

No. **26-5075**



IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS RICHARD WARD, Petitioner,
vs.
BEST BUY STORES, L.P., and CITIBANK, N.A., Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF VIRGINIA

PETITION FOR WRIT OF CERTIORARI

Thomas Richard Ward, *pro se*
8115 Gale Street
Annandale, Virginia 22003
703-470-5047
twconsult1995@gmail.com

QUESTIONS PRESENTED FOR REVIEW

1. Whether the Supremacy Clause permits a state court to effectively nullify rights and remedies created by the Magnuson–Moss Warranty Act, 15 U.S.C. §§ 2301–2312, through procedural rulings that prevent discovery, factual development, and adjudication of federal claims on their merits. See *Howlett v. Rose*, 496 U.S. 356, 367–75 (1990).
2. Whether Due Process and/or Equal Protection Clauses of the Fourteenth Amendment permit(s) a state court to dismiss a consumer warranty action before discovery or factual development, where the claims in a genuine complaint depend upon evidence concerning product defects, warranty performance, and related factual disputes. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982).
3. Whether Due Process and/or Equal Protection Clauses of the Fourteenth Amendment is/are violated when a state court denies a litigant a meaningful opportunity to be heard on federal statutory claims through the combined use of sanctions, denial of oral argument, refusal to address motions seeking judicial recusal, and other procedures that prevent fair and impartial adjudication. See *In re Murchison*, 349 U.S. 133 (1955); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Tumey v. Ohio*, 273 U.S. 510 (1927); *Griffin v. Illinois*, 351 U.S. 12 (1956).

LIST OF PARTIES

1) ***Petitioner:***

Thomas Richard Ward, 8115 Gale Street, Annandale, Virginia, 22003,
703-470-5047, twconsult1995@gmail.com

2) ***Respondents:***

a) ***Best Buy Stores, L.P.***

7601 Penn Avenue, South
Richfield, MN 55423
612-291-1000

b) ***Citi Bank, N.A.***

388 Greenwich Street
New York, NY 10013
212-559-1000

***Both parties have been represented in Circuit Court, CAV and SCV
proceedings by:***

Steven C. Bergeron, Esq.
Attorney
3050 Chain Bridge Road, Suite 300
Fairfax, Virginia 22030
sbergeron@decarodoran.com
703-352-5175

CORPORATE DISCLOSURE STATEMENT

There is no parent corporation nor any publicly held company that owns >10% of anything associated with *pro se* Petitioner. The Petitioner owns ~14% of a family business in Minnesota. Since Petitioner is not a corporation, he has no corporate disclosures to make. Petitioner is not a director of any public corporation.

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- Transcript of 12/2/2025 SCV Oral Argument [A24-44]
- SCV accepted ADA handout [A45-49]
- Transcript of 3/5/2025 Fairfax Court Hearing [A50-94]
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A. Supremacy, Federal Rights, and Preemption

- *Howlett v. Rose*, 496 U.S. 356 (1990) i,2
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 174–76 (1803) 11
- *Testa v. Katt*, 330 U.S. 386 (1947) 7,11

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- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986) 15,16
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- *Boddie v. Connecticut*, 401 U.S. 371 (1971) 7,12,16,18
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- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 877 (2009) i,3,4,7,10,12,19
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• <i>Francis v. Francis</i> , 30 Va. App. 584 (1999)	16
• <i>Fun v. Virginia Military Inst.</i> , 245 Va. 249 (1993)	10
• <i>Gaskins, et al. v. McLean Bible Church</i> , Record No. 074-22-4 (Va. Ct. App. 2023)	15
• <i>Oxenham v. Johnson</i> , 241 Va. 281 (1991)	14
• <i>St. Joe Co. v. Norfolk Redev. & Hous. Auth.</i> , 283 Va. 403 (2012)	16

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- *Clarke v. Gibson*, No. 1, September Term 2025 (Md. Sup. Ct.) 16

VIII. Rules and Documents

Virginia Supreme Court Rules

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- Rule 4:1; Rule 4:9; Rule 4:11; Rule 4:12; Rule 4:13 12,14

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Those noted in other appellate case briefings of this matter of Background Resources

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 1. *Stanley v. Illinois*, 405 U.S. 645, 651 (1972)
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Attorney
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- Virginia Rules of Professional Conduct (Rules 8.1–8.5)
- Supreme Court of Virginia Rules of Conduct for Judicial Employees (2013)

V. Other Authorities

- Circuit Court Clerk's Manual, ch. 3
- Americans with Disabilities Act (ADA)

OPINIONS AND ORDERS BELOW *

1. **SUPREME COURT OF VIRGINIA: RECORD 250526, Thomas Richard Ward vs. Best Buy Stores LP et al., January 13, 2026 Order. [A1]**
2. **COURT OF APPEALS OF VIRGINIA: RECORD 2224-23-4, Thomas Ward vs. Best Buy Stores, LP, et al., May 19, 2025 Order sanctioning the Petitioner [A2-9]**
3. **CIRCUIT COURT FOR THE CITY OF ALEXANDRIA: CASE CL21001923, Thomas Ward v. Best Buy Stores, LP; December 4, 2023, Order that unlawfully waived Parties' signature to object under Rule 1:13. [A10]**
4. **CIRCUIT COURT FOR THE CITY OF ALEXANDRIA: CASE CL21001923, Thomas Ward v. Best Buy Stores, LP; December 4, 2023, Order that unlawfully waived Parties' signature to object under Rule 1:13. [A11-12]**

* SUPREME COURT OF THE UNITED STATES (SCOTUS) Clerk Letter dated April 17, 2026, extending time to file by 60 days. And July 17, 2025 Clerk Letter for additional time to correct Jurisdiction below.

JURISDICTION

Due to the failure of previous Lower Court proceedings, judgements, and due process, where Constitutional and individual rights were not addressed and even dismissed, Jurisdiction is forced up the Chain of Command. This Supreme Court of the United States has jurisdiction under 28 U.S.C. § 1257(a) because this Petition seeks review of a final judgment rendered by the highest court of the Commonwealth of Virginia in which a decision could be had. The Petition presents substantial federal questions arising under the Constitution and laws of the United States, including the Due Process Clause of the **Fourteenth Amendment**, the Supremacy Clause, U.S. Const. art. VI, cl. 2, the **Magnuson-Moss Warranty Act**, 15 U.S.C. §§ 2301–2312, and other federal consumer-protection statutes and constitutional guarantees.

Section 1257(a) provides, in relevant part:

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

This Petition seeks review of the following final state-court judgments:

- **Supreme Court of Virginia, Record No. 250526**, Thomas Richard Ward v. Best Buy Stores, L.P., et al., Order entered January 13, 2026, denying further review and rescual. [A1]. This Order constitutes the final judgment of the highest court of the Commonwealth and renders this Petition timely under Supreme Court Rule 13.1.

The judgment below affirmed:

- **Court of Appeals of Virginia**, Record No. 2224-23-4, Order entered May 19, 2025, affirming the Circuit Court and imposing appellate sanctions against Petitioner. [A2–A9].

Which, in turn, affirmed:

- **Circuit Court for the City of Alexandria**, Case No. CL21001923, Final Order entered December 4, 2023. [A10–A12].

Federal jurisdiction is proper because Petitioner expressly asserted and preserved federal statutory and constitutional claims throughout the proceedings, including rights arising under the **Magnuson-Moss Warranty Act**, 15 U.S.C. §§ 2301–2312, the **Due Process Clause** of the **Fourteenth Amendment**, and the **Supremacy Clause**. The Virginia courts nevertheless relied upon state procedural doctrines, including **Rule 1:13** and appellate sanctions, to foreclose adjudication of Petitioner's federal warranty and consumer-protection claims. This Court has repeatedly held that state procedural rules may not be applied to discriminate against, burden, or effectively nullify rights created by federal law. **Haywood v. Drown**, 556 U.S. 729, 735–36 (2009); **Felder v. Casey**, 487 U.S. 131, 138–39 (1988); **Howlett v. Rose**, 496 U.S. 356, 367–75 (1990). Under the **Supremacy Clause**, state courts possess no authority to employ procedural rules that defeat or substantially impair federally protected rights. Accordingly, this Petition presents important and recurring questions concerning the supremacy and uniform enforcement of federal consumer-protection statutes and constitutional guarantees. Petitioner respectfully

submits that this case presents substantial federal questions and facts concerning judicial impartiality, due process, and the faithful administration of justice. Petitioner previously sought the recusal of participating Justice of the Supreme Court of Virginia Orals hearing with three (3) justices, based upon prior involvement in multiple related proceedings and constitutional circumstances giving rise to an appearance of partiality. Although 28 U.S.C. § 455(a) does not govern state judicial proceedings, it reflects the longstanding federal principle that a judge must disqualify her or himself whenever impartiality might reasonably be questioned. Likewise, this Court has held that the **Due Process Clause** requires recusal when the probability of actual bias is constitutionally intolerable or when a fair and impartial tribunal cannot be assured. **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868, 876–87 (2009); **In re Murchison**, 349 U.S. 133, 136 (1955). These principles are fundamental to maintaining public confidence in the judiciary and ensuring the fair and faithful administration of justice consistent with the Constitution. Petitioner respectfully submits that these constitutional principles extend to every level of the judiciary, including state courts of last resort. While state supreme courts possess inherent constitutional and statutory authority to supervise the administration of justice, regulate the practice of law, enforce rules of professional responsibility, oversee attorney discipline, and ensure compliance with judicial codes of conduct (Canons); with that authority comes a continuing obligation to preserve public confidence in the integrity, impartiality, and independence of the judicial system by requiring the disclosure and appropriate resolution of actual or apparent conflicts of interest, enforcing standards of judicial and professional ethics, and protecting every litigant's constitutional rights to due process and an impartial tribunal. See **Tumey v. Ohio**, 273 U.S. 510 (1927); **In re Murchison**, 349 U.S. 133 (1955); **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868 (2009); **Williams v. Pennsylvania**, 579 U.S. 1 (2016).

This Petition presents concerns a pattern of deprivation rights and of constitutionally protected property and liberty interests; the denial of procedural due process guaranteed by the **Fifth and Fourteenth Amendments**; meaningful access to the courts; the maintenance of a complete and reviewable judicial record; and the integrity of judicial proceedings as scheduled to be by jury, where allegations of professional misconduct, undisclosed conflicts of interest, judicial bias, or obstruction of the judicial process remain unaddressed. See **Mathews v. Eldridge**, 424 U.S. 319 (1976); **Logan v. Zimmerman Brush Co.**, 455 U.S. 422 (1982); **Griffin v. Illinois**, 351 U.S. 12 (1956); **Draper v. Washington**, 372 U.S. 487 (1963); **Mayer v. City of Chicago**, 404 U.S. 189 (1971). The importance of preserving the integrity of judicial proceedings has likewise been recognized in this

Court's interpretation of federal obstruction statutes. In **Fischer v. United States**, 603 U.S., 144 S. Ct. 2176 (2024), this Court clarified the scope of **18 U.S.C. § 1512(c)(2)**, emphasizing that the statute must be interpreted according to its text and historical context rather than expanded beyond its lawful reach. Likewise, in **Yates v. United States**, 574 U.S. 528 (2015), the Court rejected an overbroad interpretation of federal obstruction provisions, reaffirming that criminal statutes must be construed consistent with congressional intent and the rule of lenity. Although those decisions arose in the criminal context, they underscore the broader constitutional principle that judicial proceedings must remain faithful to the rule of law, statutory limits, and procedural fairness. Petitioner further submits that the proceedings below raise substantial questions concerning whether the courts of the Commonwealth adequately discharged their constitutional responsibility to enforce standards of judicial ethics and professional responsibility where allegations of actual or apparent conflicts of interest, judicial bias, and procedural irregularities were presented.

These constitutional obligations are consistent with enduring principles of justice that have long informed the Anglo-American legal tradition. Although a Holy Scripture is not binding legal authority within the U.S. Justice system, it reflects enduring moral principles that are harmonious with the U.S. Constitution's guarantees of **due process, equal protection, and the impartial administration of justice**. Genesis teaches that every person is created equally also reflected in the **U.S. Declaration of Independence** possessing inherent dignity and equal worth before both God and all before the law. Genesis 1–3 reflects the principles of truth, accountability, mercy, and justice, while the life of Joseph (Genesis 37–50), particularly his unjust imprisonment based on false allegations and ultimate vindication (Genesis 40–50), illustrates that human tribunals may err, yet truth and justice ultimately prevails and requires integrity, humility, forgiveness, and faithful adherence to truth rather than fear, prejudice, or partiality. Likewise, Abraham's appeal (Genesis 18:25)—expresses the enduring expectation that every tribunal entrusted with judicial authority must administer justice impartially, faithfully, and without respect to persons. These timeless parables and principles are reflected in the **Due Process Clause** of the U.S. Constitution, which guarantees every litigant a fair hearing before a neutral and impartial decisionmaker not done in revenge, hate, and/or hurt of a daughter's past fatal public and court record per Motion for Judicial Recusal [A136-148] and Transcript [A50-94]. See **Tumey v. Ohio**, 273 U.S. 510 (1927); **In re Murchison**, 349 U.S. 133 (1955); **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868 (2009); **Williams v. Pennsylvania**, 579 U.S. 1 (2016),

Petitioner acknowledges, with sincere compassion and Christian grace, the profound personal tragedy suffered by a presiding judicial officer arising from the heartbreaking murder of his 20 year old daughter in 2015, a matter reflected in the public records and one that no parent should ever be required to endure. Nothing in this Petition seeks to diminish that immeasurable loss or to question the judge's personal integrity or humanity. To the contrary, Petitioner continues to extend respect, mercy, and prayers for continued peace and healing for the judge and his family and other families before the courts. Nevertheless, justices must a) uphold the Constitution, which b) also requires that judicial proceedings be evaluated under an objective standard that protects both against actual bias and against circumstances creating a constitutionally intolerable probability or appearance of partiality and their canons. **Due process** exists not only to ensure fairness in fact but also to preserve public confidence in the integrity and independence of the judiciary. Accordingly, where a litigant has timely raised concerns that extraordinary personal circumstances, viewed together with the procedural history and the record as a whole, may have affected—or reasonably appeared to affect—the impartial administration of justice, those concerns warrant careful constitutional review. Petitioner's claim is therefore directed not at the judge's character or personal suffering, but at whether the proceedings satisfied the objective constitutional guarantees of due process, an impartial tribunal, and equal justice under law, as required by the **Fifth and Fourteenth Amendments** and this Court's precedents.

Actions observed in Virginia courts illustrate a broader pattern relevant to the federal constitutional questions presented, such as in Fairfax County Circuit Court Case No. CL-2024-0265, Petitioner alleges that criminal liability was pursued notwithstanding the absence of a valid underlying court order establishing the conduct alleged to have been violated and despite prior civil findings involving substantially similar facts. In parallel, the Petitioner further alleges that the challenged communication consisted solely of a draft electronic mail message containing prayers and spiritual expressions concerning the welfare of Petitioner's minor children, without any unlawful intent or prohibited conduct as deemed so by another judge 100% in a civil matter. Petitioner also asserts that the judicial assignment, not allowing all public members to attend a questionable 5pm scheduling of proceedings, and alleged conflicts of interest involving counsel in Fairfax County Circuit Court Case No. CL-2023-00001823 raise substantial questions concerning due process, judicial impartiality, and the appearance of fairness under the **Fifth and Fourteenth Amendments**, as one party was presented by the same State Senator who appointed the judge and publicly vocal in

prior proceedings before this judge. These matters are presented not as independent claims for relief but solely to further demonstrate the broader factual context and recurring pattern from which the federal constitutional questions presented in this Petition arise.

Accordingly, Petitioner respectfully submits that this case presents exceptionally important questions concerning all citizens: the theft of private property, consumer and warranty protections, procedural due process, equal protection, meaningful appellate review, judicial impartiality, professional responsibility, and the constitutional obligation of state courts to preserve the integrity of judicial proceedings. The Justification and Resolution of these recurring federal questions is of substantial importance to the administration of justice throughout the Nation and warrants the exercise of this Court's certiorari jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

This Petition implicates the following provisions of the United States Constitution, each of which is reproduced in the Appendix:

	Page No.
• U.S. Const. art. IV, § 1 (Full Faith and Credit Clause)	8
• U.S. Const. art. IV, § 2 (Privileges and Immunities Clause)	6,8
• U.S. Const, art. IV, § 4 (U.S. Guarantee Clause)	1,2,4,12,13,21
• U.S. Const. art. VI, cl. 2 (Supremacy Clause)	i,2,7,8,11-13,20,21
• U.S. Const. amend. V (Due Process Clause)	i,2-19,12
• U.S. Const. amend. XIV, § 1 (Due Process & Equal Protection Clauses)	i,2-19,12

The additional Court of Appeals of Virginia (“CAV”) Order of May 19, 2025 [A2-9] imposed a sanction upon Petitioner for a genuinely filed complaint of good-faith litigation conduct (see Order of May 19, 2026 [A1]) further implicates the Due Process Clause of the **Fourteenth Amendment**, as it penalizes protected access to the courts absent lawful and factual basis along with **U.S. Constitution’s Article IV, § 2 (Privileges and Immunities Clause)**.

A. Constitutional and Federal Foundations

The Questions Presented concern whether state courts may employ procedural mechanisms that effectively extinguish federally protected causes of action before meaningful discovery, consideration of evidence, or adjudication on the merits. These questions extend beyond the circumstances of a single litigant and implicate the uniform enforcement of federal law, meaningful access to the courts, judicial impartiality, and the constitutional guarantees of due process and equal protection.

Petitioner's claims arise under the **Magnuson-Moss Warranty Act**, 15 U.S.C. § 2301 et seq., related federal consumer-protection laws, including 15 U.S.C. §§ 41–58, and the **Virginia Consumer Protection Act**, Va. Code §§ 59.1-196, 59.1-197, 59.1-200, and 59.1-205. Federal-question jurisdiction exists under 28 U.S.C. § 1331, and this Court possesses authority to review final state-court judgments involving federal questions pursuant to 28 U.S.C. § 1257(a).

This Court has repeatedly held that state procedures may not frustrate, burden, or effectively nullify rights secured by federal law. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428–33 (1982); *Felder v. Casey*, 487 U.S. 131, 138 (1988); *Haywood v. Drown*, 556 U.S. 729, 736–40 (2009). Under the **Supremacy Clause**, U.S. Const. art. VI, cl. 2, state courts are obligated to enforce federal law. *Testa v. Katt*, 330 U.S. 386 (1947). Yet the record reflects the dismissal of Petitioner's federal claims without meaningful discovery, without consideration of material evidence contained in the Appendix [A13–148], and without resolution of disputed factual issues ordinarily reserved for the factfinder.

The Constitution protects not only substantive rights but also the procedural safeguards necessary to vindicate those rights. Procedural due process requires "the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). It further requires notice and a meaningful opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Meaningful access to the courts is itself a protected constitutional right. *Boddie v. Connecticut*, 401 U.S. 371, 377–79 (1971); *Tennessee v. Lane*, 541 U.S. 509, 523 (2004).

Likewise, "[a] fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136 (1955). Due process is violated where the probability of judicial bias becomes constitutionally intolerable. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876–87 (2009). The proceedings raise substantial questions concerning judicial impartiality, denial of discovery, disregard of timely filed evidence, and the premature dismissal of federal claims.

The Equal Protection Clause guarantees that similarly situated persons receive equal treatment under law. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). The **Declaration of Independence's** principle that "all men are created equal" found constitutional expression in the **Fourteenth Amendment's** command that no State deny any person the equal protection of the laws. **U.S. Const. amend. XIV, § 1**. Where procedural rules are applied inconsistently, evidence is disregarded without justification, or litigants are denied the same meaningful opportunity afforded to others to develop and present their claims, substantial equal-protection concerns arise.

These proceedings additionally implicate interstate and federalism concerns, including the **Full Faith and Credit Clause**, **U.S. Const. art. IV, § 1**, and **28 U.S.C. § 1738**, where the underlying transactions, parties, and alleged harms span multiple jurisdictions. The resulting deprivation of federally protected rights falls within the principles underlying **42 U.S.C. § 1983** and raises substantial federal questions concerning access to courts, due process, equal protection, judicial impartiality, and the supremacy of federal law.

As this Court has observed, "[j]ustice too long delayed is justice denied." *Barker v. Wingo*, 407 U.S. 514, 522 (1972). Where procedural barriers prevent the development of evidence, foreclose meaningful review, and effectively extinguish federal claims before they can be fairly adjudicated, constitutional protections risk becoming illusory rather than real. Because these questions affect the ability of citizens nationwide to vindicate federal rights in state courts, review is warranted.

B. Judicial Integrity and Recusal

The constitutional guarantee of due process includes the right to an impartial tribunal. The Supreme Court has repeatedly held that "a fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136, per **Fourteenth Amendment** and **U.S. Constitution, Article IV, § 4 (U.S. Guarantee Clause)**.

Where the probability of bias is constitutionally intolerable, recusal is required. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868. Even the appearance of bias undermines the legitimacy of judicial proceedings. See *Tumey v. Ohio*, 273 U.S. 510.

Participation by a potentially biased adjudicator constitutes structural error requiring vacatur. *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 821–25.

Here, Petitioner's motions for recusal—supported by record evidence (see [A136-148]—were not meaningfully addressed [A1]. The resulting proceedings, including dispositive rulings absent factual development, raise serious concerns regarding both actual and apparent impartiality.

STATEMENT OF THE CASE

This case presents a straightforward but substantial federal question: whether state courts may effectively nullify federal consumer-protection rights by (1) denying discovery, (2) dismissing claims on erroneous procedural grounds contradicted by the record, and (3) refusing to address judicial bias and recusal.

Petitioner maintains that he was denied a fair opportunity to be heard, contrary to the **Due Process Clause of the Fourteenth Amendment** and governing Supreme Court precedent. The case record demonstrates that Petitioner timely complied with court orders contrary to orders of non-fact and law [A10, A11-12] yet his claims were dismissed without consideration of the merits.

This Petition follows to vindicate fundamental constitutional guarantees of due process, impartial adjudication, and the uniform enforcement of federal law. (See A30-39))

A. Procedural History: Denial of Discovery and Erroneous Dismissal

Petitioner filed suit in the Circuit Court of Alexandria City, Virginia, on July 27, 2021, asserting federal warranty and related consumer-protection claims. The case presented fact-intensive issues concerning product defects and warranty compliance. Due to error on the Court by its Clerk's office, who failed to facilitate the process paid service of the Sherriff **Va. Code § 8.01-319** an initial Demure was Motioned as noted in the Petitioner's Amended Complaint of 2/28/2022.

Notwithstanding these issues, the trial court dismissed the action by demurrer on December 4, 2023, without permitting discovery and without adjudicating the merits (see [A10, A11-12], **Va. Code § 8.01-273** (Demurrer)). This dismissal was predicated on the erroneous conclusion that Petitioner failed to file responses to Requests for Admissions. The record establishes otherwise: Petitioner timely filed such responses on December 1, 2023, as evidenced by judicial timestamps and record citations (Per Petitioner's Court of Appeals of Virginia (CAV) brief of August

30, 2024 referencing “J.A.149–233; J.A.152–153; and J.A.206” and others within its Appendix, as preserved per **Va. Code § 8.01-384**).

The trial court declined to consider this evidence and denied Petitioner’s Motion to Compel discovery, thereby precluding factual development essential to federal warranty claims. Such claims are not appropriately resolved on demurrer where material facts are in dispute. See *Fun v. Virginia Military Institute*, 245 Va. 249 (1993), (see [A14-135]).

B. Appellate Proceedings and Due Process Concerns

Petitioner appealed in good faith. The Court of Appeals of Virginia summarily affirmed dismissal on May 20, 2025, denied oral argument, and imposed sanctions (see [A9]).

Petitioner sought further review in the Supreme Court of Virginia (SCV), which denied review on January 13, 2026, without addressing Petitioner’s federal claims or his Motion for Recusal (see [A1]).

These proceedings raise substantial constitutional concerns. The Due Process Clause of the **Fourteenth Amendment** guarantees a fair tribunal and meaningful access to the courts. A tribunal’s failure to address substantiated recusal motions implicates structural due process defects. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868; *In re Murchison*, 349 U.S. 133.

C. Federal Questions and Uniformity of Consumer Protection Law

Respondents’ conduct—enforcing payment obligations while failing to honor warranty duties—implicates federal statutory protections and national uniformity concerns. The **Magnuson-Moss Warranty Act** establishes minimum standards for disclosure and remedy that cannot be nullified through state procedural mechanisms.

STATEMENT OF FACTS

Factual Background: Defective Products and Warranty Enforcement

Petitioner purchased two Hewlett-Packard (“HP”) consumer computers—“HP1” (February 17, 2017, St. Cloud, Minnesota) and “HP2” (November 1, 2020,

Alexandria, Virginia)—each accompanied by a three-year warranty from Best Buy Stores, L.P.. Both devices exhibited persistent and materially similar defects, including memory failures later identified as part of a known defect condition (see [A13]; Petitioner’s RFA Responses filed December 1, 2023).

Petitioner repeatedly sought warranty service in good faith. Despite these efforts, Respondents failed to repair or replace the defective products as required. Instead, HP2 was retained by Respondents and not returned, resulting in the permanent loss of Petitioner’s personal and professional data and implicating principles of bailment and conversion.

Petitioner’s claims arise under federal consumer-protection law, including the **Magnuson–Moss Warranty Act**, which requires that warrantors either repair defects within a reasonable time or provide replacement or refund. 15 U.S.C. § 2304(a)(4). Congress enacted this framework to ensure uniform national protection for consumers. See **Mourning v. Family Publications Service, Inc.**, 411 U.S. 356, 363–64. State courts are obligated to adjudicate such state and federal rights. See **Testa v. Katt**, 330 U.S. 386.

REASONS FOR GRANTING THE WRIT

This case presents recurring and substantial federal questions concerning the supremacy of federal law, the constitutional guarantee of due process, and the integrity of judicial proceedings. The record (see Appendix) reflects that Petitioner’s federally protected rights were extinguished through procedural mechanisms that precluded merits review, factual development, and impartial adjudication.

I. Federal Supremacy Prohibits State Courts from Nullifying Federal Rights

Under the Supremacy Clause, state courts are bound to enforce federal law and may not employ procedural devices to defeat federally created rights. This Court has long held that “[a] law repugnant to the Constitution is void.” **Marbury v. Madison**, 5 U.S. (1 Cranch) 137, 174–76.

Consistent with this principle, state courts lack authority to refuse or undermine federal claims through procedural barriers. **Howlett v. Rose**, 496 U.S. 356. Here, Petitioner’s genuine claims under the **Magnuson–Moss Warranty Act** were

dismissed without adjudication on the merits, contrary to the **Supremacy Clause** and this Court's precedent (see [A10, A11-12]).

II. Dismissal Without Discovery or Merits Review Violates Due Process

The Due Process Clause of the **Fourteenth Amendment** guarantees a meaningful opportunity to be heard. See **Mathews v. Eldridge**, 424 U.S. 319, 333; **Mullane v. Central Hanover Bank & Trust Co.**, 339 U.S. 306, 314.

Petitioner's claims—centered on product defects and warranty compliance—are inherently fact-dependent. The denial of discovery and dismissal by demurrer foreclosed any meaningful factual development. Such action is incompatible with due process and improperly deprives litigants of access to the courts. See **Boddie v. Connecticut**, 401 U.S. 371, see [A13, A14-153, A136-148, Va. SupCt Rules 4:1; Rule 4:9; Rule 4:11; Rule 4:12; Rule 4:13].

Moreover, arbitrary procedural rulings that extinguish substantive rights are constitutionally impermissible. **Logan v. Zimmerman Brush Co.**, 455 U.S. 422, 429–30. The record demonstrates that Petitioner timely filed required materials (see [A24-49]), yet dismissal was predicated on contrary factual assumptions and law (see [A10, A11-12]) and Petitioner was wrongfully sanctioned by the CAV (see [A9]).

II. Judicial Bias, Unaddressed Recusal, and Denial of Oral Argument Constitute Structural Error

The Constitution guarantees a neutral and impartial tribunal. “[A] fair trial in a fair tribunal is a basic requirement of due process.” **In re Murchison**, 349 U.S. 133, 136 and **U.S. Constitution, Article IV, § 4** (U.S. Guarantee Clause).

Where the probability of bias is constitutionally intolerable, recusal is required. **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868, 877. Even the appearance of bias violates due process. **Tumey v. Ohio**, 273 U.S. 510. Participation by a disqualified adjudicator requires vacatur. **Aetna Life Ins. Co. v. Lavoie**, 475 U.S. 813, 821–25.

Here, substantiated motions for recusal were not meaningfully addressed (see [A1; A136-148]), and dispositive rulings were issued without factual development or oral argument. These actions, combined with reliance on assumptions rather than

record evidence (see [A10], [A11-12]), constitute structural due process violations. Supporting materials—including transcripts, affidavits, and exhibits (see [A13, A14-136], which Exhibits 7–9)—demonstrate a further pattern undermining judicial neutrality of another former Fairfax Circuit Court Jurist moved up to the CAV.

IV. This Case Presents an Important and Recurring Federal Question

This Court has emphasized that procedural rules must not be applied in a manner that arbitrarily deprives litigants of their right to be heard. See, e.g., **Logan v. Zimmerman Brush Co.**, 455 U.S. 422, 429–30. The **Declaration of Independence's** principle that "all men are created equal" found constitutional expression in the **Fourteenth Amendment's** command that no State deny any person the equal protection of the laws. **U.S. Const. amend. V, U.S. Const. amend. XIV, § 1.**

The issues presented here—dismissal of federal claims without merits review, denial of discovery, and failure to ensure judicial impartiality—are not isolated but reflect broader concerns regarding access to justice and the uniform enforcement of federal law.

The record (see Appendix) demonstrates that Petitioner's claims were extinguished through procedural mechanisms inconsistent with constitutional guarantees. Such practices, if left unreviewed, risk eroding the supremacy of federal law and the fundamental requirement of fair adjudication.

V. Supplemental Due Process And Sanctions Considerations

The record further demonstrates that Petitioner's constitutional right to due process was not only curtailed through premature dismissal and denial of discovery including issues like [A13], not answered or provided by the Defendants), but was compounded by the imposition of sanctions by the Court of Appeals of Virginia ("CAV"), including a \$150 monetary penalty [A9], for pursuing a good-faith appeal of substantial federal questions regarding a genuine complaint. Such sanctions, imposed under these circumstances, raise independence and compound constitutional concerns.

Sanctions Imposed for Good-Faith Litigation Violate Due Process and Chill Access to Courts

Due process protects not only the right to be heard, but the right to seek judicial redress without fear of punitive retaliation for asserting non-frivolous claims. The imposition of sanctions in this matter—despite a documented factual record and preserved federal claims—operates to chill access to the courts and undermines fundamental fairness.

This Court has held that adjudication must be free from bias and structural unfairness. **Aetna Life Ins. Co. v. Lavoie**, 475 U.S. 813, 821–25. Where judicial processes themselves create the appearance or reality of unfairness, resulting judgments cannot stand.

Sanctions are intended to deter frivolous or abusive litigation—not to extinguish meritorious claims or penalize litigants for asserting constitutional and statutory rights. See **Va. Code § 8.01-271.1**; **Oxenham v. Johnson**, 241 Va. 281, (1991). Here, the sanction (see [A9]) was imposed notwithstanding Petitioner’s timely filings and preserved objections, thereby transforming a procedural mechanism into a punitive barrier to appellate review.

VI. Procedural Violations Deprived Petitioner of Meaningful Opportunity to Be Heard

The cumulative procedural irregularities reflect a systemic denial of due process:

1. Orders Entered Without Opportunity to Respond and Not Based on Factual Record

Orders entered on December 4, 2023 (see [A10, A11-12]) were issued without affording Petitioner a meaningful opportunity to respond, contrary to **Rule 1:13** and the Due Process Clause of the **Fourteenth Amendment**. Petitioner promptly filed objections and post-judgment motions on December 5 and December 15, 2023, which were not meaningfully considered and addressed in the Petitioner’s CAV Amended Brief of August 30, 2024 and its Appendix.

2. Misapplication of Discovery Rules

The denial of Petitioner’s motion to compel and inconsistent application of discovery standards (Virginia Supreme Court **Rules 4:11, 4:8(g), 4:12(a)(2)**) foreclosed factual development essential to warranty claims. Due process requires a meaningful opportunity to present evidence. See **Mathews v. Eldridge**, 424 U.S. 319; **Mullane v. Central Hanover Bank & Trust Co.**, 339 U.S. 306, 314; **Logan**

v. Zimmerman Brush Co., 455 U.S. 422, 429–30. Summary judgment principles likewise require that disputed facts be resolved by a factfinder. **Anderson v. Liberty Lobby, Inc.**, 477 U.S. 242, 256.

3. Misapplication of Sanctions and Evidentiary Admissions

The trial court's December 4, 2023 Orders improperly deemed matters admitted notwithstanding Petitioner's timely Responses to Requests for Admissions filed on December 1, 2023 (see [A138] and Petitioner's CAV Amended Brief of August 30, 2024 and its Appendix). This action directly contradicts the evidentiary record and deprived Petitioner of a determination on the merits of his claims. Orders entered in disregard of undisputed filings in the record fail the most basic requirement of adjudication—those judicial determinations be grounded in facts properly before the court.

Virginia precedent confirms that judicial rulings must be supported by the evidentiary record and cannot rest on assumptions or omissions of material filings. See *Gaskins et al. v. McLean Bible Church*, Record No. 1074-22-4 (Va. Ct. App. 2023) (emphasizing the necessity of record-supported findings). The same deficiency is reflected in analogous authority where courts have rejected orders lacking evidentiary foundation. See *Clarke v. Gibson*, No. 1, September Term 2025 (Md. Sup. Ct.).

Here, the record—including third-party affidavit evidence dated December 1, 2023 and supporting materials [A101–135, A138, A146], as well as filings before the Supreme Court of Virginia [A136–147]—demonstrates that Petitioner complied with the court's directives by submitting complete responses, including documentation responsive to Requests for Admissions Nos. 24, 26, 27, 29, and 50, along with supporting technical evidence (including HPE solid-state *memory* drive notices see [A13] as provided in the fully answered RFAs on December 1, 2023). The trial court's contrary conclusion in its December 4, 2023 Orders [A10, A11–12] is therefore irreconcilable with the record.

Such action constitutes more than mere procedural error. By deeming admissions in the face of timely compliance, the court effectively imposed dispositive sanctions [A9] that extinguished Petitioner's claims without factual adjudication. This Court has long held that a State may not, "by the operation of its procedural rules," arbitrarily deprive a litigant of a protected claim without affording a meaningful opportunity to be heard. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429–30 (1982). Due process requires notice and a meaningful opportunity to present one's

case, *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950), and prohibits the arbitrary foreclosure of claims through misapplication of procedural mechanisms. (5 U.S.C. § 706).

Moreover, the imposition of sanctions or evidentiary admissions that function as dispositive rulings must be proportionate, supported by findings, and consistent with fundamental fairness. See *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 821–25 (1986) (due process violated where adjudicative fairness is compromised); see also *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986) (requiring opportunity to present evidence where material facts are in dispute).

The cumulative effect of these actions—disregarding timely filings, imposing admissions contrary to the record, and foreclosing factual development—renders the December 4, 2023 Orders arbitrary and constitutionally infirm. Accordingly, such orders cannot stand and must be vacated and remanded for proceedings consistent with due process and merits-based adjudication. See *Logan*, 455 U.S. at 429–30; *Mullane*, 339 U.S. at 314,

4. Improper Use of Summary Judgment / Disposition

Summary disposition was entered despite the existence of material disputes of fact, including the presence of product defects, compliance with warranty obligations, and damages. Such disposition is improper where reasonable fact finders could differ based on the record evidence. See *Ciejek v. Laird*, 238 Va. 109, 113–14, 380 S.E.2d 644 (1989); *Clifton v. Gregory*, 212 Va. 859, 861, 188 S.E.2d 618 (1972); *St. Joe Co. v. Norfolk Redevelopment & Housing Authority*, 283 Va. 403, 407–08, 722 S.E.2d 622 (2012). See [A38, A46–48]

This Court has likewise held that summary judgment must be denied where there exists a genuine dispute as to material fact, and that litigants must be afforded the opportunity to present evidence to a factfinder. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248–52 (1986).

5. Pro Se Litigant Protections

Courts must ensure that procedural rules are applied in a manner that does not unjustly extinguish the substantive rights of pro se litigants acting in good faith. See *Francis v. Francis*, 30 Va. App. 584, 591–92, 518 S.E.2d 842 (1999).

The Constitution protects meaningful access to the courts, and procedural barriers may not be applied in a manner that effectively denies that right. See *Boddie v.*

Connecticut, 401 U.S. 371, 377–79 (1971); **Faretta v. California**, 422 U.S. 806, 834 n.46 (1975). Penalizing a pro se litigant through dismissal and sanctioned [A9] for good-faith compliance and all are created equal under the law raises serious constitutional concerns under the Due Process Clause of the Fourteenth Amendment.

Also Pro Se due to financial standing light of other matters in parallel to this case, and repeated attempts to address them, get help failed by these & other agencies such as:

Church NGO providing legal support, CP is not covered.
University law clinics, which CP is not covered, & and Bar Association, refused.
VA State Corporation Commission AskAQuestionPC@scc.virginia.gov
VA Attorney General's Consumer Protection division.
And others.

6. Consumer Protection Statutory Purpose Frustrated

Both federal and state consumer protection statutes—including the **Virginia Consumer Protection Act (Va. Code § 59.1-200 et seq.)**—are designed to ensure adjudication on the merits, not dismissal on technical or procedural grounds.

7. Denial of Appellate Access and Record Development

The denial of access to electronic records and oral argument (see CAV Order April. 23, 2024; [A2-9]) further deprived Petitioner of meaningful appellate review, contrary to **Va. Code § 8.01-384** and due process principles. The right of self-representation and access to courts is constitutionally protected. See **Faretta v. California**, 422 U.S. 806 (1975).

8. Cumulative Effect: Structural Denial of Due Process

Delaying review of impartiality concerns—“Justice delayed is justice denied.” Taken together, the actions reflected in the record—premature dismissal, denial of discovery, refusal to consider timely filings (see Appendix), failure to address substantiated recusal motions (see [A1, A24-49, A50-94, A136-148, in particular A144]), denial of oral argument, and the imposition of sanctions (see [A2])—constitute a structural denial of due process in violation of the **Fourteenth Amendment**.

This Court has repeatedly held that constitutional protections may not be nullified through arbitrary procedural mechanisms or technicalities. See **Logan v.**

Zimmerman Brush Co., 455 U.S. 422, 429–30 (1982) (holding that a State may not, “by the operation of its procedural rules,” deprive a litigant of a protected claim without due process).

The sanction imposed here (see [A9]) is particularly troubling, as it penalizes Petitioner for seeking appellate review of substantial constitutional claims, thereby chilling access to the courts and undermining the integrity of the judicial process. See **Boddie v. Connecticut**, 401 U.S. 371, 377 (1971) (recognizing that access to courts is a fundamental component of due process).

9. Failure To Disclose Warranties:

In **Keiser v. Best Buy Stores, L.P.**, 1:22-cv-04771 (pending)), plaintiffs allege violations of 15 U.S.C. § 2302(b) for failure to disclose written warranty terms at the point of sale and for obscuring statutory warranties through promotion of paid protection plans. is a putative class action filed in the Illinois Northern District Court on September 6, 2022, alleging violations of the **Magnuson-Moss Warranty Act**, 15 U.S.C. §§ 2301, et seq..

Allegations in Keiser v. Best Buy Stores, L.P.

- **Failure to Disclose Warranties:** The lawsuit claims Best Buy violates the Act's "pre-sale availability rule" by failing to provide, or make readily available for examination, written warranty terms for products costing over \$15 prior to the point of sale.
- **Obscuring Statutory Warranties:** The genuine complaint alleges that Best Buy promotes its paid "Geek Squad" protection plans at the point of sale, creating a "self-serving" environment where consumers are encouraged to purchase coverage that is often duplicative of the manufacturer's warranty, which was not disclosed.

10. Structural Bias and Invalidity of Proceedings

This Court's precedents establish that even the probability of bias—whether arising from institutional interests or judicial involvement—renders proceedings constitutionally infirm:

- **Ward v. Village of Monroeville**, 409 U.S. 57, 60 (1972) (holding that even indirect institutional incentives creating a possible temptation to the average judge violate due process);

- **Tumey v. Ohio**, 273 U.S. 510, 523 (1927) (due process violated where adjudicator has a direct, personal, or institutional interest);
 - **Mayberry v. Pennsylvania**, 400 U.S. 455, 465–66 (1971) (holding that a judge who becomes personally embroiled in a matter may not adjudicate it);
 - **In re Murchison**, 349 U.S. 133, 136 (1955) (“A fair trial in a fair tribunal is a basic requirement of due process.”).
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11. Governing Constitutional Standard

The Due Process Clause requires a neutral and detached adjudicator. Where a judge’s participation presents a constitutionally intolerable probability of bias, the resulting judgment is structurally defective and must be vacated. *See Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876–81 (2009); *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 821–25 (1986).

12. Established Doctrinal Principles

This Court’s jurisprudence reflects several controlling principles:

- **Structural Error Doctrine:** Judicial bias constitutes structural error not subject to harmless-error analysis. *See Tumey v. Ohio*, 273 U.S. at 535;
 - **Objective Standard:** Due process turns on the probability or appearance of bias, not proof of actual bias. *See Caperton v. A.T. Massey Coal Co.*, 556 U.S. at 883–84;
 - **Integrity of the Judiciary:** Public confidence in the courts depends upon impartial tribunals. *See In re Murchison*, 349 U.S. at 136;
 - **Remedy:** Where due process is compromised by bias or structural defect, the appropriate remedy is vacatur and remand for proceedings before a neutral tribunal. *See Aetna Life Ins. Co. v. Lavoie*, 475 U.S. at 827.
-

13. Structural Defect

Under these settled principles, the cumulative procedural and adjudicative deficiencies reflected in the record (see Appellate case and Appendixes) cannot be dismissed as harmless error. Rather, they establish a structural breakdown in the

adjudicative process, requiring vacatur to preserve the constitutional guarantee of due process and the fundamental right to a fair and impartial tribunal.

Petitioner respectfully submits that the constitutional concerns presented in this case are not isolated to the proceedings below. Rather, they reflect recurring questions regarding the protection of federal rights, meaningful access to judicial review, and the consistent application of constitutional principles within the Virginia courts. Throughout multiple proceedings, Petitioner has raised claims under the **Due Process Clause, Equal Protection Clause, Supremacy Clause**, and related federal authorities, supported by briefs, petitions, affidavits, and documentary evidence, yet those claims have allegedly remained unaddressed or unresolved on their merits.

These concerns are reflected in numerous proceedings before the Supreme Court of Virginia, including Record Nos. 260127, 250736, 240049 (and the related petition for certiorari), 230258 (U.S. Supreme Court Record No. 23-7723), and the mandamus proceedings in Record Nos. 230366 and 230367 concerning access to court records and judicial review and Constitution Record No. 260127. Collectively, those proceedings raise substantial questions regarding whether state procedural mechanisms have been applied in a manner that impairs the meaningful vindication of federal constitutional and statutory rights and demonstrate a pattern of basic rights have denied and unjust.

Petitioner does not seek review merely to correct alleged errors in a particular case. Rather, the issues presented a pattern of concern whether constitutional guarantees of due process, equal protection, impartial adjudication, and meaningful access to the courts are adequately safeguarded where litigants repeatedly assert federal claims supported by record evidence, affidavits, and legal authority, yet are denied substantive consideration of those claims. These recurring issues underscore the national importance of the Questions Presented and support this Court's exercise of certiorari jurisdiction.

CONCLUSION

The sanctions imposed [A9], together with the procedural and structural deficiencies identified above, underscore the need for this Court's review. This case involves more than error; it reflects a pattern of adjudicative conduct that effectively deprived Petitioner of constitutional protections guaranteed by the Fourteenth Amendment.

Accordingly, this certiorari is warranted to restore the primacy of due process, ensure that federal rights are not extinguished through procedural mechanisms, and reaffirm that access to justice cannot be penalized or denied.

This case presents a compelling vehicle to resolve whether state courts may effectively nullify federal consumer-protection rights through procedural predetermination and denial of due process. Review is warranted to preserve the supremacy of federal law, ensure uniform application of consumer protections, and reaffirm the constitutional guarantee of a fair and impartial tribunal for ALL.

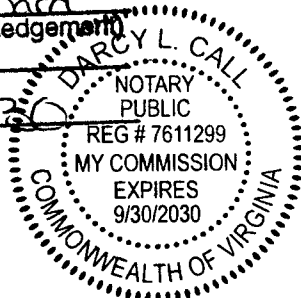
Therefore, this Petitioner respectfully requests that this Court to:

1. Grant the Petition for a Writ of Certiorari;
2. Vacate the judgment of the Supreme Court of Virginia; and
3. Remand the case for proceedings consistent with federal law and constitutional due process.
4. Uphold *Baker v. Elam*, 883 F. Supp. 2d 576 (E.D. Va. 2012) per Motion for Summary Judgement.

28 U.S.C. §1746 DECLARATION WITH SIGNATURE and WORD LENGTH

I DECLARE under penalty of perjury that the foregoing "Petition for Writ of Certiorari to the Supreme Court of Virginia / SCOTUS Rule 29 Certificate of Service", where I certify that this Petition, although dyslexic tendencies and wordy, complies with the applicable word count limitation of 7,269 words / 24 pages, excluding the Cover Page, Appendix of Authorities, Appendix of Record, and Certifications; and it was completed truthfully based on my personal experience and knowledge. I am re-executing this document on June 6, 9, 2026 (originally April 13, 2026 per SCOTUS authorizations).

County/City of Fairfax
Commonwealth/State of Virginia
The foregoing instrument was subscribed and
Sworn before me this 9 day of July 2026
by Thomas Richard Ward
(name of person seeking acknowledgement)
Notary Public
My commission expires: 9/30/2030



July 07/09/2026
Thomas Richard Ward, pro se
8115 Gale Street
Annandale, Virginia 22003
703-470-5047
twconsult1995@gmail.com