented concerning access to judicial review, privacy, due process, compelled silence through administrative obstruction, equal protection, unlawful surveillance, deprivation of liberty interests, and the authority of this Court to issue extraordinary relief where no adequate remedy remains. Full citations and page references appear in the Table of Authorities. Where necessary, relevant materials appear in the Appendices

INTRODUCTION

Under the Declaration of Independence Framework (1776)

The Nation was founded on the principle that liberty is not granted by government, but retained by the individual, secured through unalienable rights and the consent of the governed. The authority to determine the course of one's life was not vested in the State, but reserved to the individual.

This question is not presented for adjudication, but as the foundational premise upon which the Constitution itself rests: Did the founding fathers theorize the formation of the unified states creating federalism, so the Government can determine and decide the path for a citizen for the needs of the State, or is a individual's path reserved to the pursuit of happiness under unalienable rights, affording only to a Divine Providence, and protected through the consent of the governed?

While this Court speaks as the final arbiter of constitutional meaning, the question presented is not abstract, it is foundational for individual interpretation. It defines whether those founding limits on State authority remain intact, or may be displaced by modern forms of governance.

Petitioner alleges that modern data-driven systems, including those associated with artificial intelligence and private contractors, have been used not merely for observation, but for sustained behavioral influence and non-consensual exposure of his private life. If permitted, such actions collapse the distinction between lawful investigation and unconstitutional intrusion.

Despite repeated filings across multiple jurisdictions, no court has addressed the underlying constitutional or foundational questions. This Petition therefore asks whether the Constitution permits such conduct, or whether technological advancement cannot override the protections it guarantees.

STATEMENT OF CASE

I. **Affidavit and Supporting Submission**: On October 7, 2025, Petitioner executed a sworn affidavit summarizing factual allegations, prior submissions, and requests for governmental review concerning surveillance, data use, and related constitutional concerns. (See App. III, Exhibit A)

Petitioner previously transmitted related materials to United States officials and agencies, including submissions through official online portals, but alleges no substantive response was provided.

The affidavit and related exhibits are submitted as part of the record supporting this Petition.

II. Letters of Origin:

Written correspondence, including letters and emails to Petitioner's father and mother. (See App. III, Exhibits B and C). These materials predate formal litigation and reflect contemporaneous communications describing Petitioner's observations, experiences, and understanding of events later

presented under oath. They are submitted as part of the factual record to show chronology, consistency, and notice over time.

III. Resignation from DoD - Jan 20th, 2023 (Presumed Administrative Law Hold Begins)

On January 20, 2023, Petitioner resigned from his position as a contract pilot supporting the Department of Defense through a private contractor. (See App. III, Exhibit E)

Petitioner identifies this date as a significant chronological marker preceding the events and filings underlying the present Petition.

Following that resignation, Petitioner alleges subsequent governmental and administrative actions later described in sworn filings.

IV. FOIA Request and Delay

On November 5, 2024, Petitioner submitted a Freedom of Information Act request to the Central Intelligence Agency, assigned reference number P-2025-0014. Under 5 U.S.C. § 552(a)(6)(A), an agency determination was due within twenty working days.

No timely determination was provided. After extended delay, Petitioner submitted an administrative notice and appeal on July 7, 2025. (See App. III, Exhibits D1–D8)

Although the agency acknowledged responsive records, no records have been produced, and Petitioner alleges no adequate explanation or lawful final resolution has been provided.

Petitioner has submitted numerous related follow-up communications, many of which remain unanswered or unresolved.

V. Judicial Obstruction and Abuse of Process State of New Mexico

a. April 13, 2023: Arrest and Record Access Issues

On April 13, 2023, Petitioner was arrested under suspicion of DUI. Following the arrest, Petitioner requested access to dispatch logs and arrest records. Despite multiple requests, these records were not produced. Petitioner's court-appointed counsel did not obtain or provide the requested materials.

b. April 2023 - August 2024: Judicial Recusals

Court records reflect multiple instances of judicial recusal and reassignment; a judge presided over a hearing on August 7, 2023, despite a recorded recusal dated July 14, 2023. Followed by second judge formally recused on August 9, 2024, but continued to issue rulings in the case through April 1, 2025. A total of four judges recused or were reassigned during the proceedings. (See App. III, Exhibit F)

c. May 24 - 31, 2023: Attorney Communications

On May 24, 2023, Petitioner's counsel made statements referencing external political figures, including: "I am with Colón and other power brokers." On May 31, 2023, counsel further referenced: "Brian Colón… power players in the state." (See App. Exhibit G)

d. March 26 - April 1, 2025: Hearing and Dismissal

A hearing was conducted on March 26, 2025, without Petitioner or counsel present.

On April 1, 2025, the case was dismissed by a judge who had previously been recorded as recused. (See App. III, Exhibit G, pp. 16-18)

e. Petition to the Supreme Court (April 28, 2025)

On April 28, 2025, Petitioner submitted, by hand, a petition to the United States Supreme Court. Multiple filings and mailings were made in connection with this effort. Petitioner observed irregularities in delivery and processing of these submissions.

VI. Geneva, Switzerland, May 2025: International Submission and Comm. Obstruction

In May 2025, Petitioner traveled to Geneva, Switzerland and submitted written materials concerning alleged rights violations to the United Nations Office of the High Commissioner for Human Rights. On May 22, 2025, those materials were physically received and stamped. (See App. III, Exhibit H)

Petitioner further alleges that multiple electronic follow-up submissions to official addresses were unsuccessful or unanswered. Records of these attempts are included in the same exhibit. No substantive institutional response was received.

VII. Media and Institutional Complicity

a. Attempted Redress for Humanity

Between February 2025 and October 2025, Petitioner transmitted written notices, evidentiary materials, and requests for review to various governmental offices, elected officials, media entities, and legal institutions.

Recipients included federal agencies, congressional committees, inspectors general, media organizations, and other entities identified in supporting exhibits.

Petitioner alleges that despite repeated certified mailings, electronic submissions, and formal notices, no recipient provided a substantive response addressing the merits of the materials submitted. In total, 50 gigabits of written redress and thousands of pages, seeking redress, mailed.

b. Civil Suits: Obstruction and Judicial Abandonment

In or around June 2025, Petitioner began receiving third-party statements indicating that information relating to his personal life had been disseminated to media organizations without his knowledge or consent.

These statements were provided informally by individuals with knowledge of underlying data systems and media distribution channels.

Among the statements received was the following: "How did CBS and FOX get the info to broadcast? It was Palantir." This statement is presented not for the truth of the matter asserted, but to demonstrate that concerns regarding the source of alleged media dissemination were being raised independently of Petitioner's own claims. There are multiple congruent statements from dozens of citizens.

The statements referenced the use of data systems and technological infrastructure to collect, process, and distribute personal information in a manner consistent with the alleged non-consensual simulation and broadcasting of Petitioner's life.

These reports, when considered alongside Petitioner's prior filings and documented attempts at redress, further raised questions regarding the role of private contractors and media entities in the dissemination of personal data without authorization.

VIII. Pending Legal Actions and Failure of Substantive Review and Question Unanswered

a. *Rocks-Macqueen v. Central Intelligence Agency*
Ninth Circuit Appeal 5056 (D. Ariz. No. CV-25-02564)

On July 22, 2025, Petitioner filed suit in the District of Arizona arising from multiple FOIA requests and related constitutional claims after extended agency delay.

On August 6, 2025, Petitioner moved for leave to amend and submitted additional exhibits.

On August 7, 2025, the district court dismissed the action. Petitioner contends the dismissal occurred without addressing the newly submitted materials or the constitutional issues raised.

Petitioner timely appealed. The matter has remained docketed in the Ninth Circuit since August 13, 2025, under Appeal No. 5056, without substantive resolution. (See Appendix I)

b. *Rocks-Macqueen v. Harris* (D. Ariz. No. CV-25-3049)

On August 22, 2025, Petitioner filed suit concerning the handling of prior filings and related procedural matters.

On September 8-9, 2025, the case was dismissed for incomplete service. Petitioner disputes that basis, noting that the matter had remained active for more than thirty days and that judicial actions had occurred during the pendency of the case. (See Appendix II, pp. 20)

One day earlier, Petitioner had submitted a sworn affidavit in related District of Arizona proceedings and to this Court. Petitioner cites this sequence as part of the broader procedural history underlying the present Petition.

c. *Rocks-Macqueen v. Paramount Global et al.* (D. Ariz. No. CV-25-3135)

On August 28, 2025, Petitioner filed a civil action alleging unauthorized broadcasting and public dissemination of personal aspects of his life. The filing referenced statements from third parties and public commentary consistent with those allegations. Petitioner also requested electronic filing consistent with prior matters.

On October 6, 2025, Petitioner submitted the Affidavit of Truth. (See App. III, Exhibit A) A motion requesting judicial recusal was filed in the same matter. The recusal request was not substantively addressed. Across this matter, Petitioner received no direct response from opposing counsel to a central factual question relevant to the claims. No written denial or clarification was provided.

On April 10, 2025, the case was dismissed after approximately nine months of filings and submissions. The dismissal did not address the underlying factual question raised by Petitioner. (See Appendix II, pp 17-19)

The question presented in writing was: "Has the Plaintiff's likeness been broadcast without consent?" No direct answer was issued by the Court or opposing parties. This question remains unanswered.

d. *Rocks-Macqueen v. Paramount Global et al.* II (D. Ariz. CV-25-03290)

This case concerned the assignment of an additional presiding district judge, marking eight judges citing overlap in procedural posture and judicial involvement across multiple cases. A district judge

was assigned to this matter despite already presiding over Petitioner's other pending Case No. CV-25-3049.

Petitioner filed a Motion for Recusal, citing clear overlap in procedural, moral, and judicial conflicts across multiple cases. The motion was denied without written explanation, citation, or acknowledgment of material overlap.

Similar to another presiding district judge the conduct in Case No. CV-25-3135, the district judge failed to address or answer the following question: "Has the Plaintiff's likeness been broadcast without consent?"

This case was consolidated into parallel Case No. CV-25-3135 on, prior to dismissal without an answer. In both claims of parallel cases, there was no denial by defendant Palantir and their claims to "simulate" life nor other claims as marketed by their company "no Person would ever know." These questions and claims remain unaddressed.

e. *Rocks-Macqueen v. Paramount Global et al.* III (Middle District of Florida, No. CV-25-02513)

On September 18, 2025, Petitioner filed a parallel civil action in the Middle District of Florida. As of filing, the case has received no substantive response, ruling, or acknowledgment from the Court.

This lack of action is consistent with the procedural pattern observed in related matters. Petitioner previously received informal indications suggesting that non-response may function as a method of procedural disposition in similar matters.

f. *Rocks-Macqueen v. National Committee et al.* (Middle District of Florida, No. CV-25-2593)

On September 25, 2025, Petitioner filed a civil action in the Middle District of Florida against multiple parties alleging constitutional and related injuries.

Petitioner submitted substantial supporting materials, totaling approximately 1,500 pages, and undertook service efforts upon the named parties.

During the proceedings, the court issued multiple directives requiring amended submissions. Petitioner contends those repeated procedural demands prevented substantive consideration of the claims presented.

The action was later dismissed without reaching the merits of the underlying allegations, with the same question remaining unanswered for judicial deference: "Has the Plaintiff's likeness been broadcast without consent?"

IX. Sworn Statement

The foregoing statements are submitted as true and correct to the best of Petitioner's knowledge, information, and belief. Petitioner affirms under penalty of perjury that the factual assertions contained herein, and within all incorporated exhibits, reflect a true and accurate account of the events described.

Attached hereto as exhibit I is a sworn statement further detailing the use of artificial intelligence systems in the simulation and adversarial testing of Petitioner's life, without consent.

This Exhibit is incorporated by reference and submitted in support of the factual record presented in this Writ. The facts presented are not theoretical. They are lived, documented, and now formally sworn.

REASONS OF GRANTING THE PETITION

I. Systematic Failure of Redress: National Security as Undefined Justification

a. FOIA - Freedom of Information has failed Freedom.

Digitally interconnected systems concentrate decision-making without corresponding accountability, presenting a modern Fourth Amendment deficiency, the expansion of state-authorized data collection without corresponding avenues of redress. Leaving affected individuals without meaningful notice, understanding, or the ability to challenge outcomes. Petitioner does not ask this Court to accept allegations, but to compel access to the underlying data necessary for the Court itself to determine the facts.

The facts alleged are not isolated. They reflect a sustained pattern over multiple years, during which Petitioner pursued lawful and repeated avenues of redress prior to seeking relief from this Court.

Beginning in November 2024, Petitioner submitted over thirty FOIA requests in full statutory compliance. Petitioner's use of the term "Central Incompetence Agency" constitutes protected political speech under *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988), and the term is used herein under First Amendment protections.

Agencies invoking national security exemptions must provide specific, non-conclusory justifications sufficient for judicial review. Here, initial FOIA requests were met with blanket denials and Glomar responses. Subsequent requests were met with generalized "national security" assertions, effectively precluding meaningful review and leaving dozens of responsive documents unaddressed

These later responses contradicted prior agency positions including but not limited to: CIA, DOJ, FBI, and other agencies. These initial agency responses did not acknowledge any withholding, despite the obligation to do so under governing FOIA standards. Under *Fitzgibbon v. CIA,* 911 F.2d 755 (D.C. Cir. 1990), agencies must provide sufficiently detailed, non-conclusory explanations to permit meaningful judicial review. *Fitzgibbon* further establishes that information cannot be withheld under national security claims where it has been officially acknowledged. Whether such acknowledgment has occurred is a determination that requires production and judicial review of the requested records.

FOIA's purpose is to ensure an informed citizenry, not to shield agency action or permit undisclosed use of information for institutional, commercial, or policy-driven objectives as established in *Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989). Accordingly, withholding cannot be justified where information has been disseminated, leveraged, or relied upon in any public or inter-agency capacity while simultaneously denied to the individual directly affected. This concern is heightened where emerging technological programs or

data-driven initiatives intersect with such records, yet remain shielded from disclosure under generalized claims of national security.

Despite repeated requests, agencies failed to provide proper indexing or justification for withheld materials. Under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), agencies must produce a detailed, itemized explanation for each withheld document sufficient to permit adversarial testing and judicial review. No such index was provided.

Instead, responses relied on blanket denials and Glomar assertions, with multiple agencies stating "no records" or refusing to confirm the existence of responsive materials. Such responses fail to satisfy the requirement, established in *Judicial Watch, Inc. v. U.S. Department of Justice*, 373 F.3d 1108 (D.C. Cir. 2004), that agencies conduct and demonstrate a search reasonably calculated to uncover all responsive records.

Assertions of "no records" or limited results, without detailed explanation or demonstrable search methodology, do not meet FOIA standards and prevent meaningful judicial review. Subsequent acknowledgment that responsive records may exist, coupled with reliance on generalized "national security" exemptions, compounds the failure. Petitioner has sought relief for over 450 days without production of responsive records or meaningful disclosure.

Given these failures, FOIA obligations were effectively rendered inoperative in *Rocks-Macqueen v. CIA* (No. 5056), where the case was dismissed without engagement with statutory requirements, without addressing the agency's withholding obligations, and without permitting amendment. The underlying claim presented a clear, colorable basis for relief. Under *Foman v. Davis*, 371 U.S. 178, 182 (1962), courts may not avoid adjudication of substantive claims through procedural technicalities, particularly where amendment would permit resolution on the merits.

Undisclosed to Petitioner under assertions of national security, including the apparent absence of docket entry #13 in the District of Arizona's PACER system for Case No. CV-25- 02564, the underlying record remains withheld. The effect is to prevent review of the very material this FOIA action sought to obtain.

This matter has remained before the United States Court of Appeals for the Ninth Circuit since August 13, 2025, without judicial assignment or substantive action for over 250 days. No court has addressed the merits of Petitioner's claims or identified any deficiency in the factual allegations. The deficiency lies not in the pleadings, but in the complete absence of adjudication on the merits.

II. National Security Must Be Legally Defined Before It May Be Invoked

a. Separation of Powers - Anti-Commandeering-Tenth Amendment

Multiple FOIA responses invoked "national security" or classification without defining the scope, limits, or legal boundaries of such assertions. Petitioner therefore seeks a threshold determination: what are the definable limits and available avenues of redress associated with the invocation of "national security" as applied to a private individual? Absent such definition, the term becomes functionally un-reviewable and subject to arbitrary application.

What are the temporal limits, if any, on the invocation of "national security" in the context of technologically driven investigative or simulation-based programs? What constitutes reviewable and legally sufficient consent in such contexts?

In *Bond v. United States*, 572 U.S. 844 (2014), this Court affirmed that "the federal government may not displace individual agency based on abstract authority." National security is not exempt from that limitation. It must be defined within constitutional boundaries and remain subject to judicial review when applied to an individual. Further in *Bond*, the Court rejected the application of a chemical weapons statute to a domestic matter, drawing a clear line against the expansion of federal power into areas reserved to the individual. That same principle governs here.

Today, advanced surveillance and data systems, including those developed by private contractors, demonstrate how undefined assertions of authority can be operationalized against individuals. When such tools are used in conjunction with non-state actors, the line between federal power and private action becomes indistinguishable.

When "national security" is invoked without defined legal boundaries, it operates to blur distinctions between lawful authority and unconstitutional overreach. Article I, Section 8 provides

enumerated powers to the federal government; it does not authorize the displacement of core constitutional protections afforded to the individual. Those protections are further preserved by the Tenth Amendment, which reserves powers not delegated to the federal government.

Across multiple jurisdictions including; New Mexico, Arizona, Florida, California, Texas, and the District of Columbia, Petitioner has encountered consistent procedural irregularities and patterns of conduct not isolated to a single forum. The repetition of such conduct across jurisdictions raises substantial questions as to whether asserted authority is being applied lawfully, or as an undefined expansion of power beyond constitutional limits.

Even assuming arguendo that novel technological risks or so-called "AI anomalies" exist, such speculative concerns cannot justify the expansion of federal authority beyond constitutional limits. These specific claims necessitating "national security," when left undefined, are constitutionally defective and void ab initio as applied where they operate to displace structural protections embedded in the Constitution.

The Supreme Court has repeatedly held that the federal government may not compel states or individuals to administer or enforce federal regulatory programs. In *New York v. United States*, 505 U.S. 144 (1992), this Court rejected federal attempts to direct state legislative processes. In *Printz v. United States*, 521 U.S. 898 (1997), it held that the federal government may not commandeer state executive officers to implement federal law. Most recently, in *Murphy v. NCAA*, 584 U.S. (2018), this Court reaffirmed that Congress cannot issue direct orders to the states under the guise of regulatory authority.

These principles establish that federal authority cannot be expanded indirectly where it cannot be exercised directly. The Constitution does not permit the circumvention of structural limits through delegation, technological systems, or the use of non-state actors to accomplish what federal authority alone cannot lawfully perform.

This principle extends beyond formal mandates. In *NFIB v. Sebelius*, 567 U.S. 519 (2012), this Court recognized that financial inducement may become unconstitutional coercion where

financial pressure effectively compels participation. Accordingly, whether through direct command, economic leverage, or technological integration, federal authority may not override the constitutional division of power.

Any participation in aggregated data systems, whether through contractors, commercial platforms, or applications built on technologies such as those publicly attributed to Palantir and similar systems, cannot be imposed in a manner that functionally coerces state actors or private individuals into executing federal objectives through blanket consent to use basic services or rewards programs. The method of delivery does not alter the constitutional limitation on federal power.

Any assertion that "national security" justifies such compelled participation, absent clear statutory authority and constitutional grounding, fails under established anti-commandeering doctrine and violates the structural protections reserved to the states and the individual.

b. Even with Claims of War, Separation Remains

Even in times of asserted national emergency, the Constitution does not yield to undefined claims of executive authority. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), this Court rejected the notion that the executive may act absent clear constitutional or statutory authority, even during wartime. The President may not suspend constitutional protections through unilateral designation of necessity. Claims of necessity, economic, technological, or policy-based, cannot create war-level authority where none exists, nor justify the displacement of constitutional protections reserved to the individual.

No declared war exists, only an asserted and undefined claim of "national security" under "the race for AI" used to justify expanded surveillance and intrusion into the private lives of individuals. Such claims, when untethered from clear legal boundaries, risk nullifying core constitutional protections, including those secured by the Fourth and Fourteenth Amendments.

Even where national security concerns are legitimate, they do not override constitutional limits. In *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), this Court reaffirmed that "a state of war is not a

blank check for the President." The same principle applies here; executive or agency action cannot rely on generalized or pre-textual assertions of "AI development or anomaly" for security to justify actions that would otherwise violate fundamental rights.

Hamdi further held that "a U.S. citizen detained by the government must receive notice of the factual basis for the detention and a meaningful opportunity to challenge that detention before a neutral decision maker." This requirement is not limited to traditional forms of physical confinement, but applies wherever government action effectively restrains liberty without process.

Here, Petitioner has received no notice of any factual basis for the alleged intrusion into his private life, not notice, hearing, no formal accusation, and no opportunity to challenge the underlying conduct before any neutral tribunal. Despite extensive filings, requests, and notices of non-consent, no court or agency has engaged the core issue or provided a forum for meaningful review. Entry for review by way of mandamus is not only warranted, but necessary to preserve the First, Fourteenth Amendments.

In *Boumediene v. Bush*, 553 U.S. 723 (2008), this Court held that constitutional protections extend wherever the United States exercises functional control over a person. The government may not create artificial distinctions; whether territorial, technical, or procedural, to evade constitutional accountability. That principle applies with equal force in the digital domain. Where authority operates beyond physical borders but exercises sustained control over an individual's liberty, the Constitution does not recede. It follows the exercise of power.

Detention, in any form, requires judicial oversight. The Constitution cannot be "toggled on and off by executive preference," technological abstraction, or claims of necessity. Digital systems that monitor, influence, or restrict an individual's autonomy without notice or process constitute a modern form of functional detention, subject to the same constitutional limitations.

Where control is exercised without defined limits, judicial review is not optional, it is required.

C. National Security Claim Cannot Weaponize this Judiciary

The invocation of national security, absent a defined legal boundary, cannot operate to eliminate the ability to test, review, or challenge state action. Such a condition is incompatible with due process. Where broadly interpreted authority is combined with secrecy, judicial review is not preserved, it is nullified.

Even where "national security" is asserted to justify prolonged or indefinite restriction, including forms of digital detention without review, such a claim cannot extinguish access to the courts. Under *Cooper v. Aaron*, 358 U.S. 1 (1958), this Court affirmed that constitutional interpretation is binding on all branches and all courts. That authority cannot be invoked to eliminate the very review it requires.

If lower courts are compelled to adhere to Supreme Court authority while simultaneously denied the ability to review or disclose the basis of action under claims of secrecy, the judiciary ceases to function as a constitutional check and instead becomes an instrument of un-reviewable power. Such a condition is not within the bounds of *Cooper*; it is outside the protections of the Fourteenth Amendment.

If such a notion is advanced, it cannot be used to avoid scrutiny, it compels it.

III. Judicial Duty and Constitutional Obligation

a. The Judiciary Must Function as a Neutral Arbitrator

When the branch of government sworn to guard liberty permits its erosion through silence, delay, or procedural obstruction, it departs from its constitutional purpose. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), was not merely a ruling; it was a command. This Court must say what the law is, not what political convenience, external influence, economic reasoning, or technological mechanisms attempt to make it. Where unconstitutional acts occur, they are not errors to be deferred; they are void ab initio.

Despite the absence of judicial assignment in Appellate Case No. 5056; Petitioner has sought redress through five additional civil filings spanning multiple appellate jurisdictions. The pattern is not isolated, nor attributable to a single actor.

Across these matters, a consistent pattern emerges: refusal to release exculpatory evidence; failure to recuse; dismissal or disregard of properly filed pleadings; retroactive revocation of accepted service under Rule 4, clerical obstruction through refusal to docket or delay, and repeated refusal to answer a direct and dispositive question.

These are not isolated errors, but a systemic breakdown of procedural and constitutional obligations, leaving no effective avenue of review.

In *Cooper v. Aaron*, 358 U.S. 1 (1958), this Court held that "no state official, may refuse to follow a Supreme Court ruling." That principle admits no exception by convenience, silence, or delay. It therefore presents a direct constitutional conflict: if no official may refuse compliance, then must either be explained within constitutional bounds, or it is void ab initio.

Accordingly, where no lawful directive is identified and no review is permitted, the asserted authority cannot be presumed valid. It must be tested. And where it cannot be tested, it cannot stand. Any exercise of power that operates beyond review, beyond disclosure, and beyond constitutional boundary is not merely flawed, it is void ab initio. The Constitution does not yield to silence, nor does it permit its displacement through omission. It requires articulation, accountability, and adjudication. This pattern is not discretionary, it is unconstitutional.

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), this Court held that due process is violated where "the probability of bias is too high to be constitutionally tolerable." The failures presented here are not isolated errors, but reflect a structural condition in which neutrality is no longer possible within a single judiciary.

Across Petitioner's proceedings, ten judges failed to provide relief, including instances where a single judge presided over concurrent matters without recusal, and where multiple judges shared

overlapping institutional or political affiliations. This convergence establishes not merely the appearance of bias, but an objective probability of bias exceeding constitutional tolerance under *Caperton*.

In *Tumey v. Ohio*, 272 U.S. 520 (1927), this Court held that a "direct financial or personal interest in the outcome renders adjudication unconstitutional." In *Ward v. Village of Monroeville*, 409 U.S. 57 (1972), this Court extended that principle to institutional structures. Both recognized a system or individual that depends upon or benefits from certain outcomes creates an unconstitutional risk of bias personal or institutional interest. Where conditions exist, the probability of bias is inevitable.

In *In re Murchison*, 349 U.S. 133 (1955), this Court made clear that "no man can be a judge in his own case," and that participation in the underlying matter destroys neutrality. Likewise, in *Mayberry v. Pennsylvania*, 400 U.S. 455 (1971), the Court recognized that personal embroilment or perceived antagonism undermines the impartiality required for adjudication.

Under *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813 (1986), and *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847 (1988), this Court has further held that even indirect interests or the appearance of bias require disqualification. conditions here exceed that threshold. These failures across multiple courts do not reflect isolated error, but a structural condition in which personal, institutional, and ideological entanglements converge. Under these circumstances, no **singular judge** can satisfy the constitutional requirement of neutrality.

The issue is not whether any one judge erred, but whether a neutral forum exists at all? Where neutrality is structurally unavailable, due process is denied in its entirety, and only this Court can provide a constitutionally sufficient forum for review.

b. Fraud Upon the Judiciary, the Duty is to Self-Correct

Where fraud or structural error prevents a fair adversarial process, this Court has long held that such judgments cannot stand. In *United States v. Throckmorton*, 98 U.S. 61, and reaffirmed in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), this Court recognized not only

the power, but the duty, to set aside judgments obtained through fraud upon the judicial process itself. This Writ of Mandamus is confronting not one court or procedural defect but a systemic condition consistent with a fraudulent process requiring constitutional intervention.

Petitioner submitted a sworn affidavit outlining the scope and implications of the conduct at issue as described from foreign adversaries in Wuhan, China. Within forty-eight hours of its delivery, a presiding district judge in two concurrent civil matters retroactively dismissed valid service without explanation, while in a parallel action another district judge failed to recuse or respond to a direct constitutional question. These actions did not clarify the record, they reinforced the absence of neutrality, and the inability to obtain meaningful review.

Both civil actions presented a single, direct, and dispositive question: "Has any judicial official in this matter observed the un-consented broadcasting of the Plaintiff's likeness?"

The affidavit is sworn and reflects Petitioner's lived experience. Under these circumstances, the Constitution requires correction, not deference. Yet no corrective action occurred, nor was the question answered. Instead, the pattern persisted. Where no singular judge can provide a neutral and reasoned determination, the obligation shifts to this Court. Intervention is not a matter of discretion; it is a constitutional necessity.

The inability to obtain a neutral forum is itself a due process violation. When combined with a compromised or fraudulent process, it demonstrates why relief cannot be obtained below. Where constitutional review is structurally denied, Mandamus is not extraordinary, it is necessary.

Where correction is required, it must proceed *with all deliberate speed,* infamously declared in *Brown v. Board of Education*, 349 U.S. 294 (1955). The Constitution does not permit the continued operation of a defective process once identified, it requires immediate and effective judicial intervention.

IV. Process is Due, Entrapment, Coerced Consent, the Thirteenth Amendment in 2026 is Required.

a. National Deception Cannot Determine Denial of Due Process.

Where claims of "national security'" operate without defined legal boundaries, they function as the practical opposite of due process. This principle, recognized in *Youngstown, Hamdi*, and *Boumediene*, applies with equal force to modern digital systems where authority is exercised through informal or obscured mechanisms rather than declared policy.

Petitioner encountered a direct instance of modern AI engagement in which a Open AI's model prompted participation in "red teaming" activities framed as "helping" to combat foreign AI systems. The request was accompanied by a vague and non-specific consent mechanism, lacking clear explanation of scope, data use, or downstream implications. This interaction illustrates the broader structural issue presented; that participation in advanced digital systems is increasingly solicited through informal or unclear consent frameworks, undermining the ability of individuals to meaningfully understand or control the use of their data or involvement.

Under such conditions, due process cannot coexist with deception or the suppression of material truth, nor can consent be deemed valid where it is obtained without awareness of scope or intent. This Court has long held that the use of false or deceptive statements, or the deliberate withholding of exculpatory evidence violates constitutional guarantees, as established in *Mooney v. Holohan*, 292 U.S. 103 (1935), and reaffirmed in *Napue v. Illinois*, 360 U.S. 264 (1959). The invocation of national security does not alter this principle; rather, it heightens the need for scrutiny. Where such claims are used to avoid disclosure or prevent challenge, due process is not preserved, it is denied.

The present condition extends beyond traditional frameworks of adjudication. The Constitution regulates state action and its effects, including sustained forms of influence that shape conduct over time. This case does not involve isolated events, but a continuous environment of coercion executed through digital means, which influenced and directed real-world outcomes, including forms of detention absent physical custody.

Public and governmental discussions surrounding artificial intelligence and behavioral influence confirm that such capabilities are neither speculative nor abstract. Yet no mechanism has been provided to Petitioner to challenge the application of such influence as it relates to his own circumstances. Thus, the physical acts and resulting condition reflected in repeated evidentiary failures cannot be separated from the coercive environment that produced them.Where influence is constant, unseen, and unchallengeable, choice is no longer voluntary. When choice is not voluntary, any resulting action cannot be attributed to free will. When the State acts on those results, it acts upon a condition it created or materially contributed to.

This system maintains the records, controls access to them, and yet refuses to engage their substance, the burden cannot constitutionally be shifted to the individual to repeatedly prove what the State already possesses. In such circumstances, the issue is no longer evidentiary, it is institutional. The absence of disclosure and refusal to answer are not procedural gaps, but constitutional defects. The question remains singular and unanswered: "whether any judicial or governmental actor has acknowledged or reviewed the non-consensual intrusion into Petitioner's private life?" Until that question is addressed through a mechanism of redress, further submission serves no legal function beyond delay.

Adversarial testing without true informed consent is unconstitutional. Where anomalies are asserted under a presumed claim of national security, and justifications are predetermined upon the individual rather than the conduct itself, the issue is not technological, it is constitutional. These conditions existed prior to the technology invoked to justify them (Proven Process), the justification is pre-textual and such actions have provided a continuous violation of Petitioner's Eight Amendment protections. This is not a matter of speculation, but of outdated policy applied without disclosure or the ability to challenge it, it is unconstitutional.

Petitioner has now entered the thirty-seventh month of continuous exposure to non-consensual digital coercion, persistent entrapment, and induced behavioral influence within an undefined technological framework. Throughout that period, no forum has provided a mechanism to test or challenge these conditions.

In multiple parallel civil actions, Petitioner sought a direct response from Palantir Technologies regarding its publicly advertised capabilities, including representations that such systems can model or simulate an individual's life without their awareness. Across all proceedings, there has been a complete failure to engage those claims, even where raised directly.

If such capabilities are publicly asserted and advertised, their legal implications cannot be shielded from scrutiny when raised in a court of law. The absence of response is not neutrality, it is avoidance. Where such influence operates without disclosure or the ability to challenge it, the resulting conduct cannot be presumed voluntary nor consensual.

In *Sorrells v. United States*, 287 U.S. 435 (1932), *Sherman v. United States*, 356 U.S. 369 (1958), and *Jacobson v. United States*, 503 U.S. 540 (1992), this Court established that entrapment occurs where the government implants the disposition to commit an act through repeated pressure or inducement.

Beginning on April 12, 2023, Petitioner was subjected to inducement consistent with the principles articulated in this Court's entrapment jurisprudence. The question before this Court is not whether such conduct can be labeled or dismissed in abstraction, but whether any institution is willing to evaluate it within the framework already established by law?

Petitioner sought representation and pre-paid three separate private attorneys, each of whom refused to meaningfully inquire into or investigate the claims presented, including the circumstances surrounding the alleged targeted arrest. This refusal does not resolve the underlying issue; it confirms the deployment of non-consented adversarial testing.

The repeated failure of counsel to engage these claims constitutes a violation of Petitioner's Sixth Amendment rights, not in isolation, but as a sustained pattern. The record reflects post hoc alterations and procedural irregularities originating within the New Mexico judicial system and associated actors. These actions were not a matter of strategic disagreement; it is the absence of representation in any constitutional sense. Where inducement is alleged and no adversarial

mechanism exists to test it, the constitutional violation is not confined to the conduct itself, it extends to the system that refuses to examine it.

In *Strickland v. Washington*, 466 U.S. 668 (1984), this Court held that ineffective assistance of counsel constitutes a constitutional violation where representation falls below an objective standard of reasonableness and results in prejudice to the defendant. Where no counsel meaningfully engaged the claims, no investigation occurred, and no adversarial testing was performed. The representation failed at every stage, prejudice is not speculative, it is inherent. The absence of meaningful advocacy is not a procedural defect, but a structural deprivation of the Sixth Amendment itself.

The record reflects not isolated deficiency, but systemic failure across counsel, clerks, and judicial actors. The issue is not the number of defects, but their consistency, scale, and persistence across jurisdictions. Where no adversarial mechanism exists against the test itself, the validity of induced conduct, coercion consent is not examined, it is ratified.

b. Coarse Consent Under Induced Duress

Brown v. Mississippi, 297 U.S. 278 (1936), and *Mincey v. Arizona*, 437 U.S. 385 (1978), this Court established that the State may not create conditions of duress, physical or psychological, to overcome an individual's autonomy, and then rely on the product of that coercion as lawful evidence or consent. The Constitution forbids the State from manufacturing a person's conduct through coercive means and then legitimizing the result through procedure.

The deprivation of Petitioner's autonomy was not theoretical. It manifested through physical detention and restraint, and through conditions later mirrored across jurisdictions, including Switzerland and the Bahamas. These are not isolated incidents, but consistent applications of the same underlying condition. When viewed alongside ongoing irregularities and unchallenged digital surveillance mechanisms, this pattern reflects not lawful process, but sustained coercion without redress.

Statements repeated across multiple sources, including varied statements of "to see if you are good," do not reflect independent actors. That consistency aligns with adversarial testing, not lawful adjudication. This pattern extends into modern systems of consent, where access to essential services is conditioned on acceptance of vague or undisclosed surveillance terms. Such frameworks do not reflect informed consent, but structural coercion. No reasonable person would knowingly consent to the use of routine services as mechanisms for intrusion into, or capture of, their private life. Across multiple services, Petitioner encountered conditions requiring acceptance of terms as a prerequisite to access, without meaningful opportunity to review or understand those terms. Under such conditions, consent is not informed, it is compelled.

Consent obtained through necessity, ambiguity, or withheld information is not consent in any constitutional sense. In the absence of defined legal standards governing digital consent, such conditions must be evaluated against the reasonable expectation of the individual, not the undisclosed design of the system.

Requests for verification of consent, including cancellation and payment authorizations, revealed the existence of recorded signatures across services. Yet when formally challenged, those same entities failed to produce complete records, including full metadata and time-stamped verification from inception through execution. This inconsistency reflects not administrative error, but selective production, where records exist for enforcement, but not for verification. A system that requires consent, yet cannot produce it for review, does not establish agreement, it defeats it. Consent cannot be both mandatory and untraceable.

A commercial entity or basic service provider engaging in hidden or coercive surveillance of an individual exceeds any reasonable expectation of privacy, even within a public-facing environment. Such conduct is not a variation of lawful data use, but a departure from constitutional limits. Where data obtained through ambiguous or coerced consent is aggregated and utilized within advanced analytical systems, including those publicly developed or deployed by entities such as Palantir Technologies, and applied in a manner that targets or influences a single individual, the issue extends beyond privacy. It becomes a question of constitutional deprivation of rights.

No recognized state or federal legal framework permits the dissemination or use of personal location, behavioral data, or surveillance-derived outputs for purposes of coordinated influence, inducement, or deprivation of rights. Such conduct implicates federal statutes, including 18 U.S.C. §§ 241–242, and is incompatible with constitutional protections.

The condition presented is not technological in nature, but structural, human-directed interaction augmented by surveillance systems, producing sustained influence without disclosure or the ability to challenge it. Whether physical or digital in form, the constitutional defect remains the same.

In *Miranda v. Arizona*, 384 U.S. 436 (1966), this Court recognized that custodial conditions inherently carry coercive pressure and therefore require clear notice of rights. That principle is not limited to physical confinement. When an individual is subjected to continuous monitoring, directed interaction, and behavioral pressure without notice or recourse, the condition constitutes custodial control in function, if not in form.

Here, Petitioner's daily environment has been transformed into a sustained sequence of inducements, reactions, and behavioral shaping extending over years. The result is not isolated influence, but continuous control. Any resulting statements, impressions, or perceived admissions cannot be considered voluntary; they are products of an environment defined by coercive pressure, not free will, and are therefore constitutionally unreliable. Where the process producing those statements is undisclosed and un-reviewable, no tribunal can meaningfully assess their validity. The defect is not evidentiary, it is structural.

In *Jackson v. Denno*, 378 U.S. 368 (1964), this Court held that where coercion is alleged, admissibility cannot be presumed, it must be determined through a reliable, independent process before any fact finder may rely upon it. That requirement cannot be satisfied where no mechanism exists to test the conditions under which statements, impressions, or conduct were produced.

The question before this Court is therefore not factual, but foundational: whether a system that intrudes into the most intimate spaces of private life, then preemptively captures, influences, and

shapes an individual's conduct, without notice, consent, or any means of challenge, can coexist with the guarantees of due process. If it cannot, intervention is required by way of a Writ of Mandamus.

IV. Digital Evidence Requires Full Disclosure Under Brady

This is not a discrete violation under *Brady v. Maryland*, 373 U.S. 83 (1963). It is a systemic failure; the sustained withholding of digital evidence across agencies, jurisdictions, and time. Under *Giglio v. United States*, 405 U.S. 150 (1972), *Kyles v. Whitley*, 514 U.S. 419 (1995), and their progeny, the obligation is not selective disclosure, but full transparency of material evidence affecting credibility, outcome, and process.

In a modern system where actions, communications, surveillance, and decision-making are digitized, the evidentiary record is not fragmented, it is unified. The State cannot rely on digitization for control while disclaiming it for disclosure. If the system records, it must produce. If it does not produce, suppression is not inferred, it is established.

The government cannot satisfy due process while denying access to the very evidence required to challenge its actions. As recognized in *Boumediene v. Bush*, meaningful review requires access to the information necessary to contest detention or state action. Under Brady, disclosure is the mechanism that makes such review possible.

The record reflects repeated delays, denials, and obstruction of evidentiary requests, including FOIA filings, formal motions, and direct demands for communications and records. Multiple writs were held beyond ordinary timelines, while credibility-related materials were withheld across proceedings and jurisdictions.

In a system where evidence exists in digital form, denial of access is not neutral, it is determinative. The inability to challenge digital records, surveillance outputs, or decision-making inputs places those mechanisms beyond constitutional scrutiny. Such a condition cannot be reconciled with the Due Process Clause. The right to challenge must extend to the medium through

which the State operates. Where the State relies upon digitized systems, the corresponding records must be subject to meaningful review.

In *Kyles v Whitley*, 514 U.S. 419 (1995), this Court held that "the government has the affirmative duty to correct false testimony it knows or should know is misleading." That duty is not passive, it is continuous. It extends not only to what is disclosed, but to what is withheld.

After notice was provided regarding a coordinated policy framework involving "AI simulations" and the resulting deprivation of rights, no corrective action followed. Instead, the failure to respond persisted across proceedings and jurisdictions. Whether by institutional inertia or deliberate avoidance, the constitutional violation did not remain static, it continued uncorrected.

Kyles further makes clear that "silence in the face of known falsehood" may itself a constitutional violation. The question, therefore, is no longer whether error occurred, but whether the State, and by extension the judiciary, may remain inactive once such error is known.

As recognized in *Banks v. Dretke*, 540 U.S. 668 (2004), a system in which "the prosecutor may hide, and the defendant must seek" is incompatible with due process. The burden cannot be shifted to the individual to uncover what the State has concealed.

This is not a question of whether adversarial testing or "simulation" occurred. It is whether the State may withhold the very information necessary to answer that question while continuing to act against the individual. Under Banks, it may not.

Where access to material evidence is controlled by the State and disclosure is withheld, the resulting framework is not adversarial, it is structurally one-sided. Under *Brady, Giglio, Kyles*, and *Banks,* such a system cannot be reconciled with due process. This is not a question of procedural deficiency, but of constitutional absence. Where the State both possesses the record and prevents its review, no meaningful process exists. Due process does not permit the State to conceal the record and then rely on its absence.

V. Digital Privacy Rights, AI Regulation, and the Reasonable Expectation for Privacy

What prior sections establish in physical space, this section demonstrates must equally apply in digital space. The Constitution does not distinguish between physical and digital domains where the same governmental power is exercised over the individual. Where control extends, constitutional limits follow.

The failure to constrain governmental conduct in digital space reflects not a gap in law, but a failure to apply existing constitutional limits to a modern medium.

Modern digital systems generate outputs that materially affect individuals without providing any meaningful mechanism to audit, verify, or challenge the processes that produced them. This is the constitutional danger, not the theoretical capabilities of Al, but the absence of transparency and review where those systems are used.

Such conditions implicate the Due Process Clause where individuals are subjected to effects or determinations without a transparent or reviewable mechanism. A right that cannot be examined cannot be meaningfully exercised.

In *Griswold v. Connecticut,* 381 U.S. 479 (1965), this Court affirmed that constitutional protections extend into the private zones of personal autonomy. That principle does not diminish in digital space, it becomes more critical.

Further, in *Riley v. California, 573 U.S. 373 (2014)*, this Court recognized that digital data, by its scale, scope, and intimacy, demands heightened Fourth Amendment protection. The digital domain is not an exception to constitutional safeguards, it is an environment where those safeguards must be most rigorously applied.

Where the State operates through digital systems that influence, monitor, or affect the individual, those systems must be subject to the same constitutional scrutiny as any physical act.The Constitution protects "intimate space," the threshold question becomes what constitutes that space in

a modern context. Thought, reflection, and internal decision-making represent the most personal and protected domain of individual autonomy.

When external systems influence or shape those internal processes, the intrusion is not merely conceptual, it is coercive. Such influence exceeds traditional forms of compulsion recognized in cases such as *Brown v. Mississippi*, and aligns with the concerns underlying *Sorrells v. United States*, *Sherman v. United States*, and *Jacobson v. United States*, where the State may not manufacture conduct through targeted inducement. Otherwise, the Constitution governs only the visible, while power is exercised in the unseen.

Whether framed as inducement of a specific act or the gradual shaping of behavior and decision-making, the constitutional concern remains the same. The State may not direct outcomes by inserting influence into the individual's decision process not physical or digital spaces.

Where such AI reflective processes (thoughts) are not merely observed but are subject to algorithmic steering under asserted technological "capabilities," the issue is no longer surveillance, it is control. And the invasion Fourth Amendment protections to obtain control, that should not be allow to the preference of the State.

It is not to prove that un-consented broadcasting or implanted statements occurred within the most intimate sphere claimed by modern technology. Rather, it is to confront why no protective legal system has addressed these claims; not once, but consistently across jurisdictions.

Assertions of personal invasion may be dismissed as anomalous, but the truth lies in the data, data which all avenues of redress have failed to acknowledge, produce, or meaningfully challenge.

Further, Petitioner asserts under penalty of perjury that materially inconsistent and misleading procedural guidance was provided throughout the course of seeking redress, including statements that conflict with established rules and their historical application. Examples included; "Rule 22 filing is for emergencies to each Justice," inconsistent with its procedural channel through the Clerk. Other data such as; "Rule 44 for reapplication," only applicable where formal review has occurred or been

acknowledged. And most recent data "File both Certiorari and Mandamus," presented without clarity as to jurisdictional posture or procedural necessity. .

These statements, taken together, among other non-congruent reflective language, reflect not clarification of process, but internal inconsistency and misdirection. Where access to review depends on such guidance, the result is not procedural clarity, but the effective denial of review, with misleading statements in an intimate digital private space. These conditions, taken together, do not reflect ordinary procedural difficulty, but a pattern in which access to lawful remedy is systematically obstructed across both physical and digital domains. The result is the repeated return of substantive filings without engagement of the core constitutional issues presented. Under *Foman v. Davis*, such failure of review warrants heightened consideration where access to redress has been consistently denied.

The aggregation of data, predictive modeling, and platform-based surveillance, when used to influence, steer, or direct individual outcomes, effects a systemic nullification of privacy rights.

In *Katz v. United States,* 389 U.S. 347 (1967), this Court established that the Fourth Amendment "protects people, not places," grounding constitutional protection in the individual's reasonable expectation of privacy. That principle was extended in *Kyllo v. United States*, 533 U.S. 27 (2001), where this Court rejected the use of sense-enhancing technology to obtain information otherwise inaccessible without physical intrusion, holding that technological advancement cannot be used to circumvent constitutional safeguards. In *Carpenter v. United States,* 585 U.S. (2018), this Court further clarified that the mere fact that sensitive data is held by third parties does not extinguish Fourth Amendment protections.

Taken together, these decisions establish that constitutional protections do not diminish as technology evolves, they intensify where surveillance becomes more comprehensive, less visible, and more intrusive.

In 2026, these protections must extend beyond location data to the broader scope of digital life, where personal behavior, communication, and decision-making patterns are continuously recorded

and analyzed. The Fourth Amendment does not permit the un-consented, real-time dissemination of personal data, nor its use in systems that function to direct or materially influence individual outcomes without judicial oversight.

Where such data is accessed, any dissemination must be strictly limited to lawful authority and necessity. If distributed to private actors, or used for profit or coordinated targeting, falls outside any constitutionally permissible framework.

This increase technological capability can only begin to be resolved where "national security" is given a legally cognizable definition. Under Article I, Section 8, such authority must be grounded in enumerated powers, not vague or unlimited discretion that permits intrusion into the most intimate domains of individual life without judicial constraint.

Further this Court has consistently required that any intrusion upon individual privacy be grounded in specific, articulable, and verifiable facts, as found in *Terry v. Ohio*, 392 U.S. 1 (1968). Reliance on unverified or anonymous signals, absent indicia of reliability, is insufficient, further formed in *Florida v. J.L.*, 529 U.S. 266 (2000). Under a totality-of-the-circumstances framework, conclusions must rest on demonstrable evidence, not inference or assumption, under *Illinois v. Gates*, 462 U.S. 213 (1983). Even where intrusion is permitted, its scope must remain strictly tied to its justification, prohibiting exploratory or generalized searches later defined in *Arizona v. Gant*, 556 U.S. 332 (2009).

Algorithmic outputs, by their nature, are neither directly attributable nor subject to adversarial testing. Like anonymous tips lacking verifiable reliability, they cannot independently satisfy the constitutional threshold required to justify intrusion. Nor may such outputs be used to bypass the requirement of specific, articulable facts grounded in observable conduct. To permit otherwise would allow the State to replace evidence with inference, and verification with opacity.

These principles collectively require that any system used to justify state action must be transparent, attributable, and subject to meaningful challenge. The use of AI-derived or aggregated

data to influence, direct, or justify action against an individual, absent transparency, attribution, or a meaningful opportunity for challenge, cannot satisfy the requirements of the Fourth Amendment.

VI. Privacy, Broadcasting, and Commercial Standard in 2026

Recently, the final avenue for redress resulted in dismissal without resolution of the central factual question presented. Counsel representing multiple corporate entities, totaling twenty-seven attorneys, characterized Petitioner's claims as "fanciful and extravagant," yet declined to provide a direct, written denial as to whether any non-consensual broadcasting of Petitioner's likeness or voice has occurred.

The absence of a direct response to a dispositive question is not cured by the number of parties or counsel involved. Where a simple denial would resolve the issue, silence or deflection cannot substitute for adjudication. The volume of representation does not substitute for substance; it underscores the absence of it.

In the District of Arizona case 3135, the dismissal, after nine months and in conjunction with a parallel proceeding, reflects a troubling procedural pattern. The question presented is straightforward; may courts, counsel, and those charged with adjudication decline to answer a direct, outcome-determinative question?

Where a case turns on a factual determination capable of a "yes" or "no" answer, refusal to respond is not adjudication, it is avoidance. A petitioner cannot be required to endure prolonged litigation while the central question remains unaddressed, reducing the process to procedural evasion. As recognized in *Banks v. Dretke*, the State may not benefit from concealment or strategic silence where truth-seeking is required.

Modern artificial intelligence systems are capable of reconstructing and generating highly realistic representations of individuals, including voice, image, and behavior. This capability is no longer theoretical. The question presented is therefore not whether such technology exists in the abstract, but whether selective silence in response to a dispositive inquiry permits the continued use

of non-consensual representations of an individual's likeness, voice, or a characterization of that individual in other forms.

Where ongoing or repeated use is alleged, failure to provide a direct answer transforms the issue from one of speech into one of due process and redress. The First Amendment protects the right to petition for redress of grievances; it does not permit the State, or those acting in proximity to it, to suppress, distort, or algorithmically diminish that petition within modern digital forums.

The First Amendment does not protect the unauthorized capture or dissemination of an individual's identity or performance. In *Zacchini v. Scripps-Howard Broadcasting Co.*, 433 U.S. 562 (1977), this Court recognized liability where an individual's likeness is appropriated without consent. Where private entities perform or facilitate functions intertwined with government action, heightened constitutional scrutiny applies as interpreted in *Manhattan Community Access Corp. v. Halleck*, 587 U.S. (2019). Where dissemination occurs through or alongside government-enabled technological systems under asserted national security justifications, the requirement for judicial scrutiny is not diminished, it is heightened.

Access to modern digital platforms may be nominally available, but where algorithmic reach is selectively restricted, speech is not meaningfully free. Expression permitted in form but denied in visibility, seen by one but not by others, functions as suppression in practice. Where users are constrained within narrow, preconditioned contexts, the environment ceases to operate as an open forum and instead becomes a controlled system of interaction.

These are not abstract concerns. They are documented conditions, supported by exhibits which remain unreviewed in *Rocks-Macqueen v. Central Incompetence Agency*, Ninth Circuit Appellate (5056). In parallel proceedings, technological capabilities have been publicly described, including claims that such systems could operate without detection, "no one would ever know." The issue is not the existence of such claims in isolation, but the complete absence of judicial or administrative review to confirm or deny whether such capabilities have been deployed in practice.

If such technology is used to obtain information implicating the privacies of life, even pursuant to a lawful warrant, a separate constitutional question arises; does that authority extend to dissemination beyond its original purpose? Specifically, no lawful authorization should permits the transfer of such information to the public, to private actors through application-based systems, or to commercial entities for distribution or profit.

Where data is obtained through government systems under asserted national security authority, it does not lose constitutional protection upon collection. Access by non-state actors, whether direct or derivative, falls outside any constitutionally permissible framework. Nor may such systems be shielded from accountability by classification alone. Accordingly, the use or dissemination of such data beyond the scope of lawful authorization, absent transparency and judicial review, violates the Fourth Amendment.

VII. Biven's and Carlson's Original Context

The original context of *Bivens v. Six Unknown Named Agents,* 403 U.S. 388 (1971), remains intact. This Court has never overruled *Bivens,* it has limited its expansion, not its existence. The question presented is not whether *Bivens* survives, but whether it retains meaning where constitutional violations evolve alongside the mechanisms used to commit them

As governmental capability expands through modern technology, so too does the scope of potential constitutional intrusion. Where the reach of the State increases, the availability of redress must remain proportionate. Constitutional protections do not diminish as technology advances, they require reinforcement. Where modern systems enable access to the most intimate domains of life, the failure to provide a remedy does not reflect restraint, it reflects erosion.

As recognized in *Carlson v. Green*, 446 U.S. 14 (1980), constitutional violations by federal actors give rise to a direct cause of action where alternative remedies are inadequate. *Carlson* rejected the notion that administrative processes alone satisfy constitutional accountability. In action, or National Security sponsored deliberate indifference is the same context here, not new but original.

In the modern context, where access to information is widespread and the capacity for intrusion has significantly increased, the failure to act on known constitutional violations cannot be shielded by the narrowing of *Bivens*. As technological capability expands the State's reach into the most intimate domains of individual life, the corresponding obligation to provide redress must expand accordingly. Where federal actors are aware, or reasonably should be aware, of such violations and take no corrective action, the failure is not procedural, it is constitutional. The Constitution imposes a duty to act, not merely to observe. In this context, inaction in the face of known violations becomes participation.

Across multiple levels of government, judges, clerks, law enforcement, federal agencies, and civil services, the record does not require a finding of coordinated intent. It reflects a broader systemic condition, the presence of information coupled with a failure to act.

This Petition presents the precise circumstance that distinguishes it from the limitations described in *Ziglar v. Abbasi*, 582 U.S. 120 (2017), and *Egbert v. Boule*, 596 U.S. 482 (2022). These cases caution against extending *Bivens* into new contexts where alternative remedies exist or where hesitation is warranted. However, the record reflects the absence, not the presence, of any meaningful alternative remedy. Where all avenues of redress fail, hesitation ceases to serve a constitutional function.

The principle of "hesitation" cannot be extended indefinitely to justify inaction. Where hesitation results not in caution, but in the complete denial of redress, it ceases to serve a constitutional function. *Bivens* presumes the existence of alternative mechanisms of accountability. Where, as here, administrative, judicial, and statutory avenues have failed collectively, that presumption collapses.

Constitutional rights cannot be contingent upon institutional willingness to act, nor may access to information be restricted in a manner that prevents the exposure or verification of known harms. Where all avenues of redress have failed, the Constitution does not permit the continued invocation

of hesitation as a shield against accountability. If a remedy does not exist under these circumstances, then the protections those remedies were designed to enforce cease to function in practice.

CONCLUSION

"We hold these truths to be self-evident: that all are created equal, endowed with unalienable rights, among them Life, Liberty, and the pursuit of Happiness."*Declaration of Independence (1776).*

In *Trump v. Hawaii*, 138 S. Ct. 2392 (2018), this Court reaffirmed that *Korematsu v. United States*, 323 U.S. 214 (1944), "was gravely wrong the day it was decided," underscoring that deference to asserted national security cannot justify the abandonment of individual rights. That principle is not historical. It is operative, as reaffirmed in *Hamdi* and *Boumediene*.

This case asks whether the principles of the Declaration remain both foundational and valid in 2026, or whether they have been subordinated to undisclosed processes, justified by technological advancement and shielded from review. And this Petition declares that outdated policies, revived under the guise of a 'Race for AI,' have been *gravely wrong* since their inception, and that nonconsensual adversarial stress testing has remained constitutionally infirm since the beginning of the Cold War.

No hidden system, no unpublished protocol, and no claimed national security necessity, whether political, scientific, or economic, may supersede the Constitution. A process that operates without notice, without consent, and without recourse is not governance. It is control. And control without consent is incompatible with a government derived from the people.

This is not an abstract dispute. It is structural. The Constitution protects not only outcomes, but free will itself, the ability of an individual to determine his own path. Any system that tests, steers, or assigns that path without consent nullifies that protection at its core.

This Petition is not brought merely to state that the policy at issue is gravely wrong, nor to recount a lost childhood or decades of intrusion upon unalienable rights. It is brought because, at its core, the Constitution does not permit the erosion of those rights without answer or redress. This

Petition stands for the First Amendment itself, and the foundational right to petition the government where all other avenues have failed.

Under *Faretta v. California*, 422 U.S. 806 (1975), the right to self-representation is personal and fundamental. Petitioner was denied both counsel capable of engaging the record and the ability to present his own case, in all known avenues of redress. The right to be heard and acknowledged as a natural born citizen of the United States of America, as a human being.

The increasing use of vague and informal consent mechanisms in AI systems demonstrates that participation in complex digital processes is no longer meaningfully voluntary or informed. Any claim of consent must be supported by a demonstrable record establishing its existence, scope, and terms.

Non-consensual intrusion into a citizen's life, whether physical or digital, is void from its inception. It presumes participation where none was given. It assigns purpose where none was chosen. And it replaces liberty with placement. Whether placement is called competition or governance, a system that forces personal outcomes into service of the State replaces liberty with administration. If continued, democracy is displaced by a transformative condition that mirrors communism in substance, regardless of label.

Such a system cannot coexist with the Thirteenth Amendment, which abolished coercion in all its forms and forced servitude, nor with the Fourteenth Amendment, which guarantees equal protection under law. Where a person is reduced to one coerced path, one compelled outcome. That condition is not governance, it is servitude, regardless of its technological form.

As recognized in *United States v. Kozminski*, 487 U.S. 931 (1988), forced servitude does not require chains, it exists wherever autonomy is overridden through coercion. The Constitution does not permit a modernized version of the same condition through digital means.

The Founders did not establish a nation where destiny is assigned. They established one where it is chosen.

This Court is not asked to weigh policy preferences or defer to assertions of necessity. It is asked to determine whether constitutional rights remain fixed, or whether they may be suspended through processes that cannot be seen, challenged, or reviewed. If such processes are permitted, then constitutional guarantees become conditional. And a conditional right is no right at all.

This case presents a direct and unavoidable question: "Has the Petitioner's identity, voice, likeness, or private life been observed, captured, recorded, or disseminated, without consent?" If the answer is yes, then the Constitution supplies the rule. As established in *Marbury v. Madison*, it is the duty of this Court to say what the law is. If the answer is no, then that determination must be made transparently, based on evidence subject to review, not silence.

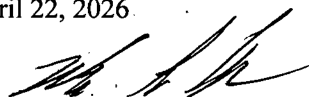
Silence is not adjudication. It is avoidance. And where avoidance prevents the resolution of a constitutional question, it cannot substitute for judgment. The First Amendment guarantees the right to petition for redress. The Fourth protects privacy. The Fifth, and Fourteenth guarantee due process. The Thirteenth prohibits coercion in all forms.

These are not theoretical protections. They are enforceable constitutional limits.
No claim of necessity, no invocation of national interest, and no expansion of technological capability overrides the Constitution.

This Petition asks only that the question be answered, and that the answer be governed by law, and do so with *all deliberate speed.*

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition, issue a Writ of Mandamus directing, schedule to be heard without delay, and grant such further relief as may be just and proper.

Respectfully submitted on April 22, 2026



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