

No. \_\_\_\_\_

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In The  
**Supreme Court of the United States**

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Lesly Pompy, M.D.,  
Petitioner,

v.

Marc Moore, Lieutenant, MANTIS, et al.  
Respondents.

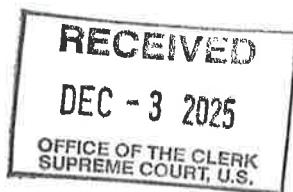
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On Petition for a Writ of Certiorari to the United  
States Court of Appeals for the Sixth Circuit

**PETITION FOR A WRIT OF CERTIORARI**

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## Questions Presented

**1. Bivens and the Fourth Amendment**— Whether a warrantless, post-warrant home entry—conducted hours after the original warrant was executed and without judicial authorization—falls within the recognized *Bivens* context, as held by the First Circuit, or is categorically barred by *Egbert v. Boule*, as held by the Sixth Circuit, creating a direct conflict on a core Fourth Amendment issue.

**2. Federal Funds and Qualified Immunity**— Whether state and private actors who receive federal funds through programs like the Equitable Sharing Program and Bureau of Justice Assistance grants waive qualified immunity when their conduct violates the express civil-rights conditions attached to those funds.

**3. RICO's Enterprise Element**— Whether a private corporation and state officials may be held liable under RICO for a conspiracy to use fraudulent investigations to destroy a business, or whether the Sixth Circuit erred by requiring a "separate criminal purpose," a novel rule that conflicts with the Second and Seventh Circuits and this Court's precedent

in *Boyle v. United States*.

**4. Westfall Act and Constitutional Torts**— Whether federal officers who conduct warrantless raids may invoke Westfall Act immunity to bar constitutional tort actions, despite 28 U.S.C. § 2679(b)(2)(A)'s explicit preservation of such claims.

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## **Petition for a Writ of Certiorari**

Petitioner Lesly Pompy, M.D. petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

### **Opinions Below**

The opinion of the United States Court of Appeals for the Sixth Circuit is unreported and appears in the Appendix. The order denying rehearing is also included.

### **Jurisdiction**

The judgment of the Sixth Circuit was entered on June 27, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

### **Constitutional and Statutory Provisions Involved**

This case involves the Fourth Amendment to the United States Constitution; the Racketeer Influenced

and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961–1968; the *Bivens* doctrine; the Westfall Act, 28 U.S.C. § 2679; and the Department of Justice's administrative claims authority, 31 U.S.C. § 3724.

### **Statement of the Case**

This case arises from a public-private law-enforcement coalition that operated outside constitutional boundaries and now invokes immunity doctrines to avoid accountability. Petitioner, Dr. Lesly Pompy, is a physician whose home and medical practice were targeted by a task force involving the Michigan State Police, the DEA, and Blue Cross Blue Shield of Michigan (BCBSM).

BCBSM embedded an employee within the government task force, which relied on federal funding. The investigative record was built on fabrications, including a fraudulent driver's license

issued by the State of Michigan, and false statements made to the Michigan Department of

BCBSM employees and agents, which also

and falsified patient data. These materials were used to obtain warrants for simultaneous raids on September 26, 2016, on Petitioner's medical office, home, and financial accounts.

The most egregious constitutional violation occurred hours after the initial home search was completed and the warrant fully executed. DEA Agent Brian Bishop returned to Petitioner's home alone, broke through a secured lock, and entered without a warrant or exigent circumstances to seize additional property. This is the precise type of warrantless

home entry that gave rise to the *Bivens* remedy.

Every criminal charge against Petitioner ultimately failed. However, when he sought civil redress, the Sixth Circuit held he had no remedy under *Bivens*, § 1983, state tort law, or RICO. The court held that *Egbert v. Boule* barred the *Bivens* claim, that the task force actors were immune, and that a qualified immunity defense precluded the

"separate criminal purpose" was required for the RICO enterprise—a requirement that conflicts with other circuits and this Court's precedent.

### Reasons for Granting the Writ

#### I. The Decision Below Deepens an Acknowledged Circuit Split on Whether *Bivens* Still Protects Against Warrantless Home Intrusions.

This case presents the factual core of *Bivens v. Six Unknown Named Agents*: a federal officer breaking into a home without a warrant. The Sixth Circuit held *Egbert* bars this claim. This directly conflicts with the First Circuit, which has held that *Bivens* remains fully applicable to warrantless home intrusions. *Quiñones-Pimentel v. Cannon*, 85 F.4th 63 (1st Cir. 2023). A similar conflict exists with the Ninth Circuit. The question is recurring and

nationally significant, as it determines whether a

law enforcement officer can be held liable for a warrantless home intrusion. *Quiñones-Pimentel v. Cannon*, 85

core Fourth Amendment protection depends on the circuit in which the violation occurs.

## II. The Sixth Circuit's Reliance on 31 U.S.C. § 3724 as an "Alternative Remedy" Conflicts with the D.C. Circuit.

The Sixth Circuit held that 31 U.S.C. § 3724—a discretionary, non-adjudicatory, non-reviewable administrative process for property loss—provides an "alternative remedy" that precludes a *Bivens* action. This conflicts directly with the D.C. Circuit's holding in *Buchanan v. Barr*, 71 F.4th 1003 (D.C. Cir. 2023), that "§ 3724 is not an adequate alternative and does not eliminate *Bivens*." This Court should resolve this conflict and reaffirm that a discretionary claims process cannot replace a judicial remedy for constitutional violations.

This conflict directly with the D.C. Circuit's holding in *Buchanan v. Barr*, 71 F.4th 1003 (D.C. Cir. 2023), that "§ 3724 is not an adequate alternative and does not eliminate *Bivens*." The *Bivens* claim is not reviewable under the *§ 3724* claim and *§ 3724* does not provide an adequate alternative to *Bivens*.

### III. Public-Private Task Forces That Receive Federal Funds Cannot Claim Immunity When They Violate the Conditions Attached to Those Funds.

The respondent task force was funded through federal programs like the DOJ Equitable Sharing Program and Bureau of Justice Assistance grants, which carry enforceable civil-rights conditions. This Court's Spending Clause jurisprudence establishes that federal funds can only be used lawfully if recipients must comply with the conditions of the funding attached to those funds. *See Pennhurst State Sch. & Hosp. v.*

*Halderman*, 451 U.S. 1 (1981). The Sixth Circuit

failed to analyze whether accepting funds while

engaging in unconstitutional conduct waives

immunity. This important question recurs

nationwide as joint task forces proliferate.

### IV. The Sixth Circuit Invented a New RICO Rule That Directly Conflicts with Multiple Circuits and This Court's Precedent.

The Sixth Circuit erred in failing to analyze whether the

engaging in unconstitutional conduct waives

immunity. This important question does not

exist in the joint task forces proposed

The Sixth Circuit required Petitioner to prove the RICO enterprise had a "separate criminal purpose" beyond the alleged pattern of racketeering. This novel requirement was explicitly rejected by this Court in *Boyle v. United States*, 556 U.S. 938, 944 (2009), which held RICO requires no "structural features beyond those inherent in the concept of an

~~The Sixth Circuit required Petitioner to prove the association." The Second and Seventh Circuits also~~

~~RICO enterprise had a "separate criminal purpose" reject this requirement. This conflict immunizes~~

~~public-private conspiracies so long as they frame their conduct as an "investigation," effectively~~

~~creating a loophole that swallows the statute.~~

~~(2009), which held RICO requires no "structural~~

**V. The Sixth Circuit's Interpretation of the Westfall Act Nullifies Constitutional Accountability.**

~~the Westfall Act's constitutional interpretation.~~

The Westfall Act explicitly preserves claims "brought

~~for a violation of the Constitution," 28 U.S.C. §~~

**2679(b)(2)(A).** The Sixth Circuit's application of the

Act to shield intentional, warrantless home entries

**V. The Sixth Circuit's Interpretation of the Westfall Act Nullifies Constitutional Accountability.**

~~the Westfall Act's constitutional interpretation.~~

renders this statutory safeguard meaningless. This misinterpretation allows federal officers to commit the very conduct *Bivens* prohibited and escape all accountability, contradicting the Act's plain text and purpose.

## **VI. The Questions Presented Are Nationally Significant, Recurring, and Increasingly Urgent.**

This case is not an anomaly. Across the country, public-private task forces:

conduct joint raids, use private corporate data sources, employ forfeiture-funded budgets, share intelligence with insurers, pharmacies, and PBMs, and execute searches based on opaque "joint investigations."

The constitutional questions are concrete, systemic, and rapidly escalating:

• Can a private insurer act as law enforcement?

• Can a joint task force fabricate evidence and hide behind immunity?

The constitutional questions are concrete, systemic, and rapidly escalating:

- Can federal funding enable unconstitutional raids without recourse?
- Can courts eliminate all remedies where federal officers commit the very abuses Bivens was created to prevent?

While exacerbating a circuit split, the Sixth Circuit has answered “yes” to all of these questions.

The Constitution answers “no.”

This Court must resolve the conflict before the constitutional void created below becomes the national norm.

While exacerbating a circuit split, the Sixth Circuit has answered “yes” to all of these questions.

The Constitution answers “no.”

This Court must resolve the conflict before the constitutional void created below becomes the national norm.

## Conclusion

The decision below creates a constitutional vacuum where no remedy exists for egregious misconduct by public-private law-enforcement coalitions. It deepens circuit splits on fundamental questions of Fourth Amendment remedies, RICO liability, and the scope of government immunity. For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Lesly Pompy, M.D.

Lesly Pompy, M.D.

Petitioner, Pro Se

of government immunity. For the foregoing reasons  
Dated: November 24, 2025

the petition for a writ of certiorari should be granted.

Respectfully submitted,

Lesly Pompy, M.D.

Lesly Pompy, M.D.

Petitioner, Pro Se

Dated: November 24, 2025