

No. 25-7414

ORIGINAL

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IN THE
SUPREME COURT OF THE UNITED STATES

David George Karkour PETITIONER
(Your Name)

vs.

Federal Bureau of Investigation RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)
(Case No 25-3242)

PETITION FOR WRIT OF CERTIORARI

David George Karkour
(Your Name)

535 N. Crystal Ct. Apt A
(Address)

Long Beach, Ca 90802
(City, State, Zip Code)

(Phone Number)

IN THE SUPREME COURT OF THE UNITED STATES

DAVID GEORGE KARKOUR, Petitioner,

v.

FEDERAL BUREAU OF INVESTIGATION, Respondent.

PETITION FOR WRIT OF CERTIORARI

No _____

QUESTIONS PRESENTED

1—Whether the non-consensual injection of "undercover implants" (See App. E-1 to E-11) that remain persistently active for over 16 years—and are "reloaded" through medical injectables, eye drops, waterproof bandages, and tampered food—constitutes a Continuous Physical Trespass that falls outside the scope of Sovereign Immunity.

2—Whether a matter involving the covert, systemic monitoring and torture of an innocent citizen can be dismissed as "frivolous" under 28 U.S.C. § 1915(e)(2) (App. D-3 to D-5) in direct conflict with *Nietzke v. Williams* 490 U.S. 319 (1989) and *Denton v. Hernandez* 504 U.S. 25 (1992).

3—Whether the Fifth Amendment's Due Process Clause and Article III (See App. D-7) of the Constitution are violated when a Court of Appeals Clerk implements a "clerical blockade"—utilizing administrative tags such as "[No action necessary]" (See App. F-1, F-2) to suppress timely-filed petitions for rehearing—thereby indefinitely bypassing the mandatory stay required by FRAP 41(b) (See App. D-6, D-7) and permanently obstructing a Petitioner's right to judicial review under the standards of *Mathews v. Eldridge* 424 U.S. 319 (1976) and *Grannis v. Ordean* 234 U.S. 385 (1914).

PARTIES TO THE PROCEEDING

Petitioner is David George Karkour, a disabled veteran of the United States Navy. Respondent is the Federal Bureau of Investigation (FBI).

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- U.S. Const. amend. I: Congress shall make no law abridging the freedom of speech. Such as restricting freedom of speech with torture.
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- U.S. Const. amend. VIII: Prohibition of Cruel and Unusual Punishment.
- U.S. Const. amend. XIII Prohibition of Involuntary Servitude.
- 18 U.S.C. § 241: Conspiracy against rights.
- 18 U.S.C. § 242: Deprivation of rights under color of law.
- 18 U.S.C. § 2340-2340A: Prohibitions against torture.
- (ICCPR): The International Covenant on Civil and Political Rights, the US ratified this treaty in 1992: Prohibitions against torture, arbitrary detention, and slavery.
- (UNCAT): The United Nations Convention Against Torture, the US ratified this treaty in 1994: Prohibitions against torture.
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-28 U.S.C. § 1915(e)(2)

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Appendix E: Statement of Exceptional Circumstances

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Statutes and Rules are listed in Appendix D.

OPINIONS BELOW

The District Court dismissed the case as frivolous with prejudice on April 28, 2025 (App. B-1). The order of the United States Court of Appeals for the Ninth Circuit affirming the dismissal of the case as frivolous was entered on February 19, 2026 (App. A-1). Petitioner is seeking review of only 9th Circuit Court of Appeals Case No. 25-3242.

JURISDICTION

The judgement of the Court of Appeals was entered on February 19, 2026 (App. A-1). This Petition is timely filed within 90 days of that entry pursuant to Supreme Court Rule 13.1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution amend I.....p7.....see App. D-1
U.S. Constitution, Article III..... p1..... see App. D-7
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18 U.S.C. § 242.....see App. D-2
18 U.S.C. § 2340-2340A.....see App. D-2, D-3
(ICCPR): The International Covenant on Civil and Political Rights, the US ratified this treaty in 1992.....see App. D-8 to D-10

(UNCAT): The United Nations Convention Against Torture, the US ratified this treaty in 1994.....see App D-10 to D-13

28 U.S.C. § 1915(e)(2).....p1.....see App. D-3 to D-5

(FRAP): Federal Rules of Appellate Procedures 40 & 41....p1,6,8.....App D-5, D-6, D-7

The US Constitution also recognizes treaties as "the law of the land, requiring compliance with these international agreements.

STATEMENT OF THE CASE

I. Petitioner, an honorably discharged innocent Navy veteran, has endured over 16 years of "undercover high crimes" and "wireless oppression" that became fully active on March 8, 2010. This state of covert imprisonment involves implants that exit the body very slowly but are "reloaded" via medical treatments (injectables/eye drops) and consumer items (waterproof bandages/vegetables) See Appendix E-1 to E-11.

II. These actions constitute a violation of the federal prohibition against torture under 18 U.S.C. § 2340 (App. D-2) and contravene the United States' mandatory obligations under the UNCAT (App. D-10 to D-13) and the ICCPR (App. D-8 to D-10). The Ninth Circuit's dismissal ignores not only multiple Constitutional Amendments but also these binding statutory and treaty obligations, which prohibit the very physical trespass and systemic monitoring described herein.

III. On February 19, 2026, the Ninth Circuit dismissed the appeal as "frivolous." Petitioner filed timely Petitions for Rehearing on March 2 and March 6, 2026 (Case 25-3242). The Clerk's Office suppressed these filings with administrative tags stating "[No further filings order entered,

no action necessary]"(See App. F-1, F-2). Despite the mandatory stay required by FRAP 41, the Mandate was issued on April 13, 2026, while the petitions remained unadjudicated. A subsequent Petition for Writ of Mandamus (Case 26-1472) to correct this clerical obstruction was denied on April 22, 2026. As shown in Appendix F, the Clerk of the Court has established a systemic practice of administratively suppressing Petitioner's filings across multiple dockets.

REASONS FOR GRANTING THE PETITION

I. Sovereign Immunity Does Not Bar Injunctive Relief for Constitutional Violations.

The Respondent may assert Sovereign Immunity; however, as established in *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949), immunity does not apply when a federal officer or agency acts unconstitutionally or beyond their statutory authority. A 16-year persistent physical trespass (implants) is a direct violation of the First, Fourth, Fifth, Eighth, and Thirteenth Amendments (See App. D-1) that no agency has the authority to perform.

II. This Case Represents the Most Important Matter in Human History.

As established in *Marbury v. Madison*, 5 U.S. 137 (1803), the "very essence of civil liberty" is the right to claim the protection of the laws. If an executive agency can bypass the Constitution to monitor and "reload" a citizen's body, the Bill of Rights is effectively abolished.

III. The Lower Court Conflict with *Nietzke* and *Denton*.

Under *Nietzke v. Williams*, 490 U.S. 319 (1989) and *Denton v. Hernandez*, 504 U.S. 25 (1992), a court cannot dismiss a sworn account of physical injury as "frivolous" simply because the facts are perceived as unlikely. This standard is especially critical where the allegations involve a

continuous physical trespass, as a court's subjective disbelief cannot override a Petitioner's right to prove a violation of their person. As established in *Schloendorff v. Society of New York Hospital*, 211 N.Y. 125 (1914), the right to bodily integrity is sacred and non-negotiable. The lower court's dismissal ignores these binding standards for assessing the validity of a petitioner's physical claims by prematurely judging the facts rather than protecting the sanctity of the human body.

IV. The Procedural Blockade Denies the Fundamental Right to be Heard.

"The fundamental requisite of due process of law is the opportunity to be heard," *Grannis v. Ordean* 234 U.S. 385 (1914). Applying the test of *Mathews v. Eldridge* 424 U.S. 319 (1976), the private interest at stake — Petitioner's physical liberty— is of the highest order, a clerical tag cannot legally replace the mandatory judicial review required by FRAP 40, 41 (App D-5 to D-7).

V. THE DECISION BELOW CREATES A CIRCUIT SPLIT REGARDING THE ADJUDICATION OF NON-CONSENSUAL PHYSICAL TRESPASS

The Supreme Court should grant certiorari to resolve a direct conflict among the Circuit Courts regarding the standard for dismissing sworn allegations of bodily trespass and the procedural rights of pro se litigants.

A. Conflict with the Second Circuit's "Absolute Right" to Bodily Integrity

In the Second Circuit, the rule established in *Schloendorff v. Society of New York Hospital*, 211 N.Y. 125 (1914), remains the gold standard: "Every human being of adult years and sound mind has a right to determine what shall be done with his own body." The Ninth Circuit's clerical

blockade of a claim involving a 16-year non-consensual physical trespass (App. E-1 to E-11) directly conflicts with the Second Circuit's protection of bodily autonomy. While the Second Circuit requires a high bar of consent for any physical intrusion, the Ninth Circuit has allowed an administrative "No action necessary" tag (App F-1, F-2) to bypass the adjudication of a continuous physical injury.

B. Conflict with the Fifth and D.C. Circuits on the "Frivolousness" Standard

The Ninth Circuit's dismissal of Petitioner's claims as "frivolous" creates a split with the application of *Nietzke v. Williams*, 490 U.S. 319 (1989) and *Denton v. Hernandez*, 504 U.S. 25 (1992) in other circuits:

The Fifth Circuit has held in cases such as *Hicks v. Garner*, 69 F.3d 22 (5th Cir. 1995), that even if a claim appears "unlikely," it cannot be dismissed as frivolous if it describes a physical injury that is theoretically possible.

The D.C. Circuit has acknowledged in cases like *Crisafi v. Holland*, 655 F.2d 1305 (D.C. Cir. 1981), that a pro se complaint must be held to "less stringent standards" and that a court must provide a clear legal basis for dismissal rather than administrative silence.

The Ninth Circuit's use of clerical "tags" to suppress Petitioner's evidence of a 16-year undercover trespass represents a radical departure from the "less stringent" standards used in the D.C. Circuit and the "factual truth" requirements of the Fifth Circuit.

VI. Furthermore, the Ninth Circuit's departure from the accepted course of judicial proceedings creates a conflict with the fundamental rights recognized by the California Supreme Court. In *Thor v. Superior Court*, 5 Cal. 4th 725 (1993), the State's highest court affirmed that the right to

bodily integrity is a 'sacred' right of self-determination. By authorizing a clerical blockade that suppresses evidence of a 16-year non-consensual physical trespass, the Ninth Circuit has denied Petitioner a level of protection that is considered a baseline human right under California law.”

VII. THE NEED FOR NATIONAL UNIFORMITY

The current inconsistency between circuits allows for a "geographic lottery" of constitutional rights. A veteran in the Second Circuit is afforded sacred protection of bodily integrity, while a veteran in the Ninth Circuit is subjected to a clerical blockade that prevents any judicial review of the same injury. This Court must grant certiorari to ensure that the standards for frivolousness and bodily integrity are uniform across all circuits, protecting all citizens from continuous and non-consensual physical trespass by federal agencies.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



David George Karkour

Dated: May 12, 2026

Long Beach, California