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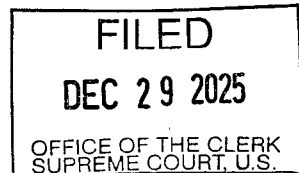
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

ANWAR A. AALAAM,
Petitioner,

v.

MOVEMENT MORTGAGE, LLC, et al.,
Respondents.



ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Whether an appellate court violates the Due Process Clause by affirming dismissal without analysis or explanation after acknowledging that material appellate briefing was omitted from the record and not considered prior to judgment, where the omitted materials contained un rebutted, well-pleaded claims supported by sworn factual allegations.
2. Whether due process is denied when a court of appeals resolves an appeal on an incomplete record and, after acknowledging that material filings were timely submitted, served, and omitted from the docket by clerical error, declines upon notice to vacate or reconsider its judgment.
3. Whether Rule 8 and Rule 12(b)(6) are misapplied in conflict with this Court's precedents when courts dismiss pleaded claims by recharacterizing them as a theory the plaintiff did not assert, rather than accepting the pleaded facts as true.
4. Whether structural judicial error occurs when lower courts disregard controlling Supreme Court precedent, fail to apply equity and the required liberal construction to pro se pleadings, and affirm dismissal without addressing the claims or appellate questions presented for review.

LIST OF PARTIES

Petitioner:

Anwar A. Aalaam is the plaintiff in the district court and appellant in the court of appeals. Petitioner proceeded pro se at all stages of the proceedings below.

Respondents:

Movement Mortgage, LLC is a mortgage lending and servicing entity that was named as a defendant in the district court and was an appellee in the court of appeals.

U.S. Bank National Association, as Trustee for GNMA REMIC Trust 2021-154, is a national banking association sued solely in its capacity as trustee for a mortgage-backed securitization trust and was a defendant in the district court and an appellee in the court of appeals.

Rule 29.6 Disclosure Statement

Petitioner is a natural person proceeding pro se. No corporate disclosure statement is required.

STATEMENT OF RELATED PROCEEDINGS

The following proceedings are directly related to this case within the meaning of Supreme Court Rule 14.1(b)(iii):

1. *Anwar A. Aalaam v. Movement Mortgage, LLC, et al.*

United States District Court for the Western District of North Carolina

Case No. 5:24-cv-213-KDB-DCK

Judgment of dismissal entered February 12, 2025

Motion for reconsideration denied March 6, 2025

2. *Anwar A. Aalaam v. Movement Mortgage, LLC, et al.*

United States Court of Appeals for the Fourth Circuit

Case No. 25-1255

Judgment entered August 20, 2025

Petition for panel rehearing and rehearing en banc denied September 30, 2025

There are no other state or federal proceedings directly related to this case.

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OPINIONS BELOW

The unpublished per curiam opinion of the United States Court of Appeals for the Fourth Circuit affirming the dismissal of Petitioner's civil action was entered on August 20, 2025. *Aalaam v. Movement Mortgage, LLC*, No. 25-1255 (4th Cir. Aug. 20, 2025). It is reproduced at **App. 1a–2a**.

The order of the court of appeals denying Petitioner's petition for panel rehearing and rehearing en banc was entered on September 30, 2025, and is reproduced at **App. 3a**.

The order of the court of appeals entered December 23, 2025 granted Petitioner's motion to correct clerical error by docketing two previously omitted, timely filed merits submissions and stated that the court had reviewed those materials, but denied the motion to recall the mandate or otherwise alter the judgment. That order is reproduced at **App. 4a–5a**.

The mandate of the United States Court of Appeals for the Fourth Circuit issued on December 23, 2025, and is reproduced at **App. 6a**

The order of the United States District Court for the Western District of North Carolina granting Defendants' motions to dismiss and dismissing the complaint with prejudice was entered on February 12, 2025, and is reproduced at **App. 7a–13a**.

The judgment in the district court was entered on February 12, 2025, and is reproduced at **App. 14a**.

The district court's order denying Petitioner's motion for reconsideration was entered on March 6, 2025, and is reproduced at **App. 15a–18a**.

JURISDICTION

The judgment of the United States Court of Appeals for the Fourth Circuit was entered on August 20, 2025. A timely petition for panel rehearing and rehearing en banc was denied on September 30, 2025. The court of appeals issued its mandate on December 23, 2025.

This Court has jurisdiction under 28 U.S.C. § 1254(1). A timely application for an extension of time to file a petition for a writ of certiorari pursuant to Supreme Court Rule 13.5 was filed on December 24, 2025.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The **Due Process Clause of the Fifth Amendment to the United States Constitution** provides, in relevant part: “*No person shall be ... deprived of life, liberty, or property, without due process of law.*” The Due Process Clause guarantees litigants the right to fair judicial proceedings, including adjudication based on a complete record, consideration of properly submitted filings, and reasoned decision-making consistent with governing law. “*Procedural due process requires decision on a complete record and meaningful appellate review before judgment, not post hoc acknowledgment after the mandate has issued.*”

Article III of the United States Constitution vests the judicial power in the federal courts and requires that courts exercise that power in accordance with established principles of adjudication, including adherence to controlling precedent and the obligation to decide cases presented for review. The exercise of judicial power entails the application of governing legal principles and the rendering of judgment based on the record before the court, rather than unexplained or administrative disposition.

28 U.S.C. § 1254(1) provides: “*Cases in the courts of appeals may be reviewed by the Supreme Court by ... writ of certiorari granted upon the petition of any party to any civil or criminal case.*”

Federal Rule of Civil Procedure 8(a)(2) provides: “*A pleading that states a claim for relief must contain ... a short and plain statement of the claim showing that the pleader is entitled to relief.*” This Court has held that Rule 8 requires courts to accept well-pleaded factual allegations as true and prohibits dismissal based on recharacterization of claims not pleaded by the litigant.

Federal Rule of Civil Procedure 12(b)(6) provides, in relevant part: *“Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion: ... (6) failure to state a claim upon which relief can be granted.”* Rule 12(b)(6) governs the legal sufficiency of pleadings and does not permit courts to resolve disputed facts, disregard sworn allegations, or dismiss claims based on theories not asserted in the complaint.

Principles of Equity, as historically applied by courts of the United States and recognized by this Court, require that litigants, particularly those proceeding pro se, receive liberal construction of pleadings and fair consideration of claims in order to prevent unjust forfeiture of substantive rights through procedural error. *“Equity regards substance rather than form”, “Equity follows the law”* and *“equity will not suffer a wrong to be without a remedy.”*

Governing Principles of Appellate Review require courts of appeals to resolve cases based on the record before them, to consider properly submitted and served filings, and to address the issues and questions presented for review. *“What ought to have been done is treated as having been done”, “Due process requires notice and opportunity to be heard upon the record”* and *“a judgment must rest upon the record presented.”*

STATEMENT OF THE CASE

I. The Pleaded Action and Claims in the District Court

Petitioner commenced this civil action in the United States District Court for the Western District of North Carolina. The complaint asserted federal statutory claims arising from Respondents' conduct and set forth a short and plain statement of Petitioner's entitlement to relief in accordance with Federal Rule of Civil Procedure 8.

The claims were supported by sworn factual allegations and provided fair notice of the grounds upon which they rested. Petitioner demanded a trial by jury, reserved the right to amend the pleadings, and requested a hearing in equity. No sworn evidence was submitted to rebut the factual allegations pleaded in the complaint.

The action was thus presented for adjudication on the pleadings alone, governed by the well-established standards applicable to motions under Rule 12(b)(6).

II. The District Court's Dismissal

Respondents moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). The district court granted the motion and dismissed the action. In doing so, the court recharacterized the pleaded claims and did not accept all pleaded factual allegations as true for purposes of the motion. The dismissal resolved the action without adjudicating the statutory claims as pleaded.

The dismissal was entered without an evidentiary hearing and without resolving disputed facts, notwithstanding the presence of unrebutted sworn allegations.

III. Post-Judgment Proceedings in the District Court

Following dismissal, Petitioner filed a motion for reconsideration. The motion identified specific pleading and procedural issues and sought relief from the judgment. The district court denied reconsideration. No evidentiary hearing was held.

The denial of reconsideration left intact the dismissal entered on the pleadings, notwithstanding the issues raised concerning the treatment of the claims as pleaded.

IV. Proceedings in the Court of Appeals

Petitioner timely appealed the district court's dismissal to the United States Court of Appeals for the Fourth Circuit. Proceeding pro se, Petitioner filed an Informal Opening Brief pursuant to the court's Informal Briefing Order.

The Informal Opening Brief challenged the district court's dismissal under Federal Rule of Civil Procedure 12(b)(6) and raised legal questions concerning the application of Federal Rule of Civil Procedure 8, the treatment of un rebutted factual allegations, and whether the dismissal comported with constitutional due process. The brief identified specific issues presented for appellate review arising from the disposition of the pleaded claims.

The appeal thus presented pure questions of law concerning pleading standards, appellate review obligations, and constitutional due process. The appeal was resolved without oral argument.

V. Omission of Merits Briefing from the Appellate Record

During the pendency of the appeal, certain merits filings submitted by Petitioner were timely filed and served in accordance with the court of appeals' procedures. Those filings were

not docketed and were omitted from the appellate record due to clerical error within the Clerk's Office.

The court of appeals resolved the appeal and entered judgment before the omitted filings were docketed. After judgment, Petitioner moved to correct the clerical omission. The court of appeals acknowledged that the filings had been timely submitted and served, granted the motion to correct the clerical error, and docketed the omitted materials.

The court further stated that it had reviewed the newly docketed filings but concluded, without analysis, that they did not alter its disposition of the appeal. The court declined to vacate or reconsider its judgment or to recall the mandate.

VI. Summary Affirmance by the Court of Appeals

The United States Court of Appeals for the Fourth Circuit issued an unpublished per curiam opinion affirming the district court's dismissal. The opinion was entered without analysis and did not address the appellate questions presented for review.

Neither the original affirmance nor the subsequent order correcting the docket discussed the pleaded claims, the governing pleading standards, the arguments raised in the omitted filings, or the due process issues identified on appeal.

VII. Post-Judgment and Related Motions in the Court of Appeals

During the pendency of the appeal, Petitioner filed motions seeking leave to submit supplemental evidence and to stay related proceedings pending appellate review. The court of appeals granted leave to submit supplemental evidence and denied other requested relief. The court thereafter affirmed the district court's dismissal.

Following affirmance, Petitioner timely filed a petition for panel rehearing and rehearing en banc. The petition identified conflicts between the disposition of the appeal and controlling Supreme Court precedent, as well as inconsistencies with decisions of other federal courts concerning pleading standards, appellate review obligations, and due process. The court of appeals denied rehearing and rehearing en banc.

Although the court acknowledged and corrected the clerical omission in the appellate docket and stated that it reviewed the omitted filings, it declined to vacate, reconsider, or otherwise modify the judgment entered prior to docketing those materials.

VIII. Finality and Current Posture

The court of appeals issued its mandate, and no further relief is available in the lower federal courts. This petition for a writ of certiorari seeks review of a judgment affirming dismissal that was entered on an incomplete record and left undisturbed following an unexplained post-judgment review of omitted filings.

The petition presents questions concerning the constitutional adequacy of appellate adjudication, the integrity of the appellate record, the role of equity and liberal construction in pro se proceedings, and the proper application of governing pleading and review standards

REASONS FOR GRANTING THE WRIT

This petition satisfies Supreme Court Rule 10(a) and Rule 10(c). The decision below conflicts with this Court's precedents governing meaningful appellate review, pleading standards, and liberal construction of pro se pleadings, and departs from accepted judicial practice by affirming dismissal without analysis and leaving that judgment undisturbed after acknowledging a material record omission and conducting an unexplained post-judgment review.

A. The Decision Below Conflicts with This Court's Precedents Governing Meaningful Appellate Review (Warranting Review Under Supreme Court Rule 10(a))

This Court has long held that meaningful appellate review requires engagement with the issues properly presented and reasoned application of governing law. Appellate adjudication is not satisfied by unexplained affirmance where preserved legal questions are before the court.

Here, the court of appeals affirmed dismissal through an unpublished per curiam opinion that provided no analysis and did not address the appellate questions presented for review. That judgment was entered before certain timely filed merits submissions were docketed. Although the court later acknowledged the clerical omission, docketed the filings, and stated that it had reviewed them, it declined to vacate, reconsider, or otherwise modify the judgment and offered no explanation addressing the arguments raised. The Petitioner identified conflicts between the affirmance and this Court's precedents in seeking rehearing, but those conflicts were not addressed.

This Court has emphasized that appellate review must be meaningful and must address the issues presented for decision. See, e.g., *Anders v. California*, 386 U.S. 738 (1967). An affirmance entered without analysis and left undisturbed after a post-judgment review that offers no explanation cannot be reconciled with that requirement.

The Fourth Circuit itself has recognized that appellate review requires consideration of the issues raised and application of governing legal standards. See, e.g., *United States v. Carter*, 564 F.3d 325 (4th Cir. 2009). The decision below departs from those principles by affirming dismissal without addressing the appellate questions presented and without providing a basis for concluding that governing law was applied.

This conflict with settled precedent warrants this Court's review to reaffirm that meaningful appellate review requires more than the announcement of an outcome and that appellate courts must engage with the issues presented in a manner sufficient to demonstrate that governing law has been applied.

B. The Court of Appeals Departed from Accepted Judicial Practice by Affirming on an Incomplete Record and Leaving That Judgment Undisturbed (Warranting Review Under Supreme Court Rule 10(c))

Accepted judicial practice requires that appellate courts resolve cases based on the record before them and ensure that judgments reflect consideration of the materials necessary to decide the issues presented. When a court becomes aware that material filings were omitted from the record prior to decision, established practice requires corrective action sufficient to ensure that the judgment rests on full and proper consideration. Accepted judicial practice requires that judgments be entered only after consideration of all materials necessary to resolve the issues presented. Here, judgment was entered first; the appellate

record was corrected second; and review without explanation occurred last. That sequence departs from accepted judicial practice and defeats meaningful appellate review.

In this case, the court of appeals entered judgment affirming dismissal before certain timely filed merits submissions were docketed due to clerical error. After judgment, the court acknowledged the omission, corrected the docket, and stated that it had reviewed the omitted filings. The court nevertheless declined to vacate, reconsider, or otherwise modify the judgment and provided no explanation addressing the arguments raised in those materials.

This Court has made clear that procedural regularity and record-based adjudication are essential components of appellate due process. See, e.g., *Griffin v. Illinois*, 351 U.S. 12 (1956). Leaving a judgment intact after acknowledging that it was entered on an incomplete record, without issuing a reasoned decision reflecting consideration of the full record, departs from accepted judicial practice.

The sequence followed below is not a routine exercise of appellate discretion. It reflects a departure from the ordinary mechanisms by which appellate courts ensure that decisions are based on the complete record and that procedural defects are meaningfully cured. Post-judgment docket correction, without vacatur, reconsideration, or explanation, does not restore the integrity of the adjudicative process.

Review is warranted under Rule 10(c) to clarify that when an appellate court acknowledges a material record omission, accepted judicial practice requires more than docket correction alone, and that judgments entered under such circumstances must be subject to procedures that ensure full and meaningful review. A court cannot cure a due process violation by asserting post-judgment review of materials that were absent when

judgment was entered, without vacating the judgment or providing a reasoned explanation demonstrating how those materials were considered.

I. Appellate Courts May Not Affirm a Dismissal on an Incomplete Record Without Violating Due Process

Meaningful appellate review presupposes consideration of the materials necessary to resolve the issues presented. Where an appellate court affirms a dismissal after material merits filings were omitted from the record and later acknowledged as omitted, the resulting judgment rests on an incomplete foundation and deprives the litigant of due process.

That is what occurred here. During the pendency of Petitioner's appeal, merits filings were timely submitted and served but were not docketed and were omitted from the appellate record due to clerical error. The court of appeals nonetheless resolved the appeal and entered judgment without consideration of those filings. After judgment, the court acknowledged the omission and docketed the materials yet declined to vacate or reconsider its decision or to recall the mandate.

This sequence reveals a structural defect in the appellate process. An affirmance entered before material filings are docketed and considered as part of the decision-making process cannot be cured by post-judgment docketing and unexplained review alone. Once judgment has issued, the opportunity for meaningful review has already passed. Due process requires not merely that a litigant be permitted to file materials, but that those materials be considered before judgment is rendered.

This Court has long held that due process requires meaningful review conducted in a manner reasonably calculated to ensure consideration of the matters presented. See, e.g., *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). The affirmance below

entered before omitted filings were docketed and left undisturbed after acknowledgment of the omission, cannot be reconciled with that requirement.

The Fourth Circuit itself has recognized that appellate review requires consideration of the record necessary to resolve the issues presented. See, e.g., *United States v. Carter*, 564 F.3d 325 (4th Cir. 2009). The procedure employed here departed from that standard by allowing a judgment entered on an incomplete record to stand without explanation.

The issue presented is not confined to the particulars of this case. Clerical errors are inevitable in modern appellate practice. If appellate courts may affirm dismissals without addressing omitted merits filings and later decline to reconsider after acknowledging the omission, then the reliability of appellate review depends not on law, but on happenstance. Such a rule would permit procedural accidents to dictate substantive outcomes, with no effective mechanism for correction.

Other courts of appeals likewise require that appellate adjudication rest on consideration of the complete record before judgment is entered. See, e.g., *United States v. Rivera*, 844 F.2d 916 (2d Cir. 1988).

Internal appellate remedies offer no protection against this failure. Here, rehearing was sought and denied, and the court declined to reopen the judgment even after acknowledging that the record had been incomplete at the time of decision. In these circumstances, the deprivation of meaningful appellate review evades correction within the lower courts and can be addressed only by this Court.

Review is warranted to clarify that due process does not permit appellate affirmance on an incomplete record, and that acknowledgment of a material omission obligates courts to ensure that judgments rest on full consideration of the issues presented.

II. Summary Affirmance Without Addressing the Appellate Questions Presented Conflicts With This Court's Precedents and Denies Meaningful Review

This Court has repeatedly emphasized that appellate review must be meaningful and must address the issues properly presented for decision. An appellate court's role is not limited to announcing an outcome. It is to consider and resolve the questions brought before it. When an appellate court affirms a dismissal without analysis and without addressing the appellate questions presented, the adjudicative function itself is compromised.

In this case, Petitioner's appeal presented specific legal questions concerning the application of Federal Rules of Civil Procedure 8 and 12(b)(6), the treatment of un rebutted factual allegations, and whether dismissal comported with constitutional due process. Those questions were properly raised in the appellate briefing and preserved for review. The court of appeals nonetheless issued an unpublished per curiam affirmance that provided no analysis and did not address the questions presented.

This Court has made clear that appellate courts must engage with the issues presented for review rather than dispose of appeals through unexplained affirmance. See, e.g., *Anders v. California*, 386 U.S. 738 (1967). The summary affirmance here provided no analysis and did not address the preserved appellate questions.

The absence of explanation is especially significant where, as here, the appellate court later acknowledged that material filings had been omitted from the record at the time of decision. Although the court later stated that it reviewed the omitted filings, it did not vacate, reconsider, or modify the judgment and offered no explanation addressing the arguments raised. In such circumstances, it is not possible to confirm that the judgment reflects considered adjudication of the issues presented. Summary affirmance without addressing the

appellate questions leaves both the parties and reviewing courts unable to discern whether governing legal standards were applied.

The problem was not cured through the appellate court's internal corrective mechanisms. Following the affirmance, Petitioner sought panel rehearing and rehearing en banc and identified conflicts between the affirmance and controlling Supreme Court precedent. Those conflicts were supported by citation and documentation. The court denied rehearing without addressing the identified conflicts or the questions raised. The result is a judgment that stands without explanation, despite direct notice that it may conflict with this Court's precedents.

The Fourth Circuit itself has recognized that meaningful appellate review requires engagement with the issues presented and an explanation sufficient to permit review. See, e.g., *United States v. Lynn*, 592 F.3d 572 (4th Cir. 2010). The unexplained affirmance here departs from that standard. Other courts of appeals likewise require appellate courts to address preserved issues and provide a reasoned basis for affirmance. See, e.g., *United States v. Taylor*, 487 F.3d 790 (10th Cir. 2007).

This Court's intervention is warranted to reaffirm that appellate courts must address the questions presented for review and must provide a basis sufficient to permit confidence that governing law has been applied. Summary affirmance without analysis, particularly where preserved questions and acknowledged procedural irregularities are present, is incompatible with meaningful appellate review and with the due process guarantees that underlie it.

III. Misapplication of Rule 8 and Rule 12(b)(6) Undermines Uniform Federal Pleading Standards

This Court has long made clear that Federal Rule of Civil Procedure 8 requires only a short and plain statement of the claim showing entitlement to relief. At the motion to dismiss stage, Rule 12(b)(6) requires courts to accept the pleaded factual allegations as true and to draw reasonable inferences in favor of the nonmoving party. These standards are intended to ensure uniform access to the federal courts and to prevent dismissal based on premature factual or legal judgments.

In this case, Petitioner's complaint set forth federal statutory claims supported by sworn factual allegations and provided notice of the grounds upon which those claims rested. Rather than evaluating the sufficiency of the pleading under Rule 8, the district court dismissed the action by recharacterizing the claims and resolving them on grounds not pleaded. The court of appeals affirmed that dismissal without addressing whether the pleading standards mandated by this Court had been applied.

This Court has repeatedly instructed that Rule 12(b)(6) requires acceptance of well-pleaded factual allegations as true. See, e.g., *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). The dismissal below rested on recharacterization rather than acceptance of pleaded facts and cannot be reconciled with that instruction.

Dismissal by recharacterization is incompatible with Rule 12(b)(6). When courts recast a plaintiff's claims instead of accepting the pleaded facts as true, they bypass the adversarial process and convert a notice pleading inquiry into a merits determination. That approach conflicts with this Court's repeated instruction that the motion to dismiss stage is not the proper vehicle for resolving disputed factual or legal theories.

The Fourth Circuit itself has recognized that dismissal under Rule 12(b)(6) must be based on the sufficiency of the allegations actually pleaded, not on judicial redefinition of a plaintiff's claims. See, e.g., *King v. Rubenstein*, 825 F.3d 206 (4th Cir. 2016). The affirmance below cannot be reconciled with that standard.

Uniform application of Rules 8 and 12(b)(6) is essential to the administration of justice. Departures from those standards create unpredictability and erode confidence in the neutrality of federal pleading doctrine. When appellate courts affirm dismissals that rest on recharacterization rather than pleaded facts, the resulting precedent signals that established pleading rules may be applied selectively.

Other courts of appeals likewise require that well-pleaded claims be evaluated as pleaded and not dismissed based on recharacterization at the pleading stage. See, e.g., *Medrano v. Flagstar Bank, FSB*, 704 F.3d 661 (9th Cir. 2012).

This Court's review is warranted to reaffirm that Rule 8 and Rule 12(b)(6) impose binding constraints on dismissal and that appellate affirmance must reflect adherence to those constraints. Without such guidance, the uniformity of federal pleading standards is undermined, and access to the federal courts becomes contingent on discretionary redefinition of claims rather than on the rules this Court has prescribed.

IV. Structural Judicial Error Warrants Review Where Lower Courts Disregard Controlling Supreme Court Precedent and Fail to Apply Required Liberal Construction to Pro Se Pleadings

This Court has repeatedly instructed that pleadings filed by pro se litigants must be liberally construed and that courts must apply equitable principles to ensure access to

meaningful judicial review. These requirements are not discretionary. They are essential to the integrity of the adjudicative process and to the fair administration of justice.

In this case, Petitioner proceeded pro se at every stage of the proceedings. The complaint asserted federal statutory claims supported by sworn factual allegations, invoked both legal and equitable relief, demanded a trial by jury, and expressly reserved the right to amend. Despite these circumstances, the lower courts dismissed the action at the pleading stage without leave to amend, without any evidentiary hearing development, without applying the required liberal construction, and without addressing the claims as pleaded. The dismissal was affirmed without analysis, and the appellate questions presented were not addressed.

This Court has long required that pro se pleadings be liberally construed. See, e.g., *Haines v. Kerner*, 404 U.S. 519 (1972). The dismissal and affirmance here occurred without application of that mandate and without engagement with the claims or appellate questions presented.

The court of appeals affirmed the dismissal without addressing whether amendment should have been permitted, whether less drastic procedural alternatives were available, or whether the claims and appellate questions presented warranted further development. This occurred even after Petitioner sought panel rehearing and rehearing en banc and identified conflicts between the affirmance and controlling Supreme Court precedent. The court denied rehearing without addressing those conflicts or the procedural posture of the case. The resulting judgment stands without any indication that governing precedent was applied or that the claims and appellate questions presented were meaningfully considered.

The Fourth Circuit itself has recognized that pro se pleadings must be liberally construed and that dismissal with prejudice is disfavored where amendment could cure deficiencies. See, e.g., *Ostrzenski v. Seigel*, 177 F.3d 245 (4th Cir. 1999). The disposition below cannot be reconciled with those principles.

When courts disregard controlling precedent, fail to apply required liberal construction, and affirm dismissal without addressing the claims and appellate questions presented, the error is structural. Such failures affect the framework within which judicial decisions are made rather than the correctness of any particular outcome. They undermine confidence in appellate review and erode the principle that courts are bound by this Court's guidance.

Other courts of appeals likewise recognize that pro se litigants are entitled to liberal construction and meaningful opportunity to amend before dismissal. See, e.g., *Lucas v. Dep't of Corr.*, 66 F.3d 245 (9th Cir. 1995).

This Court's review is warranted to reaffirm that liberal construction of pro se pleadings is mandatory, that equitable principles must be applied in evaluating dismissal, and that appellate courts must engage with the claims and questions properly before them. Without such intervention, departures from these foundational requirements risk becoming entrenched, with consequences extending far beyond the parties to this case.

V. This Case Is an Appropriate Vehicle for Review

This case presents a clean and suitable vehicle for resolving the questions presented. The issues arise from a final judgment of the United States Court of Appeals for the Fourth Circuit and were preserved at every stage of the proceedings. Because the court of appeals acknowledged the omission and denied relief after judgment, this case presents no factual

dispute and no remaining procedural avenue for correction, making it an appropriate vehicle for review. Where the omitted filings were docketed only after judgment and after rehearing opportunities were exhausted, no procedural mechanism remained to secure review on a complete record.

The court's refusal to vacate or recall the judgment also had concrete procedural consequences. Because the mandate remained in effect, the time to seek certiorari continued to run from the original judgment date, leaving Petitioner only a narrow and holiday-interrupted window to prepare and file this petition after the clerical omission was acknowledged.

The court of appeals acknowledged omission of material filings, corrected the docket, and declined to disturb a judgment entered before those filings were considered as part of the original adjudication, squarely presenting the procedural questions raised here.

Petitioner timely raised the relevant constitutional and procedural issues in the district court, presented them on appeal, and sought panel rehearing and rehearing en banc after affirmance. The court of appeals denied rehearing and rehearing en banc and issued its mandate. No further relief is available in the lower federal courts.

The questions presented are legal in nature and do not depend on disputed facts. The appellate court acknowledged the omission of material filings from the record and stated that it reviewed those filings after judgment, but declined to vacate, reconsider, or issue a reasoned decision addressing the arguments raised. As a result, the due process and procedural questions presented are squarely framed and outcome determinative.

The timing of the docket correction compounded the due process injury. The omitted filings were docketed only after Petitioner had already exercised his single opportunity to

seek panel rehearing and rehearing en banc. Under the governing rules, Petitioner was not permitted a second rehearing request following the post-judgment "review," leaving him without any procedural mechanism to obtain reconsideration based on a complete record.

In addition, the absence of a reasoned appellate decision denied Petitioner the ability to meaningfully challenge the judgment on rehearing. Without an explanation of the legal basis for the affirmance, Petitioner was deprived of the opportunity to effectively identify error, address controlling precedent, or present a focused rebuttal. The combination of post-rehearing docket correction and unexplained affirmance thus foreclosed meaningful appellate review.

The posture of this case therefore presents not only a complete exhaustion of remedies, but a structural denial of due process arising from the interaction of record omission, unexplained affirmance, and the limitations imposed by the rehearing rules. This posture presents no threshold obstacles to review and squarely implicates this Court's supervisory role over the uniform administration of appellate adjudication.

There are no jurisdictional defects, waiver concerns, or interlocutory complications that would impede review. This petition therefore presents an appropriate and unobstructed vehicle for this Court's consideration.

VI. The Issues Presented Have Importance Beyond the Parties

The issues presented in this petition extend beyond the circumstances of this case and implicate the integrity of federal appellate review more broadly. Appellate courts play a central role in ensuring that legal claims are resolved through meaningful consideration of the issues presented and on a complete record. When appellate judgments are entered without addressing preserved questions, or on an incomplete record acknowledged only after

judgment, confidence in the reliability of appellate review is undermined. If appellate courts may affirm dismissals on an incomplete record and later declare the omission harmless without explanation, clerical error, not law becomes dispositive.

These issues are not isolated. Clerical omissions, summary affirmances, and dismissals without engagement with preserved appellate questions recur across the federal system. Pro se litigants are particularly vulnerable to such failures, as they rely on the courts to apply liberal construction, equitable principles, and established procedural safeguards to ensure access to meaningful review.

Absent guidance from this Court, appellate courts may continue to affirm dismissals without addressing preserved questions or ensuring that judgments rest on a complete record, allowing procedural error to dictate substantive outcomes.

If appellate courts may affirm dismissals without addressing the questions presented and without ensuring that material filings were considered as part of the adjudicative process, procedural errors risk becoming dispositive of substantive rights. The absence of a corrective mechanism once judgment has issued leaves litigants without recourse and permits deviations from this Court's precedent to persist unchecked.

The issues presented therefore implicate not only individual litigants, but the uniform administration of appellate adjudication nationwide, and the assurance that federal courts remain bound by settled principles governing meaningful review, pleading standards, and procedural regularity. Petitioner does not ask this Court to review the merits of the dismissal, but to decide whether appellate affirmance without consideration of the complete record comports with due process and accepted judicial practice.

This Court's review is warranted to reaffirm foundational principles governing appellate adjudication, to ensure uniform application of due process and pleading standards, and to preserve the role of appellate courts as forums for reasoned decision-making. Clarification from this Court will provide needed guidance to lower courts and safeguard the integrity of the federal judicial process.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



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