

In the Supreme Court of the United States

25-7503

ORIGINAL

NO. _____

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

Eddie Scott Petitioner

v.

Crystal Blanton ET. AL Respondents

Writ of Certiorari Before Judgment

In The United States Court of Appeals Eleventh Circuit

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In the Supreme Court of the United States

So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply. Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution, and see only the law. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) Page 5 U. S. 178 opinion written by Chief Justice John Marshall.

Questions Presented

1. Does the Younger Doctrine violate the Due Process Clause of the United States Constitution by denying citizens their Bill of Rights protections guaranteed by the Bill of Rights against the State government, being incorporated into the States by the Fourteenth Amendment during the Reconstruction Era?

2. Should Younger V. Harris, 401 U.S. 37 (1971), be overruled? The Younger Doctrine was ruled in respect to federalism, equity, and comity. Has the Younger Doctrine deviated from those rooted principles over time?

3. And, due to the State's case being prosecuted in Bad Faith pursuant to Dombrowski v. Pfister, 380 U.S. 479 (1965), was the district court's dismissal of the preliminary injunction without a hearing applying Younger prejudice? Was the district court in error using Younger as its tool in denying equity by not producing the prisoner to be heard by the court or judge after material in fact was presented in the habeas corpus claim petition pursuant to Waley v. Johnson, 316 U.S. 101 (1942)?

4. Did the Federal District Court make a clear legal error in applying Younger even after the State proceedings were concluded with an acquittal by using Federal Rule 60 (b) as its basis?

In the Supreme Court of the United States

Related Proceedings

Proceedings Below

United States Court of Appeals Eleventh Circuit:

- Eddie Scott v. Crystal Blanton ET, AL No: 25-10214 (preliminary injunction & federal rule 60(b) case stayed & pending)

United States District Court for the Middle District of Florida

- Eddie Scott v. Crystal Blanton ET, AL No: 5:24-CV-00139 (preliminary injunction dismissed, judgment entered May 13th, 2024, & federal rule 60 (b) motion to reopen case dismissed, judgment entered August 30th, 2024).

In the Supreme Court of the United States

Table of Contents

Questions Presented.....	2
Related Proceedings.....	3
Table of Contents.....	4,5
Table of Authorities.....	5,6,7
Opinions Below.....	8
Jurisdiction.....	9
Parties to the Proceedings.....	9
Statutory Provisions Involved.....	9
Concise Statement.....	10,11
A. Legal Background.....	11,12
B. Factual and Procedural Background.....	13
Reasons for Granting the petition.....	14
A. The questions presented are of imperative public importance.....	14
B. The district court judgment is wrong.....	14,-21
C. Younger has departed from federalism and is now a gatekeeper...21,-23	
D. This case is an appropriate vehicle.....	24
Conclusion.....	25

In the Supreme Court of the United States

Continued Table of Contents

The District Court dismissed the preliminary injunction..... Appendix A

The District Court denied the Federal Rule 60 (b) motion to reopen the case..... Appendix B

State trial acquittal and not guilty verdict..... Appendix C

Florida Supreme Court Habeas Corpus..... Appendix D

Search Warrant no data collected..... Appendix E

Table of Authorities

Waley v. Johnson, 316 U.S.101 (1942).....
Ex Parte Milligan, 71 U.S. 2 (1866).....
Dombrowski v. Pfister, 380 U.S. 479 (1965).....
Thompson v. Clark, 596 U.S. 36 (2022).....
Chiaverini V. City of Napoleon, Ohio, 602 U.S. 556 (2024).....
Younger V. Harris, 401 U.S. 37 (1971).....
Mitchum V. Foster: 407 U.S. 225 (1972).....
United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010).....

In the Supreme Court of the United States

Continued Cases

Coney Island Auto Parts Unlimited, Inc. v. Burton, 607 U.S. ____ (2026)....
Bell ATL Corp V. Twombly, 550 U.S. 544 (2007).....
Conley v. Gibson, 355 U.S. 41 (1957).....
Cochran v. Kansas, 316 U.S. 255 (1942).....
Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024).....
Monell v. Department of Social Services of the City of New York, 436 U.S. 658
(1978).....
Ex parte Young, 209 U.S. 123 (1908).....
Haines v. Kerner, 404 U.S. 519 (1972).....
Owen v. City of Independence, 445 U.S. 622 (1980).....
Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950).....
Motor vehicle Mfrs. Ass'n v. State Farm Mutual Automobile Ins. Co., 463 U.S. 29
(1983).....
Burlington Truck Lines, Inc. v. United States, 371 U.S. 156 (1962).....
Coffin v. United States, 156 U.S. 432 (1895).....
Scheuer v. Rhodes, 416 U.S. 232 (1974).....
Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).....
Los Angeles County v. Humphries, 562 U.S. 29 (2010).....
Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992).....
Gerstein v. Pugh, 420 U.S. 103 (1975).....
Manuel v. Joliet, 580 U.S. (2017).....

In the Supreme Court of the United States

Federal Statues

Civil Rights Act 1983.....	
Habeas Corpus 2241.....	
5 U.S. 7062.....	
Administrative Procedure Act (APA).....	
The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).....	
28 U.S. 2283.....	

Federal Rules/State Rules

Federal Rule of Civil Procedure 60 (b).....	
Florida rules of criminal procedure 3.133.....	
Yee Doctrine (1992).....	
Vagueness Doctrine.....	

Other Authorities English Common Law

Magna Carter (1215).....	
Observance of due process of law 1368 (42 Edw.III. C.3).....	
Common law principle (1871).....	

In the Supreme Court of the United States

NO. _____

Eddie Scott petitioner

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Writ of Certiorari Before Judgment

In The United States Court of Appeals Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

Petitioner Eddie Scott respectfully requests that a writ of certiorari before judgment be granted to review the judgment of the United States District Court for the Middle District of Florida entered in this case on May 13th, 2024 & August 30th, 2024.

OPINION BELOW

The order from the District Court dismissing the preliminary injunction on May 13th, 2024 (Appendix A & then the District Court's denial of a federal rule of civil procedure 60(b) motion to reopen the case on August 30th, 2024 (Appendix B). The United States Court of Appeals for the Eleventh Circuit has stayed both dismissals pending appeal.

In the Supreme Court of the United States

JURISDICTION

The District Court for the Middle District of Florida entered judgment on May 13th, 2024, dismissing without prejudice preliminary injunction relief and Habeas Corpus 2241 without a hearing on either claim. It denied a federal Rule 60 (b) motion to have the case reopened on August 30th, 2024, after a State trial acquittal. This Court has certiorari before judgment jurisdiction under 28 U.S. 2101(e) & Supreme Court Rule 11. The Eleventh Circuit Court of Appeals has both orders pending from the District Court for the Middle District of Florida; the case is stayed.

PARTIES TO THE PROCEEDING

Petitioner is Eddie Scott, a former school teacher, and respondents are Detective Crystal Blanton & the City of Ocala. There are no corporate parties.

CONSTITUTION AND STATUTORY PROVISIONS

Due process (or due process of law) primarily refers to the concept found in the Fifth Amendment to the US Constitution, which says no one shall be "deprived of life, liberty, or property without due process of law" by the federal government. The Fifth Amendment's reference to "due process" is only one of many promises of protection the Bill of Rights gives people against the federal government. Incorporated into the States by the Fourteenth Amendment.

In the Supreme Court of the United States

CONCISE STATEMENT

Petitioner Eddie Scott was arrested on March 17th and March 25th, 2023, for allegedly sexual related crimes against a minor and domestic battery. The arresting agency is the City of Ocala Police Department; the arresting officer at the relevant times was Detective Crystal Blanton. The petitioner was arrested on March 17th, 2023, without a warrant, and his iPhone property was taken without a search warrant. The petitioner was given a bond without seeing a judge, without having a probable cause hearing to determine whether the arrest was legally justified under the Fourth Amendment.

The petitioner was arrested again after being released eight days later for domestic battery on March 25th, 2023, with a warrant at that relevant time and had a hundred-dollar bond. On March 27th, 2023, a search warrant was issued for the iPhone; the same arresting officer, Crystal Blanton, completed the search warrant under oath or affirmation. The results of the search warrant were that no data was collected a crime was never found relating to the alleged sex crime allegations. On March 19th, 2024, because the petitioner was never given a probable cause hearing and because the search warrant was conclusive evidence on the state court record, the petitioner sought to find a relief forum from the federal district court for the reasons the state was not allowing the petitioner to raise his Constitutional claims. The petitioner sought a preliminary injunction against the state, which was taken under advisement by the magistrate judge. The petitioner was told to amend the complaint because of the Younger doctrine. The amended complaint was filed as

In the Supreme Court of the United States

Habeas Corpus 2241; the magistrate judge released a report and recommendations to dismiss for Younger and failure to state a claim upon which relief can be granted. After objections on May 6th and May 9th, 2024, the report and recommendations were adopted by the district court judge on May 13th, 2024, without a hearing being held for the preliminary injunction or the Habeas Corpus claim. The case was dismissed without prejudice by the district court judge Sua sponte, before the petitioner could serve the opposing parties. After the state trial, the petitioner was acquitted of all counts with self-representation. A federal rule 60 (b) motion was filed in the District Court, but was denied because the judge stated that the petitioner satisfied none of the relief under federal rule of civil procedure 60 (b) on August 30th, 2024.

A. Legal Background

The City of Ocala Police Department, with Detective Crystal Blanton being the arresting officer, arrested the petitioner before due process or equal protection was given. The petitioner was arrested without an arrest warrant on March 17th, 2023, based on sexual cell phone-related charges, before the search warrant was issued on March 27th, 2023. The petitioner was guilty before being able to prove his innocence, which is required by law, the “presumption of innocence” pursuant to U.S. Supreme Court precedent Coffin v. United States, 156 U.S. 432 (1895), page 156 U.S. 452, unanimous opinion written by Justice D. White.

After the warrantless arrest on March 17th, 2023, there was never a probable cause hearing. Pursuant to Gerstein v. Pugh, 420 U.S. 103 (1975), the opinion states,

In the Supreme Court of the United States

“The Fourth Amendment requires a judicial determination of probable cause as a prerequisite to extended restraint of liberty following arrest. Accordingly, the Florida procedures challenged here, whereby a person arrested without a warrant and charged by information may be jailed or subjected to other restraints pending trial without any opportunity for a probable cause determination, are unconstitutional.” Pp. 420 U. S. 111-119. Written by Justice Powell. Manuel v. Joliet, 580 U.S. (2017) Opinion written by Justice Kagan “As reflected in *Albright’s* tracking of *Gerstein’s* analysis, pretrial detention can violate the Fourth Amendment not only when it precedes, but also when it follows, the start of the legal process in a criminal case.

The Fourth Amendment prohibits government officials from detaining a person in the absence of probable cause. That can happen when the police hold someone without any reason before the formal onset of a criminal proceeding. But it also can occur when the legal process itself goes wrong—when, for example, a judge’s probable-cause determination is predicated solely on a police officer’s false statements. Pp. 580 U. S. 8-9. According to Florida rules of criminal procedure 3.133, a probable cause hearing should have occurred within 48 hours, but it never happened, and to be honest with this Honorable Court, the only hearing the State allowed the petitioner to have was a withdrawal hearing from counsel; every other request for a hearing was denied, and the motions were either stricken or struck down. These claims were properly presented in the lower courts pursuant to Yee v Escondido, 503 U.S. 519 (1992). Page 503 U.S. 534-535 opinion by Justice O’Connor.

In the Supreme Court of the United States

Reasons For Granting The Petition

A. The questions presented are of imperative public importance

The questions presented before the court are of imperative public importance. This case is more important than one person receiving justice, but every citizen who relies on the federal government for protection against arbitrary state prosecution. Due Process is a ministerial duty; it should not be one for discretion. This court must reconsider Younger with a uniform retirement interpretation that needs to be put to rest. Younger has been around for over fifty years; this doctrine must be uprooted. Does the Supreme Court, which is bound by an oath to the United States Constitution, turn a blind eye to its supreme power, or does the court continue to play it safe because keeping a doctrine that is more of an advantage for the states, but a gatekeeper that keeps federal doors closed to citizens, is more convenient?

B. The district court judgment is wrong

Because the appellant was not given the opportunity to be heard, the Fifth Amendment Due Process Clause of the petitioner was violated. United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010). Explains "Rule 60(b)(4) applies only in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard, Page 559 U.S. 271. Rule 60(b)(4) strikes a balance between the need for finality of judgments and the importance of ensuring that litigants have a full and fair opportunity to litigate a dispute. Page 559 U.S. 276

In the Supreme Court of the United States

opinion written by Justice Thomas. The Federal District Court in Ocala never administered a hearing for the appellant; I was deprived of the opportunity to be heard, and a hearing never occurred. Federal Rule of Civil Procedure 60(b)(4) authorizes federal courts to vacate a judgment when it is void. I filed a motion on 8/12/2024, after being acquitted in state trial on 8/1/2024, seeking vacatur, and it was denied due to *Younger* and failure to state a claim, a clear abuse of discretion. The district court stated that the case will remain dismissed without prejudice on 8/30/2024. I was never allowed to present the law and the facts, to have my day in court.

Coney Island Auto Parts Unlimited, Inc. v. Burton, 607 U.S. ____ (2026) States "Therefore, a party in Coney Island's position would need to show that some principle of law, such as the Due Process Clause, gives a party the right to allege voidness at any time. Page 607 U.S.____ 4. Federal Rule of Civil Procedure 60 permits a court to "re-lieve a party ... from a final judgment, order, or proceed-ing," and subdivision (b) (4) specifically authorizes a court to grant relief from a "void" judgment. Parties may seek relief under Rule 60 by filing a motion with the court Pp 607 U.S.____2-3. Unanimous Court Opinion written by Justice Alito. Petitioner was barred from the District Court under the *Younger* abstention doctrine and for failure to state a claim. Even after the petitioner was acquitted, the district court unconstitutionally barred the appellant under the federal rules of civil procedure 60(b), stating that the petitioner failed to satisfy any of the grounds for relief under rule 60(b) on 8/30/2024. After being acquitted on 8/1/2024, *Younger* and failure to

In the Supreme Court of the United States

state a claim no longer applies, and applying it is erroneous. Younger V. Harris, 401 U.S. 37(1971), which states, "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by an Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." Page 401 U.S. 40 opinion written by Justice Hugo Black.

Mitchum V. Foster: 407 US 225 (1972). The court stated in 1972 that the District Court erred by using *Younger*, by not allowing the appellant to file a 42 U.S.C. Section 1983, because Section 1983 is an "expressly authorized act of Congress". Title 42 U.S.C. § 1983, which authorizes a suit in equity to redress the deprivation under color of state law "of any rights, privileges, or immunities secured by the Constitution . . . ," is within that exception of the federal anti-injunction statute, 28 U.S.C. § 2283, that provides that a federal court may not enjoin state court proceedings "except as expressly authorized by Act of Congress." And in this § 1983 action, though the principles of equity, comity, and federalism that must restrain a federal court when asked to enjoin a state court proceeding (*cf. Younger v. Harris, 401 U. S. 37*, and companion cases) are not questioned, the District Court is held to have erred in holding that the anti-injunction statute absolutely barred its enjoining a pending state court proceeding under any circumstances whatsoever. Pp 407 U. S. 228-243, a unanimous opinion by Justice Stewart. *Younger* is used for ongoing State proceedings, not when the State proceedings have come to an end.

The State case was prosecuted in *Bad Faith*" pursuant to *Dombrowski, Younger V. Harris, 401 U.S. 37(1971)*, Pp 401 U. S. 48-49, opinion written by Justice

In the Supreme Court of the United States

Hugo Black, making the district court judgment void ab initio since the very beginning, the Appendixes will show the district court erred and the first instance by barring the petitioner with *Younger* and failure to state a claim when appellant section 1983 seeking preliminary injunction relief was first filed on 4/10/2024 it was dismissed without prejudice by the district court on 5/13/2024. A habeas corpus, which was issued by the Florida Supreme Court on 5/31/2024, will show on its face that the State prosecution was in bad faith. After my federal constitutional rights were denied by the federal district court, I petitioned the Florida Supreme Court for relief by Certiorari in accordance with the Administrative Procedure Act, 5 U.S.7062, and the court issued a writ of habeas Corpus, but even then, the State prosecutor still forced the petitioner to go to trial in disregard of the Florida Supreme Court's habeas corpus.

Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024), this court must not accept the interpretation of the law by the City of Ocala or Crystal Blanton. Pursuant to Motor vehicle Mfrs. Ass'n v. State Farm Mutual Automobile Ins. Co., 463 U.S. 29 (1983) “ The scope of review under the “arbitrary and capricious” standard is narrow, and a court is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action, including a “ rational connection between the facts found and the choice made. Page 463 U.S. 43 opinion written by Justice White. Based on data collected by the City of Ocala Police and Detective Crystal Blanton after the search warrant on March 27th, 2023, no crime was committed. Pursuant to

In the Supreme Court of the United States

Habeas Corpus claim 9-0 effectively **mandated an evidentiary hearing** (for further proceedings to determine the facts) for the petitioner's claims, "since the facts of the petitioner claims was supported by affidavits and was nowhere denied by the state answer, a determination of their truth or verity was necessary", and the case was then "reversed and remanded" Page 316 U. S. 258 opinion written by Justice Hugo Black. The State never did respond to any fact made in the petitioner's Habeas Corpus petition and forced the petitioner to trial instead. Furthermore, Haines v. Kerner, 404 U.S. 519 (1972)," Held: Prisoner's *pro se* complaint seeking to recover damages for claimed physical injuries and deprivation of rights in imposing disciplinary confinement should not have been dismissed without affording him the opportunity to present evidence on his claims. Page 404 U.S. 519. We cannot say with assurance that under the allegations of the *pro se* complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Page 404 U.S. 521. Opinion per curiam. An opportunity to present evidence on the petitioner's claims was never allowed; there was no evidentiary hearing, yet the case was dismissed without prejudice.

Injunction relief should have been granted due to the false arrest without a warrant or probable cause hearing, the iPhone being illegally searched and seized, with nothing criminal being found, showing an unconstitutional custom or policy on behalf of the City of Ocala and Detective Crystal Blanton. Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), " Local governing bodies

In the Supreme Court of the United States

(and local officials sued in their official capacities) can, therefore, be sued directly under § 1983 for monetary, declaratory, and injunctive relief in those situations where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy. In addition, local governments, like every other § 1983 "person," may be sued for constitutional deprivations visited pursuant to governmental "custom" even though such custom has not received formal approval through the government's official decision-making channels. Pp. 436 U. S. 690-691. Opinion written by Justice Brennan.

Pursuant to Los Angeles County v. Humphries, 562 U.S. 29 (2010), " In Monell v. New York City Dept. of Social Servs., 436 U.S. 658 (1978), this Court held that civil rights plaintiffs suing a municipal entity under 42 U.S.C. §1983 must show that their injury was caused by a municipal policy or custom. The case before the Court in Monell directly involved monetary damages. The question presented is whether the "policy or custom" requirement also applies when plaintiffs seek prospective relief, such as an injunction or a declaratory judgment. Held: We conclude that Monell's holding applies to §1983 claims against municipalities for prospective relief as well as to claims for damages. Pp 4-10. Opinion written by Justice Breyer. Ex parte Young, 209 U.S. 123 (1908), "the fountainhead of federal injunctions against state prosecutions, the Court characterized the power and its proper exercise in broad terms: it would be justified where state officers "... threaten and are about to

In the Supreme Court of the United States

commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution..." 209 U.S. at 209 U. S. 156 Opinion by Justice Peckham.

Scheuer v. Rhodes, 416 U.S. 232 (1974), " However, since *Ex parte Young*, 209 U.S. 123 (1908), it has been settled that the Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under the color of state law. *Ex parte Young* teaches that, when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is, in that case, stripped of his official or representative character, and is subjected *in his person* to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." Page 416 U. S. 237 Opinion written by Mr. Chief Justice Burger. The State prosecutor who will be added to the Section 1983 complaint showed "Bad Faith" and harassment against the petitioner by forcing the petitioner to trial even after the Florida Supreme Court issued a Habeas Corpus, presented a real and imminent irreparable harm.

C. Younger has departed from federalism and is now a gatekeeper

Federalism is the respect between the national government and the state governments. The Constitution gives power to the national government, and what's not given to the national government must be respected and given to the States and the people by the Tenth Amendment. The Younger doctrine takes the power of the

In the Supreme Court of the United States

national government by not allowing the national government to make sure the United States Constitution is properly enforced. The States, particularly down south, have had a long history of slavery and Confederate influence. The national government started the Union, which defeated the confederates in ended slavery in 1865 after the American Civil War.

What Younger does gives power to the states; it takes away the power from the national government to enforce the United States Constitution, given to the national government as a ministerial duty. The States can now disregard the Constitution during state proceedings, and federal courts turn a blind eye, allowing irreparable harm to happen to citizens all across the country. This was bound to happen, looking back at the history of the South being indoctrinated by white supremacy and Confederate roots.

Federalism is about respect for different governments, not allowing the state government to infringe on Constitutional rights, and for the national government to stay out of issues that the national government has taken an oath to protect. Any law that conflicts with the Constitution is void. “ Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument. Page 5 U.S. 180 Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803) opinion written by Chief Justice John Marshall.

In the Supreme Court of the United States

The Younger doctrine conflicts with the Due Process Clause of the United States Constitution and must be overruled. The vagueness doctrine is a constitutional principle requiring that laws be written with sufficient clarity so that ordinary people can understand what conduct is prohibited and so that enforcement is not arbitrary or discriminatory. A law that fails to meet this standard may be declared void for vagueness. The doctrine rests on the Due Process Clauses of the Fifth and Fourteenth Amendments. The Younger doctrine allows states to be arbitrarily involved in its proceedings, especially when the state itself has an interest.

Observance of due process of law 1368 (42 Edw.III. C.3) "It is assented and accorded, for the good Governance of the Commons, that no Man be put to answer without Presentment before Justices, or Matter of Record, or by due Process and Writ original, according to the old Law of the Land: And if any Thing from henceforth be done to the contrary, it shall be void in the Law, and holden for Error

Pursuant to Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950), "many controversies have raged about the cryptic and abstract words of the Due Process Clause, but there can be no doubt that, at a minimum, they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case. Page 339 U.S. 313 opinion written by Justice Robert H. Jackson. The Younger doctrine takes this opportunity away when citizens petition their federal government for redress of grievances or when states act arbitrarily.

In the Supreme Court of the United States

D. This case is an appropriate vehicle

This case is the appropriate vehicle on the merits. The petitioner has a clear right to sue, with the case ending in his favor, Thompson V. Clark ET, AL 596 U.S.____(2022) Pp 7-11, opinion written by Justice Kavanaugh, followed by Chiaverini V. City of Napoleon, Ohio, 602 U.S. 556 (2024) (common law principle of 1871) Pp 4-8, opinion written by Justice Kagan. These facts will be plausible and factual on its face pursuant to Bell ATL Corp V. Twombly, 550 U.S. 544(2007). Pp. 564-570 opinion by Justice Souter. Conley v. Gibson, 355 U.S. 41 (1957) Pp. 355 U.S. 45-46 opinion written by Justice Hugo Black. The U.S. Supreme Court also ruled in Owen v. City of Independence, 445 U.S. 622 (1980), A municipality has no immunity from liability under Section 1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability Pp. 445 U. S. 635-658. The majority opinion was written by Justice Brennan.

Pursuant to Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992), "As the parties invoking federal jurisdiction, respondents bear the burden of showing standing by establishing, inter alia, that they have suffered an injury in fact, i. e., a concrete and particularized, actual or imminent invasion of a legally protected interest'. Pp. 559-562. Opinion written by Justice Scalia. The Younger doctrine has caused me a concrete and particularized injury of due process in which I have a protected interest.

In the Supreme Court of the United States

Conclusion

The writ of certiorari before judgment should be granted, due process is fundamental, dating back to the Magna Carta(1215), clause 39.

I declare (or certify, verify, or state under penalty of perjury that the foregoing is true and correct. Executed on 5/27/2026. Signature Eddie Scott 28 USC 1746.

Eddie Scott

Respectfully submitted,

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