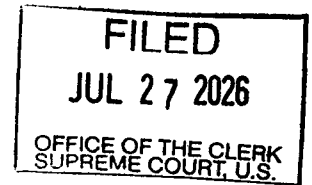


26-5197

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



ADAM LEE COATE

PETITIONER

v.

ELIZABETH ANN SMITH

RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE

ARAPAHOE COUNTY COURT (LITTLETON COURT)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the First Amendment permits a State to impose and maintain a significant liberty restraint based on speech that does not constitute a true threat.
2. Whether the Due Process Clause of the Fourteenth Amendment permits a State to impose and maintain a significant liberty restraint through procedures that fail to provide safeguards sufficient to prevent erroneous deprivation of protected interests.
3. Whether the Due Process Clause of the Fourteenth Amendment requires meaningful judicial review of a significant liberty restraint when a State provides a statutory right to appellate review of that restraint.
4. Whether the Due Process Clause of the Fourteenth Amendment permits a State to withhold review of a substantial liberty restraint solely because it is labeled "temporary," even when the restraint has significant practical effects and may be extended or renewed.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below.

Petitioner: Adam Lee Coate

Respondent: Elizabeth Ann Smith

RELATED CASES

- 1) Elizabeth Ann Smith v. Adam Lee Coate, No. 24C200326, Arapahoe County Court, Colorado. One-year Temporary Protection Order entered Jan. 31, 2025. Case dismissed Jan. 30, 2026.
- 2) Elizabeth Ann Smith v. Adam Lee Coate, No. 25CV71, Arapahoe County District Court, Colorado. Appeal dismissed Dec. 3, 2025. Motions for reconsideration denied Dec. 16, 2025, and Dec. 31, 2025.
- 3) Elizabeth Ann Smith v. Adam Lee Coate, No. 26CA129, Colorado Court of Appeals. Appeal dismissed for lack of jurisdiction Jan. 28, 2026.
- 4) Adam Lee Coate v. Elizabeth Ann Smith, No. 2026SC81, Supreme Court of Colorado. Petition for Writ of Certiorari denied Apr. 27, 2026.

TABLE OF AUTHORITIES CITED

CASES:

<i>Counterman v. Colorado</i> , 600 U.S. 66 (2023)	7, 10
<i>Martin v. Arapahoe Cnty. Ct.</i> , 405 P.3d 356 (Colo. App. 2016)	7
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976)	8, 11
<i>Virginia v. Black</i> , 538 U.S. 343 (2003)	7, 10

STATUTES AND RULES:

U.S. Const. amend. I	6, 7, 9, 10, 13
U.S. Const. amend. XIV	9, 11-13

OTHER:

None

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Appendix E:	Order of Supreme Court of Colorado Denying Certiorari

**IN THE
SUPREME COURT OF THE UNITED STATES**

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

- 1) The opinion of the Arapahoe County Court, the last state court to reach the merits, appears at Appendix A to the petition and is unpublished.
- 2) The order of the Arapahoe County District Court appears at Appendix C to the petition and is unpublished.
- 3) The order of the Colorado Court of Appeals appears at Appendix D to the petition and is unpublished.
- 4) The order of the Supreme Court of Colorado denying discretionary review appears at Appendix E to the petition and is unpublished.

JURISDICTION

The date on which the highest state court decided my case was April 27, 2026. A copy of that decision appears at Appendix E.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment to the United States Constitution provides:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Section 1 of the Fourteenth Amendment to the United States Constitution provides:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

STATEMENT OF THE CASE

On December 19, 2024, the Arapahoe County Court entered an ex parte Temporary Protection Order ("TPO") against Petitioner Adam Lee Coate in favor of Elizabeth Ann Smith.

A hearing was held on January 31, 2025. At the outset, the court explained that the parties could agree to a permanent protection order, agree to a one-year temporary protection order, proceed with a contested hearing, or dismiss the matter. Petitioner elected to proceed with a contested hearing.

At the hearing, Smith presented allegations concerning incidents involving Petitioner and members of a local pinball community. Petitioner disputed those allegations and denied that he had stalked Smith, followed her, contacted her by phone, email, or social media, or knew where she lived or worked. Petitioner also testified that he had no domestic relationship with Smith. The court stated that domestic abuse did not apply and proceeded under other grounds for a protection order. The court later stated: "I believe you when you say you've never tried to go to Ms. Smith's house. I believe you when you say you've never tried to call her or come to her home or work."

One disputed incident concerned a statement Petitioner made to Smith at Locavore Brewing. Petitioner testified that he told Smith, "It was messed up what you guys did to me at Blizzard Mountain," and that she "needed to be held accountable for her actions." He explained that he was referring to his belief that Smith and others had unfairly caused him to be banned from a local pinball venue. Petitioner testified that his statement was not a threat. Petitioner argued at the hearing that his statement was protected speech and did not constitute a threat.

Petitioner also disputed allegations involving other individuals, including an allegation that he had shoved a woman at a pinball tournament. Petitioner testified that he had not intentionally pushed anyone and that, during one incident, another person pushed into him while he was playing a tournament game, causing him to reflexively stand back up. The court later stated that it believed Petitioner when he testified that he had not intentionally hit, pushed, or punched anyone, stating: "Do I believe that you ever intentionally hit somebody, pushed somebody, punched somebody? No."

Smith also raised an allegation that a process server had allegedly been told there was a gun directed at her when she attempted to serve the TPO on Petitioner. Petitioner denied any involvement, testified that he did not own a gun, had never owned a gun, and had never threatened anyone with a weapon. The court stated that it believed Petitioner was not involved in that allegation, stating: "I believe you when you said that wasn't you, I don't have any reason to believe that was you," but added that the allegation "sort of informs maybe my sense of, like, what culture is like or what norms are like at your house."

During Petitioner's testimony, the court interrupted portions of his testimony and instructed him to move on from certain points. After Petitioner attempted to continue explaining factual disputes concerning the allegations, the court stated: "I can give you about three more minutes."

At the conclusion of the hearing, the court did not enter a permanent protection order. Instead, it extended the TPO for one year, through January 30, 2026. The court expressly stated: "I'm not going to make a stalking finding at this time. I'm just going to

find that there is a threat of psychological or emotional harm.” The court also stated that it did not want Petitioner to have a permanent protection order on his record.

Following entry of the one-year TPO, Petitioner filed a Motion to Dismiss on February 4, 2025. That motion challenged both the constitutional basis for the restraint and the procedure used to impose and maintain the order. Petitioner argued that his statement that Smith “needed to be held accountable for her actions” was protected expression under the First Amendment, that there was no implied threat of physical harm, and that his interactions with Smith were within his First Amendment rights. He also asserted due process concerns, including that the court interrupted and limited his testimony during the hearing, that the proceeding denied him due process of law, and that the judge had acted as an advocate rather than as a neutral decision-maker. The motion further argued that there were no facts or evidence sufficient to justify a one-year TPO or the resulting effects on employment and housing.

On February 5, 2025, the county court denied the motion, stating that it failed to identify a legal reason for the request and that it could be refiled with supporting authority. The court did not address the constitutional arguments on the merits and instead denied the motion based on the asserted lack of supporting legal authority.

On February 10, 2025, Petitioner filed a Motion for Clarification, specifically asserting that his First Amendment arguments had been raised and asking why those arguments did not constitute sufficient legal authority. On February 11, 2025, the county court denied clarification, stating that its findings and orders had incorporated Petitioner’s First Amendment arguments and had determined Petitioner’s conduct constituted unprotected harassment and threats.

Later that same day, Petitioner filed a second Motion to Dismiss expressly relying upon the First Amendment, the true-threat doctrine, *Counterman v. Colorado*, 600 U.S. 66 (2023), *Virginia v. Black*, 538 U.S. 343 (2003), and relevant Colorado statutes.

Petitioner argued that no true threat or threatened bodily harm had been established, that his speech remained constitutionally protected, and that the Temporary Protection Order lacked a sufficient legal basis. The county court denied the motion, stating that the arguments had already been considered.

Petitioner timely appealed to the Arapahoe County District Court and filed his Opening Brief on April 25, 2025. In that brief, Petitioner renewed his First Amendment objections, challenged the procedures used to impose the restraint, argued that the evidence was insufficient to support the restraint imposed, and contended that the one-year Temporary Protection Order violated protected liberty interests. Petitioner also renewed his due process concerns, including that the court's interruption and limitation of his testimony during the hearing deprived him of a fair opportunity to be heard.

On December 3, 2025, the District Court dismissed the appeal, concluding under *Martin v. Arapahoe Cnty. Ct.*, 405 P.3d 356 (Colo. App. 2016), that the one-year Temporary Protection Order was not a final appealable order because it remained "temporary." The District Court did not reach Petitioner's constitutional claims on the merits.

Petitioner sought reconsideration and argued that the District Court's reliance on the order's temporary designation denied meaningful judicial review of a substantial liberty restraint. On December 22, 2025, Petitioner further argued that *Martin v. Arapahoe Cnty. Ct.*, 405 P.3d 356 (Colo. App. 2016), was distinguishable and that

Mathews v. Eldridge, 424 U.S. 319 (1976), required procedures sufficient to protect against erroneous deprivation of protected liberty interests.

On December 31, 2025, the District Court granted reconsideration in part for the purpose of reconsidering Petitioner's arguments and cited legal authority, but adhered to its original decision dismissing the appeal.

Petitioner sought review in the Colorado Court of Appeals. On January 28, 2026, that court dismissed the appeal for lack of jurisdiction without reaching the constitutional issues and directed Petitioner to seek discretionary review in the Colorado Supreme Court.

On January 30, 2026, the TPO expired. At the follow-up hearing, Smith sought to make the order permanent, arguing that Petitioner's subsequent legal filings and appeals constituted continued harassment. The Arapahoe County Court concluded that Petitioner's legal filings and appellate advocacy constituted protected activity, that Smith had failed to meet her burden, and dismissed the matter.

Petitioner thereafter filed a Petition for Writ of Certiorari in the Colorado Supreme Court, again challenging the non-reviewability of the extended Temporary Protection Order and the dismissal of his statutory appeal. The petition presented the federal due process question whether dismissal of Petitioner's only available appeal denied meaningful judicial review of a substantial liberty restraint. The Colorado Supreme Court denied the petition on April 27, 2026.

Accordingly, the federal questions presented in this petition were preserved throughout the state proceedings, including in Petitioner's motions before the county

court, appellate briefing, reconsideration proceedings, and petition for discretionary review in the Colorado Supreme Court.

REASONS FOR GRANTING THE WRIT

This case presents recurring constitutional questions at the intersection of the First Amendment, the Fourteenth Amendment's Due Process Clause, and the ability of States to impose and maintain significant liberty restraints through civil proceedings. The county court entered a one-year Temporary Protection Order after a contested hearing in which Petitioner raised First Amendment objections to the use of his speech as a basis for the restraint. Petitioner later raised procedural due process objections concerning the procedures used to impose and maintain the order. Petitioner then sought review through Colorado's appellate process, but the state courts treated the order's "temporary" designation as preventing review of the restraint's validity, leaving the constitutional questions unresolved.

This case is therefore an appropriate vehicle for clarifying both the constitutional limits on civil restraints based on speech and whether a State may foreclose review of a substantial liberty restraint by relying on a temporary label rather than the restraint's practical effect.

I. Whether the First Amendment permits a State to impose and maintain a significant liberty restraint based on speech that does not constitute a true threat. (Question 1)

This case presents that question because Colorado imposed and maintained a one-year Temporary Protection Order based, in part, on speech that Petitioner contends did not constitute a true threat under the First Amendment.

The First Amendment protects speech unless it falls within a recognized category of unprotected expression. True threats are a narrow category of unprotected speech. See *Virginia v. Black*, 538 U.S. 343 (2003). In *Counterman v. Colorado*, 600 U.S. 66 (2023), this Court addressed the constitutional limits on treating speech as a true threat and held that the First Amendment requires a culpable mental state before the State may impose punishment based on threatening expression.

The question presented here is whether those constitutional limitations apply when a State imposes a civil protection order that substantially restricts an individual's liberty based on allegedly threatening speech.

That question is squarely presented because Petitioner's statements formed part of the basis for the county court's findings. Petitioner contends that those statements, including that Smith "needed to be held accountable for her actions," were expressions of criticism regarding conduct he believed was wrongful. He further contends that the statements did not satisfy the constitutional requirements governing true threats.

II. Whether the Due Process Clause of the Fourteenth Amendment permits a State to impose and maintain a significant liberty restraint through procedures that fail to provide safeguards sufficient to prevent erroneous deprivation of protected interests. (Question 2)

The question arises from Colorado's entry and maintenance of a one-year Temporary Protection Order against Petitioner. The order was initially imposed through an ex parte proceeding and then extended after a contested hearing at which Petitioner disputed the allegations, testified in his own defense, and sought to present his objections. Petitioner contends that the court limited his opportunity to fully present his defense, including by interrupting portions of his testimony and restricting the time available to continue. The court then entered a one-year restraint based on a finding of "a threat of psychological or emotional harm." Petitioner contends that the procedures used to impose and maintain that restraint did not provide safeguards adequate to protect against erroneous deprivation of protected liberty interests.

The Due Process Clause requires procedures reasonably calculated to reduce the risk of erroneous deprivation before the State imposes a substantial restraint on liberty. See *Mathews v. Eldridge*, 424 U.S. 319 (1976). That requirement applies to the procedures used both to impose a restraint and to continue it after it was challenged. Here, the question is whether the procedures employed were constitutionally sufficient to impose and maintain the restraint after Petitioner contested the allegations and presented his defense.

This Court's review is warranted to clarify whether the Fourteenth Amendment permits a State to impose and maintain a substantial liberty restraint when the procedures employed do not sufficiently protect against erroneous deprivation of protected interests.

III. Whether the Due Process Clause of the Fourteenth Amendment requires meaningful judicial review of a significant liberty restraint when a State provides a statutory right to appellate review of that restraint. (Question 3)

This case presents that question because Petitioner timely invoked Colorado's appellate process to challenge the one-year Temporary Protection Order. He filed his appeal months before the order expired. The Arapahoe County District Court, however, dismissed the appeal after more than seven months, concluding that the order was not a final appealable order. The Colorado Court of Appeals dismissed for lack of jurisdiction and directed Petitioner to seek discretionary review in the Colorado Supreme Court. The Colorado Supreme Court denied certiorari on April 27, 2026.

No reviewing court considered the merits of Petitioner's challenges to the restraint. The question is not whether Petitioner was entitled to prevail on his underlying constitutional claims, but whether due process permits a State to provide a statutory avenue of appellate review for a significant liberty restraint while applying that process in a manner that prevents any meaningful judicial consideration of the restraint's validity.

This issue is distinct from the merits of the underlying First Amendment and due process claims. Question 3 concerns whether a State-created review mechanism must provide meaningful judicial review when the State has authorized appellate consideration of a substantial restraint on liberty.

A State may choose to limit appellate review of certain orders, but when it creates a statutory right to seek review of a significant liberty restraint, the Due Process Clause requires that the review process provide a meaningful opportunity for judicial consideration rather than a mechanism that exists only in form.

IV. Whether the Due Process Clause of the Fourteenth Amendment permits a State to withhold review of a substantial liberty restraint solely because it is labeled “temporary,” even when the restraint has significant practical effects and may be extended or renewed.

(Question 4)

This case presents that question because the Colorado courts treated the Temporary Protection Order's “temporary” designation as dispositive of reviewability. The order nevertheless imposed a one-year restraint with substantial effects on Petitioner's liberty interests, including restrictions on speech, conduct, and personal relationships.

The constitutional question is whether a State may avoid review of a substantial liberty restraint by relying on terminology that does not reflect the restraint's practical

legal effect. A restraint does not become constitutionally insignificant merely because the State labels it "temporary."

This issue is distinct from Question 3, which concerns whether a State-created appellate process must provide a meaningful opportunity for review once review is available. Question 4 concerns whether the State may use the "temporary" designation itself to foreclose review of a restraint that functions as a substantial deprivation of liberty.

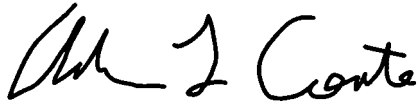
The concern is heightened because a restraint labeled "temporary" may be extended or renewed, allowing the restriction to continue without ever becoming subject to merits review. Through successive temporary orders, a State could maintain a restraint that is effectively ongoing in operation while avoiding review because each individual order is treated as temporary.

The Court should grant review to clarify that the constitutionality of a substantial liberty restraint depends on its practical legal effect, not merely the label assigned to it, and that a State may not create a loophole allowing such a restraint to evade review.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: July 27, 2026

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