

No. _____

In The
Supreme Court of the United States

Lesly Pompy, M.D.,
Petitioner,

v.

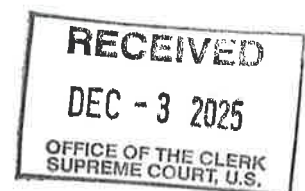
Marc Moore, Lieutenant, MANTIS, et al.
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

Lesly Pompy, M.D.
Petitioner, Pro Se
533 N. Monroe Street
Monroe, Mi 48162
734) 819-0634

pompypain@gmail.com



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.

Table of

Contents	i
----------------	---

Table of

Authorities	iii
-------------------	-----

Petition for a Writ of Certiorari	1
---	---

Opinions Below	1
----------------------	---

Jurisdiction	1
--------------------	---

Constitutional and Statutory Provisions Involved...	2
---	---

Statement of the Case	2
-----------------------------	---

Reasons for Granting the Writ	5
-------------------------------------	---

I. Deepening Circuit Split on Bivens and

Warrantless Home Entries	5
--------------------------------	---

II. Conflict on § 3724 as an "Alternative Remedy" ...	7
---	---

III. Federal Funding and the Waiver of Immunity ..	8
--	---

IV. Circuit Conflict on RICO's "Enterprise"

Element.....	9
--------------	---

V. Westfall Act Misapplication	10
--------------------------------------	----

Conclusion	11
Appendix Index	IX

Table of Authorities

Cases	iii
-------------	-----

iv

Ahmed v. Weyker, 984 F.3d 564 (8th Cir. 2020)	5
--	---

Ashcroft v. Iqbal, 556 U.S. 662 (2009)	8
---	---

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)	8
--	---

Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971)	1, 2, 5, 6
--	------------

Boyle v. United States, 556 U.S. 938 (2009)	9
--	---

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)	8
--	---

Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971)	1, 2, 5, 6
--	------------

Buchanan v. Barr,

71 F.4th 1003 (D.C. Cir. 2023) 7

Cain v. Rinehart,

**No. 22-1893, 2023 WL 6439438 (6th Cir. July
25, 2023) 8**

Cruz v. FXDirectDealer, LLC,

20 F.3d 115 (2nd Cir. 2013) 9

DeGuelle v. Camilli,

724 F.3d 933, 936, 943-44 (7th Cir. 2013) 9

Doe v. Ciolli,

611 F. Supp. 2d 216, 227-28 (D. Conn. 2009) 10

Egbert v. Boule,

596 U.S. 482 (2022) 1, 5, 6, 7

Filarsky v. Delia,

566 U.S. 377, 393 (2012) 8

Hernandez v. United States,	
8 F.4th 831, 836 (5th Cir. 2023)	10
Lanuza v. Agdeppa,	
74 F.4th 1010, 1017 (9th Cir. 2023)	5
Michigan v. Clifford,	
464 U.S. 287 (1984)	11
Ouwinga v. Benistar,	
694 F.3d 783 (6th Cir. 2012)	11
Quiñones-Pimentel v. Cannon,	
85 F.4th 63 (1st Cir. 2023)	5
Richardson v. McKnight,	
521 U.S. 399, 413 (1997)	8
Sedima v. Imrex Co.,	
473 U.S. 479 (1985)	9
Taylor v. Riojas,	
141 S. Ct. 52, 54 (2020)	10

Washington v. Davis,

26 U.S. 229 (1976) 8

Constitutional

Provisions iv

U.S. Constitution, Fourth Amendment

..... 1, 2, 5, 6

U.S. Constitution, Sixth Amendment 2

Statutes and

Regulationsiv

5 U.S.C. § 2302(b) (Civil Rights Act of 1987) 8

18 U.S.C. § 242 (criminal civil rights violations)..... 8

18 U.S.C. § 1341 (mail fraud) 9

18 U.S.C. § 1503 (obstruction of justice) 9

18 U.S.C. § 1962(d) (RICO) 1, 3, 9

28 U.S.C. § 2679 (Westfall Act) 1, 4, 10

31 U.S.C. § 3724

(DOJ claim settlement authority)	1, 4, 7
31 U.S.C. § 5316 (Equitable Sharing Act)	8
34 U.S.C. § 10151 (BJA Grants)	8
42 U.S.C. § 1983 (constitutional deprivations)	2
42 U.S.C. § 1320a-7b (Medicare/Medicaid anti-kickback rules)	8
42 U.S.C. §§ 2000d–2000d-7 (Title VI)	8
28 C.F.R. Part 42 (DOJ nondiscrimination regulations)	8
Executive	iv
Materials	iv
Executive Order 14119	8

Appendix Index

	Page
Appendix A – Sixth Circuit Order Denying Rehearing	A2
Appendix B – Sixth Circuit Opinion.....	A5
Appendix C – District Court Dismissal	A52
Appendix D – State Court Complaint.....	A159
Appendix E – Motion to Recall Mandate.....	A169
Appendix F- Executive Order 14294	A176
Appendix G- Proposal for Decision. MOAHR	A189
Appendix B – Sixth Circuit Order Denying Rehearing	A2
Appendix C – District Court Dismissal	A52
Appendix D – State Court Complaint	A159
Appendix E – Motion to Recall Mandate	A169
Appendix F- Executive Order 14294	A176
Appendix G- Proposal for Decision. MOAHR	A189
Appendix B – Sixth Circuit Order Denying Rehearing	A2
Appendix C – District Court Dismissal	A52
Appendix D – State Court Complaint	A159
Appendix E – Motion to Recall Mandate	A169
Appendix F- Executive Order 14294	A176
Appendix G- Proposal for Decision. MOAHR	A189
Appendix B – Sixth Circuit Order Denying Rehearing	A2
Appendix C – District Court Dismissal	A52
Appendix D – State Court Complaint	A159
Appendix E – Motion to Recall Mandate	A169
Appendix F- Executive Order 14294	A176
Appendix G- Proposal for Decision. MOAHR	A189

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

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

"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 claim *Egbert* bars. This question is directly conflict with the First Circuit which has held that *Bivens* remains fully applicable to warrantless home intrusions. *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 Supreme Court has repeatedly affirmed that a discretionary claims process cannot replace a judicial remedy for constitutional violations.

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 recipients must comply with the conditions of federal 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 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 recipients must comply with the conditions of federal 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.

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 association." The Second and Seventh Circuits also 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.

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

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

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?

These questions are not hypothetical. They are being asked every day in every state, as the number of joint task forces grows and the scope of their activities expands. 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.

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

Dated: November 24, 2025

the petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Lesly Pompy, M.D.

Lesly Pompy, M.D.

Petitioner, Pro Se

Dated: November 24, 2025