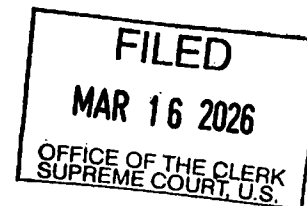


25-7680

NO. _____



IN THE SUPREME COURT OF THE UNITED STATES

**LAVONNE WASHINGTON and
MICHAEL WASHINGTON,**

Petitioners,

v.

UNITED STATES OF AMERICA, et al.,

Respondents.

**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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QUESTIONS PRESENTED

1. Whether the Eleventh Circuit's "anomalous rule" for intervention appeals violates the Due Process Clause of the Fifth Amendment by dismissing prospective intervenors for lack of jurisdiction without first reviewing the merits of their right to intervene under Fed. R. Civ. P. 24.
2. Whether a party who is adversely affected by a filing injunction issued against a co-litigant possesses "appellate standing" as an aggrieved party under the standards set forth in *Marino v. Ortiz*, 484 U.S. 301 (1988).

LIST OF PARTIES

The parties to the proceeding in the court whose judgment is sought to be reviewed are:

- **Petitioners:** LaVonne Washington and Michael Washington.
- **Respondents:** United States of America; Richard McCrea; Greenberg Traurig, P.A., Angela W. DeBose; James M. Barton, II; Paul Dosal; Ronald Ficarrota; Gregory P. Holder; Lois Palmer; Elizabeth Gaddy Rice; Gerard Solis; Thirteenth Judicial Circuit; University of South Florida Board of Trustees; and Ralph Wilcox.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.1, Petitioners state that they are individuals and not corporations; therefore, no parent corporations or publicly held companies own 10% or more of any stock.

RELATED CASES

- *Angela W. DeBose v. USA, et al.*, No. 25-12299, U.S. Court of Appeals for the Eleventh Circuit. Judgment entered October 9, 2025; Rehearing denied March 4, 2026.
- *Angela W. DeBose v. USA, et al.*, No. 8:21-cv-2127, U.S. District Court for the Middle District of Florida.

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<i>Kimberly Regenesis, LLC v. Lee County</i> , 64 F.4th 1253	4, 5, 6

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Rules

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OPINIONS BELOW

The order of the United States Court of Appeals for the Eleventh Circuit dismissing the appeal for lack of jurisdiction (dated October 9, 2025) and the order denying the motion for reconsideration (dated March 4, 2026) are attached in the Appendix.

JURISDICTION

The Eleventh Circuit entered its order denying reconsideration on March 4, 2026. This petition is filed within 90 days of that date. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V: “No person shall... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Fed. R. Civ. P. 24(a): “On timely motion, the court must permit anyone to intervene who... claims an interest relating to the property or transaction that is the subject of the action...”

11th Cir. R. 25-3: “The court will not accept paper filings from a party represented by counsel or a pro se filer who is registered for electronic filing...”

STATEMENT OF THE CASE

Petitioners sought to intervene in the Middle District of Florida case *DeBose v. USA, et al.* (Appeal No. 25-12299). Although Petitioners were initially recognized as intervenors on the district court docket, the court subsequently denied intervention. Petitioners appealed.

On October 9, 2025, the Eleventh Circuit dismissed Petitioners for lack of jurisdiction, ruling they lacked standing because they were not parties and were not “aggrieved” by a filing injunction entered against Angela DeBose. Petitioners filed a timely motion for reconsideration, which was denied on March 4, 2026.

REASONS FOR GRANTING THE PETITION

The Eleventh Circuit's dismissal also represents an overly restrictive application of its own standing doctrines. While the court has historically used *Wolff v. Cash 4 Titles*, 351 F.3d 1348, to limit non-party appeals, and more recently *Kimberly Regenesys, LLC v. Lee County*, 64 F.4th 1253, to require a showing of 'aggrievement,' these cases should not be used to shield jurisdictional errors from review when a non-party's rights are substantively impaired by a court's injunction.

I. Conflict with the "Anomalous Rule" of Intervention.

Under the "Anomalous Rule," a court of appeals has provisional jurisdiction to determine if a district court erred in denying intervention. *Stallworth v. Monsanto Co.*, 558 F.2d 257. By dismissing for "lack of jurisdiction" without reviewing the merits of the intervention denial under **Fed. R. Civ. P. 24(a)**, the Eleventh Circuit committed a reversible legal error.

II. The Eleventh Circuit's Overly Restrictive Application of Standing and Aggrievement Standards Conflicts with *Marino v. Ortiz*.

The Eleventh Circuit's dismissal of Petitioners' appeal for "lack of jurisdiction" rests on a misapplication of standing doctrines that directly conflicts with this Court's precedents and creates an insurmountable barrier to appellate review.

1. **Conflict with *Marino v. Ortiz*.** This Court held in *Marino v. Ortiz*, 484 U.S. 301 (1988), that while

non-parties generally cannot appeal a consent decree, an exception exists for those who are "aggrieved" by a judgment or order. Petitioners fall squarely within this exception. By dismissing for lack of jurisdiction without reviewing the merits of the intervention denial, the Eleventh Circuit ignored the "aggrieved party" status recognized in *Marino*.

2. **Misapplication of the Standing Test.** In *Wolff v. Cash 4 Titles*, 351 F.3d 1348 (11th Cir. 2003), the Eleventh Circuit itself acknowledged that exceptions to the non-party appeal rule exist for those whose interests are substantively affected. Here, Petitioners are not "strangers to the record"; they are prospective intervenors whose legal interests were directly impaired by a filing injunction issued against their co-litigant.
3. **Failure to Recognize "Aggrievement."** The court further erred by failing to find Petitioners were "aggrieved" under the standard recently reaffirmed in *Kimberly Regenesis, LLC v. Lee County*, 64 F.4th 1253 (11th Cir. 2023). To have appellate standing, a party must show a "concrete and particularized injury." The filing injunction against DeBose creates a concrete injury for Petitioners by functionally blocking their path to relief. By dismissing for lack of jurisdiction rather than reviewing the merits of this aggrievement, the court departed from both *Marino* and its own protective precedents.

4. Exhaustion of Procedural Remedies.

Petitioners sought to correct these errors through a timely motion for reconsideration under 11th Cir. R. 27-2. The summary denial of this motion—which pointed out the misapplication of the standards under *Marino*, *Wolff*, and *Kimberly Regenes*—underscores the need for this Court's intervention.

III. Violation of Due Process through Strict Rule Enforcement.

The court's rejection of Petitioners' paper filings under 11th Cir. R. 25-3, despite Petitioners being *pro se* and facing jurisdictional barriers, constitutes a violation of the Fifth Amendment Due Process Clause by blocking access to the court.

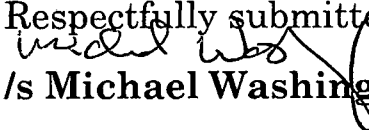
CONCLUSION

The Eleventh Circuit's dismissal of this appeal is not merely a procedural technicality; it is a jurisdictional "Catch-22" that leaves Petitioners without any forum to protect their interests. By refusing to apply the "aggrieved party" standard of *Marino v. Ortiz* and the provisional jurisdiction of the "anomalous rule," the court below has effectively insulated its own errors from review.

If left undisturbed, the Eleventh Circuit's ruling creates a dangerous precedent where district courts can issue broad filing injunctions that strip non-parties of their due process rights without any opportunity for appellate oversight. To resolve this conflict with this

Court's established precedents and to ensure that the doors of the courthouse remain open to those substantively harmed by judicial orders, this Court should intervene.

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

/s Michael Washington