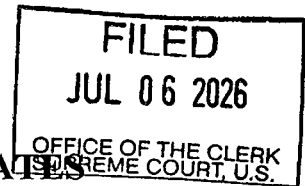


26-5074
No. _____

ORIGINAL



IN THE SUPREME COURT OF THE UNITED STATES

SURGRET URANIA DOSS,

Petitioner,

v.

GREGORY P. HOLDER, 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

- I. Whether a court of appeals may affirm dismissal of a Fourth Amendment malicious-prosecution claim arising from a single charge without conducting the charge-specific probable-cause analysis required by *Chiaverini v. City of Napoleon, Ohio*, 602 U.S. 556 (2024), to the only charge alleged.
- II. Whether the intra-corporate conspiracy doctrine under which agents of a single legal entity cannot conspire among themselves bars 42 U.S.C. §§1983 and 1985(3) conspiracy claims against officers of legally distinct governmental entities, a question this Court expressly left open in *Ziglar v. Abbasi*, 582 U.S. 120 (2017).
- III. Whether absolute judicial immunity extends to a judge's non-adjudicative acts; independently researching a litigant's property records, concluding that a crime had been committed, and directing law enforcement to investigate, where the functional test of *Forrester v. White*, 484 U.S. 219 (1988), classifies such acts as executive rather than judicial, and where, under *Malley v. Briggs*, 475 U.S. 335 (1986), a complaining witness enjoys no absolute immunity at common law.

PARTIES TO THE PROCEEDING

Petitioner Surgret Urania Doss is the Plaintiff-Appellant below. Respondents are Gregory P. Holder, a former Hillsborough County Circuit Court judge; Detective Michael Victor and Detective Pat Kennedy, officers of the Tampa Police Department; Deputy John Walter McDarby, a deputy of the Hillsborough County Sheriff's Office; Sheriff Chad Chronister, in his official capacity; and the City of Tampa, Florida.

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OPINIONS BELOW

The per curiam opinion of the United States Court of Appeals for the Eleventh Circuit, issued February 20, 2026 (Doc. 56-1), is unpublished. The district court's order of dismissal, entered by the United States District Court for the Middle District of Florida, is unreported. The Eleventh Circuit's order denying panel rehearing and rehearing en banc, entered April 7, 2026, is unpublished. None of these decisions has been designated for publication.

JURISDICTION

The Eleventh Circuit entered its per curiam opinion on February 20, 2026. Petitioner timely filed Petitions for Panel Rehearing and Rehearing En Banc on March 5, 2026 (Doc. 58). The Eleventh Circuit denied rehearing on April 7, 2026. This petition for a writ of certiorari is filed within 90 days of that denial. This Court has jurisdiction pursuant to 28 U.S.C. §1254(1). Supreme Court Rule 10 provides for certiorari where a court of appeals has decided an important federal question in a way that conflicts with controlling decisions of this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment to the United States Constitution provides in relevant part: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."

42 U.S.C. §1983 provides in relevant part: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Florida Statute §837.02(1) provides: "Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree."

Florida Statute §57.082(2)(d) provides that any false statement on an application for civil indigent status constitutes a first-degree misdemeanor.

STATEMENT OF THE CASE

A. Factual Background.

Petitioner Surgret Urania Doss is an honorably discharged and service-connected United States Army veteran and a resident of Tampa, Florida. In 2016,

Petitioner sought to intervene in civil litigation pending in the Hillsborough County Circuit Court, presided over by Respondent Gregory P. Holder, a circuit court judge. Respondent Holder denied Petitioner intervenor status. Petitioner was therefore never a party, in any capacity, to any proceeding before Holder. Holder himself acknowledged this on the record at the February 27, 2017, Case Management Conference, stating that Petitioner had “not yet been granted intervenor status by this Court.” (App. H, Tr. 4:3-4.)

Because Petitioner had been denied intervenor status, he was at most an attempted intervenor, and the Second District captioned him as an “Intervenor/Interested Party” and stood in no adjudicative relationship to Holder. Petitioner separately filed an Application for Determination of Civil Indigent Status with the Second District Court of Appeal seeking waiver of filing fees, a filing made with the appellate court, not with Holder's court, and concerning a matter over which Holder had no supervisory authority.

On February 3, 2017, the Second District Court of Appeal, in No. 2D17-354, stayed execution of the writ of possession in the underlying case under Florida Rule of Appellate Procedure 9.310(f). At the February 27, 2017, Case Management Conference, Respondent Holder acknowledged on the record that the matter was “pretty much stayed.” (App. H, Tr. 3:17.) Petitioner does not contend that the stay stripped the circuit court of all jurisdiction. The stay and Petitioner's status as, at

most, an attempted intervenor are relevant because they confirm that when Holder researched property records and directed and participated in a criminal investigation against a non-litigant, he had stepped outside any adjudicative role.

Against that backdrop, Respondent Holder initiated a criminal referral against Petitioner, contacting Respondent Detective Michael Victor of the Tampa Police Department and exchanging communications directing Victor's investigation. At the February 27 conference, Holder announced from the bench: "Arguably, you've committed perjury. I've referred this matter to the Tampa Police Department," and "I can tell you Detective Michael Victor is actively investigating this case." (App. H, Tr. 6:17-22.) Victor's own General Offense Report, part of the district court record, confirms that these communications occurred after Petitioner filed his indigency application with the 2nd DCA, which, again, was a filing made for another court, not in connection with any matter Holder was adjudicating.

On June 16, 2017, the State filed a one-count direct Information in the Circuit Court of the Thirteenth Judicial Circuit, Case No. 2017-CF-9089, charging Petitioner with felony perjury under Florida Statute §837.02(1). The Information alleged that on January 31, 2017, Petitioner falsely stated, "that he was indigent and did not own any real property, under oath in an official proceeding regarding a material matter." (App. F.) A capias issued on June 19, 2017, fixing bond at \$2,000. (App. G.) On June 28, 2017, Petitioner surrendered on the capias, was arrested and

booked, and obtained his release only by posting a \$2,000 surety bond, and remained subject to Florida's conditions of pretrial release for approximately seven months while the charge remained pending. The felony-perjury count was the sole charge against him and the entire basis for his arrest and pretrial restraint. Senior Judge J. Thomas McGrady heard the matter on January 16, 2018, and by written order rendered on January 29, 2018, dismissed the charge and discharged Petitioner, finding that "as a matter of law" that "[t]he allegations set forth by the State of Florida are not 'material,' therefore must be dismissed as a matter of law." (App. E.) The dismissal was on the merits of an essential statutory requirement, not on procedural grounds.

The civil indigency application underlying the charge did not contain the questions "Are you indigent?" or "Do you own property?" The Charging Information alleged that Petitioner falsely stated he "was indigent and did not own any real property," which are statements that do not appear in the application. In addition, Florida Statute §57.082(2)(d) classifies false statements on civil indigency applications as first-degree misdemeanors, raising the question whether the conduct supported a felony perjury charge under §837.02(1) at all.

B. Procedural History.

Petitioner filed a civil rights complaint pursuant to 42 U.S.C. §1983 in the United States District Court for the Middle District of Florida (Case No. 8:22cv129

CEH-AAS), asserting claims for Fourth Amendment malicious prosecution (Count II) and civil rights conspiracy (Count I) arising from the foregoing conduct. The district court dismissed all claims.

Petitioner appealed to the Eleventh Circuit (No. 24-13489). In his Consolidated Corrective Reply Brief, Petitioner expressly cited *Chiaverini v. City of Napoleon, Ohio*, 602 U.S. 556 (2024), as controlling authority governing the charge-specific probable cause analysis for his Fourth Amendment malicious prosecution claim.

On February 20, 2026, a panel of the Eleventh Circuit issued a per curiam opinion affirming the district court's dismissal. The panel dismissed Count II as “conclusory” without mentioning, applying, or distinguishing *Chiaverini*. The panel upheld the dismissal of Count I under the intra-corporate conspiracy doctrine without addressing whether that doctrine applies across legally independent governmental entities. The panel affirmed judicial immunity for Respondent Holder without applying the functional test of *Forrester v. White* or asking whether the acts for which Holder was sued, which included his independently researching property records, concluding that a crime had been committed, and directing and participating in a police investigation, were judicial or executive in nature.

Petitioner filed timely Corrected Petitions for Panel Rehearing (FRAP 40) and Rehearing En Banc (FRAP 35) on March 5, 2026 (Doc. 58). The Eleventh Circuit

denied rehearing on April 7, 2026. This petition for a writ of certiorari is timely filed within 90 days of that denial.

REASONS FOR GRANTING THE PETITION

I. THE ELEVENTH CIRCUIT DISREGARDED THIS COURT'S CONTROLLING DECISION IN *CHIAVERINI*, CREATING A CONFLICT BETWEEN CIRCUIT PRACTICE AND CONTROLLING SUPREME COURT AUTHORITY ON FOURTH AMENDMENT MALICIOUS PROSECUTION CLAIMS.

A. *Chiaverini* Mandates Charge-Specific Probable Cause Analysis, and the Panel Ignored It Entirely.

In *Chiaverini v. City of Napoleon, Ohio*, 602 U.S. 556 (2024), this Court resolved a circuit split and established the clear rule that the Fourth Amendment malicious prosecution inquiry is charge-specific. A plaintiff must demonstrate that the particular charge for which he was seized lacked probable cause. *Id.* at 562-64. The Court expressly rejected the argument that probable cause for any charge in a proceeding defeats a malicious prosecution claim grounded in a separate, baseless charge. Each charge must be independently evaluated. *Id.*

The Court's reasoning in *Chiaverini* was grounded in the foundational purpose of the Fourth Amendment's malicious prosecution doctrine: to protect individuals

from seizure on legally defective charges, regardless of the validity of other aspects of an investigation or proceeding. The charge-specific rule prevents defendants from using one valid charge as a shield to immunize unconstitutional conduct in procuring a separate, meritless charge.

Here, Petitioner's Fourth Amendment malicious prosecution claim was grounded entirely in a single felony perjury charge under Florida Statute §837.02(1). There were no other charges. That single charge caused a Fourth Amendment seizure: Petitioner was arrested and booked on it on June 28, 2017, posted a \$2,000 surety bond, and remained subject to conditions of pretrial release until it was dismissed. (App. F, G.) Because the felony-perjury count was the only charge, the seizure was in its entirety attributable to that count, leaving no other valid charge to which the restraint on Petitioner's liberty could be attributed. *Chiaverini's* charge-specific framework applies directly and unambiguously. The panel was required to ask: Did probable cause exist for the felony perjury charge? It never asked that question. It dismissed the claim as “conclusory” in a paragraph containing no engagement with the specific factual allegations and no reference to *Chiaverini* whatsoever. That is not the application of *Chiaverini's* framework; rather, it is its circumvention.

The consequence of the panel's approach is precisely what this Court warned against in *Chiaverini*: district courts throughout the Eleventh Circuit will routinely

dismiss Fourth Amendment malicious prosecution claims on pleading grounds without conducting the charge-specific analysis this Court mandated. That problem is not abstract. The Eleventh Circuit covers Florida, Georgia, and Alabama, three states where multi-charge prosecutions and prosecutions arising from civil proceedings are common. The panel's disregard for *Chiaverini* creates a uniformity deficit between this Circuit's practice and this Court's controlling precedent, affecting every future malicious prosecution plaintiff in three states.

B. The Sole Charge Was Dismissed for Lack of Materiality, a Predicate Florida Law Requires for Perjury and Which Bears Directly on Whether Probable Cause Supported It.

Applying *Chiaverini's* charge-specific framework required the panel to ask whether probable cause supported the single felony-perjury count under §837.02(1). The circumstances of that charge's dismissal bear directly on the answer. Perjury under §837.02(1) cannot rest on an immaterial statement; the statute reaches only a false statement “in regard to any material matter.” Under Florida law, that materiality determination is committed to the court as a threshold question of law. *State v. Ellis*, 723 So. 2d 187, 189 (Fla. 1998); *Vargas v. State*, 795 So. 2d 270 (Fla. 3d DCA 2001). Senior Judge McGrady made precisely that determination, hearing the matter on January 16, 2018, and by written order rendered January 29, 2018, resolving it

against the State: “[t]he allegations set forth by the State of Florida are not 'material,' therefore must be dismissed as a matter of law.” (App. E.)

That was a legal ruling that the sole charge lacked a predicate Florida law requires for perjury, not a discretionary or procedural disposition. A judicial determination that a charge lacked a legally required predicate bears directly on whether there was probable cause to believe the charged offense had been committed. Probable cause and a later merits ruling are distinct, and a subsequent dismissal does not automatically establish the absence of probable cause at the time of charging. But under *Chiaverini* the single count had to be evaluated on its own terms, and the judicially determined absence of a required predicate is exactly the charge-specific consideration the framework demands and the one the panel never reached.

This framework also forecloses any harmless-error rationalization. Even assuming arguendo that the panel's failure to address *Chiaverini* was error, one might ask whether the same outcome could have been reached under a correct application of *Chiaverini*. Had the panel applied *Chiaverini's* charge-specific framework, it would have been required to ask whether probable cause existed for the felony perjury charge under §837.02(1), the only charge at issue, in light of the dismissal of that charge for lack of materiality. The panel did not ask that question. Because the charge-specific inquiry was never undertaken, the panel's failure to apply

Chiaverini cannot be dismissed as harmless, and the Count II dismissal should be vacated for analysis under the correct framework.

C. The Charge-Specific Framework Bears Directly on the Qualified Immunity Analysis, Which the Panel Did Not Perform.

The panel's failure to conduct charge-specific analysis affected its qualified immunity ruling as well. Qualified immunity shields officers only where a reasonable officer could have believed their conduct was lawful. *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). The relevant inquiry is not whether a reasonable officer could have believed the broader investigation was appropriate, but whether a reasonable officer could have believed that probable cause supported the specific charge of a felony perjury count under §837.02(1).

Three features of the record bear on that question, and the panel addressed none of them. First, the civil indigency application did not contain the statements the Charging Information alleged Petitioner made, thus, the factual predicate for the charge was not apparent from the face of the charging document. Second, Florida Statute §57.082(2)(d) classifies false statements on civil indigency applications as first-degree misdemeanors, raising a question whether a felony perjury charge was authorized under the governing statutory framework. Third, §837.02(1) requires a sworn statement in an official proceeding, and the January 16, 2018, dismissal

transcript reflects that Petitioner was not placed under oath in any official proceeding relating to the indigency application.

Under *Chiaverini's* charge-specific framework, each of these deficiencies bears directly and independently on probable cause for the perjury count. And because §837.02(1) requires materiality, which the trial court found absent when it dismissed the charge, an officer's assertion of probable cause for the felony perjury count is undercut. The panel's qualified immunity analysis did not reach these questions because it did not apply the charge-specific framework this Court set out. Certiorari is warranted to correct that omission and clarify how *Chiaverini's* charge-specific framework operates in the qualified immunity context.

The charge-specific framework carries a further consequence bearing directly on Detective Victor's qualified immunity claim. Detective Victor, the officer who initiated and prosecuted the perjury referral, is charged with knowledge of Florida law, including §57.082(2)(d), which expressly classifies false statements on civil indigency applications as first-degree misdemeanors, not felonies. The classification of the conduct under §57.082(2)(d), together with §837.02(1)'s materiality requirement, bears on whether probable cause supported a felony perjury charge for a statement on a civil indigency application. Under *Chiaverini*, the perjury charge must be evaluated independently, and because materiality is a predicate Florida law requires for perjury and was judicially found absent, the existence of probable cause

for the felony charge is undercut. The panel's qualified immunity analysis did not reach this question because it did not engage the charge-specific framework *Chiaverini* sets out. That omission is not harmless; it is how the panel resolved the claim without addressing the controlling Fourth Amendment standard.

II. WHETHER THE INTRA-CORPORATE CONSPIRACY DOCTRINE BARS §§1983 AND 1985(3) CLAIMS AGAINST OFFICERS OF LEGALLY DISTINCT GOVERNMENTAL ENTITIES IS AN ACKNOWLEDGED, UNRESOLVED QUESTION THAT THIS COURT EXPRESSLY LEFT OPEN IN *ZIGLAR v. ABBASI*.

This issue is presented as an additional, secondary ground for review. Although Petitioner has not identified a fully developed, square conflict on the precise question, this Court has itself identified the question as open and the lower courts as divided. In *Ziglar v. Abbasi*, 582 U.S. 120 (2017), the Court recognized a longstanding division among the lower courts over whether the intra-corporate conspiracy doctrine applies to civil-rights conspiracies under §1985(3), and stated that nothing in its opinion should be read as approving or disapproving the doctrine's application in that context. The Court explained that the doctrine, drawn from antitrust law, treats an agreement among agents of the same legal entity, acting in their official capacities, as the act of a single principal rather than a conspiracy among separate persons. The Court observed that it had never approved the doctrine

in the §1985(3) setting and suggested the question might warrant resolution in a later case. This case presents that question in its starkest form. The alleged conspirators here are not agents of a single entity acting through internal channels; they are officers of three legally distinct governmental bodies: a Tampa municipal police department, a constitutionally independent county sheriff (Hillsborough), and a Florida state judge, among whom the doctrine's single-entity rationale has no application at all.

A. The Doctrine's Rationale Has No Application to Independent Governmental Entities.

The intra-corporate conspiracy doctrine provides that a corporation and its agents, acting within the scope of their employment, are legally one entity incapable of self-conspiracy. *Dickerson v. Alachua Cty. Comm'n*, 200 F.3d 761, 767 (11th Cir. 2000). The doctrine's entire rationale is organizational unity and the legal fiction that the corporation and its agents are a single person. That rationale has no purchase where the alleged conspirators are officers of legally independent governmental entities with separate governing authorities, separate budgets, and no shared organizational hierarchy whatsoever.

The three governmental entities whose officers are alleged to have conspired here are: (1) the City of Tampa and its Tampa Police Department, governed by an elected mayor and city council; (2) the Hillsborough County Sheriff's Office, a

constitutionally independent office held by an independently elected constitutional officer under Article VIII, Section 1(d) of the Florida Constitution, with a separate chain of command, separate budget, and separate policymaking authority entirely distinct from the City of Tampa; and (3) the Florida state judiciary, the third independent branch of state government, bearing no organizational relationship to either the City of Tampa or the Hillsborough County Sheriff's Office.

These three entities have no common superior, no shared organizational structure, no common budget authority, and no legal unity of any kind. The organizational unity rationale that justifies the intra-corporate conspiracy doctrine is entirely absent. Extending the doctrine to bar §1983 conspiracy claims based on their officers' coordinated conduct has no principled basis in law and is irreconcilable with the doctrine's own foundation.

B. The Panel's Extension of the Doctrine Creates a Categorical Barrier to the Most Serious Class of §1983 Conspiracy Claims.

The practical consequences are significant. If the intra-corporate conspiracy doctrine bars §1983 conspiracy claims among officers of independent governmental entities, then a plaintiff who alleges coordinated constitutional violations across agency lines and the scenario Congress addressed in 42 U.S.C. §1985 may be categorically barred from pursuing a conspiracy theory. That result is difficult to reconcile with the purposes of §1983 and *Monell v. Department of Social Services*,

436 U.S. 658 (1978), which recognized that governmental entities and their policymakers are proper defendants under §1983 for constitutional violations.

Multi-agency constitutional violations are, in practice, among the most serious. When law enforcement officers from multiple agencies, prosecutors, and members of the judiciary coordinate to deprive a citizen of constitutional rights, the harm is compounded by the institutional weight brought to bear and by the difficulty any individual plaintiff faces in challenging the combined resources of multiple government entities. The panel's holding immunizes precisely this class of coordinated governmental misconduct from conspiracy liability, leaving §1983 plaintiffs with no mechanism to challenge the concerted nature of the violations.

As confirmed by *Ziglar*, this Court has not resolved whether the intra-corporate conspiracy doctrine applies even among officers of a single governmental entity, let alone among officers of legally distinct ones, which is the question this case squarely presents. That question is recurring and important. State and local government is organized across thousands of independent entities, municipalities, counties, constitutional officers, state agencies, and courts, each legally distinct from the others. A rule extending the single-entity doctrine across those lines would foreclose conspiracy claims wherever civil-rights plaintiffs allege coordinated misconduct among separate governmental bodies, a substantial and recurring category of §1983 and §1985(3) litigation. The conflict *Ziglar* described remains

unresolved, and the cross-entity setting presented here is the context in which the doctrine's rationale is weakest and the greatest need for guidance.

III. ABSOLUTE JUDICIAL IMMUNITY DOES NOT SHIELD A JUDGE WHO PERFORMS NON-JUDICIAL INVESTIGATIVE ACTS SUCH AS RESEARCHING PROPERTY RECORDS, CONCLUDING THAT A CRIME OCCURRED, AND PARTICIPATING IN A POLICE INVESTIGATION BECAUSE UNDER THE FUNCTIONAL TEST OF *FORRESTER* v. *WHITE*, THOSE ACTS ARE EXECUTIVE, NOT ADJUDICATIVE.

A. The Functional Test Governs Immunity and Turns on the Nature of the Act, Not the Title of the Actor.

This Court held in *Forrester v. White*, 484 U.S. 219 (1988), that absolute judicial immunity is governed by a functional test: “It is the nature of the function performed,” adjudication, “rather than the identity of the actor who performed it,” a judge — that determines whether immunity attaches. *Id.* at 229. Truly judicial acts must be distinguished from the “administrative, legislative, or executive functions that judges may occasionally be assigned by law to perform,” which receive no absolute immunity. *Id.* at 227. The question in this case is therefore not whether Respondent Holder is a judge, which he was, but whether the specific acts for which he was sued were judicial in nature. They were not.

The record establishes that Holder performed executive, investigative acts. According to the investigating detective's report, the referral originated on February 9, 2017, when Holder contacted the Tampa Police Department about Petitioner's filings. Holder did not merely observe a suspected falsehood in a proceeding before him and report it in passing. The report states that Holder, "believing that a fraud was being committed," independently researched the county property-appraiser records, located property he attributed to Petitioner, and requested that the matter "be investigated by law enforcement." He then identified the assigned detective by name and continued to participate in the investigation, including by transmitting the hearing transcripts to the detective afterward. Holder confirmed all of this from the bench on February 27, 2017: "Arguably, you've committed perjury. I've referred this matter to the Tampa Police Department," and "I can tell you Detective Michael Victor is actively investigating this case." (App. H, Tr. 6:17-22.) And Holder described in his own words the function he was performing that day: "[t]he purpose of this hearing was to at least investigate some of these allegations." (App. H, Tr. 9:20-22.) Researching evidence, forming an accusatory conclusion, questioning the accused, and directing a police investigation are the functions of an investigator and complaining witness, not the adjudicative functions to which absolute immunity attaches.

This Court has already held that one who performs the function of a complaining witness receives no absolute immunity, because “complaining witnesses were not absolutely immune at common law.” *Malley v. Briggs*, 475 U.S. 335, 340-41 (1986); see also *Kalina v. Fletcher*, 522 U.S. 118, 131 (1997) (recognizing “complaining witness” as a functional category entitled only to qualified immunity). That principle controls the function that Holder performed. By researching the records, concluding that Petitioner had committed a crime, and directing the police to investigate, Holder acted as the complaining witness who set the criminal process in motion. Nothing in the common law conferred absolute immunity on that role, and the functional approach forbids creating one simply because the person performing it also held judicial office.

The functional line is well marked. In *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993), this Court held that even officials who enjoy absolute immunity for their advocacy receive only qualified immunity when they perform investigative acts that do not relate to the initiation of a prosecution or to judicial proceedings — there, searching for evidence before probable cause to arrest existed. *Id.* at 273-74. The Eleventh Circuit applies that rule directly: an official “functions as an investigator” when he “searches for the clues and corroboration that might give him probable cause to recommend that a suspect be arrested,” and that function is not protected by absolute immunity. *Rivera v. Leal*, 359 F.3d 1350, 1353 (11th Cir. 2004). That

describes precisely what Holder did: he searched the county property records for evidence and manufactured corroboration of a suspected crime and then directed that the suspect be investigated. If a prosecutor performing that search receives no absolute immunity, a judge performing the same search, a non-judicial function, cannot receive more.

The surrounding circumstances confirm that Holder was not acting in an adjudicative capacity. The conduct unfolded against the backdrop of an existing appellate stay: on February 3, 2017, the Second District Court of Appeal, in No. 2D17-354, stayed execution of the writ of possession in the underlying matter pending its review, and Holder acknowledged on the record weeks later that the case was “pretty much stayed.” (App. H, Tr. 3:17.) Petitioner, moreover, was at most an attempted intervenor and the Second District itself captioned him as an “Intervenor/Interested Party,” and Holder stated Petitioner had “not yet been granted intervenor status.” (App. H, Tr. 4:3-4.) Petitioner does not contend the stay stripped the circuit court of all jurisdiction; he contends that a judge who, in these circumstances, leaves the adjudicative role to investigate a non-litigant and marshal a criminal prosecution is performing an executive function. The investigative character of the totality of the acts, not any jurisdictional defect, is what places them outside absolute immunity.

The acts also fail the "judicial act" inquiry on its own terms. An act is judicial only if it is a function normally performed by a judge and the parties dealt with the judge in his judicial capacity. *Stump v. Sparkman*, 435 U.S. 349, 362 (1978). Conducting independent factual research, contacting a detective, and steering an investigation are not functions normally performed from the bench; they are the work of investigators and prosecutors. And the indigency representation that triggered Holder's accusation was made in a filing before the appellate court, not in any matter Holder was adjudicating. That Holder gathered his impressions of Petitioner across multiple proceedings, including, by his own account on the record, by witnessing Petitioner's representation in a separate case before another judge (App. H, Tr. 5:11-13) underscores that he was acting as a fact-gatherer building a case, not as the neutral adjudicator of a dispute properly before him.

The panel never engaged in this functional analysis. It affirmed immunity without asking whether researching property records, reaching an accusatory conclusion, and directing a police investigation are adjudicative functions at all. That was legal error. Under *Forrester* and *Malley*, the nature of those acts, both investigative and accusatory, removes them from the protection of absolute immunity, regardless of the office Holder held. The Court should grant review to correct the panel's failure to apply the functional test this Court's precedents require.

B. The Question Is Important and Warrants This Court's Review.

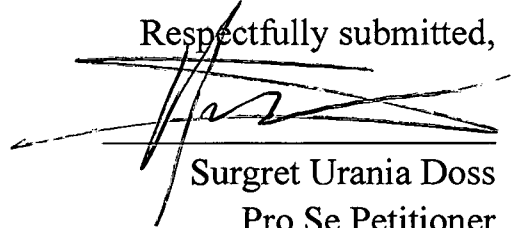
The scope of absolute judicial immunity for a judge who steps outside the adjudicative role to initiate and direct a criminal investigation is an important and recurring federal question. Judges encounter information they believe reflects wrongdoing, and the line between reporting it and personally building and steering a prosecution is one that arises across jurisdictions. This Court's functional precedents supply the governing framework, but the courts of appeals have not consistently applied it to a sitting judge who performs investigative and complaining-witness functions, and the decision below applied no functional analysis at all.

Left undisturbed, the decision below signals that a judge may research evidence, declare a citizen guilty of a crime, and marshal a police investigation, yet remain absolutely immune merely because he holds judicial office, the precise result the functional approach forecloses. The acts a judge actually performs, not the robe he wears, must determine the immunity that attaches. This Court's review is warranted to reaffirm that principle and to make clear that investigative and complaining-witness functions are not cloaked with absolute immunity when performed by a judge.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Surgret', is written over a horizontal line. The signature is stylized and somewhat cursive.

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