

No. _____

25-7384

ORIGINAL

In the Supreme Court of the United States

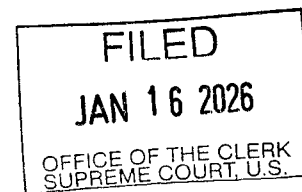
SUALEH KAMAL ASHRAF,

Petitioner,

v.

UNITED STATES DRUG ENFORCEMENT ADMINISTRATION,

Respondent.



PETITION FOR A WRIT OF CERTIORARI

to the

United States Court of Appeals

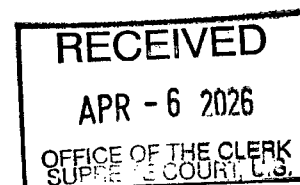
for the Eleventh Circuit

Sualeh Kamal Ashraf, Petitioner, pro se

10019 Newington Drive
Orlando, Florida 32836

Tel. (321) 948-2063
Email: skamalashraf@gmail.com

Proceeding In Forma Pauperis



QUESTIONS PRESENTED

1. Whether, after *Ruan v. United States*, 597 U.S. 450 (2022), the Controlled Substances Act permits the Drug Enforcement Administration to revoke a physician's registration—and a court of appeals to affirm that revocation—without any finding that the physician knowingly or intentionally violated the Act.
2. Whether due process permits an agency and a reviewing court to sustain the revocation of a professional license where the respondent demonstrates that material evidence relied upon by the agency was false or unreliable, and the court declines to address that showing.
3. Whether the Eleventh Circuit's categorical refusal to apply *Ruan's* mens rea requirement to administrative revocation proceedings conflicts with this Court's interpretation of the Controlled Substances Act and creates an incentive for the government to bypass criminal safeguards by proceeding administratively.

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TABLE OF AUTHORITIES

Cases

- Ruan v. United States, 597 U.S. 450 (2022)
- McDonnell v. United States, 579 U.S. 550 (2016)
- Staples v. United States, 511 U.S. 600 (1994)
- Goldberg v. Kelly, 397 U.S. 254 (1970)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Napue v. Illinois, 360 U.S. 264 (1959)

Statutes

- 21 U.S.C. § 823
- 21 U.S.C. § 824
- 28 U.S.C. § 1254(1)

Rules

- Supreme Court Rule 14
- Federal Rule of Appellate Procedure 40

OPINIONS AND ORDERS BELOW

The opinion of the United States Court of Appeals for the Eleventh Circuit is reproduced in Appendix A.

The order denying panel rehearing and rehearing en banc is reproduced in Appendix B.

JURISDICTION

The judgment of the United States Court of Appeals for the Eleventh Circuit was entered on September 3, 2025. A timely petition for panel rehearing and rehearing en banc was denied on October 21, 2025.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the Due Process Clause of the Fifth Amendment and 21 U.S.C. §§ 823 and 824. Relevant provisions are reproduced in the Appendix.

STATEMENT OF THE CASE

A. Statutory Background

The Controlled Substances Act (“CSA”) regulates the manufacture, distribution, and dispensing of controlled substances. Physicians may prescribe controlled substances only if registered with the Drug Enforcement Administration (“DEA”). Revocation of a DEA registration is a career-

ending sanction that effectively bars a physician from practicing medicine involving controlled substances.

In *Ruan v. United States*, this Court held that when the government alleges that a physician acted outside the usual course of professional practice, the CSA requires proof that the physician knowingly or intentionally did so.

B. Administrative Proceedings

Petitioner is a licensed physician whose DEA registration was revoked following an administrative proceeding. The DEA made no finding that Petitioner knowingly or intentionally violated the CSA. Instead, the agency proceeded on a strict-liability theory of regulatory noncompliance.

During the proceedings, Petitioner identified evidence demonstrating that material factual allegations relied upon by the agency were false or unreliable, including evidence attributable to third-party misconduct beyond Petitioner's control. Petitioner sought reconsideration or reopening of the record. The Eleventh Circuit of Appeal declined to do so.

C. Proceedings in the Court of Appeals

The Eleventh Circuit affirmed the DEA's decision. The court expressly held that *Ruan*—which interpreted the mens rea required under the CSA—does not apply to administrative revocation proceedings under 21 U.S.C. § 824. App. A.

Petitioner sought panel rehearing and rehearing en banc, emphasizing both the conflict with Ruan and the agency's reliance on unreliable evidence. The court denied rehearing without addressing those concerns. App. B.

REASONS FOR GRANTING THE WRIT

I. The Decision Below Conflicts with

Ruan and This Court's Mens Rea Jurisprudence

In Ruan, this Court held that the CSA requires proof that a physician knowingly or intentionally acted outside the scope of professional practice. The Eleventh Circuit created a categorical exception: the same statutory language requires mens rea in criminal cases, but no mental state at all when the government seeks permanent professional destruction through administrative proceedings.

Statutory meaning does not change based on the enforcement forum the government selects. This Court has repeatedly rejected attempts to dilute mens rea requirements through labels or procedural mechanisms. See, e.g., Staples; McDonnell.

II. The Question Presented Is Exceptionally Important

DEA revocations occur nationwide and impose consequences more severe than many criminal penalties. Under the Eleventh Circuit's rule, the government may avoid Ruan entirely by proceeding administratively—imposing irreversible sanctions without proving intent, knowledge, or recklessness.

This creates a powerful incentive to bypass criminal safeguards and undermines uniform interpretation of federal law.

III. The Decision Below Undermines Due Process

Due process forbids adjudication based on materially false premises. *Napue*. It also requires meaningful consideration of evidence and a fair decision-making process. *Goldberg*; *Mathews*.

Here, Petitioner demonstrated that material evidence relied upon by the agency was false or unreliable. The agency declined to reopen proceedings, and the court of appeals declined to address the issue. Allowing the most severe professional sanction to stand on such a record is incompatible with due process.

IV. This Case Is an Ideal Vehicle

The Eleventh Circuit expressly rejected Ruan's applicability to administrative revocations.

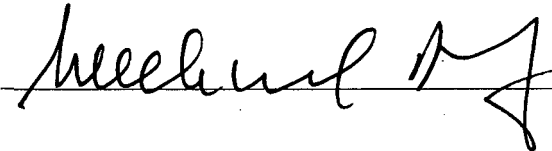
Rehearing was denied. The issues are cleanly presented, preserved, and dispositive. There are no jurisdictional or procedural impediments to this Court's review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Dated: January 16, 2026

Respectfully submitted,

 03/31/2026

Sualed Kamal Ashraf, Petitioner, pro se

10019 Newington Drive
Orlando, Florida 32836

Tel. (321) 948-2063
Email: skamalashraf@gmail.com