

25-7679
No.

ORIGINAL

FILED

FEB 12 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ANTONIO MEDINA
Petitioner

vs.

MICROSOFT CORPORATION
PACERMONITOR,
CASETEXT,
FREE LAW PROJECT AND
JUDITH JENNISON
Respondents

AFTER DENIAL OF PETITION FOR REVIEW
TO THE CALIFORNIA SUPREME COURT
Case No. S293237

of a Decision by the Court of Appeal, Third Appellate District, Case No.
C102120, dismissing the Appeal of an order entered by the Superior Court for
the County of San Joaquin, Case No. STKCVUD202111122

PETITION FOR A WRIT OF CERTIORARI

Dr. Antonio Medina
3106 N Commerce Street
Stockton, CA 95204 2023
408 365 4329
Petitioner

QUESTIONS PRESENTED

1. Whether a facially void judgment procured in violation of First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the right of due process of the Constitution of United States can be attacked at any time, clarifying the recent holding in *Coney Island Auto Parts Unlimited, Inc. v. Burton*, Docket 24-808, 607 U.S. ____ (2026).
2. Whether the question left unanswered in *Coney Island* about how or when due process and the First Amendment affect a petition to vacate a void judgment should be clarified.
3. Whether in state court cases like the one at hand, a void judgment is a nullity that can be challenged at any time.
4. Whether a State Court of Appeal that dismisses an appeal of a facially void judgment acts in violation of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States.
5. Whether a State Court of Appeal that ignores motions to vacate a void judgment acts in violation of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States.
6. Whether a State Court of Appeal, in dereliction of its duty to review a void judgment, acts in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States.

7. Whether a State Court of Appeal dismissal of an appeal of a void judgment is a violation of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States.
8. Whether a State Court of Appeal dismissal of an appeal without consideration of a duly filed brief is a violation of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States.
9. Whether a State Court of Appeal dismissal of an appeal without opinion is a violation of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States.
10. Whether a State Court of Appeal dismissal of an appeal without a stated reason or grounds is a violation of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States.
11. Whether a California Court of Appeal dismissal of an appeal without the concurrence of a majority of three judges is a violation of the Fifth and Fourteenth Amendments to the Constitution of the United States.
12. Whether a California Court of Appeal dismissal of an appeal without opportunity for a hearing is a violation of the Fifth and Fourteenth Amendments to the Constitution of the United States.

13. Whether a state Supreme court that denies review of a Court of Appeal's dismissal of a facially void judgment in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States itself acts in aid of such violations.
14. Whether a state Supreme court may ignore violations of the First Amendment guarantee to the right to petition, and the Fifth and Fourteenth Amendments to the Constitution of the United States in the State Courts of Appeal without offending due process of law.
15. Whether this Court should order the California courts to decide cases S293237 and C102120 on the merits.

LIST OF PARTIES AND RELATED CASES

All parties and related cases appear in the caption of the case on the cover page.

Lower courts related cases:

Medina v. Microsoft et al., Superior Court for the County of San Joaquin, Case No. STKCVUD202111122

Medina v. Microsoft et al., Court of Appeal Third Appellate District, Case No. C102120

Medina v. Microsoft et al., Supreme Court of The State of California, Case No. S293237

TABLE OF CONTENTS.

OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2
I. STATEMENT OF THE CASE	2
1. Summary of current proceedings	2
2. Summary of prior proceedings	3
3. Statement of facts and procedural background	5
4. Disposition by the California Court of Appeal	11
5. Grounds for the California Court of Appeal ruling	11
6. The relief sought in the California Supreme Court	12
7. The relief sought in these Supreme Court proceedings	12
II. REASONS FOR GRANTING THE WRIT	13
1. This case provides the need and opportunity for this Court to clarify the incomplete holding in <i>Coney Island</i>	13
2. Certiorari should be granted to resolve current conflicts and ambiguity about when a void judgment can be challenged	16
3. Certiorari should be granted because flagrant constitutional violations by state courts are repugnant	17
III. CONCLUSION	18
APPENDIX	

Table of Authorities Cited

CASES.

<i>Bennett v. Wilson</i> (1898) 122 Cal. 509	14
<i>Coney Island Auto Parts Unlimited, Inc. v. Burton</i> , Docket 24-808, 607 U.S. ____ (2026)	passim
<i>Evitts v. Lucey</i> , 469 U.S. 387 (1985)	14
<i>People v. Am. Contractors Indem. Co.</i> (2004) 33 Cal.4th 653	14
<i>Peralta v. Heights Med. Ctr., Inc.</i> (1988) 485 U.S. 80	14
<i>United Student Aid Funds, Inc. v. Espinosa</i> , 559 U. S. 260, (2010)	13

STATUTES AND RULES

United States Code

47 U.S. Code § 230	3
28 U.S. Code § 1257	2

CONSTITUTIONAL PROVISIONS

First Amendment to the Constitution of the United States	passim
Fifth to the Constitution of the United States	passim
Fourteenth Amendments to the Constitution of the United States	passim

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF CERTIORARI

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

OPINIONS BELOW

The dismissal of the California Court of Appeal is attached as **Appendix 1** to the petition, and it is not published.

The denial of review by the California Supreme Court is attached as **Appendix 2**, and it is unpublished.

JURISDICTION

The order of the Superior Court of California dismissing the First Amended Complaint was entered on September 10, 2024.

The Court of Appeal failed in its duty to hear the appeal of the order of the Superior Court of California dismissing the First Amended Complaint and dismissed the appeal without consideration of Appellant's brief on August 22, 2025. The order is attached as **Appendix 1**.

A timely petition for rehearing was denied by the Court of Appeal on

September 22, 2025, and a copy of the order denying rehearing is attached as **Appendix 3**.

The California Supreme Court denied review on November 19, 2025 and a copy of the order is attached as **Appendix 2**.

The jurisdiction of this Court is invoked under 28 U.S. Code § 1257.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional provisions involved are the First Amendment right to the right to petition, and the due process guarantee provided by the Fifth and Fourteenth Amendments to the Constitution of the United States.

The First Amendment guarantees the right to petition and access the courts.

The Fifth and Fourteenth Amendments prohibit states from depriving any person of life, liberty, or property without due process of law.

I. STATEMENT OF THE CASE

1. Summary of current proceedings

Defendants (Individual defendants Jennison and Microsoft and internet legal research defendants, collectively referred as “Defendants”) were sued

in California Superior Court because they defamed Plaintiff in various ways by publicizing false content that they created despite having been sealed by a federal court, by stating that some documents that they provided were public when they were not and by other defamatory content that they created. They also deceived Plaintiff-Appellant, giving him materially false information and placing him in a false light.

The internet legal research Defendants did not dispute the allegations in the complaint but argued that it was a SLAPP¹ because part of the defaming content that they published, the sealed court records after they removed the seal, was protected activity under 47 U.S. Code §230. They claimed that the sealed records that they modified, even though not available from the court, were public documents. The Court of Appeal agreed substantially repeating Defendants' arguments and affirmed based on Section 230 immunity.

2. Summary of prior proceedings

The patent infringement case, where documents were sealed

The Petitioner, Dr. Antonio Medina (hereinafter also referred to as "Dr.

¹ California's SLAPP statute, serving as somewhat of a hybrid motion to dismiss/motion for summary judgment, provides defendants a procedural device to obtain early dismissal of a plaintiff's claim that targets conduct implicating the defendant's constitutional rights of speech and petition.

Medina”, "Medina" or "Petitioner") prosecuted in 2014 a patent infringement case against Microsoft in federal court. Defendants Jennison and Microsoft sought to maintain certain documents confidential and moved for a Protective Order. Despite being irrelevant to the motion, Individual defendant Jennison presented a defamatory purported background about Dr. Medina, full of incorrect and false statements. In his opposition to Microsoft’s motion for the Protective Order, Dr. Medina objected to the facts made up by Jennison and declared under oath that Microsoft’s narration of events was false. A magistrate judge granted the motion in part. Without ruling on his objections, she copied almost verbatim the false “background” alleged by Jennison in her order.

Dr. Medina moved to seal them as false and defamatory by motion to the presiding judge Seeborg. Dr. Medina argued the motion, presenting evidence that the alleged defamatory facts were false when alleged and at any other time. Judge Seeborg found that there was false and defamatory content, that the documents should not be public, and sealed that content by order of December 9, 2020. This order also has incorrect hearsay facts copied from Ms. Jennison's filings, which the Court of Appeal took judicial notice of in its Opinion.

That case is unrelated to the present one. The only connection is that the

sealed documents, together with other matters, were publicized by Defendants after they removed the redacted content, in effect removing the seal.

3. Statement of facts and procedural background

A summary of the undisputed facts relevant to this case follows.

Defendants Casetext, Free Law Project, and Pacermonitor operate their private web domains where they purport to post legal opinions and other filings purportedly intended for an audience of legal researchers and attorneys to help them in the preparation and prosecution of court cases. These defendants are referred to generally in the Opinion and here as the Legal Research Defendants, while the rest are referred to as the Individual Defendants.

After December 2020, Dr. Medina downloaded copies from the legal research Defendants' websites of the purported copies of public documents (a Protective Order and its Motion). They materially differ from the documents that Dr. Medina inspected in the courthouse. Defendants had removed the redactions, making all content accessible. These copies, created and publicized by Defendants, are collectively called "the Publications" in the Complaint and other filings.

Dr. Medina also noticed that Defendants' Publications differed from the copy in the court file in that they contained no indication that they were sealed documents; they had a variety of different unrelated titles; they had added search keywords, some unrelated to the character of the document; the documents added "meta tags" and "robots files" adding false information not in the court file that mislead users about the character of the documents and that are used to allow algorithms to display them to the audience that Defendants choose and provide publicity of Defendants' websites and financial gain to Defendants. This added information included: the removal of material content, removal of copyrights, addition of headers, titles, bogus keywords, and the way the pages are displayed in search results. All of these materially changed the character of the Publications, converting the court filings into mere defamatory fake documents without any legal value. Defendants added "content" attributes that gave search engines explicit permission to show the page in search results to the general public. The use of some of this added metadata is illegal in some jurisdictions. Google has been fined for this illegal conduct.

After December 2020, Defendants falsely stated on their websites that the Publications were accurate copies or transcriptions of public documents available from the courts.

Dr. Medina examined Defendants' websites and the statements made there by Defendants who operate websites. They are legal research sites offering court opinions and other court filings. Some of them were materially modified, making them information content providers. With the apparent exception of Free Law Project, they allow limited free access to cases or a short free trial period, beyond that, they require a subscription, opening an account, and paying a fee. From the advertising offers made to Dr. Medina, he saw that they are primarily engaged in the business of selling legal research services. Their websites are not open to the public for information to be freely exchanged. They are not public forums. Their websites do not publish any news or anything of interest to the general public. They do not have any periodic publications of any kind. The information provided, purported court records, is transmitted one way. Their websites do not allow anyone to post anything or provide any information to Defendants other than account or subscription information. They claim that all the court documents they provide are public documents available from the courts. Searches are possible on their sites, but produce incomplete, wrong results, or documents that are not public court records. Dr. Medina compared various documents with the official records available from the courts and found a large number of inaccuracies, errors, and missing or added spurious and extraneous

information. Defendants do not portray on their websites a true and fair picture of the results of items searched. Sometimes they produce results unrelated to the search.

Dr. Medina filed a first amended complaint in May 2022 for defamation, libel, false advertising in violation of Business and Professions Code section 17500, false light, publication of private facts, intentional misrepresentation, and intentional infliction of emotional distress. Defendants filed anti-SLAPP motions to strike the first amended complaint.

In December 2022, Medina filed a second amended complaint pursuant to leave.

The Superior Court granted the motion to strike the first amended complaint, ignoring that it was a dead and superseded complaint.

On September 10, 2024, the Superior Court, sua sponte, without notice and without jurisdiction, ordered the first amended complaint dismissed as to the identified Defendants and Respondents, terminating the case against them, and allowed 30 days to file a Third Amended Complaint against the other parties, including Google. The order was void because such a complaint did not exist and was issued when the court did not have jurisdiction, before the remittitur was received by that Court.

That order was appealed on September 18, 2024. It is the appeal of concern, case No. C102120.

The main issue in that Appeal is that the appealed order is void because it dismissed a non-existing complaint.

After the record on appeal was filed as a Clerk's Transcript, Dr. Medina filed his Opening brief on July 28, 2025, containing said argument.

On the same date, July 28, 2025, Respondents filed a secret purported motion to dismiss this appeal ("Motion").

The Motion was not signed by anybody and was not served on Dr. Medina.

The Court of Appeal granted the Motion without any opinion, findings, hearing, or opportunity for opposition or to be heard by Order of August 22, 2025, signed by a single judge, Earl, P.J.

Dr. Medina did not receive a copy of the Motion until after the Court granted it on August 22, 2025.

Dr. Medina did not have a chance to object or oppose the Motion.

Dr. Medina filed a motion to vacate the Order and, in the alternative, for rehearing on September 6, 2025, substantially based on multiple violations

of due process.

The Court did not act on Dr. Medina's motion to vacate the Order and denied the petition for rehearing on September 22, 2025, without comment or opinion by a single judge, Earl, P.J.

C. Facts relevant to the violations of due process of law

Dr. Medina was not served and did not learn about the Motion till he received notice from this Court about the Order granting the Motion. He received for the first time a copy of the Motion on August 27, 2025, from deputy clerk Ryan Raff upon request when served with the Order dismissing the appeal. This fact and the following ones were stated under oath in the Declaration of Antonio Medina attached to the petition for rehearing ("Declaration"), and the appropriate paragraphs are identified for convenience.

Defendants' Motion is not signed or dated. Declaration ¶ 9.

The Motion does not have a valid proof of service. The purported proof of service has facially incorrect statements and is, at best, a proof of sending a document for filing, not of service on Dr. Medina. Declaration ¶ 10.

Dr. Medina did not receive any notification from any party, TrueFiling, or the Court about the Motion having been filed, or anything about the Motion,

until August 27, 2025. Declaration ¶¶ 5-8.

Dr. Medina did not have a chance to oppose the Motion, and would have done so. Declaration ¶ 11.

The Motion was granted summarily without any comment, finding, or opinion of any kind. The Order simply reads: “Respondents' motion to dismiss the appeal is granted. The appeal filed on September 18, 2024, is dismissed.” It is signed by one judge only, “Earl, P.J.”

4. Disposition by the California Court of Appeal

The California Court of Appeal dismissed the appeal of the order dismissing the First Amended Complaint, issuing no opinion, **Appendix 1**.

5. Grounds for the California Court of Appeal ruling

The decision of the Court of Appeal dismissing the Appeal has a complete absence of any grounds to do so and of due process of law.

The Court of Appeal dismissed Dr. Medina’s Appeal after his opening brief was filed by Order of August 22, 2025, without consideration of his brief or any briefs, for no stated reason. All without hearing, without opinion, without any grounds to do so, without concurrence of a majority of three judges, and without consideration of his motion to vacate said groundless Order of dismissal filed on September 6, 2025. The Court of

Appeal failed to hear and decide a simple appeal of a facially void order in dereliction of its duty.

6. The relief sought in the California Supreme Court

The relief sought in the California Supreme Court was to reverse the dismissal of the California Court of Appeal and order it to comply with due process, proceeding with the briefing and decision of the appeal on the merits. The California Supreme Court denied review on November 19, 2025.

Appendix 2.

7. The relief sought in these US Supreme Court proceedings

Petitioner simply asks this Court to order the state courts to decide his case on the merits, following due process of law and the First Amendment right to petition the courts. For that purpose, no question of law has to be decided by this Court since no ruling or grounds were advanced in the Order dismissing Dr. Medina's appeal. Petitioner, however, also asks this Court to clarify or expand *Coney Island* inasmuch as the limitation on review of void judgments adopted there has application to state courts or any court when Constitutional rights are at stake.

The dismissal of the Court of Appeal is presently challenged in this petition for a writ of Certiorari as it concerns fundamental rights of due process of law protected by the First amendment Fourth, and Fourteenth

Amendments to the Constitution of the United States.

II. REASONS FOR GRANTING THE WRIT

1. This case provides the need and opportunity for this Court to clarify the incomplete holding in *Coney Island*

The Supreme Court of the United States hears cases involving significant due process violations in civil actions, as the Fourteenth Amendment prohibits states from depriving individuals of life, liberty, or property without procedural safeguards like notice and an impartial hearing. The Court reviews cases to ensure actions align with fundamental principles of fairness. This case should be one of those reviewed.

A “void judgment is a legal nullity,” *United Student Aid Funds, Inc. v. Espinosa*, 559 U. S. 260, 270 (2010). In the present case, the void judgment is void on its face. There is no need to analyze facts or law; an inspection of the court records, the judgment roll, evidences that the judgment is facially void. To make things worse, the California Court of Appeal, Third District, dismissed an appeal of such a void judgment without any findings, opinion, or grounds in flagrant violation of due process of law. A petition to the California Supreme Court was denied, if not violating the same right, failing on its duty to supervise the lower Court of Appeal.

The California courts have departed from the accepted and usual

course of judicial proceedings, guaranteed by the Constitution, as to call for an exercise of this Court's supervisory power.

A state that has instituted an appeal process must conduct it in accordance with due process of law. *Evitts v. Lucey*, 469 U.S. 387 (1985).

In most jurisdictions, including California, a judgment affirming a void judgment is itself a void judgment. More than one hundred years ago, a California court stated the rule that has controlled since. "A void judgment is, in legal effect, no judgment. By it, no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless. It neither binds nor bars any one." (*Bennett v. Wilson* (1898) 122 Cal. 509, 513–514.) It is subject to attack "at any time." *People v. Am. Contractors Indem. Co.* (2004) 33 Cal.4th 653, 660. The societal interest in the "stability of judgments" cannot outweigh due process. (*Peralta v. Heights Med. Ctr., Inc.* (1988) 485 U.S. 80, at p. 84.)

The Third District California Court of Appeal has flagrantly violated due process of law by dereliction of its duty to decide an appeal, and the Supreme Court of California has to some extent sanctioned such conduct by denying a petition for review, resulting in repeated repugnant violations of the Constitution of the United States that require supervisory intervention by

its Supreme Court. These violations are not isolated incidents, and the briefing on certiorari will so disclose.

The Supreme Court of California, by sanctioning such conduct, has decided or has failed to decide an important federal question regarding the application of due process in a way that conflicts with the decision of the state court of last resort and the United States court of appeals.

Failure of the courts to follow due process of law and their repeated failure to correct it are of the utmost importance, deserving a writ of certiorari.

According to the recent case of this Court, *Coney Island Auto Parts Unlimited, Inc. v. Burton*, Docket 24-808, 607 U.S. ____ (2026), (“Coney Island”) void judgments do not have an unlimited, perpetual window for challenge; they must be contested within a reasonable timeframe, making any court dereliction on its duty to rule whether a judgment is void a gigantic violation of due process and right to petition. Perhaps for that reason, *Coney Island* left open the question of whether a constitutional violation, such as due process, is an exception to this new rule. “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.’

This case provides the opportunity for this Court to clarify if a violation of First Amendment guarantees to the right to petition, and the Fifth and Fourteenth Amendments to the right of due process of the Constitution of the United States are exceptions to the *Coney Island* rule as left unanswered therein, or at least they modify the rule to some extent.

Coney Island did not decide or elaborate on the issue presented here, whether the default of a court of appeal failing to hear a challenge to a judgment void on its face is a fundamental petition and due process violation not constrained to time limits, and that Petitioner can rise at any time. The issue is crucial in this and many other cases. Petitioner is asking for this court to resolve this fundamental question; Petitioner should be free to petition whatever court is the appropriate forum and at the appropriate time to set aside the void judgment, and limiting that right is itself a violation of due process. Those proceedings could follow immediately or happen in the future if enforcement of the void judgment is sought. This Court's direction is critical to illuminate courts facing challenges to void judgments that infect the courts.

2. Certiorari should be granted to resolve current conflicts and ambiguity about when a void judgment can be challenged

The question presented to the Supreme Court in *Coney Island* was

whether Federal Rule of Civil Procedure 60(c)(1), which requires that motions to vacate final judgments made under Rule 60(b) “must be made within a reasonable time,” applies to motions to vacate void judgments made under Federal Rule of Civil Procedure 60(b)(4). Leading up to the Supreme Court’s decision, the majority of circuit courts of appeal had held that the “reasonable time” limitation of Rule 60(c)(1) did not apply to motions alleging voidness, reasoning that void judgments are legal nullities and that the passage of time cannot convert such nullities into enforceable judgments. The Court decided this relatively narrow question, siding with the minority view. However, the big question, unrelated to Federal Rule of Civil Procedure 60, remains unanswered. For example, in state court cases like the one at hand, where Rule 60 has no application, is a void judgment a nullity that can be challenged at any time?

3. Certiorari should be granted because flagrant constitutional violations by state courts are repugnant

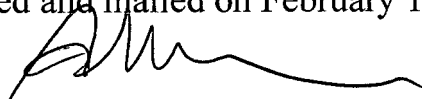
This petition seeks certiorari for a question much bigger than the application of a federal rule. The third reason to grant certiorari is simple. The facts show that the conduct of the California Court of Appeal in dereliction of its duty to hear and decide an appeal of a void judgment is such a gigantic violation of First Amendment guarantees to the right to

petition, and the Fifth and Fourteenth Amendments to the right of due process of the Constitution of United States that this Court should exercise its supervisory power to uphold the Constitution and preserve the integrity of the courts in the United States.

III. CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted and mailed on February 12, 2026

A Medina 
Antonio Medina, Petitioner

Appendix

Table of Contents.

1. Order of dismissal of the California Court of Appeal
2. Order of the California Supreme Court denying review
3. Order of the California Court of Appeal denying rehearing