NO. ____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

JONATHAN DAVID GRENON,
***Petitioner*,**

v.

UNITED STATES OF AMERICA,
***Respondent*.**

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

The Religious Freedom Restoration Act, ("RFRA"), forbids the Government from substantially burdening a person's exercise of religion unless the Government "demonstrates that application of the burden to the person 1) is in furtherance of a compelling governmental interest; and 2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b). The RFRA further provides that "[a] person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government." 42 U.S.C. § 2000bb-1(c).

The Question Presented is:

Does a *pro se* criminal defendant properly assert a claim under the Religious Freedom Restoration Act that a criminal prosecution substantially burdens his Constitutional right to exercise religious freedom by claiming that the prosecution violates the First Amendment and that it prevents him from exercising his religious rights and by moving to dismiss the indictment arguing that "Our Religious freedoms have been violated," and "Our Freedom of speech violated," or as the Eleventh Circuit held, must a *pro se* defendant actually cite the RFRA by name or statute in order to avoid plain error review on appeal?

INTERESTED PARTIES

Jonathan David Grenon, Petitioner

United States of America, Respondent

OTHER PARTIES

Jordan Paul Grenon, Co-defendant in the district court, Co-appellant in the court of appeals. Not a responding party and not a party of interest in this petition.
Joseph Timothy Grenon, Co-defendant in the district court, Co-appellant in the court of appeals. Not a responding party and not a party of interest in this petition.

Mark Scott Grenon, Co-defendant in the district court. Not a responding party and not a party of interest in this petition.

RELATED CASES

United States District Court (M.D. Fla.):

United States v. Grenon, 8:20-mj-01657-AAS
(M.D. Fla., July 9, 2020)

United States District Court (S.D. Fla.):

United States v. Genesis II Church of Healing et al., 20-cv-21601-KMW
(S.D. Fla., 2020)

United States v. Jonathan Grenon, 21-cr-20242-CMA
(S.D. Fla., October 6, 2023)

United States Court of Appeals (11th Cir.):

United States v. Jonathan David Grenon, 23-13478
(December 22, 2025)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases:

Statutes And Other Authority:

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Mr. Jonathan David Grenon, respectfully petitions the Supreme Court of the United States for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit, rendered and entered in case number 23-13478 in that court on December 22, 2025, *United States v. Jonathan David Grenon,* which affirmed the judgment and commitment of the United States District Court for the Southern District of Florida. On March 13, 2026, the Eleventh Circuit denied Mr. Grenon's timely-filed petition for rehearing *en banc*.

OPINION BELOW

A copy of the decision of the United States Court of Appeals for the Eleventh Circuit, which affirmed the judgment and commitment of the United States District Court for the Southern District of Florida, is contained in the Appendix (A-1).

STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) and Part III of the RULES OF THE SUPREME COURT OF THE UNITED STATES. The decision of the court of appeals was entered on December 22, 2025. A timely-filed petition for rehearing en banc was denied on March 13, 2026. This petition is timely filed pursuant to Sup. Ct. R. 13.1. The district court had jurisdiction because petitioner was charged with violating federal criminal laws. The court of appeals had jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742, which provide that courts of appeals shall have jurisdiction for all final decisions of United States district courts.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner intends to rely upon the following constitutional provision:

U.S. Const., amend. I:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to assemble; and to petition the Government for a redress of grievances.

18 U.S.C. § 371:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

18 U.S.C. § 401:

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—

(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official transactions;

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

42 U.S.C. § 2000bb-1 – Religious Freedom Restoration Act:

(a) In general

Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) Exception

Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person--

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) Judicial relief

A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

STATEMENT OF THE CASE

Course of Proceedings and Dispositions

A federal grand jury in the Southern District of Florida charged Mr. Jonathan David Grenon, along with his father and brothers, in a three-count indictment with one count of conspiracy to defraud and to commit offenses against the United States in violation of 18 U.S.C. § 371 (count one); one count of criminal contempt in violation of 18 U.S.C. § 401(3) for violating a temporary restraining order (count two); and one count of criminal contempt in violation of 18 U.S.C. § 401(3) for violating a preliminary injunction (count three). DE 16. Mr. Grenon and his co-defendants proceeded *pro se* and were convicted following a jury trial. The district court sentenced Mr. Jonathan Grenon to a 151-month term of imprisonment. DE 219.

On appeal, Mr. Grenon argued, inter alia, that his prosecution violated his First Amendment right to free exercise of religion and that the District Court erred in not dismissing the prosecution under the Religious Freedom Restoration Act ("RFRA"). The Eleventh Circuit Court of Appeals, in an unpublished per curiam opinion, affirmed Mr. Grenon's convictions, holding in part that Mr. Grenon had failed to preserve the RFRA issue by failing to expressly cite the RFRA.

STATEMENT OF FACTS

Mr. Jonathan David Grenon is a thirty-eight-year-old native of Worcester, Massachusetts. Presentence Report (PSR) at ¶ 126. Mr. Grenon is a first-time offender who has never had any run-ins with the law. PSR ¶¶ 119-123. In fact, Mr. Grenon has never even had a traffic ticket. PSR ¶ 124.

Mr. Jonathan Grenon is one of eight siblings born to Mark Scott Grenon and Barbara Marie Grenon. PSR ¶¶ 126, 127. His father, Mark Scott Grenon, and two of his brothers, Jordan Paul Grenon and Joseph Timothy Grenon, are co-defendants in the instant case. DE16.

Mark Grenon and another individual, Jim Humble, who was not charged here, began the Genesis II Church of Health and Healing (Genesis Church) in 2010. 298 at 103, 106. The Church distributed a product, it called Miracle Mineral Solution (MMS) which was discovered by Humble. *Id.* The FDA deemed MMS to be a drug under its regulation based on its own agency's definitions. The FDA brought a civil action in federal court to prohibit the defendants and Genesis Church from distributing MMS. *See United States v. Genesis II Church of Healing et al.*, 20-cv-21601-KMW (S.D. Fla. 2020). The FDA deemed that the defendants were in violation of the court orders issued in that civil case and brought criminal charges against the defendants. Mr. Jonathan Grenon and his brother Jordan Grenon were arrested in the United States in September 2020. Father, Mark Grenon and brother, Joseph Grenon, were arrested in Colombia.

Following his arrest on the underlying charges, Mr. Jonathan Grenon made his initial appearance before a Magistrate Judge in the Middle District of Florida on July 8, 2020. At his initial appearance in the MDFL, Mr. Grenon, proceeding without counsel, argued that the prosecution violated his First Amendment right to religious freedom. *See United States v. Grenon,* 8:20-mj-01657-AAS, DE 18 at 47 (M.D.FL July 9, 2020). Specifically, Mr. Jonathan Grenon made the following statement to the Court:

> Judge, I appreciate your knowledge and experience in this. I just want you to know that, **as a pastor and bishop, the First Amendment is being broken completely here and has been going on for a while from the United States Genesis II Church and us. The First Amendment has been broken**, and so I'm going to just say, I'm going to spend a night in jail for being innocent. And I know that you don't know that, but I do. I know I've given my life to preach the word of the gospel of Jesus Christ, and I've brought it forward, and the sacrament we bring forward here I've been using over 15 years on myself and many others, freely. So what I'm being accused of – so I'm in jail. My family is suffering. So what I'm saying, there will probably come a time where each individual, or even the United States government, is going to be sued by the Genesis II Church due to this. Just so you guys all know, **chlorine dioxide, which is our sacrament**, there are clinical trials going on in the world, and the FDA has over a thousand patents, thousands of patents of chloride dioxide, and we use it as our sacrament. **For them to be saying it's a drug, it's totally against our religious rights**. And **the First Amendment says we can exercise our religious rights**. God gave us that, and our founding fathers have stood up for that. So I'm going to be spending a night in jail, where I believe we can go and get this over with and move on and we keep helping people and doing our worship freely, as we should.

Id. at 47-48 (emphasis added). Later when the Court asked if there was anything that Mr. Jonathan Grenon or his brother Jordan wanted to add, they made the following statements to the Court:

> **Jordan Grenon**: Add? Anything else? We have been doing this for over ten years, helping people, curing people, and we witnessed people be cured with life-threatening disease with our sacrament. Like God says, go forward and heal. **God, Jesus Christ, command us to do this.** We love to help people. We have been doing it for many years, and my father was a missionary long before that, and continue to help people and worship God.
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> **Jonathan Grenon**: And be left alone and stop being harassed. We sent in many things – they didn't show much of that. We sent in many things written by the archbishops and from my father, and there were written things saying **you have no place, FDA, Department of Justice, because under the Constitution, First Amendment, First Amendment says no one can break our exercise**. **We can exercise our religious rights and our things**. And our sacrament is considered, and said to be, a drug here by these people. This is totally wrong, and God is going to judge each and every one of them that does judge wrong because **what we are doing is serving the Lord Jesus Christ**.
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> * * *
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> I'm so grateful that Jesus Christ did guide me, because I would do anything for Him, and I'll give my life forever for him.

Id. at 49-50 (emphasis added). The following day, the Magistrate Judge conducted a preliminary hearing pursuant to Fed. R. Crim. P. 5(c)(3)(C) and Fed. R. Crim. P. 5.1(a). During the presentation of the government's first witness, the Court asked Mr. Grenon if he had any objections, and Mr. Jonathan Grenon responded as follows:

> The objection is that all of the things we have done **under the Constitution, the First Amendment, as a church; and the First Amendment does protect churches to do as we please for religious or spiritual rights**, that there's many types. And what we have done in the past **years is only pass on the word Christ has passed on us**. So our objection is that what is being said as drugs is our sacrament and is not a drug. It is a mineral. Chlorine dioxide is a mineral.

DE 19 at 23 (emphasis added). Later in the hearing, Mr. Jonathan Grenon was explaining how he used the "sacrament" on his own leg that was infected with MRSA and how the "sacrament" cured him. *Id.* at 57-59. He then explained how that experience caused him to spread the word of the cure:

> In two-and-a-half months, myself, I was cured. I had been 10 to 12 years or longer with no symptoms of MRSA at all. And seeing that – as a missionary, we spread the gospel. That is No. 1 in our life. We preach the word of Jesus Christ, and that's what we carry. God gave this and He said, go forth and heal. As we have preached the gospel, we have. **That's why I say we are a church, because all my life I've been a believer in Christ, and that's all I know. I'm a missionary at heart**. That's what I know.
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> * * *
>
> I don't know nothing about the scientific background of this. All I know is that the evidence was there. It was showing people being healed. Someone was sick and someone was healed. So we became messengers, and the Genesis II Church was not started to provide this. The Genesis II Church has many sacraments.

Id. at 59, 60 (emphasis added). Mr. Jonathan Grenon went on to explain some more of the history of his church and his beliefs. *Id.* at 60-65. Mr. Jonathan Grenon then stated as follows:

> **We are believers in the Bible, and the word of God tells us that we shall obey Him. We shall obey God more than man**. I'm not trying to be cocky or trying to – the reason we have rejected all of this to this point, and that's why they brought us in, is because I stand for the Constitution. The U.S. Constitution, the **First Amendment, tells us that the religious rights or practice thereof, Congress shall make no law**. So no law should be made against what we do to worship God.

Id. at 65 (emphasis added).

On April 22, 2021, a federal grand jury in the Southern District of Florida filed a three-count indictment against Mr. Jonathan Grenon and his co-defendants. DE 16. On April 26, 2021, **the same day** he was arraigned on the indictment, Mr. Jonathan Grenon and his co-defendant filed a *pro se* motion to dismiss the charges against them. DE 20. The motion was a short and simple four-page motion that contained twelve separately numbered declarations in support of their motion to dismiss the charges against them. The declaration numbered 8 included declarations by the defendants that "Our Religious freedoms have been violated," and "Our Freedom of speech violated." DE 20.

On April 22, 2021, a federal grand jury in the Southern District of Florida charged Mr. Jonathan Grenon, along with his father and brothers, in a three-count indictment with one count of conspiracy to defraud and to commit offenses against the United States in violation of 18 U.S.C. § 371 (count one); one count of criminal contempt in violation of 18 U.S.C. § 401(3) for violating a temporary restraining order (count two); and one count of criminal contempt in violation of 18 U.S.C. § 401(3) for violating a preliminary injunction (count three). DE 16. Mr. Jonathan Grenon and his brother Jordan initially elected to proceed *pro se*. The trial against the two was delayed while Mark and Joseph were extradited from Colombia in July of 2022.

The federal trial against Mr. Grenon and his co-defendants, his father Mark, and his two brothers Jordan Paul and Joseph Timothy, began on July 17, 2023. DE 298. Mr. Grenon and his co-defendants proceeded *pro se*. Following trial, Mr. Grenon was found guilty of all the charges. DE 299 at 88. The district court sentenced Mr.

Grenon to a 151-month term of imprisonment at the low end of the advisory sentencing range as calculated in the PSR. *Id.* at 16-17.

On appeal, Mr. Grenon argued, inter alia, that his prosecution violated his First Amendment right to free exercise of religion and that the District Court erred in not dismissing the prosecution under the Religious Freedom Restoration Act ("RFRA"). The Eleventh Circuit Court of Appeals, in an unpublished per curiam opinion, affirmed Mr. Grenon's convictions, holding in part that Mr. Grenon had failed to preserve the RFRA issue by failing to expressly cite the RFRA. *United States v. Grenon*, No. 23-13478, 2025 WL 3708752 (11th Cir. December 22, 2026).

REASONS FOR GRANTING THE WRIT

The express language of the Religious Freedom Restoration Act ("RFRA") forbids the Government from substantially burdening a person's exercise of religion unless the Government "demonstrates that application of the burden to the person 1) is in furtherance of a compelling governmental interest; and 2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b). The RFRA further provides that "[a] person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government." 42 U.S.C. § 2000bb-1(c). The Eleventh Circuit's holding that the RFRA issue was not properly preserved by Mr. Grenon's *pro se* filings and objections and its decision to review the issue for plain error are in direct conflict with: the

plain language of the RFRA; the decision of at least one other Circuit Court of Appeals; and the controlling precedent of this Court.

Introduction

The Religious Freedom Restoration Act, ("RFRA"), forbids the Government from substantially burdening a person's exercise of religion unless the Government "demonstrates that application of the burden to the person 1) is in furtherance of a compelling governmental interest; and 2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b). The RFRA further provides that "[a] person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government." 42 U.S.C. § 2000bb-1(c).

Here, Mr. Johnathan Grenon, proceeding *pro se*, argued several times at his initial appearance that the government's prosecution infringed on his exercise of his religious rights in violation of the First Amendment. After the government filed an indictment against Mr. Grenon, he, and his co-defendant brother, filed a motion to dismiss the indictment on various grounds including a claim that "Our Religious freedoms have been violated," and "Our Freedom of speech violated." The district court denied that motion and, at trial, the district court *sua sponte* instructed the jury that the First Amendment provided no defense to the prosecution. The district court never required the government to make the requisite showing under the RFRA that the substantial burden on Mr. Grenon's exercise of religion "is in furtherance of a

compelling governmental interest and [that it] is the least restrictive means of furthering that compelling governmental interest.

On appeal, Mr. Grenon argued that his prosecution violated his First Amendment right to free exercise of religion and that his prosecution should have been dismissed under the RFRA. Mr. Grenon noted that from the beginning of his criminal case, he clearly argued that his prosecution violated his First Amendment right to free exercise of religion and that he moved to dismiss the indictment arguing that his religious freedoms were being violated. The Eleventh Circuit, however, held that the claim could only be reviewed for plain error because Mr. Grenon failed to properly preserve the issue:

> We agree with the district court that this issue was never raised. When the government flagged the potential applicability of the Act in a motion in limine, the district court found that the brothers never sought dismissal based on the Act before trial. The brothers also never sought dismissal at or after trial. **The brothers did bring an earlier motion to dismiss that asserted "[their] [r]eligious freedoms have been violated."** But that statement did not clearly apply to any one government act.
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> We therefore agree that the argument was not raised below. Because the brothers also do not point to a statute or on-point precedent, there was no plain error.
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> The brothers counter that Jonathan's statements at this initial appearance ought to be liberally construed as raising a defense under the Act. At the initial appearance, Jonathan claimed "the First Amendment is being broken," that "chlorine dioxide . . . is [their] sacrament," and that "[f]or [the government] to be saying it [is] a drug, it [is] totally against [their] religious rights." **But Jonathan's general statements were not enough to put the district court on notice that the brothers intended to seek dismissal under the Act**.

United States v. Grenon, No. 23-13478, 2025 WL 3708752 at *9 (11th Cir. December 22, 2026) (emphasis added). That holding is factually and legally incorrect. The RFRA expressly states that that "[a] person whose religious exercise has been burdened . . . may assert that violation as a claim or defense in a judicial proceeding." 42 U.S.C. § 2000bb-1(c). Thus, the only statutory requirement is that a defendant assert a claim that the prosecution is burdening his religious exercise. Second, under the established law of this Court, Mr. Grenon's *pro se* arguments, liberally construed, were sufficient to trigger the process due under the RFRA. The Eleventh Circuit's holding that Mr. Grenon, an imprisoned, *pro se* criminal defendant, was required to specifically cite to the Religious Freedom Restoration Act, either by name or statute number, in order to receive the process that was due as guaranteed by the Act is in direct conflict with the express language of the RFRA and controlling precedent of this Court holding that a *pro se* criminal defendant's pleadings must be liberally construed and cannot be ignored or denied because the *pro se* defendant fails to cite the specific federal law. Mr. Grenon's *pro se* arguments were more than sufficient to preserve a claim that his prosecution violated his First Amendment rights and the district court failed to provide him with the process due under the RFRA. At least one other Circuit Court of Appeals has held that an RFRA claim is properly raised despite the fact that the *pro se* inmate failed to cite the Act in his pleading. The Eleventh Circuit's opinion reviewing that claim for plain error must be vacated and the case remanded to the Eleventh Circuit. As such, this Court should grant the petition for a writ of certiorari to review the Eleventh Circuit's decision and to clarify that a *pro*

se criminal defendant invokes the protections of the RFRA by unambiguously arguing that his criminal prosecution infringes on his right to religious freedom as guaranteed by the First Amendment to the Unted States Constitution.

Merits

The Religious Freedom Restoration Act (RFRA) provides that the "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). "The term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief." 42 U.S.C. §§ 2000bb-2(4), 2000cc-5(7)(A). The RFRA contains an exception to the broad ban which provides that the "Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person – (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling government interest." 42 U.S.C. § 2000bb-1(b). The RFRA provides that "[a] person whose religious exercise has been burdened . . . may assert that violation as a claim or defense in a judicial proceeding." *Id*. at § 2000bb-1(c).

The RFRA provides a defense against criminal prosecution. *See United States v. Grady*, 18 F.4th 1275, 1285 (11th Cir. 2021); *Unted States v. Christie*, 825 F.3d 1048, 1055 (9th Cir. 2016); *United States v. Wilgus*, 638 F.3d 1274, 1279 (10th Cir. 2011). Based on the express language of RFRA, a criminal defendant may assert a claim that his criminal prosecution burdens his religious exercise. 42 U.S.C. §

2000bb-1(c). The Government must demonstrate "that application of the burden to the person – (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling government interest." 42 U.S.C. § 2000bb-1(b).

The district court denied Mr. Grenon the protections guaranteed by the First Amendment and RFRA. On appeal, Mr. Grenon argued that his *pro se* arguments in the district court, liberally construed, were sufficient to meet the requirement of the RFRA that he assert a claim that his criminal prosecution burdens his right to free religious exercise. At that point, the district court was required to have the government demonstrate that it has a compelling interest in prosecuting Mr. Grenon and that criminal prosecution is the least-restrictive means of furthering that interest. 42 U.S.C. § 2000bb-1(b). That never occurred because the district court erred by failing to liberally construe Mr. Grenon's *pro se* filings and pleadings as invoking his rights under the RFRA. That is the error that Mr. Grenon raised on appeal, and because, liberally construed, his pleadings properly invoked his rights under the RFRA, the Eleventh Circuit erred when it reviewed Mr. Grenon's claim for plain error.

Following his arrest on the underlying charges, Mr. Jonathan Grenon made his initial appearance before a Magistrate Judge in the Middle District of Florida on July 8, 2020. At his initial appearance in the MDFL, Mr. Grenon, proceeding without counsel, argued that the prosecution violated his First Amendment right to religious freedom. *See United States v. Grenon,* 8:20-mj-01657-AAS, DE 18 at 47 (M.D.FL July

9, 2020). Specifically, Mr. Jonathan Grenon made the following statement to the Court:

> Judge, I appreciate your knowledge and experience in this. I just want you to know that, **as a pastor and bishop, the First Amendment is being broken completely here and has been going on for a while from the United States Genesis II Church and us. The First Amendment has been broken**, and so I'm going to just say, I'm going to spend a night in jail for being innocent. And I know that you don't know that, but I do. I know I've given my life to preach the word of the gospel of Jesus Christ, and I've brought it forward, and the sacrament we bring forward here I've been using over 15 years on myself and many others, freely. So what I'm being accused of – so I'm in jail. My family is suffering. So what I'm saying, there will probably come a time where each individual, or even the United States government, is going to be sued by the Genesis II Church due to this. Just so you guys all know, **chlorine dioxide, which is our sacrament**, there are clinical trials going on in the world, and the FDA has over a thousand patents, thousands of patents of chloride dioxide, and we use it as our sacrament. **For them to be saying it's a drug, it's totally against our religious rights**. And **the First Amendment says we can exercise our religious rights**. God gave us that, and our founding fathers have stood up for that. So I'm going to be spending a night in jail, where I believe we can go and get this over with and move on and we keep helping people and doing our worship freely, as we should.

Id. at 47-48 (emphasis added). Later when the Court asked if there was anything that Mr. Jonathan Grenon or his brother Jordan wanted to add, they made the following statements to the Court:

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DE 19 at 23 (emphasis added). Later in the hearing, Mr. Jonathan Grenon was explaining how he used the "sacrament" on his own leg that was infected with MRSA and how the "sacrament" cured him. *Id*. at 57-59. He then explained how that experience caused him to spread the word of the cure:

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> **That's why I say we are a church, because all my life I've been a believer in Christ, and that's all I know. I'm a missionary at heart**. That's what I know.
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> I don't know nothing about the scientific background of this. All I know is that the evidence was there. It was showing people being healed. Someone was sick and someone was healed. So we became messengers, and the Genesis II Church was not started to provide this. The Genesis II Church has many sacraments.

Id. at 59, 60 (emphasis added). Mr. Jonathan Grenon went on to explain some more of the history of his church and his beliefs. *Id*. at 60-65. Mr. Jonathan Grenon then stated as follows:

> **We are believers in the Bible, and the word of God tells us that we shall obey Him. We shall obey God more than man**. I'm not trying to be cocky or trying to – the reason we have rejected all of this to this point, and that's why they brought us in, is because I stand for the Constitution. **The U.S. Constitution, the First Amendment, tells us that the religious rights or practice thereof, Congress shall make no law**. **So no law should be made against what we do to worship God.**

Id. at 65 (emphasis added).

On April 22, 2021, a federal grand jury in the Southern District of Florida filed a three-count indictment against Mr. Jonathan Grenon and his co-defendants. DE 16. On April 26, 2021, **the same day** he was arraigned on the indictment, Mr. Jonathan Grenon and his co-defendant filed a *pro se* motion to dismiss the charges against them. DE 20. The motion was a short and simple four-page motion that contained twelve separately numbered declarations in support of their motion to dismiss the charges against them. The declaration numbered 8 included declarations

by the defendants that "**Our Religious freedoms have been violated**," and "Our Freedom of speech violated." DE 20 (emphasis added).

This Court's well-established precedent is that pleadings by *pro se* criminal defendants, especially those who are imprisoned, are to be liberally construed by the court. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976). In fact, this Court has held that the adjudication of a claim made by a *pro se* inmate cannot be hampered merely due to the reliance on the title that a *pro se* inmate puts on his filings. *Andrews v. United States*, 373 U.S. 334, 338 (1963); *see also Castro v. United States*, 540 U.S. 375, 381-82 (2003). At least one other Circuit Court of Appeals has required the reading of *pro se* prisoner filings liberally and held that the *pro se* prisoner has raised a claim of a First Amendment Violation under the RFRA, and that a district court is obliged in that circumstance to apply the RFRA eve though not expressly cited by the *pro se* prisoner:

> Although the Inmates may not have mentioned RFRA in their amended complaint, they did refer to it in their opposition-brief to the defendants' motion for summary judgment and in their motion for a second amendment to their complaint. The Act was in force and as it was the applicable law, the district court was required to apply the compelling interest test to the facts of the instant case, particularly since it had been called to its attention. As Judge Pollak aptly observed in *Muslim v. Frame,* 897 F. Supp. 215, 216 (E.D.Pa.1995), "RFRA is the law regardless of whether parties mention it." We therefore hold that RFRA, being in effect at the time the district court heard this case, should have been considered by the district court before entering summary judgment.

Small v. Lehman, 98 F.3d 762, 766 (3d Cir. 1996). Although that case dealt with a civil complaint, the reasoning of requiring a court to apply the RFRA even where the Act is not expressly cited by a *pro se* inmate applies here with equal force.

The record on appeal clearly shows that Mr. Grenon asserted a claim that his right to free religious exercise had been unconstitutionally burdened by his criminal prosecution and that he sought to dismiss the indictment against him in part on that claim. Nothing more was required of him by the express language of the RFRA. *See* 42 U.S.C. § 2000bb-1(c). Even though Mr. Grenon never specifically mentioned the Religious Freedom Restoration Act, a liberal reading of his *pro se* statements and pleadings are sufficient to find that he made the requisite claim under the Act. *See Small*, 98 F.3d at 766.

The record on appeal clearly shows that Mr. Grenon asserted a claim that his right to free religious exercise had been unconstitutionally burdened by his criminal prosecution. Under the RFRA, the government was required to prove that it has a compelling interest and that prosecuting Mr. Grenon in federal court and imprisoning him for 151 months is the least-restrictive means of furthering that interest. *See* 42 U.S.C. § 2000bb-1(b). "The least-restrictive means standard is exceptionally demanding, and it requires the government to show that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting party. If a less restrictive means is available for the Government to achieve its goals, the Government must use it." *Holt v. Hobbs*, 574 U.S. 352, 364-65 (2015).

Unfortunately, the Eleventh Circuit never properly ruled on the merits of that claim because it erroneously held that the claim had not been preserved and thus only reviewed the claim for plain error. An error raised for the first time on appeal is reviewed for plain error. *United States v. Olano*, 507 U.S. 725, 732-36 (1993); *United States v. Quinones*, 97 F.3d 473, 475 (11th Cir. 1996). That rule is based on the Federal Rules of Criminal Procedure which only require a party to bring an error to the court's attention to avoid plain error review. Fed. R. Crim. P. 52(b). Here, Mr. Grenon's *pro se* arguments clearly brought to the district court's attention that his prosecution violated his Constitutional rights to religious freedom as guaranteed by the First Amendment to the United States Constitution. Under this Court's controlling precedent, and the plain language of the RFRA, nothing more was required from Mr. Grenon to properly preserve a RFRA claim for appeal.

Mr. Grenon's *pro se* arguments properly preserved his RFRA claim for appellate review. The Eleventh Circuit's decision to the contrary conflicts with the controlling precedent of this Court and the plain language of the RFRA. It is likely that federal criminal defendants who feel that their right to free exercise of religion is being unconstitutionally burdened by a criminal prosecution may wish to defend those passionate beliefs themselves. This Court must grant this petition for a writ of certiorari to ensure that the onus is on the federal courts to properly apply the RFRA when a *pro se* defendant raises a First Amendment free exercise claim regardless of whether the individual expressly cites the RFRA.

CONCLUSION

Based upon the foregoing petition, the Court should grant a writ of certiorari to the Court of Appeals for the Eleventh Circuit.

Respectfully submitted,

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Fort Lauderdale, Florida
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