

No. 26–287

In the Supreme Court of the United States

BENZO ELIAS RUDNIKAS,

Petitioner,

v.

STATE OF FLORIDA, ET AL.

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

SUPPLEMENTAL BRIEF

Benzo Elias Rudnikas
PO Box 347582
Coral Gables, FL 33234
(305) 213-9889

Pro Se Petitioner

SEPTEMBER MMXXVI

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ARGUMENT

This Court's Rule 15.8 provides: "any party may file a supplemental brief at any time while a petition for writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing." Accordingly, Petitioner brings to this Court's attention two intervening matters that were not available at the time Petitioner filed the initial petition on April 17, 2026.

First, there is no longer any active warrant nor any outstanding writ of bodily attachment for Petitioner's arrest. As a result, the entire basis for the Eleventh Circuit's dismissal of Petitioner's appeal under the fugitive disentitlement doctrine no longer exists. More specifically, Petitioner filed a petition for writ of prohibition in the Florida Third District Court of Appeal on July 15, 2026, seeking a writ to prohibit the state respondents from proceeding with the indirect criminal contempt proceeding on several grounds: lack of subject matter jurisdiction due to federal preemption, expiration of the statute of limitations, and legal insufficiency of the show cause order due to lack of sworn testimony. On July 17, 2026, the Florida Third District Court of Appeal ordered Respondent, State of Florida, to respond and invited the trial court judge, Respondent Jorge E. Cueto, to file his own response if he wished. Given the pending writ of prohibition proceedings, the state respondents have declined to renew any warrants and have stayed the state court contempt proceedings pending the disposition of the writ of prohibition. The relevant

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documents are attached to Petitioner’s supplemental appendix. Accordingly, this material fact constitutes an “intervening development” and “change of circumstances” under this Court’s “GVR” precedent that warrants summary reversal. *Wellons v. Hall*, 558 U. S. 220, 225 (2010); *Lawrence on Behalf of Lawrence v. Chater*, 516 U. S. 163 (1996); *Natl. Lab. Rel. Bd. v. Fed. Motor Truck Co.*, 325 U. S. 838 (1945) (“The petition for writ of certiorari is granted. The judgment is vacated and the case remanded to the Circuit Court of Appeals for further consideration of the alleged changed circumstances.”).

Second, on August 3, 2026, a different panel of the United States Court of Appeals for the Eleventh Circuit issued a published opinion holding that remand orders appealed pursuant to 28 U. S. C. §1447(d) are subject to an automatic stay pending appeal and that any subsequent state court proceedings are void *ab initio*. *City of Brunswick by and through Mayor and Bd. of Commissioners v. Honeywell Intl., Inc.*, 184 F. 4th 1230, 1241–1242 (CA11 2026):

Relying, then, on the *Griggs* principle as explained in *Coinbase*, we hold that the appeal of a motion to remand under §1447(d) triggers an automatic stay of all district court proceedings—including the remand order—pending resolution of the appeal. See *Coinbase*, 599 U.S. at 740. Thus, any subsequent state court proceedings are rendered void for our purposes. See *Maseda v. Honda Motor Co., Ltd.*, 861 F.2d 1248, 1254–1255 (CA11 1988) (noting that “after removal,” “[a]ny subsequent proceedings in state court on

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the case are void *ab initio*"); cf. *Lee v. U. S. Bank Nat'l Ass'n*, 102 F.4th 1177, 1180 (CA11 2024) (observing that, in the bankruptcy context, "actions taken in violation of the automatic stay are void and without effect," including foreclosure actions in state court (quotations omitted)).

As discussed in the initial petition, this was the same exact argument the undersigned raised to the appeals panel that presided over his case when opposing the application of the fugitive disentitlement doctrine. Specifically, Petitioner argued that the writs of bodily attachment issued by the state respondents in the state court, while his appeal of the remand order was still pending, were void *ab initio* for lack of jurisdiction. While the panel rejected the argument without explanation in petitioner's appeal via the one sentence order of dismissal, a different panel of the same court has now accepted the argument and established same as controlling law in the Eleventh Circuit via the published opinion. Accordingly, in light of the new controlling law in the Eleventh Circuit, this Court should issue a summary reversal pursuant to this Court's "GVR" precedent, so the Eleventh Circuit can apply the new established law to Petitioner's case and hold that the warrants issued by the state respondents, while his appeal of the remand order was still pending, were void *ab initio* for lack of jurisdiction and that therefore, application of the fugitive disentitlement doctrine is unwarranted. *Wellons v. Hall*, 558 U. S. 220, 225 (2010); *Lawrence on Behalf of Lawrence v. Chater*, 516 U. S. 163 (1996); *National Labor Relations Bd. v. Fed. Motor Truck Co.*, 325 U. S. 838

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(1945) (“The petition for writ of certiorari is granted. The judgment is vacated and the case remanded to the respective Circuit Courts of Appeals for further consideration of the alleged changed circumstances[.]”).

CONCLUSION

Considering the intervening developments and change of circumstances in the facts as well as the applicable law in the Eleventh Circuit, this Court should grant, vacate, and remand pursuant to this Court’s “GVR” precedent.

Respectfully submitted.

Benzo Elias Rudnikas
PO Box 347582
Coral Gables, FL 33234
(305) 213-9889

SEPTEMBER 2026

Pro Se Petitioner

APPENDIX**TABLE OF CONTENTS****Appendix A**

Order, District Court of Appeal of Florida, Third District, *Benzo Elias Rudnikas v. Mercedes Gisela Gonzalez* et al., No. 3D2026–1520

(July 17, 2026) Supp. App. 1

Appendix B

Order on Emergency Motion to Stay Proceedings Pending Writ of Prohibition Review, Circuit Court of the Eleventh Judicial Circuit, *In re Rudnikas, Elias B*, No. 2022–000238–CP–02

(July 30, 2026) Supp. App. 2

Cite as: Suppl. App. to Pet. for Cert. Suppl. App. 1

Supplemental Appendix

Appendix A

[Filed: Jul. 17, 2026]

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT

July 17, 2026

BENZO ELIAS RUDNIKAS,	)	3D2026-1520
Petitioner(s),	)	
	)	Trial Court Case No.
v.	)	22-238-CP-02
	)	
MERCEDES GISELA GONZA-	)	
LEZ, ET AL.,	)	
Respondent(s).	)	
	)	

Respondents shall, and the respondent judge (through General Counsel) may, but is not required to, file a response to the Petition for Writ of Prohibition within ten (10) days from the date of this Order.

SCALES, C. J., and FERNANDEZ and BOKOR, JJ., concur.

CC: Crim Appeals MIA Attorney General
Hon. Jorge E. Cueto
Jeffrey Paul DeSousa
Patricia Lynn Gladson
Max Andres Lopez
Miguel San Pedro

NS

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Appendix B

[Filed: Jul. 30, 2026]

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO: 2022-000238-CP-02SECTION: PMH01JUDGE: Jorge E. Cueto

IN RE: Rudnikas, Elias B

Decedent

**ORDER ON EMERGENCY MOTION TO STAY
PROCEEDINGS PENDING WRIT OF PROHIBI-
TION REVIEW**

On July 28, 2026, the Third District Court of Appeal granted the State of Florida a 30-day extension to respond to the Petition for Writ of Prohibition.

Based on the foregoing, the motion is Granted, pending resolution of the Writ of Prohibition by the Third District Court of Appeal.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 30th day of July, 2026.

/s/ Jorge E. Cueto

Hon. Jorge E. Cueto

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION** CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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Electronically Served:

- Mercedes Gonzalez: mechyglez2015@gmail.com
- Alex Cuello: acuello@probatesfl.com
- Alex Cuello: office@probatesfl.com
- Alex Cuello: csh@ProbateSFL.com
- Benzo Elias Rudnikas: service@rudnikaslaw.com
- Benzo Elias Rudnikas: benzo@rudnikaslaw.com
- Benzo Elias Rudnikas: benzo.rudnikas@gmail.com
- Bryan: Bryan@jvelasquezlaw.com
- G. Bart Billbrough: bart@billbroughfirm.com
- Danny Crespo the Broker for Luis Lester Rodriguez: Danny@RejoiceRealty.com
- Alexander Joseph Hernandez, Esq.: ahernandez@probatesfl.com
- Antonio J. Soto IV, Esq.: asoto@probatesfl.com
- Stokes & Gonzalez, P.A.: mark@stokesgonzalez.com
- Stokes & Gonzalez, P.A.: jacinto@stokesgonzalez.com
- Jorge Enrique Cueto: jcueto@jud11.flcourts.org
- Jorge Enrique Cueto: Lgarcia-bermejo@jud11.flcourts.org
- G. Bart Billbrough: bart@billbroughfirm.com
- G. Bart Billbrough: brittany@billbroughfirm.com
- Gina Nguyen: gina@nguyen-law.com
- Gina Nguyen: yadilis@nguyen-law.com
- Luis E Barreto: lbarreto@miamiprobate.com
- Luis E Barreto: eservice@miamiprobate.com
- Luis E Barreto: llinares@miamiprobate.com
- Max A Lopez: mlopez@rosaleslopez.com
- Max A Lopez: eservice@rosaleslopez.com
- Miguel San Pedro: courts@lawmsp.com

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- Miguel San Pedro: Secretary@lawmsp.com
- Miguel San Pedro: iherrera@lawmsp.com