

No. 25-7641 ORIGINAL

Supreme Court, U.S.
FILED

OCT 20 2025

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IN THE
SUPREME COURT OF THE UNITED STATES

RAYMOND J. RAMIREZ — PETITIONER
(Your Name)

vs.

SECRETARY, FLORIDA — RESPONDENT(S)
DEPARTMENT OF CORRECTIONS

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RAYMOND J. RAMIREZ
(Your Name)

Charlotte C.I.
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(Address)

Punta Gorda, FL 33955
(City, State, Zip Code)

N/A
(Phone Number)

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JAN 23 2026

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Whether the Plain text of Title 28 U.S.C.S. 2254 (a): "The Supreme Court... Shall entertain an application For a writ of habeas Corpus in the behalf of a Person in Custody Pursuant to the Judgment of a State Court...." is a Venue Choice Provided by Congress? And, IF it is a Venue Choice Provided by Congress, is the Supreme Court Clerk of the Court required to transfer a declined application (such as the Petitioner's) to the appropriate district Court as Provided by Title 28 U.S.C.S. 1631 or 2241 (b), to Preserve an applicant's one-Year Statute of limitations Period?
2. Whether this Court's reasoning in Love v. Pullman Co., 404 U.S. 522 (1972) and Oscar Mayer & Co. v. Evans, 441 U.S. 750 (1979) is applicable to the "Statutory Scheme" of Title 28 U.S.C.S. 2254?
3. Whether Title 28 U.S.C.S. 2072 (b) invalidates a district Court's Order of Voluntary dismissal, Where a district Court recharacterizes a Pleading Pursuant to Fed. R. Civ. P. 8 (e) into an unwanted Voluntary dismissal Motion with terms and Conditions, and the district Court's Order Causes a delay in review of Petitioner's habeas Claims and /or the one-Year Statute of limitations to expire?
4. Whether notice and Opportunity to be heard should be required before a district Court enters a dismissal order?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** 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:

RELATED CASES

Ramirez v. Sec'y, Fla. Dep't of Corr., 2024 U.S. APP. LEXIS 10656 (May 1, 2024).

Ramirez v. Sec'y, Fla. Dep't of Corr., 2025 U.S. APP. LEXIS 9442 (April 21, 2025).

The Petitioner also filed a Petition for a Writ of Mandamus to this Supreme Court on 10/14/25, requesting appointment of Counsel for this Certiorari Proceeding, citing to *Garlotte v. Fordice*, 513 U.S. 1125 (1995).

Ramirez v. Sec'y, Fla. Dept. of Corr., United States District Court Southern District of Florida Case NO. 25-cv-61922

TABLE OF CONTENTS:

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	7
CONCLUSION.....	9

INDEX TO APPENDICES

APPENDIX A	Opinion of the United States Court of Appeals.
APPENDIX B	Opinion of the United States District Court.
APPENDIX C	Order of the United States Court of Appeals - Petition for rehearing / rehearing en banc denied.
APPENDIX D	Mandate of the United States Court of Appeals.
APPENDIX E	AMENDED MOTION FOR RELIEF FROM ORDER (due diligence / timeliness) (abuse of discretion)
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Oscar Mayer & Co. v. Evans, 441 U.S. 750 (1979)	6-7.
Love v. Pullman Co., 404 U.S. 522 (1972)	6-7.

STATUTES AND RULES	
Title 18 United States Code Section 241	4.
Title 28 U.S.C.S. 1254	2.
Title 28 U.S.C.S. 1631	3,4,7.
Title 28 U.S.C.S. 2072(b)	3,7.
Title 28 U.S.C.S. 2241(b)	3,4,7.
Title 28 U.S.C.S. 2254(a)	3,4,6,7.
Rule 8(e), Federal Rules of Civil Procedure	7.

OTHER	
Fourteenth Amendment United States Constitution	3-5,8.
Article VI, Clause 2, U.S. Constitution	8.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at 2025 U.S. APP. LEXIS 9442; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 21, 2025.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: JULY 30, 2025, and a copy of the order denying rehearing appears at Appendix C.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including January 18, 2026 (date) on November 20, 2025 (date) in Application No. A. by Pipa Fisher, Court Clerk, due to Petitioner being in Confinement. This is the refiled Petition. 1.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

1. Pipa Fisher gave Petitioner another extension of time on February 18, 2026. Petitioner has been put in Confinement again on March 20, 2026, for trying to get more time in the law library. Pipa Fisher granted another extension of time on May 5, 2026.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourteenth Amendment : "nor deny to any Person within its Jurisdiction the equal Protection of the laws."

28 U.S.C.S. 1631 : "the Court shall, if it is in the interest of Justice, transfer such action...." See also 28 U.S.C.S. 2241 (b).

28 U.S.C.S. 2072(b) : "Such rules shall not abridge, enlarge or modify any substantive right."

28 U.S.C.S. 2254 (a) : "The Supreme Court... shall entertain an application for a writ of habeas corpus in the behalf of a Person in custody Pursuant to the Judgment of a State Court...."

STATEMENT OF THE CASE

The Petitioner First Points out that he has been Put in Confinement in Violation of Title 18 United States Code Section 241, For exercising his First and Fourteenth Amendment rights to Freedom of Speech, to access the Courts, and For Filing grievances. Petitioner was Placed in Confinement For trying to get more time in the law library to Finish legal research and Prepare this Petition For a Writ of Certiorari.

Due to the Petitioner's situation, he cannot thoroughly raise his claims, and will try his best - While being unlawfully detained even Further, once again.

The Petitioner Filed a timely 2254 habeas Corpus in the U.S. district Court Southern district of Florida on 7/10/23 (case no. 23-cv-61353 DMM). Judge Middlebrooks ordered the Secretary to show cause on 7/20/23. After the Petitioner Filed a poorly worded notice of Venue transfer / not to enter ruling on 7/16/23, the district Court recharacterized the notice and entered an order of dismissal on 7/24/23, under Rule 41(a)(2), Fed. R. Civ. P. However, the Petitioner did not File For voluntary dismissal.

In the Petitioner's notice of Venue transfer, he asked the Court to not enter a ruling because Petitioner had Filed a 2254 in this Supreme Court on 7/16/23, and was essentially asking the district Court to hold his 2254 in abeyance until this Supreme Court accepts his habeas Corpus For review or declines and transfers his habeas Corpus to the district Court as Prescribed in 2241(b) and 1631 of Title 28.

After the Petitioner received the district Court's Order of dismissal with terms and Conditions, the Petitioner immediately Filed Multiple Motions stating that he was not seeking a voluntary dismissal but was seeking a Stay and abeyance, and wanted to Proceed with habeas Corpus review in the district Court.

The district Court denied Petitioner's Motions to reinstate the habeas Proceedings. The Petitioner timely appealed the district Court's order to the U.S. Court of Appeals Eleventh Circuit (case no.: 23-12776-J).

Petitioner raised on appeal that he did not File for voluntary dismissal and that the district Court should have reinstated the habeas Proceeding. The Petitioner also raised the Claim that he should have been given the opportunity to withdraw and Proceed. The Eleventh Circuit entered a decision on April 21, 2025, and affirmed the district Court's order. Ramirez v. Sec'y, Fla. Dep't of Corr., 2025 U.S. App. LEXIS 9442. The Petitioner timely Filed a Petition for rehearing / rehearing en banc raising multiple questions that should be answered or Certified to this Supreme Court. Petitioner also raised issues of Stare decisis and equal protection of the laws. However, the Eleventh Circuit denied rehearing on 7/30/25.

Along with said claims, the Petitioner also raised the questions Presented to this Court. The questions raised in this Court are questions of great importance as they concern a habeas Corpus Petitioner's Fourteenth Amendment rights, the intent of Congress, and the need for a universal requirement that before an Order of dismissal is entered by a Court - an opportunity to accept dismissal or Proceed with the Case - must be

Provided to protect a Petitioner's due Process rights.

The Petitioner also believes that the reasoning and decision of this Court in Lowe v. Pullman Co., 404 U.S. 522 (1972) and Oscar Mayer & Co. v. Evans, 441 U.S. 750 (1979) is applicable to the "Statutory Scheme" in Title 28 U.S.C.S. 2254, and "Suspension of Proceedings is Preferable to dismissal with leave to refile." The Statutory Scheme in Section 2254 is similar to the Statutory Scheme issue in Lowe v. Pullman Co., and Oscar Mayer & Co. v. Evans, and the equal Protection of the laws clause should be applied, ensuring the right to habeas review is not lost.

"To require a second Filing by the aggrieved Party after termination of State Proceedings would serve no purpose other than the creation of an additional Procedural technicality. Such technicalities are particularly inappropriate in a Statutory Scheme in which laymen, unassisted by trained lawyers, initiate the process. For this reason, suspension Pending deferral is the Preferred Practice in the Federal Courts." Oscar Mayer & Co. at 765, Ft. note 13.

REASONS FOR GRANTING THE PETITION

The issues that the Petitioner has raised in the lower Courts and which are Presented to this Supreme Court by question, can only be answered by this Court.

The intent of Congress Concerning 2254 (a), and whether it Provides a Venue Choice For a habeas Petitioner to File in any of the listed Courts, including this Supreme Court, can only be determined after a Statutory interpretation by this Supreme Court. And if it is a Venue Choice Provided by Congress, then this Court should determine the application of 28 U.S.C.S. 1631 and 2241 (b) to a declined habeas review.

This Court should decide whether "Suspension of Proceedings is Preferable to dismissal with leave to refile," given the Fact that the Statutory Scheme in 2254 is similar to the Statutory Scheme issue in Love v. Pullman Co., and Oscar Mayer & Co. v. Evans, and Majority of habeas Petitions are Filed by "laymen, Unassisted by trained lawyers."

Likewise, any new rule of law Concerning whether 28 U.S.C.S. 2012 (b) invalidates a district Courts recharacterized Pleading under Rule 8(e), Fed. R. Civ. P., can only be implemented by this Court. And when that recharacterized Pleading leads to an order of dismissal with terms and Conditions, this Court should implement a rule that an opportunity to be heard must be given before an order of dismissal is entered - to Protect a Petitioner's due Process rights.

The history of this Supreme Court shows that with any question of Statutory interpretation, the analysis begins with the Plain language of the Statute. And that it is well established that, when the Statutory language is Plain, this Court must enforce it according to its terms.

likewise, this Supreme Court has always held that Federal Courts, even on habeas, have an independent obligation to say what the law is.

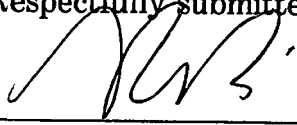
Therefore, to supplant the Present disarray in this area with a rule both simpler and more just will further, not impede, efficiency in adjudication. There is no higher duty than to maintain the writ of habeas corpus unimpaired.

In closing, whatever Protections the Fourteenth Amendment Provides Petitioners concerning the questions Presented to this Court, can only be decided by this Supreme Court. The conflict needs resolving. See Article VI, clause 2.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: January 12, 2026.

Refiled : March 23 , 2026

ReFiled : May 13 , 2026