

25-7577
No. _____

ORIGINAL

FILED

MAY 27 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE

UNITED STATES

TWO - THOUSAND - TWENTY - SIX ANNO DOMINI

JOSHUA ISAAC MARTINEZ - PETITIONER

V.

RICKY DIXON, SECRETARY, DEPARTMENT

OF CORRECTIONS OF THE STATE OF

FLORIDA - RESPONDENT

ON PETITION FOR WRIT OF

CERTIORARI TO THE ELEVENTH CIRCUIT

COURT OF APPEALS FOR THE

UNITED STATES

Joshua Isaac Martinez (144831)
Suwannee Correctional Institution
5968 U.S. Hwy. 90
Live Oak, Florida 32060, pro se

QUESTIONS PRESENTED FOR REVIEW, Rule 14.1(a)

ONE: IS THE FACTUAL ALLEGATION THAT TREATMENT HAS BEEN DEFERRED, AS TO THE PETITIONER, UNTIL A TREATMENT GROUP HAS BEGUN FOR A SIMILARLY SITUATED INMATE WHO IS WITHIN A YEAR OF RELEASE FROM PRISON DUE TO THE POLICY OF THE FLORIDA DEPARTMENT OF CORRECTIONS DELAYING TREATMENT FOR SEX OFFENDERS UNTIL ONE YEAR FROM RELEASE A VALID EQUAL PROTECTION CLAIM PURSUANT AMEND XIV, U.S. CONST.?

TWO: DOES THE POLICY OF THE FLORIDA DEPARTMENT OF CORRECTIONS DELAYING TREATMENT FOR SEX-OFFENDERS UNTIL A YEAR OF RELEASE FROM PRISON EVIDENCE PUNITIVE INTENT DUE TO THE RATIONALE THAT TO DELAY TREATMENT FOR PERSONS WHO HAVE BEEN OR WILL BE LABELED AS HAVING A MENTAL ABNORMALITY CAN ONLY MEAN THAT THE TERM HAS BEEN AMBIGUOUSLY USED AS A CONNOTATION FOR A GENUINE MENTAL ILLNESS, THUS EVIDENCING RETRIBUTION AND GENERAL DETERRANCE?

LIST OF PARTIES

Rule 14.1(b)(1)-(iii) & Rule 24.1(b)

All parties Do appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Joshua Isaac Martinez (D.C. No. V44831)

Richard Dixon, Secretary, Florida Department of Corrections

CORPORATE DISCLOSURE STATEMENT

No such corporation exists.

RELATED CASES

Joshua Isaac Martinez v. Ricky Dixon, Secretary, Florida

Department of Corrections, No. 1:24-cv-21, U.S. District

COURT FOR THE NORTHERN DISTRICT OF FLORIDA,

GAINESVILLE DIVISION. Judgment entered May 28th, 2024.

Joshua Isaac Martinez v. Ricky Dixon, Secretary, Florida Depart

-ment of Corrections, No. 24-17000, U.S. Court of Appeals

for the Eleventh Circuit. Judgment entered March 31st, 2026.

TABLE OF CONTENTS

Rule 14.1(c) & Rule 24(c)

OPINIONS BELOW..... 1

JURISDICTION..... 2-3

CONSTITUTIONAL AND STATUTORY

PROVISIONS INVOLVED..... 3

STATEMENT OF THE CASE..... 3-12

REASONS FOR GRANTING THE WRIT..... 13-25

CONCLUSION..... 26

INDEX TO APPENDICES

APPENDIX A March 31st, 2026 Decision of the United
States Court of Appeals.

APPENDIX B May 28th, 2024 Decision of the United
States District Court

APPENDIX C May 28th, 2024 Judgment of the United
States District Court

TABLE OF CONTENTS (CONT.)

APPENDIX D May 2nd, 2024, Second Report and
Recommendation

APPENDIX E , 2026 Order Denying Re
-hearing

APPENDIX F April 24th, 2025 Order Denying Appel
-lant's Motion For Sanctions Pursu
-ant to Fed.R.Civ.P. 11(c)(2)

APPENDIX G March 11th, 2025 Order Denying Appel
-lant's Motion to Use Excess Pages In
His Principle Brief and Granting In Part
Appellant's Motion For Enlargement
of Time to File His Principle Brief

APPENDIX H Feb. 3rd, 2025 Order Denying Appel
-lant's "Motion For Leave to File
Brief Outside Page Limitations

TABLE OF CONTENTS (CONT.)

SET FORTH IN F.R.A.P.

32(a)(7)

APPENDIX I Nov. 4th, 2024 Order Granting

Motion to Reinstate Construed

From the Motion to Recall July 11th

2024 Mandate

APPENDIX J Nov. 20th, 2024 Order Granting

Leave to Appeal In Forma

Pauperis

APPENDIX K Sept. 6th, 2024 Order Denying Pro

Se Motion For Relief From the

Requirement to Prepay Fees On

Appeal

APPENDIX L March 4th, 2024 Order Granting

Until April 4th, 2024 to file a "Sec

TABLE OF CONTENTS (CONT.)

-ond Amended Civil Rights
Complaint"

APPENDIX M March 4th, 2024 Order Grant

-ing In Forma Pauperis Sta
-tus

APPENDIX N April 15th, 2024 Report and Recom

-mendation

APPENDIX O May 1st, 2024 Order Rejecting Re

-port and Recommendation

APPENDIX P Jan. 30th, 2024 Order Granting

Until March 1st, 2024, to File an In

Forma Pauperis Motion or Pay the

Full Amount of the Filing Fees and to

File a Civil Rights Complaint Form IF

the Petitioner Desires to Continue

TABLE OF CONTENTS (Cont.)

the Case

APPENDIX Q Apr. 29th, 2024 Second Amended

Complaint

APPENDIX R Apr. , 2025 Filed Principle Brief

APPENDIX S Apr. , 2025 Appellant's Appendix to

Amended Initial Brief

APPENDIX T June 3rd, 2025 Appellee's Answer

Brief

APPENDIX U June 6th, 2025 Appendix in Sup

part of Appellee's Answer Brief

And Supplemental Appendix For Ap

pellant

APPENDIX V June, 2025 Appellant's Reply Brief

APPENDIX W June 18th, 2024 Notice of Appeal

APPENDIX X May 9th, 2024 Plaintiff's Objec

TABLE OF CONTENTS (CONT.)

~~tion to~~ Second Report and
Recommendation

APPENDIX Y April 29th, 2024, Plaintiff's Ob-
jection to Report and Recommendation
-tion

APPENDIX Z Feb. 5th, 2024, Motion to Pro-
ceed In Forma Pauperis & Pe-
titioner's Amended §1983, 42
U.S.C. Civil Rights Complaint

APPENDIX AA Jan. 26th, 2024 Petitioner's Pe-
tition For Writ of Mandam-
us and Declaratory Judgment

APPENDIX BB Civil Docket For Case No. 1:24-
cv-00021-MW-MAF, In and
For the Northern District of

TABLE OF CONTENTS (CONT.)

Florida, Gainesville Division

APPENDIX CC *Kansas v. Hendricks*, 521 U.S.

346, 138 L.Ed.2d 501, 117

S.Ct. 2072 (1997)

APPENDIX DD §394.910-.932, Fla. Stat., the

Involuntary Civil Commitment

of Sexually Violent Predators

Act

TABLE OF AUTHORITIES CITED (CONT.)

Rule 14.1(c) & Rule 24.1(c)

CASES	PAGE NUMBER
Addington v. Texas, 441 U.S. 418, 426 -477, 60 L.Ed. 325.....	23
Allen v. Illinois, 478 U.S. 364, 92 L.Ed. 2d 296, 108 S.Ct. 2988 (1988).....	17
Foucha v. Louisiana, 504 U.S. 71, 118 L.Ed. 2d 437, 112 S.Ct. 1780 (1992).....	22-23
Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed. 2d 652 (1972).....	18
In re Commitment of Joshua I. Martinez, no. 2018-11318 CIDL (Fla. 7 th Cir., Jan. 23 rd , 2020).....	8, 14
Joel v. City of Orlando, 232 F.3d 1353, 1358 (2000).....	20

TABLE OF AUTHORITIES CITED (CONT.)

Joshua I. Martinez v. Kristen Kanner, et al,

no. 2022 U.S. Dist. LEXUS, 2:22-cv-

350 (M.D. Fla. 2022) 7

Kansas v. Hendricks, 521 U.S. 346, 138 L.Ed.2d

501, 117 S.Ct. 2072 (1972) 17, 21

National Mutual Insurance Company of the

District of Columbia v. Tidewater Trans

-fer Company, 337 U.S. 582-655 (1940) 2-3

State v. Martinez, no. 2013-102539 CFDL

(Fla. 7th Cir., Dec. 10th, 2013) 6, 15

State v. Martinez, no. 2022-CF000367CF

AXMA (Fla. 12th Cir., Apr. 17th, 2023) 5, 8

STATUTES

28 U.S.C. § 1915 (e)(2) 3, 11, 18-19

28 U.S.C. § 1295 11

TABLE OF AUTHORITIES CITED (CONT.)

28 U.S.C. §41(1) 3

42 U.S.C. §1983 3, 5, 18

§394.910-.932, Fla. Stat. 3, 6, 15-16, 20

§394.912(10), Fla. Stat. 16

§394.913, Fla. Stat. 22, 25

§59-29a1, et seq., Kon. Stat. 20

§794, Fla. Stat. 14

§806.10(1), Fla. Stat. 5, 8, 16

§806.13(5), Fla. Stat. 5, 8

Ill. Rev. Stat., ch. 38, 105-8(1985) 17

CONSTITUTION

Amend. XIV, U.S. Const. 3, 9, 12-13, 18, 23

Art. III, U.S. Const. 2

ACTS

Involuntary Civil Commitment of Sexually Vi.

TABLE OF AUTHORITIES CITED (CONT.)

Violent Predators Act 3, 6, 15-16, 20

Kansas Sexually Violent Predator Act, 20

The Act of April 20th, 1940 3

OTHER AUTHORITIES

Farrand, Records of the Federal Con

stitution 3

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue
to review that judgment below.

OPINIONS BELOW

Rule 14.1(d) & Rule 24(d)

The opinion of the United States Appeals Court appears
at Appendix A, App. 2-7, of this petition and has been designated
for publication but is not yet reported.

JURISDICTION

Rule 10(c) & Rule 14.1(e)

The United States Court of Appeals has misapplied a
properly stated rule of law.

The judgment sought to be reviewed was entered March
31st, 2026.

JURISDICTION (CONT.)

The order denying rehearing was entered on May 19, 2026.

The statutory provision believed to confer on this Court jurisdiction to review on a writ of certiorari the judgment in question is unknown.

The appellate jurisdiction of the Supreme Court of the United States depends upon the fact that the case to be reviewed is of a kind described in Article Three of the Federal Constitution, Art.

III, U.S. Const., dealing with the judicial powers of the United States. See, National Mutual Insurance Company of the District of Columbia v. Tidewater Transfer Company, 337 U.S. 582 (1949) at 642.

In regard to the present provision of the Act of April 20th, 1940, giving Federal Courts jurisdiction of cases arising "under this Constitution," it is generally supposed that the jurisdiction given was generally limited to cases of a Judicial Nature, "337

JURISDICTION (CONT.)

U.S. at 591, citing Farrand, Records of the Federal Convention, 430. The Act of April 20th, 1940, is found 28 U.S.C. § 41 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

INVOLVED, RULE 14.1(f)

Amend. XIV, U.S. CONST., EQUAL PROTECTION CLAUSE

..... 3, 9, 12-13, 18

Amend. XIV, U.S. CONST., DUE PROCESS CLAUSE..... 23

28 U.S.C. § 1915(e)(2), PLEADING REQUIREMENT... 3, 11, 18-19

42 U.S.C. § 1983, CIVIL RIGHTS COMPLAINT... 3, 5, 18

§ 394.910-.932, Fla. Stat., THE INVOLUNTARY CIVIL

COMMITMENT OF SEXUALLY VIOLENT PREDATORS

Act..... 3, 6, 15-16, 20, App. 341-345

STATEMENT OF THE CASE

Throughout the instant petition, the petitioner, Joshua Isaac Martinez (V44831), is referred to as the petitioner,

STATEMENT OF THE CASE (CONT.)

and the respondent, Ricky Dixon, the Secretary of the Florida Department of Corrections, is referred to as the respondent.

Citations to the Appendices are notated by the abbreviation "App." followed by the page number, as follows: App. ____.

The petitioner, when having initiated the original action in the United States Northern District Court for the Northern District of Florida, Gainesville Division, January 29th of 2024, had been incarcerated in the Florida Department of Corrections and housed at the Mayo Correctional Institution Annex, located at 8784 U.S. Hwy 27 W., Mayo, Florida 34266. See docket at Appendix BB, App. 306-310. The petitioner had been transferred from Mayo Annex on April 7th, 2025, and at the time of having submitted the instant petition he resides at Suwannee Correctional Institution, located at 5968 U.S. Hwy. 90, Live Oak, Florida 32060.

STATEMENT OF THE CASE (Cont.)

During the time at which the petitioner had filed the original complaint, the petitioner had been serving eight years incarcerative prison time for having broken a fire-sprinkler on July 2nd, 2022 for which the State of Florida had pressed charges against him in State v. Martinez, no. 2022 CF 000367 CF AXMA, in the Twelfth Judicial Circuit for De Soto County, Florida, for having violated §806.10(1), Fla. Stat., "Preventing or Obstructing Extinguishment of Fire at a Sexually Violent Predator Detention / Commitment Facility"; and §806.13(5), Fla. Stat., "Damage to a Sexually Violent Predator Detention / Commitment Facility". The petitioner had been found guilty by unanimous jury-verdict on April 17th, 2023.

On April 22nd, 2024, the petitioner filed a civil complaint pursuant to 42 U.S.C. §1983 in which he had alleged a sole cause of action in the very last of eight paragraphs of the three-page

STATEMENT OF THE CASE (Cont.)

long STATEMENT OF FACTS section, App. 75-77, and such complaint had been filed in the Northern District of Florida, Gainesville Division. The eight paragraphs were as follows:

(1) "On December 10th, 2013, plaintiff was sentenced to 78 months incarceration in the Florida Department of Corrections and 20 years consecutive sex-offender probation (case no. 2013-102539 CFDI, the Honorable Judge Randall H. Rowe III presiding," App. 75.¹

(2) "No. 8 of December 10th, 2013 plea agreement stipulates that sex-offender, herein plaintiff, understands that he is subject to civil commitment proceedings pursuant to In-voluntary Civil Commitment of Sexually Violent Predators Act (§394.910-.932, Fla. Stat.)," App. 75.²

(3) On March 1st, 2014, petitioning plaintiff, then as defendant in the above explained case, and of sentenced from Aron Park C.I. and was transferred to the Department of Children and Families at Florida Civil Commitment Center, located at 13619 S.E. Hwy. 70, Arcadia, FL 32066; pursuant §394.910-.932, Fla. Stat. (1999), "App. 75.

¹ See plea agreement for this case at Appendix Q, App. 87.

² See the Act at Appendix DD, App. 342-343.

STATEMENT OF THE CASE (Cont.)

(4) "During the period of confinement in F.D.O.C. From December 2013, to March 2019, plaintiff had been placed on a waiting list for sex offender group therapy, both at Martin C.I., in 2014, Sept.-Oct., and Everglades C.I. in 2017, January-February. However, due to the high number of individuals waiting to get into this type of therapy and due to plaintiff transferring he did not ever get scheduled for the group therapy sessions," App. 76.

(5) "At the Florida Civil Commitment Center plaintiff could not participate in sex-offender group therapy until he was committed, Jan 23rd, 2020, in a 2018 civil case³. But, even then he did not complete the pre-treatment phase until 2022. Once he reached the first treatment phase here - fused to participate due to the group requiring that he disclose his offending history to other group members, and he sought "one-on-one" group therapy with his counselor instead (Joshua I. Martinez v. Kirsten Kanner, et al., 2022 U.S. Dist. LEXUS 110773, 2:22-cv-350- SPC-NPM, June 22, 2022). Such one-on-one treatment was then offered to him and plaintiff did take advantage of it until his criminal trial in April, 2023," App. 76.

³ In re Commitment of Joshua Isaac Martinez, no. 2018-11318 CIDL, in the Seventh Judicial Circuit for Volusia County, Florida.

⁴ State of Florida v. Joshua Isaac Martinez, no. 2022-0000367 CF-AYMA, in the Twelfth Judicial Circuit for DeSoto County, Florida.

STATEMENT OF THE CASE (Cont.)

(6) "On April 17th, 2023, plaintiff was found "guilty" by unanimous jury verdict of §806.10(1), Fla. Stat., "Preventing or Obstructing Extinguishment of Fire" and §806.13(5), Fla. Stat., "Damage to a Sexually Violent Predator Detention/Commitment Facility"; and sentenced to eight years incarceration in the F.D.O.C.⁵ (Case no. 2022 CF000367 CF AXMA, the Hon. Judge Guy Flowers presiding, in the Twelfth Judicial Circuit for De Soto County, Florida), "App. 77.

(7) "Plaintiff had been designated a Sexually Violent Predator in the 2013 case and such designation carried over when he returned to the F.D.O.C. May 4th, 2023 (See App. 88), Dec. 10th, 2023 order designating plaintiff, therein defendant, as a sexually violent predator,⁶ (See App. 89), "Oct. 13th, 2023 Grievance Response Log no. 223-2310-0070, by S. Maynard, Classification Officer"), "App. 77.

(8) On Jan. 23rd, 2024, I spoke with Ms. Brantley, a Mental Health Counselor at Mayo Correctional Institution Annex, and was told I would have to wait until someone interested in sex-offender treatment was less than twelve

⁵ The petitioner had broken a fire sprinkler July 2nd, 2022 at the Florida Civil Commitment Center.

⁶ §775.21, Fla. Stat., governs designation of persons as sexually violent predators.

STATEMENT OF THE CASE (CONT.)

months from release and then I could join their group per policy, [see App. 90], "Jan. 24th, 2024 informal grievance;" App. 77.

The petitioner then alleged as his claim that "No State shall deny to any person within it's jurisdiction the Equal Protection of the Laws," App. 78, citing to the Equal Protection Clause of the Fourteenth Amendment, Amend. XIV, U.S. Const. And, the petitioner further stated that, "By withholding sex-offender treatment until twelve months from release, F.D.O.C. has invidiously discriminated against plaintiff due to the nature of his charge in violation of the Fourteenth Amendment's Equal Protection Clause," App. 79, citing to Amend. XIV, U.S. Const. And finally, as relief, the petitioner stated, "I seek a declaration that the policy of F.D.O.C. to delay sex-offender treatment until twelve months from release is invidious discrimination in violation of the Fourteenth Amendment's Equal Protection Clause, Amend. XIV, U.S. Const., due

STATEMENT OF THE CASE (CONT.)

to it's irrationally delaying treatment for those who need it most immediately," App. 78.

On May 28th, 2024, the Honorable District Court of the United States for the Northern District of Florida, Gainesville Division, accepted the May 2nd, 2024 Report and Recommendation, Appendix D, App. 14-22, and ordered dismissal, Appendix B, App. 9-10, and Judgment had simultaneously been entered, Appendix C, App. 12. In the Order Accepting Report and Recommendation, the Honorable Chief United States District Judge, Mark E. Walker, had stated:

"this Court agrees with the Magistrate Judge that Plaintiff has failed to state a claim upon which relief may be granted," App. 9.

And, as an Order, the Honorable Chief Judge directed the Clerk to enter a judgment stating:

"Plaintiff's Second Amended Complaint is DIS-MISSED for failure to state a claim upon

STATEMENT OF THE CASE (Cont.)

which relief may be granted pursuant to
28 U.S.C. §1915(e)(2),⁶ App. 10.

And the Clerk so entered the foregoing judgment, App. 12,
that is, Mr. Jessica J. Lyublzanovits, by and through the Deputy
Clerk, Mr. Kelli Malu.

On June 18th, 2024, the petitioner filed a Notice of Appeal,
Appendix W, App. 263, to the Eleventh Circuit Court of Appeals for
the United States pursuant 28 U.S.C. §1295, and in April,
2025, filed his Principle Brief, Appendix B, App. 97-141,⁷
while the respondent, Mr. Richard Dixon, by and through Ms. Claudia
P. Humphrey, Asst. Atty. General for the State of Florida, filed an
Answer Brief, Appendix T, App. 181-266, June 6th, 2025.⁸ And,
the petitioner filed a Reply Brief, Appendix V, App. 248-261, the
same month of June, 2025.

⁷ Pages 173-177 of Appendix S are missing, pertaining to the part of the
Appendix to Principle Brief called Exhibit E, App. 172.

⁸ Appendix U is the Appendix to the Answer Brief, App. 208-246, but many
of the pages have been redacted for placement elsewhere in the Appendix.

STATEMENT OF THE CASE (CONT.)

On March 31st, 2026, the Honorable Appeals Court Per Curiam Affirmed the Honorable District Court's May 28th, 2024 order and judgment, Appendix A, App. 2-7. In part IV of the unpublished opinion, App. 7, the Honorable Appeals Court provided the following synopsis of their decision:

"Because Martinez failed to present any factual allegations that suggest that prison officials intentionally discriminated against him in violation of the Equal Protection Clause of the Fourteenth Amendment, the District Court did not err in dismissing Martinez's complaint," App. 7.

The petitioner subsequently filed for rehearing April 13th, 2026. The motion for rehearing had been denied on May 19, 2026.

REASONS FOR GRANTING WRIT

The Honorable Appeals Court, on March 31st, 2026,

ruled:

"Because [petitioner] failed to present any factual allegations that suggest that prison officials invidiously discriminated against him in violation of the Equal Protection Clause of the Fourteenth Amendment, the District Court did not err in dismissing [petitioner's complaint]." App. 7.

As basis, the Honorable Appeals Court provided:

"[Petitioner's] Statement of Claims Section of his complaint is a mere 1.5 pages with only a single paragraph dedicated to his invidious discrimination claim. In that paragraph [petitioner] vaguely references the fact that he was discriminated against due to the "nature of his violation," but does not make any factual allegations that he was treated less favorably than a similarly situated prisoner or that the state engaged in discrimination against him on a constitutionally protected basis," App. 6.

REASONS FOR GRANTING WRIT (CONT.)

ONE: THE FACTUAL ALLEGATION THAT TREATMENT HAS BEEN DEFERRED, AS TO THE PETITIONER, UNTIL A TREATMENT GROUP HAS BEGUN FOR A SIMILARLY SITUATED INMATE WHO IS WITHIN A YEAR OF RELEASE FROM PRISON DUE TO THE POLICY OF THE FLORIDA DEPARTMENT OF CORRECTIONS DELAYING TREATMENT FOR SEX OFFENDERS UNTIL ONE YEAR FROM RELEASE A VALID EQUAL PROTECTION CLAIM?

The petitioner had provided at paragraph (7) of the Statement of Facts section of his April 29th, 2014 filed "Second Amended Complaint", App. 76, that he had been "committed" January 23rd, 2020, in case no. 2018-11318 CIDL. See, In re Commitment of Joshua Isaac Martinez, no. 2018-11318 CIDL (Fla. 7th Cir., Jan. 22nd, 2020)¹. And, the petitioner had also provided at paragraph (8) that he "had been designated as sexually violent predator in the 2013 case" App. 77, referring to the Order, App. 88, adjudicating him guilty of §794 Fla. Stat.

¹The commitment had taken place in the Seventh Judicial Circuit for Volusia County, Florida.

REASONS FOR GRANTING WRIT (CONT.)

by having committed Sexual Battery On a Minor (under twelve),

See, State v. Martinez, no. 2013-102539 CEDL (Fla. 7th Cir., Dec.

10th, 2013). Furthermore, the petitioner had provided at paragraph

(2) of the Statement of Facts section of the "Second Amended Com

-plaint", App. 87, that paragraph (8) of the December 10th, 2013 plea

agreement, App. 75, had stipulated that he would be "subject to civil

commitment proceedings" pursuant §394.910-937, Fla. Stat., the

Involuntary Civil Commitment of Sexually Violent Predators Act,

App. 331-343. Wherefore, it is evident that the petitioner had pro

-vided three paragraphs so as to indicate clearly that he had previ

-ously been committed as a sexually violent predator prior to the

incarceration during which the cause of action that he had alleged

had transpired, to wit: paragraph (2), App. 75, paragraph (7), App.

77, and paragraph (8), App. 77.² And, it stands to reason that the pe

-titioner would be subject to commitment proceedings prior release.

² The petitioner had been and at the time of submission still has been serving prison time in the Florida Department of Corrections for having

REASONS FOR GRANTING WRIT (CONT.)

A prerequisite for commitment proceedings pursuant the Involuntary Civil Commitment of Sexually Violent Predators Act, §394.910-.932, Fla. Stat., App. 341-343, is that a person subject to involuntary civil commitment proceedings be found by a multi-disciplinary team of psychologists, psychiatrists, or both, to meet the criteria necessary so as to confidently say that the person is diagnosed with a mental abnormality that deems him as a menace to the health and safety of others (e.g. Kansas v. Hendricks, 521 U.S. 346, 138 L.Ed.2d 501, 117 S.Ct. 2072 (1997)), wherein respondent, Leroy Hendricks, testified that he ~~cannot~~ control the urge to molest children, Appendix to Respondent's Brief, at 172). See, §394.912(10), Fla. Stat., App. 333, defining a sexually violent predator. Wherefore, because the petitioner had emphatically stated three times in the Statement of Facts section of the "Second Amended Complaint" that he had already been committed in the past, pursuant the Involuntary Civil Commitment of Sexually Violent Predators Act, that he had been diagnosed with a mental abnormality, .. violated §806.10(1), Fla. Stat., "Preventing or Obstructing Extinguishment of Fire at a Sexually Violent Predator Detention/Commitment Facility"

REASONS FOR GRANTING WRIT (CONT.)

For the very reason that the petitioner had been diagnosed as having a mental abnormality, a fact established in the Statement of Facts section of his "Second Amended Complaint", App. 75-77, as explained, *supra*, the Honorable Appeals Court should have recognized that a constitutionally protected interest had been at stake. See, Kansas, at 521 U.S. 367, citing Allen v. Illinois, 478 U.S., at 369, 92 L. Ed. 2d 296, 106 S. Ct. 2988, quoting Ill. Rev. Stat., ch. 38, 105-8 (1985) ("The State has a statutory obligation to provide care and treatment for [persons adjudged sexually dangerous] designed to effect recovery,"). And, on the constitutionally protected basis of having a mental illness, the petitioner ought to have been found by the Honorable Appeals Court to have stated a valid claim which reasonable jurists would agree had warranted relief as to paragraph (8) of the Statement of Facts section of the "Second Amended Complaint", App. 77. But instead, the Honorable Appeals Court has emphasized brevity in contravention to Haines and "Damage to a Sexually Violent Predator Detention/Commitment Facility", § 806.13(5), Fla. Stat., in case no. 2022-CE000367 CE AXMA. See,

REASONS FOR GRANTING WRIT (CONT.)

Doctrine, Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.

2d 652 (1972), the Honorable Appeals Court has not afforded

the petitioner leniency concerning his confusion as to various legal theories of the pleading requirement set forth in 28 U.S.C.

§1915(e)(2), as is apparent when the Honorable Appeals Court had

stated in the March 31st, 2026 opinion, "[Petitioner's] Statement of

Claims Section of his complaint is a mere 1.5 pages with only a single

paragraph dedicated to his invidious discrimination claim," App. 6.

"The reference to only one paragraph being dedicated to the petitioner's

invidious discrimination claim in the Statement of Claims section of

his "Second Amended Complaint", App. 79, is unfair to the petitioner

as a pro se litigant when and because the Statement of Claims sec-

-tion of the 28 U.S.C. §1983 Civil Complaint Form, App. 78, con-

tains a mere five lines to provide for the alleged violation of a

constitutional right, in the instant case; Amend. XIV, U.S. Const.

... State v. Martinez, no. 2022-CF000367CFAXMA (Fla. 12th Cir., April 17th, 2022).

REASONS FOR GRANTING WRIT (Cont.)

Two: The policy of the Florida Department of Corrections delaying treatment for sex-offenders until a year of release from prison evidences punitive intent due to the rationale that to delay treatment for persons who have been or will be labeled as having a mental abnormality can only mean that the term has been ambiguously used as a connotation for a genuine mental illness, thus evidencing retribution and general deterrence.

Despite the Honorable Appellate Court's finding that the District Court had been correct in ruling that the petitioners April 29th, 2026 "Second Amended Complaint" did not meet the pleading requirement set forth in 28 U.S.C. § 1915 e (2), supra, the Supreme Court of the United States is free to review the petitioner's complaint de novo. See, Appendix A, App. 2-7, the March 31st, 2026 Unpublished Opinion of the Eleventh Circuit Court of Appeals of the United States, and Appendix D, App. 14-22, May 2nd,

REASONS FOR GRANTING WRIT (CONT.)

2024, Second Report and Recommendation of the United States District Court For the Northern District of Florida, Gainesville Division (The Honorable District Court ruled that the policy of the Florida Department of Corrections delaying treatment for sex-offenders until a year of release from prison is rational considering the need of the Department to conserve limited resources for "those who need it most immediately," App. 20).

The "rational basis test" utilized by the Honorable Magistrate of the District Court in making this ruling had been used to "consider[] whether [the] challenged rule or policy furthers a legitimate government purpose," App. 20, May 2nd, 2024 Second Report and Recommendation, citing to *Joel v. City of Orlando*, 232 F.3d 1353, 1352 (11th Cir. 2000).

Florida's Involuntary Civil Commitment of Sexually Violent Predators Act (1999), § 394.910-932, Fla. Stat., App. 332-343, is

REASONS FOR GRANTING WRIT (CONT.)

based on Kansas' Sexually Violent Predator Act (1994), Kan. Stat., §59-29a1 et seq. The Kansas Act had been found in *Kansas v. Hendricks*, 521 U.S. 346, 138 L.Ed. 2d 501, 117 S.Ct. 2072 (1997) to satisfy the constitutional safeguards necessary to sustain a civil commitment scheme. The ruling had stated:

"As a threshold matter, commitment under the Act does not implicate either of the two primary objectives of criminal punishment: retribution or deterrence," at 521 U.S. 362, App. 320.

And, in regard to Kansas argument in *Kansas v. Hendricks* "that the Act's definition of 'mental abnormality' satisfie[d] 'substantive due process requirements,'" at 521 U.S. 356, App. 318, the Honorable Court stated, "We agree," *idem*. But, in a concurring opinion, Kennedy, J., explained:

"If, however, civil commitment were to become a mechanism for retribution or general deterrence, or if it were shown that mental abnormality is too imprecise a category to offer a solid basis for concluding that civil detention is justified,

REASONS FOR GRANTING WRIT (Cont.)

our precedents would not suffice to justify it," at 521 U.S. 373, App. 323.

And, because the policy of the Florida Department of Corrections to delay treatment for sex-offenders and sex offenders only until one year of release from prison deters a specific sub-class of persons, to wit, sex-offenders, to be reviewed by a multi-disciplinary team for whether or not a mental abnormality predisposing persons to commit sexually violent offenses is met to be diagnosed solely for civil commitment purposes, per §394.913, Fla. Stat., it stands to reason that the precedents of the Honorable Supreme Court of the United States cannot justify the policy. Take, for instance, *Foucha v. Louisiana*, 504 U.S. 71, 118 L.Ed.2d 437, 112 S.Ct. 1780 (1992), where "Freedom from restraint 'has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.'" *Kane v. Hendricks*, 521 U.S. at 356, quoting *Foucha*, 504 U.S. at 80, in ref

REASONS FOR GRANTING WRIT (CONT.)

-erence to the due process afforded citizens of the individual and separate states by the Due Process Clause of the United States Constitution's Fourteenth Amendment, Amend XIV, U.S. Const.. The Honorable Supreme Court of the United States cited to Foucha when in Kansas v. Hendricks the Honorable Court stated:

"We have consistently upheld such involuntary commitment statutes provided the confinement takes place pursuant to proper procedures and evidentiary standards," 521 U.S. at 357,

also citing to Addington v. Texas, 441 U.S. 418, 426-427, 60 L. Ed. 2d 533, 99 S. Ct. 1804 (1979).

The petitioner would like to call the Honorable Court's attention to the argument that Leroy Hendricks had made in Kansas v. Hendricks that a prerequisite of finding of "mental illness" had been necessary in both Foucha and Addington necessary to involuntarily commit a person. See Kansas, 521 U.S. at 358. So is the case here of petitioner.

REASONS FOR GRANTING WRIT (CONT.)

For, without doubt, the petitioner has just as much interest in rehabilitation as any other inmate in the Florida Department of Corrections, even if rehabilitation is not a right. See, Appendix D, May 2nd, 2024 Second Report and Recommendation, App. 16, wherein the Honorable Magistrate had stated:

"However, as Plaintiff recognizes, see ECF no. 11 at 9, he has no constitutional right to rehabilitation. Therefore, Plaintiff does not have a protected liberty interest in participating in rehabilitation programs," App. 16,

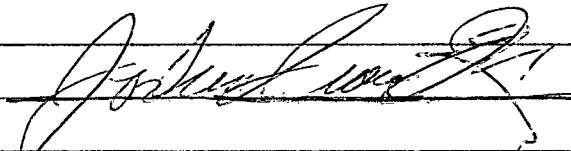
citing to the petitioner's April 29th, 2024 filed "Second Amended Complaint". See, Appendix Q, App 79. For, the petitioner should have equal opportunity to participate in rehabilitative treatment programs pertaining to the nature of his offending history, so long as such treatment is available, when they are provided to other inmates with other offending histories. And, to relegate treatment for a particular type of offender until one year from release is unreasonable, especially

REASONS FOR GRANTING WRIT (CONT.)

in consideration of the possibility that the petitioner might be released into society upon reaching the end of his prison sentence rather than be returned to the Florida Civil Commitment Center hinges upon the determination by the state-appointed multi-disciplinary team based upon treatment records, offending history, an interview, and other criteria pertinent to whether or not the petitioner is safe to be at large, in accordance with the relevant part of the Florida Act, §394.913, Fla. Stat., App. 334. With that in mind, and because the petitioner clearly has an interest in remaining free from governmental restraint, the petitioner is entitled to present evidence so as to refute the possibility that he might be diagnosed with a mental abnormality which by having treatment records available for the multi-disciplinary team to review per §394.913, Fla. Stat., App. 334. Such entitlement to evidentiary preparation should not be abrogated by the policy delaying treatment until a year from release.

CONCLUSION

The Petitioner respectfully prays that the Honorable Supreme Court of the United States will grant the instant petition by granting a writ of certiorari be Issued to the United States Eleventh Circuit Court of Appeals in regard to the March 31st, 2026 per curiam affirmed decision,


Joshua Isaac Martinez (1144831),

petitioner, pro se.

Date entered: April, _____, 2026