

26-5118

CASE NO.:

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IN THE SUPREME COURT OF THE UNITED STATES

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ZOE AJJAHNON,

~~Appellant~~ / PETITIONER

v.

AMERILIFE OF NORTH CAROLINA, LLC.,

~~Appellee~~ / Respondent.

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On Petition for Writ of Certiorari to the United States District  
Court for the Eleventh Circuit Three-Judge Panel Final  
Order and Judgment of Injunction Against Rehearing  
Rendered by the Hon. WILLIAM PRYOR,  
Chief Judge, and ROSENBAUM and ABUDU, Circuit Judges  
Case NO.: 24-13709-AA

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PETITION FOR WRIT OF CERTIORARI

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## QUESTION PRESENTED

Where under the U.S. Constitution's *Art. 1 Sec. 8 Clause 18* Congress in its Rules Enabling Act has given the Supreme Court the authority to establish the Federal Rules of Court in court procedures, *28 USC sec. 2072 (1982)* and given the Court the unique responsibility to control the interpretation of Federal Rules of Appellate Procedure it promulgates under this statutory authority, this appeal asks,

- i) Whether the Eleventh Circuit' three-judge panel final order and judgment denying Rehearing and En Banc Rehearing under FRAP 40 violates the regulatory authority for the Court's Rehearing or En Banc Rehearing at Rule 40(b)(2)(A)–(D).
- ii) Whether the Eleventh Circuit' three-judge-panel final injunction against rehearing that contravenes FRAP 40 further contravenes the Court's FRCP 56 and is unconstitutional for infringement on Congress' RICO Act pursuant Art. 1 sec.8 cl.3 of the Constitution.
- iii) Whether the Eleventh Circuit' three-judge panel final injunction against En Banc Rehearing or Rehearing conditioned on the request by a judge to vote for Rehearing / En Banc Rehearing contravenes FRAP 40 (c) clear reading for judges in regular active service poll taken as permissive not requisite for the rehearing order or, the question put differently, is 28 U.S.C. sec.46 (c) in conflict with FRAP 40 (c)' textual reading.

## PARTIES TO THE PROCEEDING

Appellant Zoe Ajjahnon was Plaintiff in original proceedings and Plaintiff – Appellant in the USDC for the Eleventh Circuit. On or around September 20<sup>th</sup> 2021 Defendant, in an unsolicited telephone call to Plaintiff offered its services that proposed building her private independent insurance sales agency. Defendant's ensuing frauds and racketeering conduct against Plaintiff directly caused the end of Plaintiff's independent insurance sales business and gave cause for her action

under the provisions of §1962(a)(b) (c), & (d) and §1964 (c) of the *Federal Racketeer Influenced and Corrupt Organizations Act ('RICO')* codified in 18 U.S.C. §§1961-1968.

Appellee Amerilife of North Carolina, Defendant in original proceedings, is a limited liability corporation incorporated in the jurisdiction of North Carolina in 2005. The company resides at 11016 Rushmore Drive, Suite 175 Charlotte, North Carolina, 28277; Ph.: 704-910-0108, with principal office location, 2650 McCormick Dr. Ste.200S, Clearwater, FL 33759; Ph. #: 727-726-0726. Appellee was previously known as Ameri-Life & Health Services of Mecklenburg LLC. and is presently also known, and does business as, Amerilife and Health Services, LLC / Amerilife Marketing Group, LLC. / Amerilife Group, LLC.

Appellee purports itself to have over 800 employees in 66 companies in its multistate Marketing Group for the enterprise' interstate commercial operations.

In Florida, Appellee has the License No., L056750 and License Type: 21-05 for trade of only Life and Health and Annuities insurance and represents multiple Life & Health and Annuities carriers. Appellee' business model of operating as a Career aka Captive Insurance Agency precludes marketing for multiple insurers. Appellee fraudulently operates as a Career (/Captive) Agency.

In 2021 Appellee declared it is valued at \$ one (1) billion USD, impacting interstate commerce to this value.

## RELATED CASE

*Zoe Ajjahnon v. Edward Sandler* U.S. Supreme Court Case No.: 24-7404 for related question of due process denial at court with respect to instant appeal's structurally/fundamentally erroneous summary judgment to Appellee affirmed in the Eleventh Circuit and enjoined rehearing connected by Appellee' interested persons associates recurring judicial process interference where these persons associated with Appellee are interested in the outcome of the case for Appellee (see, Appendix to Case No.: 24-7404 App. 555a -561a) The persons interested in the outcome of Appellant's appeal in this USDC 11<sup>th</sup> Cir. Case No.: 24-13709 are the same persons interested in the outcome of the case against Respondent in Case. No.: 24-7404. Their judicial interference, in both these cases, involves both cybercriminal activities to interfere with court procedural process and interference with the role of official persons of the court.

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IN THE SUPREME COURT OF THE UNITED STATES

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CASE NO.:

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*Appellant*

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AMERILIFE OF NORTH CAROLINA, LLC.,  
*Appellee*

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On Petition for Writ of Certiorari to the United States District Court  
for the Eleventh Circuit Three-Judge Panel Final  
Order and Judgment of Injunction Against Rehearing  
Rendered by the Hon. WILLIAM PRYOR,  
Chief Judge, and ROSENBAUM and ABUDU, Circuit Judges  
Case NO.: 24-13709-AA

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**PETITION FOR WRIT OF CERTIORARI**

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Appellant respectfully requests that the Court note probable jurisdiction and  
summarily reverse/vacate the final injunction order and judgment against  
rehearing of the three-judge panel of the United States District Court for the  
Eleventh Circuit on appeal.

**OPINIONS BELOW**

The opinions of the three-judge panel of the United States District Court for the  
Eleventh Circuit appear below at App.1a – 6a.

**JURISDICTION**

Jurisdiction in the 11<sup>th</sup> circuit USDC was invoked under *28 U.S.C. § 1291* and

*Federal Rule of Appellate Procedure (FRAP) 4* allowances for right to appeal from the Florida Middle District Court' / FLMD' final order. *W.R. Huff Asset Mgmt. Co. v. Kohlberg, Kravis, Roberts & Co.*, 566 F.3d 979, 984 (11th Cir. 2009) (quoting *Cunningham v. Hamilton Cnty.*, 527 U.S. 198, 203 (1999)). And see from the Court's webpage: "Established by Congress in 1981, the United States Court of Appeals for the Eleventh Judicial Circuit has jurisdiction over federal cases originating in the states of Alabama, Florida and Georgia."

A three-judge panel was convened under 28 U.S.C. § 46(c) provision: "Cases and controversies shall be heard and determined by a court or panel of not more than three judges, unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service." *Harry T. Edwards & Michael A. Livermore, Pitfalls of Empirical Studies that Attempt to Understand the Factors Affecting Appellate Decision making*, 58 DUKE L.J. 1895, 1897 (2009) ("Because we [the US District Courts of Appeals] typically sit and hear cases in panels of three, appellate judges do not act alone in deciding cases . . ."); Marin K. Levy, *Judging Justice on Appeal*, 123 YALE L.J. 2386, 2396 (2014) (noting that appellate judges "hear cases in panels of three").

The USDC for the 11<sup>th</sup> Cir. three-judge panel heard the *28a U.S.C. Court Rule 56 / Federal Rules of Civil Procedure, Rule 56* question of the FLMD appeal. The panel's injunction forbidding rehearing was given under Federal Rule of Appellate Procedure (FRAP) 40 and contravenes the Rule' clear stipulations for rehearing,

and is in violation of Congress' Rule Enabling Act under *Art. 1 sec. 8 cl. 18* of the U.S. Constitution; the panel's injunction is in further contravene of Congress' *Racketeer Influenced and Corrupt Organizations Act (RICO Act)*, federal law under *Art. 1 sec. 8 cl. 3* of the U.S. Constitution, and the injunction infringes the Court's 28 U.S.C. sec. 2072(a) regulatory authority in Art. III courts. Jurisdiction in this US Supreme Court is invoked under 28 USC sec.1254.

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pertinent constitutional and statutory provisions are reproduced in the Appendix to this pleading. (App. 232a – 235a)

### STATEMENT

1. Under the provisions of *Art. 1 Sec. 8 Clause 18* of the U.S. Constitution Congress' Rules Enabling Act codified at 28 U.S.C. sec. 2072(a) declares (a), "The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States District Courts (including proceedings before magistrate judges thereof) and courts of appeals." Instant appeal from the United States District Court for the Eleventh Circuit three-judge panel injunctive final order prohibiting rehearing in the 11<sup>th</sup> circuit US district court suggests a challenge to this authority and to the pertinent Acts of Congress under the Constitution - specifically, Congress' Rules Enabling Act under *Art. 1 sec. 8 cl.18* and Congress' Racketeer Influenced and Corrupt Organization Act (RICO) under *Art.1 sec. 8 cl. 3* regulated in this appeal by the Court' Federal Rule of Appellate

Procedure (FRAP) 40 and Federal Rule of Civil Procedure (FRCP) 56.

2. The 11<sup>th</sup> Cir.' three-judge panel challenge to these federal laws if not treated by the Court's intervention to reverse /vacate the 11<sup>th</sup> Cir. injunction will cause irreparable harm to "the fairness, integrity and public reputation of judicial proceedings." Greer v. United States, No. 19-8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir. with United States v. Gary No. 20-444, (on certiorari to the USCA for the 4<sup>th</sup> Cir.). The Court's failure to act would unthinkably continue the constitutional violations subsumed under the injunction's dismissal of FRAP 40 and FRCP 56 regulations and respective attendant federal laws in denial of Congress' Rules Enabling and Racketeer Influenced and Corrupt Organization Acts.

3. The three-panel court' injunction against en banc rehearing and rehearing the appeal from the FLMD final judgment (App. 1a-2a) is founded in the panel's structurally erroneous decision that affirmed the lower court' summary judgment grant to Appellee (App. 3a-6a). Appellant pursued En Banc Rehearing / Rehearing under FRAP 40 (b)(2)(A) –(D) allowances because the panel' affirmation is in conflict with consistent federal FRCP 56 decisions from the federal courts of appeals including the Eleventh Circuit itself as well as the Court's own FRCP 56 decisions/teachings. Appellant' Petition for En Banc Rehearing specifies some cases at App. 17a – 18a for being argued in Appellant' Opening brief, *Alexander v. Fulton County*, 207 F.3d 1303, 1326 (11th Cir. 2000)); *Anderson v Liberty lobby, Inc.*, 477 US 242-247-48 (1986); *Bald Mountain Park, Ltd. v. Oliver*, 863 F.2d 1560, 1563

(11th Cir. 1989); *Cannon v. City of West Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001); *Celotex Corporation v. Catrett*, 477 U.S. 317, 323- 325, 106 S. Ct. 2548, 91 L.Ed.2d 265 (1986); (*Moore v. Liberty Nat'l Life Ins. Co.*, 267 F.3d 1209, 1213 (11th Cir. 2001)); *Pace v. Capobianco*, 283 F.3d 1275, 1278-79 (11th Cir. 2002); *Sutton v. Wal-Mart Stores East, LP*, 64 F.4th 1166, 1168 (11th Cir. 2023); *United States v. Stein*, Case No. 16-10914 (decided January 31, 2018, USCA 11th Cir.); and *U.S. v. Madden*, 773 F.3d 1314, 1322–23 (11th Cir. 2013), (see, App.19a, 64a-88a; 99a-105a); the panel' affirmation contravened FRCP 56 federal case law from other US district courts of appeals, *Cutting Underwater Techs. USA, Inc. v. Eni U.S. Operating Co.*, 671 F.3d 512, 515 (5th Cir. 2012) (App. 73a), *Jenkins v. Winter*, 540 F.3d 742, 748 (8th Cir. 2008) and *Brooks v. Tri-Sys., Inc.*, 425 F.3d 1109, 1111 (8th Cir. 2005) (App. 74a); and the panel' injunction against rehearing further breached the Court's teaching for rehearing allowance where there exists a question of exceptional importance – whereas in this case, the summary grant appeal is founded in FLMD plain, fundamental error of not just obvious dismissal of the Court' FRCP 56 standard for having disputed material facts and genuine issues tried but that the summary judgment appears to have been was executed to prevent Appellant' due process rights to a trial. See, *Rosales-Mireles v. United States*, 585 U. S. \_\_\_, \_\_\_. *Ibid.*, (*Greer v. United States*, No. 19–8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir. with *United States v. Gary* No. 20–444, (on certiorari to the

USCA for the 4<sup>th</sup> Cir.) and App.18a,22a,34a with 85a, 87a,104a,107a and 171a – 224a for the FLMD’ speedy pronouncement of summary grant upon Appellant’ attempt to subpoena witnesses / evidence for trial. See also Appendix to related US Supreme Court Case No.: 24-7404 at 555a – 561a for supporting material evidence to this, that is, the lower court’ deliberate speed to pronounce summary judgment.

4. The Court notes probable jurisdiction and reverses/vacates the panel’ injunction against rehearing to prevent the harm of a legally intolerable precedent for compounded contravene of the Rule of law in Art. III courts that Congress has given the responsibility to the Court to regulate. *28 U.S.C. sec. 2072(a)*

5. Appellant’ Opening brief appealing the FLMD summary grant award to Appellee was filed March 31<sup>st</sup> 2025. (App. 37a -109a). Pursuant *FRAP 34(a)(2)* and local rule 11<sup>th</sup> Cir. R. 28-1 (c) Appellant requested oral argument given the compromising circumstances of the summary grant and probable ensuing compromises of the adjudication process in the appellate federal court if heard on the papers. (App. 39a-40a) See further substantiation for oral argument in evidence of related case, App. 555a – 561a to U.S. Sup. Ct. Case No.: 24-7404.

6. On Sept. 29<sup>th</sup> 2025 the three-panel court rendered its affirmation of the summary grant heard only on the papers. (App. 3a -6a).

7. In dismissal of clear federal standards of the Court’s Fed. R. Civ. P. 56 (governing summary judgment grant where there must be no material facts or genuine issues in dispute to be tried) and Art. III courts consistent adherence to this

federal rule for the summary judgment award (recall the cases cited at preceding paragraph 3), the 11<sup>th</sup> Cir. three-judge panel opinion of the lower court's summary relied on its incongruous argument of mismatch holdings of Fed. R. Civ. P. 12 (c) (governing 'after pleadings' motion) and Fed. R. Civ. P. 50 (governing judgment as a matter of law during trial) for affirming the lower court's Fed. R. Civ. P. 56 summary judgement award, explicitly stating, "The district court ruled that Ajjahnon's claims under the federal racketeering act failed as a matter of law." (App.5a).

8. Here, the panel's plainly erroneous affirmation dismissed both the facts and laws of the appeal. (App. 37a-109a). The panel's opinion belies a contradiction to the de novo standard for review whereas the copious evidence of material facts and genuine issues in dispute in denial of FRCP 56 to affirm. (App. 19a,100a-103a; 110a-170a); and the three-judge affirmed a determination for the RICO claim that is not consistent with Congress' text. Specifically, the panel "start[ed] and end[ed] its self-determined FRCP12 FRCP 50 appeal with Ajjahnon's failure to establish a pattern of racketeering activity." (App. 6a). Importantly, this statement cannot be supported in the material reliable evidence of the claim (App. 139a – 170a); nor can the panel's capped definition for sustaining the RICO claim per se. Congress clearly gives the RICO claim is established on a "pattern of racketeering" or "collection of unlawful debt" (App. 20a -21a, 45a, 46a, 50a, 52a) and this matter's RICO claim is established in both patterned racketeering unlawful debt collection (App. 21a, 24a).

9. Appellant has no alternative at law to stop the injunction' harm of unredressed injury to Appellant but to seek vacatur of the panel's injunction against rehearing this matter of glaringly obvious contravene of Congressional laws and the Court's Rules and Regulations guarding these federal provisions. See, *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021) that captures the harm where this appeal of injury at law (the RICO statute for starters) supported in the evidence (denied review as given the history shown) for concrete injury in fact and injury in law (App.37a-109a) is denied redress by the panel' contravene of the Court's FRCP 56 standards for the judgment and teachings for reversing misapplication of that standard, *Rosales-Mireles v. United States*, 585 U.S. (2018) *Greer v. United States*, No. 19-8709 and its erroneous FRAP 40 for injunction against rehearing of this plain error panel affirmation.

10. The Court notes probable reason for certiorari and reverses the 11<sup>th</sup> Cir. FRAP 40 injunction against rehearing en banc or rehearing in : 1), the panel contravene of this appellate rule is evinced in its FLMD summary grant affirmation that conflicts with the full 11<sup>th</sup> circuit court consistent FRCP 56 appeals ruling(App.17a-18a) and under *FRAP40(b)(2)(A)* this permits a full court rehearing; 2), the three-judge FRCP 56 affirmation further conflicts with consistent US Supreme Court teachings and prior decisions for the summary judgment grant, see for example, *Anderson v Liberty lobby, Inc.*, 477 US 242-247-48 (1986) and *Celotex Corporation v. Catrett*, 477 U.S. 317, 323- 325, 106 S. Ct. 2548, 91 L.Ed.2d 265 (1986) making



rehearing or a full court rehearing proper under the *FRAP40 (b) (2) (B)* allowance; 3), the three-judge panel decision conflicts with the decisions of other US district courts of appeals, see, *Cutting Underwater Techs. USA, Inc. v. Eni U.S. Operating Co.*, 671 F.3d 512, 515 (5th Cir. 2012) (App. 73a) and *Jenkins v. Winter*, 540 F.3d 742, 748 (8th Cir. 2008) (App. 74a) invoking therefore *FRAP40 (b) (2) (C)* grounds for rehearing or a full court rehearing; 4) additionally, the panel's injunction against rehearing is in contravene of the *FRAP40 b) (2) (D)* grounds for rehearing or a full court rehearing given that the affirmation barred from rehearing is of a plain fundamental/structural erroneous judgment in the lower court. See the Court' teachings for reversal where plain error is evinced in *Rosales-Mireles v. United States*, 585 U. S. \_\_\_, \_\_\_. *Ibid.*, (*Greer v. United States*, No. 19-8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir. with *United States v. Gary* No. 20-444, (on certiorari to the USCA for the 4<sup>th</sup> Cir.) (App. 85a-86a). The lower court' plain error summary judgment to Appellee made this case of exceptional public importance (App.555a-516a US Sup. Ct. Case No.: 24-7404) and the three-judge panel injunction against rehearing the appeal is against the interests of the public – a *FRAP40 b) (2) (D)* grounds for rehearing or a full court rehearing.

11. The panel' contravene of *FRAP40 b) (2) (A) - (D)* to enjoin rehearing of its extensive federal laws violating affirmation of a plain and fundamentally erroneous summary judgment to Appellee is moreover denounced in its FRCP 12 (c) and FRCP 50 frame for its argument for affirmation.

12. “Federal Rule of Civil Procedure 12(c) provides that “[a]fter the pleadings are closed . . . a party may move for judgment on the pleadings.” The Eleventh Circuit instructs that when considering a motion for judgment on the pleadings, the district court must accept “[j]udgment on the pleadings is appropriate only when the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Id.* (quoting *Moore v. Liberty Nat’l Life Ins. Co.*, 267 F.3d 1209, 1213 (11th Cir. 2001)). Stated differently, “[j]udgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law.” *Cannon v. City of West Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001). The three-judge panel error here is apparent for a *de novo* review that contrarily deferred to the trial court’s decision as given at for a *FRCP 12 (c) and FRCP 50* judgment (App. 6a) not the *FRCP 56* summary judgment that calls for the panel to reexamine the summary judgment from a fresh perspective to decide if summary judgment was proper, *Isaac Indus., Inc. v. Petroquímica de Venezuela, S.A.*, 127 F.4th 289, 297 (11th Cir.2025) (App.5a & 64a-66a) In complete denial of the *de novo* standard – that is, the panel did not examine the evidence for the claim no more than the panel’ affirmation was guided by the federal laws of the Court’ *FRCP 56* standard- the three-judge panel states, “We start and end with Ajjahnon’s failure to establish a pattern of racketeering activity.” (App. 6a) – the Record evidence completely contradicts that statement (App.110a – 135a; 136a -170a); and under the *de novo* review standard *an appellate court does not defer to the trial*

*court's decision, U.S. v. Madden*, 773 F.3d 1314, 1322–23 (11th Cir. 2013).

Moreover, the Record is clear that FRCP 12 (c) (or FRCP 50 for that matter) is an altogether erroneous premise for review whereas there was no trial - which again, according to the evidence – was the reason for the expeditious summary judgment to Appellee. This was explicitly put at issue in Appellant's Opening brief for (App. 65a-66a; 85a-104a) and the corroborating evidence for de novo review that the set trial for 12/2/2024 (App. 63a) - even executed as a bench trial was preempted by the summary judgment since to hold a trial of the evidence would allow for the testimony that a sensible jury would conclude the case in Appellant's favor. See App.105a making this argument and see App. 171a-208a for the witnesses Appellant sought to subpoena (11/05/2024) and App. 209a–224a the FLMD' quick response in executing summary judgment (11/07/2024). See further, related US Supreme Court Case No.: 24-7404 pages 35-37 for these same actors featured here - and for similar cybercrimes – specifically here of cyber-interference into Appellant' computer device generating the subpoena for Appellee' further ex parte dispositive summary judgment to prevent trial.

13. Appellant labors the merits of the summary judgment appeal for the extent of contravene of federal laws informing the panel's affirmation that in turn informs the extent of harm to Appellant and the Judicial rule of law / the integrity of governing federal laws for proceedings in Art. III courts.

14. The 11th Cir.' denial of a FRAP40(b)(2)(A)–(D) rehearing in this 18 U.S.C. §§

1961-1968 matter additionally infringes on Congress' Constitutional power to regulate commerce.

15. The Racketeering Influenced and Corrupt Organization Act codified in 18 U.S.C. §§ 1961-1968, the RICO statute, incorporates in prosecution practice Congress' Hobbs Act (18 U.S.C. § 1951) (argued at App.71a, 83a, 92a) that is instrumental in/for Congress' power to regulate commerce where violence impacts commerce in any degree, even minimally (*Taylor v. United States*, 579 U.S. \_\_ (2016); and the RICO statute is built on the *requirement* that illegal activities (predicate offenses) must be connected to an "enterprise" that is engaged in, or its activities *affect*, interstate or foreign commerce. The imperative to noting jurisdiction and vacating the 11<sup>th</sup> Cir.' final order injunction against rehearing the plainly erroneous summary judgment to Appellee cannot be overstated for the serious effect on "the fairness, integrity or public reputation of judicial proceedings." *Rosales-Mireles v. United States*, 585 U. S. \_\_, \_\_. *Ibid.*, (*Greer v. United States*, No. 19-8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir. with *United States v. Gary* No. 20-444, (on certiorari to the USCA for the 4<sup>th</sup> Cir.) should the Court fail to act.

16. On Oct. 10<sup>th</sup> 2025 Appellant petitioned for En Banc Rehearing under FRAP 40. (App. 7a-36a). In contravene of FRAP 40(b)(2) (A)–(D) the three-judge panel on Nov. 21<sup>st</sup> 2025 returned its injunction against rehearing the appeal in its final order denying En Banc Rehearing and enjoining any further hearing in the 11<sup>th</sup> circuit. The Per Curiam' full text reading: "PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 40, 11th Cir. IOP 2.” (App.1a – 2a). The three-judge panel’ explicit contravene in this text for denying rehearing appears to be violating Congress’ Dec. 1<sup>st</sup> 2024 adoption of the Court’s April 2<sup>nd</sup> 2024 amendments for greater clarity for the statutory reading for the rehearing and en banc rehearing Rule in Art. III courts since nowhere does Rule 40 require that a judge in regular active service request a poll for the rehearing or rehearing en banc. In fact, the clear text of the Rule reads at FRAP 40 (c): “When Rehearing En Banc May Be Ordered.: On their own or in response to a party's petition, a majority of the circuit judges who are in regular active service and who are not disqualified may order that an appeal or other proceeding be reheard en banc. Unless a judge calls for a vote, a vote need not be taken to determine whether the case will be so reheard. Rehearing en banc ... will be allowed ONLY if one of the criteria in Rule 40(b)(2)(A)–(D) is met.” (*Emp. added*) This further raises the question to the Court of whether the Eleventh Circuit’ three-judge panel final injunction against En Banc Rehearing or Rehearing conditioned on the request by a judge to vote for Rehearing / En Banc Rehearing contravenes FRAP 40 (c) clear reading for a poll taken as permissive not requisite for the rehearing order or the question put differently, is the FRAP 40 (c) textual reading in conflict with 28 U.S.C. sec. 46 (c) that reads: “Cases and

controversies shall be heard and determined by a court or panel of not more than three judges, unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service.”

17. On Nov. 26<sup>th</sup> 2025 Appellant served Notice of Appeal to be taken to the US Supreme Court from this injunctive final order on Appellee and the 11<sup>th</sup> Cir.

(App. 225a- 229a)

18. Appellant’s concurrent Motion to Stay Mandate pending the appeal was denied, Dec. 17<sup>th</sup> 2025. (App. 230a)

19. On 1/18/2026, the 11<sup>th</sup> Cir. issued Mandate to permanently enjoin rehearing of its affirmation of the FLMD plain error summary judgment to Appellee. (App. 231a)

20. The Court’s vacatur of this injunction is imperative for the following reasons.

### **REASONS TO GRANT WRIT OF CERTIORARI**

The Court notes reason for certiorari and summarily reverses/vacates the 11<sup>th</sup> Cir. three-judge panel injunction against rehearing its affirmation of Appellee’s summary judgment for the contravene by the panel of the Court’s FRAP 40 regulatory authority for Art. III courts en banc rehearing / rehearing rules and procedures established pursuant Congress’ Rules Enabling Act, 28 U.S.C. *sec. 2072(a)* under the Constitution’s Article I, § 8, cl. 18. The injunction is in specific breach of FRAP40, FRCP 56, and it further trespasses Congress’ RICO Act instrumental for governance of interstate commerce pursuant the Constitution Article I, § 8, cl. 3.

The panel' FRAP 40 contravene is moreover prohibited under the Court' teaching that forbids the injunction order by the Art. III court unless pursuant an act of Congress, *Younger v. Harris*, 401 U.S. 37 (1971). The Court is impelled to vacate the 11<sup>th</sup> Cir. final injunctive order that permanently prevents the judicial business of justice – here, specifically denial of redress of Appellee' injury in fact and law to Appellant in extensive harm to federal judicial governance under both Article I, § 8, cl. 18 and Article I, § 8, cl. 3 Constitutional provisions.

The panel's enjoined rehearing of its affirmation of the FLMD judgement appealed, permanently prevents hearing of a plain and fundamental error of summary judgment to Appellee that was apparently executed to prevent trial (App.105a,171a–208a, 209a-224a). The teaching from this Court condemns affirming a plainly erroneous judgment giving clearly that where this exists the court of appeals reverses the judgment, *Rosales-Mireles v. United States*, 585 U. S. \_\_\_, \_\_\_ (2018) (*Greer v. United States*, No. 19–8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir. with *United States v. Gary* No. 20–444, (on certiorari to the USCA for the 4<sup>th</sup> Cir.)).

Instant appeal from the three-judge panel injunction to rehear its affirmation of this structurally erroneous lower court summary judgment aids the Court's appellate jurisdiction to prevent the ad hoc, helter-skelter application of established /prescribed procedural rules for Art. III federal courts and crucially vacate the injunction. The Court in this instance, again instructs on a substantial legal

question that it has repeatedly taught this specific USCA 11<sup>th</sup> Cir. court on - the matter of reversing the lower court decision where there is obvious plain error informing the decision, *Greer v. United States*, No. 19-8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir.). See also, *Rosales-Mireles v. United States*, 585 U.S. 129 (2018), where *the Court clarified that courts of appeals should usually correct plain errors because such errors often affect substantial rights and warrant a remand holding that the failure to correct a plain Guidelines error that affects substantial rights seriously impacts judicial fairness and integrity*. The Court notes and vacates the 11<sup>th</sup> Cir.' injunction to correct this public harm to judicial integrity should this injunction be left undisturbed. There is also the harm to Appellant where the injury in fact is irreparable barring the Court's intervention since Appellant has no alternative law to correct this harm of denial of a fair hearing in court and redress where the evidence is probative for both injury at law and injury in fact, *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021); and pertaining Appellee' summary grant, this evidence of the disputed material fact and genuine issues were it tried would have supported a judgment in Appellant's favor. However, the Record is that neither the lower court nor the 11<sup>th</sup> Cir. reviewed the evidence. Perversely, the lower court' summary judgment for Appellee, in keeping with protocol for the summary grant, did "not weigh the evidence to prove the claim", since a ruling for summary judgment is concerned only with material facts and genuine issues in dispute to be put on trial, *Anderson v Liberty lobby, Inc.*, 477 US 242-247-48



(1986)". Appellee' summary judgment is determined "perverse" for the Record that abounds with disputed material facts and genuine issues to be put on trial (App. 110a – 135a; 136a -170a) and that the lower court's summary judgment grant to Appellee was executed – expeditiously executed - in order to prevent trial, the record supports. (App.105a, 136a – 170a, 171a-208a). The three-judge panel' affirmation was not argued from this FRCP 56 standard for the summary judgment ruling nor determined by the de novo review requested (App. 64a-66a) rather the panel' argument erroneously appears to be from an imagined FRCP 12 (c) ruling appeal (App. 22a-32a).

"Federal Rule of Civil Procedure 12(c) provides that "[a]fter the pleadings are closed . . . a party may move for judgment on the pleadings." The Eleventh Circuit instructs that when considering a motion for judgment on the pleadings, the district court must accept "[j]udgment on the pleadings is appropriate only when the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Id.* (quoting *Moore v. Liberty Nat'l Life Ins. Co.*, 267 F.3d 1209, 1213 (11th Cir. 2001)). Stated differently, "[j]udgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to [aFRCP 50] judgment as a matter of law." *Cannon v. City of West Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001).

The three-judge panel error here is apparent for a stated *de novo* review (App. 5a) that wrongly deferred to the trial court's decision as for a *FRCP 12 (c)* judgment.

(App. 6a) not the *FRCP 56* summary judgment that calls for the panel to reexamine the summary judgment from a fresh perspective to decide if summary judgment was proper, *Isaac Indus., Inc. v. Petroquímica de Venezuela, S.A.*, 127 F.4th 289, 297 (11th Cir.2025) (App.5a) In breach of federal standards for the de novo review – the panel appears to have not examined/reviewed the evidence for the claim any more than the panel’ conclusion to affirm Appellee’ summary judgment appears to have been guided by the federal laws of the Court’ FRCP 56 standard, *Alexander v. Fulton County*, 207 F.3d 1303, 1326 (11th Cir. 2000)); *Anderson v Liberty lobby, Inc.*, 477 US 242-247-48 (1303, 1326 (11th Cir. 2000)); *Anderson v Liberty lobby, Inc.*, 477 US 242-247-48 (1986); *Bald Mountain Park, Ltd. v. Oliver*, 863 F.2d 1560, 1563 (11th Cir. 1989); *Cannon v. City of West Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001); *Celotex Corporation v. Catrett*, 477 U.S. 317, 323- 325, 106 S. Ct. 2548, 91 L.Ed.2d 265 (1986); (*Moore v. Liberty Nat’l Life Ins. Co.*, 267 F.3d 1209, 1213 (11th Cir. 2001)); *Pace v. Capobianco*, 283 F.3d 1275, 1278-79 (11th Cir. 2002); *Sutton v. Wal-Mart Stores East, LP*, 64 F.4th 1166, 1168 (11th Cir. 2023); *United States v. Stein*, Case No. 16-10914 (decided January 31, 2018, USCA 11th Cir.); *U.S. v. Madden*, 773 F.3d 1314, 1322–23 (11th Cir. 2013).

The 11<sup>th</sup> Cir. three-judge panel reasoned: “We start and end with Ajjahnon’s failure to establish a pattern of racketeering activity.” (App. 6a) - the Record evidence completely contradicts/dispute/ refutes this statement (App.110a – 135a; 136a -170a); moreover, under the de novo review standard *an appellate court does*

*not defer to the trial court's decision, U.S. v. Madden*, 773 F.3d 1314, 1322–23 (11th Cir. 2013) as if Appellant were appealing a post-pleading under FRCP 12 (c) or respecting trial of the evidence under a FRCP 50 appeal. Notwithstanding, even had Appellant appealed under the FRCP 12 (c) the panel's affirmation is reheard under FRAP (b)(2)(A) whereas, "[j]udgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law." *Cannon v. City of West Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001) and the panel's affirmation is against this prior 11<sup>th</sup> Cir. court decision.

Further, the Record clearly gives the panel' FRCP 12 (c) frame (or even a FRCP 50 frame) is an altogether erroneous premise for review whereas there was no trial - which again, according to the Record evidence – was the reason for the expeditious summary judgment. See, App. 85a- 105a where this was explicitly put at issue in Appellant's Opening brief for and see further the corroborating evidence of the scheduled trial date of 12/2/2024 (App. 63a) - even executed as a bench trial was preempted by the summary judgment since to hold a trial of the evidence would allow for the testimony that a sensible jury would conclude the case in Appellant's favor. Appellant argued this at App.105a, App. 171a-208a for the witnesses Appellant sought to subpoena (11/05/2024) and App. 209a–224a the FLMD' expeditious summary judgment (11/07/2024) for Appellee, see further, related US Supreme Court case no.: 24-7404 pages 35-37 for Appellee' associated interested party featured here -and for similar cybercrimes – specifically here of

cyber-interference into Appellant' computer device generating the subpoena order request for Appellee' associated party of interested persons in the outcome of the case for Appellee further ex parte gotten summary judgment to Appellee to prevent the trial of the Record evidence the subpoenaed witness would testify to under oath; and see moreover, *Greer v. United States*, No. 19-8709 (on certiorari to the USCA for the 11<sup>th</sup> Cir.). See also, *Rosales-Mireles v. United States*, 585 U.S. 129 (2018), where this appeal' substantial evidence substantiating of the FLMD plain structural/fundamental error in the summary judgement to Appellee prohibits the three-judge affirmation and is violating of the Court' instruction from these cases that gives, *courts of appeals should usually correct plain errors because such errors often affect substantial rights and warrant a remand holding that the failure to correct a plain Guidelines error that affects substantial rights seriously impacts judicial fairness and integrity.*

Appellant labors the merits of the summary judgment appeal for the extent of contravene of federal laws informing the panel's affirmation that in turn informs extensive harm to Appellant and the Judicial rule of law / the integrity of governing federal laws for proceedings in Art. III courts. The panel' injunction extensive harm to Appellant is the sustained injuries caused by Appellee left to stand, the harm to the Judicial rule of law / the integrity of governing federal laws for proceedings in Art. III courts speaks for itself barring the Court' vacatur of the 11<sup>th</sup> Cir. three-judge panel injunction against rehearing this fundamental / structural plain error

summary judgment to Appellee.

The 11<sup>th</sup> Cir. three-judge panel injunction against rehearing is in round contravene of FRAP 40 for the Court's prescription for rehearing in all four criteria of FRAP 40 (b)(2) (A)-(D) as well as in its misapplication of FRAP 40's textual allowance for judges in active service vote to order the rehearing as grounds for denial of rehearing. (App. 1a-2a)

**I. The Court Notes Probable Reason for Certiorari and Vacates / Reverses the Panel's Injunction on Appeal: The Court's Certiorari to Clarify Whether Conditioning the En Banc Rehearing / Rehearing on Judges in Regular Active Service Vote to Conduct a Rehearing Supersedes FRAP 40 (b)(2)(A)-(D) "Only" Allowances for Rehearing/En Banc Rehearing**

"The en banc power ... is ... a necessary and useful power - indeed too useful that we should ever permit a court to ignore the possibilities of its use in cases where its use might be appropriate." (citation omitted). The Court's FRAP 40 determines when the en banc rehearing 'might be appropriate'. The statutory authority framing this determination for the en banc rehearing is given at 28 U.S. Code § 2072 (a): "The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals."

The ability of a court of appeals to convene en banc arises from Court's decision in *Textile Mills Securities Corp. v. Commissioner*, 314 U.S. 326 (1941) respecting the propriety of en banc hearings. *Id.* at 327. Congress enacted 28 U.S.C. § 46(c)

to codify the Court's holding for this in *Textile Mills*. The statute reads:

“Cases and controversies shall be heard and determined by a court or panel of not more than three judges, unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service.” Under this authority, the Court’ FRAP 35 transferred in 2024 to FRAP 40 both clearly give when the court of appeal may sit in banc; neither reading make a vote by judges for en banc rehearing or [panel] rehearing, the requirement for rehearing. FRAP 35 (f) text reading respecting “Call for a Vote”: “A vote need not be taken to determine whether the case will be heard or reheard en banc unless a judge calls for a vote.” The FRAP 40 amendment that came into effect 1<sup>st</sup> Dec. 2024 and now governs petitions for panel rehearing and petitions for *en banc* review in one rule gives for “When Rehearing En Banc May Be Ordered” at (c), “On their own or in response to a party's petition, a majority of the circuit judges who are in regular active service and who are not disqualified may order that an appeal or other proceeding be reheard en banc. Unless a judge calls for a vote, a vote need not be taken to determine whether the case will be so reheard. Rehearing en banc is not favored and ordinarily will be allowed only if one of the criteria in Rule 40(b)(2)(A)–(D) is met.” (*Emp. added*).

The panel’ FRAP 40 injunction order enjoining en banc rehearing and /or panel rehearing full text PER CURIAM reads:

“The Petition for Rehearing En Banc is DENIED, no judge in

regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 40, 11th Cir. IOP 2.” (App.1a-2a).

This three-judge panel’s injunction order against rehearing clearly gives that but for the vote or call for vote of a judge in regular active service an en banc rehearing or panel rehearing would have been ordered.

The panel’ error of grounding its injunction against rehearing on the FRAP 40 text that makes the vote of a judge or judges permissive not required/mandatory for rehearing (*a vote need not be taken to determine whether the case will be ... reheard* FRAP 40 (c) is troubling for history showing the 11<sup>th</sup> Cir USCA is not without the full and clear knowledge of the importance of *The Plain Language of the Statute*. See, United States Court of Appeals, Eleventh Circuit. Jun 27, 2000, *Frederick Lamar Harris, Danny Chadwick, et. al., Plaintiffs-Appellants, v. Wayne Garner, Commissioner of the Georgia Department of Corrections, A.G. Thomas, Director of Facilities Di* United States Court of Appeals, Eleventh Circuit. Jun 27, 2000 arguing, “We begin our construction of 42 U.S.C. sec. 1997e(e) [under which the 11<sup>th</sup> Cir.] granted rehearing en banc in this case to decide whether [the] provision applies to [plaintiff] lawsuit ... [at where] courts should always begin the process of legislative interpretation, and where they often should end it as well ... [and that is] with the words of the statutory provision. See *United States v. Gilbert*, 198 F.3d 1293, 1298 (11th Cir. 1999) (citing *United States v. Steele*, 147 F.3d 1316, 1318 (11th

Cir. 1998) (en banc) ("In construing a statute we must begin, and often should end as well, with the language of the statute itself.") (citations omitted)); *see also Connecticut Nat'l Bank v. Germain*, 503 U.S. 249, 253-54, 112 S.Ct. 1146, 1149, 117 L.Ed.2d 391 (1992) ("[I]n interpreting a statute a court should always turn first to one, cardinal canon before all others," which is "that courts must presume that a legislature says in a statute what it means and means in a statute what it says there;" (emp. mine) ... (citations and marks omitted). ." See, further, *DIRECTV, Inc. v. Brown*, 371 F.3d 814, 817 (11th Cir. 2004) for the 11<sup>th</sup> Cir. diligence in judicial inquiry into the textual language of a statute where here it led to the 11<sup>th</sup> Cir. affirming the lower court's decision.

The text of FRAP40 is quite unambiguous, judge (s) *may* vote for rehearing but it is *not* required as the injunction imputes (App. 1a-2a) the text is quite clear that rehearing is conditioned *only on FRAP 40 (b) (2) A-D -any one of these criteria being met—not judge polling, "Rehearing ... will be allowed **only** if one of the criteria in Rule 40(b)(2)(A)–(D) is met."* so that the FRAP 40 permissive vote will be taken *only if when triggered by an FRAP (b)(2) (A) –(D) criterion*. The 11<sup>th</sup> Cir. panel injunction against rehearing contravenes the Court' FRAP 40 in the face of *all* four criteria being met in this case stating as grounds for the injunction "no judge in regular active service having requested that the Court be polled for en banc rehearing" or panel rehearing whereas both are treated in one rule under FRAP 40. (App.1a-2a)

The Court notes jurisdiction and reverses/vacates the 11<sup>th</sup> Cir. injunction against



rehearing en banc or rehearing for the flout of FRAP 40 allowances for the rehearing at FRAP 40 (b)(2)(A)–(D) where here : 1), the 11<sup>th</sup> Cir. three-judge panel contravene of this appellate rule is evinced in its FLMD summary grant affirmation that conflicts with the full 11<sup>th</sup> circuit court consistent FRCP 56 appeals ruling (App. 17a-18a) and under *FRAP40(b) (2) (A)* this is allowance for a full court rehearing; 2), the three-panel FLMD FRCP 56 affirmation further conflicted with consistent US Supreme Court teachings and the Court's decision on this standard for the summary judgment grant, see for example, *Anderson v Liberty lobby, Inc.*, 477 US 242-247-48 (1986) and *Celotex Corporation v. Catrett*, 477 U.S. 317, 323-325, 106 S. Ct. 2548, 91 L.Ed.2d 265 (1986) making rehearing or a full court rehearing proper under the *FRAP40 (b) (2)(B)* allowance; 3), the three-judge panel decision conflicts with the decisions of other US district courts of appeals, see, *Cutting Underwater Techs. USA, Inc. v. Eni U.S. Operating Co.*, 671 F.3d 512, 515 (5th Cir. 2012) (App. 73a) and *Jenkins v. Winter*, 540 F.3d 742, 748 (8th Cir. 2008) (App. 74a) invoking therefore *FRAP40 (b) (2) (C)* grounds for rehearing or a court rehearing; 4) additionally, the panel's injunction against rehearing is in contravene of the *FRAP40 (b)(2)(D)* grounds for rehearing or a full court rehearing given that the affirmation barred from rehearing is of a plain fundamental / structural erroneous judgment in the lower court. See the Court' teachings for reversal – not affirmation- where plain error is evinced in *Rosales-Mireles v. United States*, 585 U.S. \_\_\_, \_\_\_, (2018) *Greer v. United States*, No. 19–8709 (on certiorari to the USCA for

the 11<sup>th</sup> Cir. with *United States v. Gary* No. 20–444, (on certiorari to the USCA for the 4<sup>th</sup> Cir.) (App.75a – 76a; 85a-101a).

In *Greer v. United States*, No. 19–8709, 593 US \_ (2021) the Court vacated the 11<sup>th</sup> Circuit's decision affirming Greer's conviction and remanded the case for reconsideration in light of *Rehaif v. United States* teachings for proofs from the record evidence in final plain-error determination. The Court found the 11<sup>th</sup> Circuit erred in its plain-error review.

The Court granted certiorari twice in *Greer*, the first grant vacated the 11th Circuit's initial ruling, and sent it back for review based on *Rehaif*. The 11th Circuit again affirmed Greer's conviction, reasoning that despite the *Rehaif* error, Greer couldn't show prejudice, looking beyond the trial record. In its second review, the Court held that the 11th Circuit was wrong to look outside the record for *plain error*. In instant case, the 11th Cir.' affirmation of summary judgment to Appellee dismissed copious material probative *record* evidence of the FLMD plain-error summary judgment award and that that dispositive judgment prejudiced the case against Appellant. The evidence of the record evinces an affirmation of the lower court's purposeful prejudicial omission of the record of Doc. 86 in the FLMD which is Appellant' Response/ Opposition *Motion to Deny [Appellee] Summary Motion* giving the copious clear and convincing evidence of disputed genuine issues and material facts. (App. 110a-135a and see App. 85a-86a of Appellant' Opening brief) But for the summary dispositive judgment, appellant' fundamental substantial due

process right to a trial of the record evidence of the claim, reasonably concludes judgment in Appellant' favor.

The lower court' plain and fundamental erroneous summary judgment to Appellee made this case of public importance (App.555a-516a US Sup. Ct. Case No.: 24-7404) and the three-judge panel injunction against rehearing the appeal is against the interests of the public - providing *FRAP40 (b)(2)(D)* grounds for rehearing or a full court rehearing.

The lower court' plain error breach of federal laws in deprivation of 'substantial due process rights' to Appellant that but for this deviation/error, the outcome of the proceeding would have been different," -here significantly, the case would have proceeded to trial, *under the Court's teachings for the 'plain error' relief standard this concludes reversal (not affirmation) of the erroneous order whereas the error "[has a] serious effect on "the fairness, integrity, [and] public reputation of judicial proceedings."*, *Greer v. United States*, No. 19-8709 Argued April 20, 2021—Decided June 14, 2021. The panel' injunction against rehearing contravenes *FRAP40(b)(2)(D)* in this and Court notes jurisdiction to cure this error that deprives Appellant of substantial due process rights to trial and to preventing the injunction' sustained harm to injury-in-fact redress since to let stand this injunction against rehearing Appellee' summary grant appeal in the appellate court continues the denial of Appellant' substantial rights begun in lower district.

In aid of the Court's appellate jurisdiction, the panel' permanent injunction

against rehearing direct contravene of FRAP 40(b)(2)(D) here, is vacated /reversed and the matter remanded for rehearing to cure this extensive and sustained harm to Appellant of substantial rights violations. Appellant has no other alternative at law to prevent this harm/continued harm.

The 11th Cir. three-judge panel injunction against rehearing its affirmation Appellee' summary judgment award in contravene of the FRAP40(b)(2)(A)–(D) rehearing in this 18 U.S.C. §§ 1961-1968 matter infringes additionally on Congress' power to regulate commerce.

**II. The Panel's Contravene of the Court's FRCP 56 Standard in its Erroneous Affirmation of Summary Judgment to Appellee that Further Contravene FRAP 40 in the Injunction against Rehearing, Infringes on Congress' Powers to Regulate Interstate Commerce. Art. I sec. 8 cl. 3.**

The three-judge injunction against rehearing pertains Congress' RICO Act. The Racketeering Influenced and Corrupt Organization Act codified in 18 U.S.C. §§ 1961-1968, the RICO statute that incorporates in prosecution practice Congress' Hobbs Act (18 U.S.C. § 1951) which is instrumental in/for Congress' power to regulate commerce where violence impacts commerce in any degree, even minimally; whereas the RICO statute is built on the *requirement* that illegal activities (predicate offenses) must be connected to an "enterprise" that is engaged in, or its activities *affect*, interstate or foreign commerce. commerce. . . .", *United States v. Cornell*, 780 F.3d 616, 621 (4th Cir. 2015) ("To satisfy §1962(d), the government must prove that an enterprise affecting interstate commerce existed.")

Instant appeal under 28 U.S. Code § 1254 for appeals from final decisions of federal district courts support the Court's jurisdiction here in its provision: "[e]xcept as otherwise provided by law, any party may appeal to the US Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges."

Wherefore, the Court reverses the 11th Cir. panel's injunction against the RICO claim being (re)heard. See, *United States v. Nascimento*, 491 F.3d 25 (1st Cir. 2007) where the First Circuit interpreted the jurisdictional element of the Racketeer Influenced and Corrupt Organizations Act (RICO) to require only a de minimis effect on commerce, splitting from an earlier teaching in *Waucaush v. United States*, 380 F.3d 251 (6th Cir. 2004). In addition, to the preceding reason of this appeal, the Court notes reason for certiorari to give clarity in this important national question of the Constitution's Art. 1 sec. 8, cl. 3 / the Commerce Clause as it relates Congress RICO Act regulatory for preventing malfeasance in interstate commerce. See, *United States v. Lopez*, 514 U.S. 549 (1995) where the Court held that Congressional Acts affecting commerce must be reasonably economic in nature or said differently the exercise of Congress' Art. 1 sec. 8 cl 3 commerce regulatory powers must have a 'commerce nexus' for the Act to stand. The RICO Act does in its "enterprise requirement" and recent holdings are that that commerce nexus needn't be

“substantial” it simply needs to exist, *United States v. Nascimento*, 491 F.3d 25 (1st Cir. 2007).

The Court notes, the panel’s affirmation enjoined from rehearing in permanent Injunction (App. 231a) in addition to above given federal law breaches, is argued on a faulty representation of the RICO statute, (App. 19a-22a). The fault line lying on the panel’ ignoring the clear and convincing material probative record evidence of Appellee’ collection of unlawful debt and that in patterned racketeering activities (App. 21a) in denial of a de novo review, the reverberating impact is argued here for infringement on Congress’ RICO Act.

The Court notes probable appellate jurisdiction to vacate the injunction against rehearing the 11<sup>th</sup> Cir. three-judge panel affirmation of Appellee’ plain error of Appellee’ summary judgment award and to review US Sup. Ct. Case No.: 24-7404 that incorporates US Supreme Court Case No.: 22-6492 – these cases are linked for having the same Appellee party persons of interest in the outcome of the case for Appellee- for the new avenue instant appeal provides to the Court to definitively bar Appellee’ recurring harm of perpetrating compromises to the nation’s judicial branch of the government – both as to cyber interference criminal activities in the court cyber-system as well as interference with the office of the person of the judge him/herself as detailed in Case No.: 24-7404. See, *Byrd v. United States*, No. 16-1371 (at 25-26); *Weaver v. Massachusetts*, No. 16-240 (at 23 n.6); and *Hughes v. United States*, No. 17-155 (at 27-31) on Court optimizing its appellate jurisdiction in

reviewing cases given a new avenue to so do.

### CONCLUSION

For the foregoing reasons the Court should note probable reason to Grant Petition for Writ of Certiorari and summarily reverse the 11<sup>th</sup> Cir. final injunction /decision against En Banc Rehearing / Rehearing and remand the case with instructions to Rehear / Full court Rehearing of the appeal from the FLMD summary judgement to Appellee.

**DATED:** 27<sup>th</sup> March 2026

Respectfully submitted

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