

26-5219
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

MAY 23 2026

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

SAMUEL LEE SMITH, JR.,

Petitioner,

v.

FLORIDA,

Respondent,

On Appeal from The District Court Of Appeal Of Florida, Third District

January 26th, 2026, Order Dismissing Appeal Case No. 3D2025-2448

PETITION FOR A WRIT OF CERTIORARI

/s/ SAMUEL LEE SMITH, JR.,
SAMUEL LEE SMITH, JR.,
Petitioner Pro se
16614 SW 99th Court
Miami, Florida 33157
Email: Gymsam7@gmail.com

I. QUESTIONS PRESENTED

1. Whether due process is violated when a judge whose neutrality was reasonably questioned failed to disqualify herself from Petitioner's lower-court criminal/misdemeanor matter, continued to preside over or affect proceedings involving Petitioner's liberty and appellate rights, and the resulting orders were used to dismiss appellate review and restrict Petitioner's future access to the appellate court.
2. Whether a state appellate court violates the First and Fourteenth Amendments when it imposes a blanket order prohibiting an indigent self-represented litigant from filing further pro se petitions, appeals, motions, or other proceedings unless a licensed attorney reviews and signs the filing.
3. Whether due process permits a continuing pro se filing ban based on prior unsuccessful filings without an individualized finding of bad faith, an evidentiary hearing, consideration of lesser restrictions, or a preserved channel for criminal, liberty, emergency, jurisdictional, or constitutional claims.
4. Whether a state appellate court denies access to the courts when it dismisses an appeal arising from lower-court proceedings involving judicial disqualification, discovery disputes, sanctions, property deprivation, official misconduct, failure to perform criminal-procedure duties, judicial corruption, and claims of government abuse of power without meaningful review of the federal questions presented.

5. Whether a court may use unlawful tactics, procedural irregularities, or judicial misconduct to secure a conviction or appellate restriction where the litigant raised due-process, neutral-tribunal, and abuse-of-power objections.

II. PARTIES TO THE PROCEEDING

Petitioner is Samuel Lee Smith, Jr.

Respondent is Florida.

III. LIST OF ALL PROCEEDINGS

Samuel Lee Smith, Jr., v. State of Florida, No. 3D2025-2448. District Court of
Appeal of Florida, Third District Judgment Entered January 26th, 2026

IV. TABLE OF CONTENTS

QUESTIONS PRESENTED	1
PARTIES TO THE PROCEEDING	3
LIST OF ALL PROCEEDINGS	3
TABLE OF CONTENTS	4
TABLE OF AUTHORITIES	5
DECISION BELOW	8
CITATIONS OF OPINIONS AND ORDERS	8
BASIS FOR JURISDICTION	8
FEDERAL RULE/QUESTION INVOLVED	8
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	9
STATEMENT OF THE CASE	12
REASONS FOR GRANTING THE PETITION	25
I. THE LOWER-COURT DISQUALIFICATION PROBLEM IS THE CENTRAL DUE-PROCESS ISSUE	25
II. THE FILING BAN AND APPEAL DISMISSAL IMPOSE A SEVERE BURDEN ON COURT ACCESS	28
III. THE THIRD DISTRICT USED THE HARSHTEST RESTRICTION WITHOUT NARROW TAILORING	29
IV. THE PROCEDURE BEFORE THE FILING BAN DID NOT PROVIDE MEANINGFUL DUE PROCESS	31
V. GOVERNMENT ABUSE-OF-POWER PRINCIPLES SUPPORT REVIEW	31
VI. THE CASE PRESENTS AN IMPORTANT RECURRING ISSUE REGARDING PRO SE LITIGANTS AND APPELLATE ACCESS	36
CONCLUSION	37

V. TABLE OF AUTHORITIES

CASES

<i>Aetna Life Ins. Co. v. Lavoie</i> , 475 U.S. 813 (1986)	26
<i>Boddie v. Connecticut</i> , 401 U.S. 371 (1971)	28
<i>Bounds v. Smith</i> , 430 U.S. 817 (1977)	28
<i>Bracy v. Gramley</i> , 520 U.S. 899 (1997)	27
<i>Bulloch v. United States</i> , 763 F.2d 1115 (10th Cir. 1985)	18
<i>Caperton v. A.T. Massey Coal Co.</i> , 556 U.S. 868 (2009)	26
<i>Christopher v. Harbury</i> , 536 U.S. 403 (2002)	28
<i>County of Sacramento v. Lewis</i> , 523 U.S. 833 (1998)	32
<i>Cox v. Burke</i> , 706 So. 2d 43 (Fla. 5th DCA 1998)	18
<i>In re McDonald</i> , 489 U.S. 180 (1989)	30
<i>In re Murchison</i> , 349 U.S. 133 (1955)	25
<i>Keller v. Potomac Electric Power Co.</i> , 261 U.S. 428 (1923)	28
<i>Lezama v. Justice Court</i> , 190 Cal. App. 3d 15 (1987)	27
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137 (1803)	36
<i>Martin v. District of Columbia Court of Appeals</i> , 506 U.S. 1 (1992)	30
<i>Martinez v. Court of Appeal of California</i> , 528 U.S. 152 (2000)	30
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976)	31
<i>McDonnell v. United States</i> , 579 U.S. 550 (2016)	35
<i>Miranda v. Arizona</i> , 384 U.S. 436 (1966)	15
<i>Ohio Valley Water Co. v. Ben Avon Borough</i> , 253 U.S. 287 (1920)	28
<i>Procup v. Strickland</i> , 792 F.2d 1069 (11th Cir. 1986)	29

<i>Pulliam v. Allen</i> , 466 U.S. 522 (1984)	27
<i>Skilling v. United States</i> , 561 U.S. 358 (2010)	34
<i>State v. Mobley</i> , 240 N.C. 476, 83 S.E.2d 100 (1954)	15
<i>State v. Robinson</i> , 145 Me. 77, 72 A.2d 260 (1950)	14-15
<i>State v. Spencer</i> , 751 So. 2d 47 (Fla. 1999)	30
<i>Tennessee v. Lane</i> , 541 U.S. 509 (2004)	28
<i>Thompson v. Zirkle</i> , No. 2:07-CV-227-TS, 2007 WL 3046667, at *1 (N.D. Ind. Oct. 17, 2007)	32
<i>Tumey v. Ohio</i> , 273 U.S. 510 (1927)	26
<i>United States v. Brown</i> , 731 F.2d 1491 (11th Cir. 1984)	15
<i>United States v. Ciavarella</i> , 716 F.3d 705 (3d Cir. 2013)	35
<i>United States v. Classic</i> , 313 U.S. 299 (1941)	32
<i>United States v. Manton</i> , 107 F.2d 834 (2d Cir. 1938)	35
<i>Williams v. Pennsylvania</i> , 579 U.S. 1 (2016)	26
<i>Wolff v. McDonnell</i> , 418 U.S. 539 (1974)	31

CONSTITUTIONAL PROVISIONS

U.S. Const. art. II, § 4	10
U.S. Const. art. III, § 2	10-11, 36
U.S. Const. art. VI, cl. 2	11, 36
U.S. Const. amend. I	8-9, 28
U.S. Const. amend. IV	8-9, 14-15
U.S. Const. amend. V	9-10
U.S. Const. amend. VI	10
U.S. Const. amend. VIII	9-10
U.S. Const. amend. XIV	9-10, 15-16, 28

STATUTES

10 U.S.C. § 921	11, 34
18 U.S.C. § 3	11
18 U.S.C. § 201	11, 35
18 U.S.C. § 241	11, 33

18 U.S.C. § 242	11, 16, 32
18 U.S.C. § 287	11
18 U.S.C. § 371	11
18 U.S.C. § 872	11, 33
18 U.S.C. § 1001	11
18 U.S.C. §§ 1341, 1346	11, 34
18 U.S.C. § 1345	11
18 U.S.C. § 1361	11, 17
18 U.S.C. § 1503	11
18 U.S.C. § 1512	11, 17
18 U.S.C. § 1519	11, 18
18 U.S.C. § 1621	11
18 U.S.C. § 1951	11
18 U.S.C. § 2111	11
18 U.S.C. § 2381	11
18 U.S.C. § 2382	11
18 U.S.C. § 3571	11
18 U.S.C. §§ 1961-1968	11, 13
22 U.S.C. § 6712	11, 34
28 U.S.C. § 453	11, 34
28 U.S.C. § 455	11, 19, 27
28 U.S.C. § 607	11
28 U.S.C. § 636	11
28 U.S.C. § 1257(a)	8, 11
28 U.S.C. § 1691	11, 14
Fla. Stat. § 38.10	11, 26
Fla. Stat. § 817.49	11-12
Fla. Stat. § 777.04(3)	11, 13
Fla. Stat. § 812.014	11, 16
Fla. Stat. § 815.06	11, 18
Fla. Stat. § 839.24	11, 20, 33
Fla. Stat. § 901.02	11, 13
Fla. Stat. § 943.1735	11
Fla. Stat. §§ 943.0585, 943.059	11, 13

RULES

Federal Rule of Civil Procedure 60(b)(3)	11
Florida Rule of Criminal Procedure 3.121	11, 13
Florida Rules of Appellate Procedure	8, 11, 22
Fla. R. Gen. Prac. & Jud. Admin. 2.330	11

PETITION FOR WRIT OF CERTIORARI

VI. DECISION BELOW

Petitioner petitions this Honorable Court to review the District Court of Appeal of Florida, Third District January 26th, 2026 judgment in Case No. 3D2025-2448 dismissing his appeal for failure to comply with the court's order and the Florida Rules of Appellate Procedure.

VII. CITATIONS OF OPINIONS AND ORDERS

Samuel Lee Smith, Jr., v. State of Florida, No. 3D2025-2448. District Court of Appeal of Florida, Third District Judgment Entered January 26th, 2026

VIII. BASIS FOR JURISDICTION

The Supreme Court has appellate jurisdiction under 28 U.S.C. § 1257(a) including the authority to review decisions concerning Federal Law, Federal Rules of Procedure and Constitutional Questions. The Petitioner seeks review of *Samuel Lee Smith, Jr., v. State of Florida*, Case No. 3d2025-2448 (3rdDCA January 26th, 2026). The Supreme Court's appellate jurisdiction includes authority to review decisions of appeals Court.

FEDERAL RULE/QUESTION INVOLVED

The federal rule or federal questions concern Petitioner's First Amendment retaliation claim, Fourth Amendment protection against unreasonable seizure,

Fifth Amendment privilege against self-incrimination and federal due-process principles, Eighth Amendment protections against excessive fines and cruel and unusual punishments, Fourteenth Amendment right to due process and equal protection, access to the courts, and the right to be free from arbitrary government abuse of power. Because the challenged conduct is state action, Petitioner's due-process claim against Florida actors rests principally on the Fourteenth Amendment; the Fifth Amendment is cited for its self-incrimination protection and federal due-process principles. These issues were raised in the lower-court and appellate proceedings through Petitioner's judicial-disqualification motion, motions concerning discovery, motions for sanctions, motions for return of property, appellate filings, and arguments asserting due process, procedural due process, access to courts, lack of a neutral tribunal, and deprivation of rights under color of law. The Third District's dismissal left those federal questions unresolved.

IX. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment to the United States Constitution provides in relevant part: "Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances."

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

The Fifth Amendment to the United States Constitution provides in relevant part that no person shall be deprived of life, liberty, or property without due process of law.

The Sixth Amendment to the United States Constitution provides in relevant part: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial ... and to have the Assistance of Counsel for his defense."

The Eighth Amendment to the United States Constitution prohibits excessive fines and cruel and unusual punishments.

The Fourteenth Amendment to the United States Constitution provides in relevant part: "No State shall ... 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."

Article II, section 4 of the United States Constitution provides that the President, Vice President, and all civil Officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. Petitioner cites this provision to emphasize the constitutional remedy for impeachment of judges.

Article III, section 2 of the United States Constitution provides that the Supreme Court has original jurisdiction in cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party. 'Should contain founding fathers established this safeguard to ensure an impartial tribunal,

preventing the inherent conflict of interest that arises if the state judges its own claims.

Article VI, clause 2 of the United States Constitution provides that the Constitution, federal laws made in pursuance thereof, and treaties made under the authority of the United States are the supreme law of the land, and state judges are bound thereby notwithstanding anything in a state constitution or law to the contrary.

Other provisions cited by Petitioner include 18 U.S.C. §§ 3, 201, 241, 242, 287, 371, 872, 1001, 1341, 1345, 1346, 1361, 1503, 1621, 1951, 2111, 2381, 2382, 3571, and 1961-1968; 22 U.S.C. § 6712; 28 U.S.C. §§ 453, 455, 607, 636, 1257(a), and 1691; 10 U.S.C. § 921; Florida Statutes §§ 38.10, 777.04(3), 812.014, 815.06, 839.24, 901.02, 943.1735, 943.0585, and 943.059; Federal Rule of Civil Procedure 60(b)(3); Florida Rule of Criminal Procedure 3.121; Florida Rules of Appellate Procedure; and Florida Rule of General Practice and Judicial Administration 2.330. Petitioner cites federal criminal, anti-corruption, process, constitutional, and procedural provisions to show the seriousness of the official conduct and deprivation of rights; he does not ask this Court to initiate a criminal prosecution.

X. STATEMENT OF THE CASE

This case concerns the dismissal of Petitioner Samuel Lee Smith, Jr.'s appeal, the unresolved judicial-disqualification issues involving the lower-court judge Lizzet Caridad Martinez, and the later blanket restriction on Petitioner's ability to file pro se matters in the District Court of Appeal of Florida, Third District. Petitioner is a self-represented litigant and the defendant in a criminal/misdemeanor proceeding pending in Miami-Dade County, Florida, Case No. B25-18522. The appellate case information identifies Petitioner as the self-represented appellant, the State of Florida as appellee, Hon. Lizzet Caridad Martinez as the judge/judicial officer, and the Miami-Dade Clerk as the lower tribunal clerk.

The lower-court case arose from what Petitioner contends was a falsified arrest report and an unlawful arrest by law-enforcement officers affiliated with the Coral Gables Police Department. Petitioner states that, while lawfully working at a computer station at the Coral Gables Library, he was racially profiled by Coral Gables librarian Brett William Capley, who, Petitioner contends, knowingly conveyed false information to a 911 dispatcher concerning a crime that had not occurred. Petitioner cites Fla. Stat. § 817.49, which addresses willfully conveying false information to law enforcement or a public safety agency concerning the commission of a Florida crime, knowing the information to be false, when no such crime actually occurred. Petitioner contends that he was aggressively approached by B. Tages, Badge No. 12407, who claimed that she and other law-enforcement officers were conducting an investigation.

Petitioner contends that Coral Gables Police Department then arrested him on an improper capias issued by Judge Mariano Ariel Corcilli. Petitioner contends that the capias and arrest reflected an illegal criminal conspiracy under Fla. Stat. § 777.04(3) and racketeering-type conduct by government officials under 18 U.S.C. §§ 1961-1968. Petitioner further states that he made a public-records request to the Office of the State Attorney directed to Hilola Mary Atham, Michael Rojas, and Lorna Salomon, and that records custodian Hilola Mary Atham responded via email: "We have no public records responsive to your request, pursuant to Fla. Stat. §§ 943.0585 and 943.059," on December 1st, 2025 at 2:15 p.m. Petitioner contends that this response supports his claim that the capias and related proceedings were defective or unsupported by responsive records.

Petitioner further contends that the improper capias was generated through judicial fraud and defective process. Petitioner contends that the courts never produced to him the original signed warrant or other process sufficient to establish that the capias was issued by a judge of competent jurisdiction on a probable-cause determination. Florida Statute § 901.02 provides that a judge may issue an arrest warrant after examining the complaint and proofs submitted and being satisfied that probable cause exists, and requires the warrant to be signed by the judge with the judge's name of office. Florida Rule of Criminal Procedure 3.121 requires an arrest warrant, when issued, to be in writing, in the name of the State of Florida, to set forth substantially the nature of the offense, to command the arrest of the person named or described, and to be signed by the judge with the title of office,

together with the rule's other requirements. Petitioner also cites 28 U.S.C. § 1691 only as a federal illustration of formal judicial process; that statute applies to writs and process issuing from a court of the United States and requires such federal process to be under the seal of the court and signed by the clerk.

Petitioner further contends that the Coral Gables arrest exemplifies the abuse-of-power concerns presented throughout this case. The arrest was carried out pursuant to an improper *capias* and resulted in the unlawful restraint of Petitioner's liberty. As stated in *State v. Robinson*, 145 Me. 77, 72 A.2d 260 (1950), "An illegal arrest is an assault and battery." Petitioner submits that the arrest also violated the Fourth Amendment to the United States Constitution, which protects individuals against unreasonable searches and seizures and prohibits the government from depriving a citizen of liberty without lawful authority. The Fourth Amendment's protections are at their highest when government officials physically seize a person, and those protections are undermined when an arrest is effectuated through an invalid warrant, improper *capias*, materially false information, or other unlawful governmental conduct. Petitioner contends that government officials may not deprive a citizen of liberty through an unlawful arrest and then rely upon the fruits of that unlawful conduct to justify subsequent proceedings, warrants, prosecutions, or restrictions on constitutional rights. The use of governmental authority in this manner transforms the judicial process from a safeguard of liberty into an instrument of oppression, thereby implicating the Fourth Amendment, the

Due Process Clause of the Fourteenth Amendment, and the fundamental right of access to the courts.

Petitioner also cites *United States v. Brown*, 731 F.2d 1491, 1493 (11th Cir. 1984), which held that a source-city characterization, standing alone, was insufficient to create reasonable suspicion for a Terry stop. Petitioner invokes *Brown* only for the requirement of a particularized, objective justification for a seizure and contends that unsupported process cannot justify seizure of his person under the Fourth Amendment.

Petitioner further cites *Miranda v. Arizona*, 384 U.S. 436, 491 (1966), where this Court stated that "[w]here rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Petitioner relies on *Miranda* to argue that procedural rules cannot be applied to erase constitutional protections once he invokes them.

Petitioner also cites historical state authorities concerning unlawful arrest, including *State v. Mobley*, 240 N.C. 476, 83 S.E.2d 100 (1954), and *State v. Robinson*, 145 Me. 77, 72 A.2d 260 (1950). Petitioner cites these authorities to show the seriousness historically attached to unlawful restraints of liberty, not to ask this Court to authorize force or decide a state-law defense outside the judgment under review.

While detained, officers seized and retained Petitioner's personal property, including a financial card containing money, two vehicle keys, house keys, legal documents, and other personal belongings. Petitioner maintains that the property

was taken from his possession and was not returned despite his efforts to obtain relief from the trial court. Petitioner contends that the seizure and continued retention of property implicated Fla. Stat. § 812.014 and the Fourth and Fourteenth Amendments, because no warrant, probable cause, or applicable exception justified the taking and no meaningful process was provided to secure return of the property.

Petitioner also contends that the conduct amounted to deprivation of rights under color of law under 18 U.S.C. § 242 and that the presiding judge's refusal to remedy the matter made the judicial process part of the constitutional deprivation. Petitioner further contends that a factually false report was made to law enforcement by Brett William Capley and that the false report affected the criminal/misdemeanor proceeding. Petitioner contends that the State failed to comply with discovery requests seeking 911 audio and dispatch recordings, and that the State's failure to comply with discovery obligations impaired due process. Petitioner also contends that Officer M. Daniels, Badge No. 08404, failed to intervene after Petitioner requested supervisory intervention, allowing the constitutional violations and property deprivation to continue. To defend himself and develop the factual record, Petitioner subpoenaed officers and witnesses to appear before the trial court, including B. Tages, Badge No. 12407; A. Becker, Badge No. 10596; M. Alzate, Badge No. 11496; M. Daniels, Badge No. 08404; K. Zeledon, Badge No. 12357; D. Garcia, Badge No. 11047; G. Richardson, Badge No. 12251; Edward James Huddack Jr.; Brett William Capley of the Coral Gables Library; Ray Baker; Fernando Figueredo, police property and evidence supervisor;

and Christina Maria Suarez, City Attorney. Petitioner contends that, despite proper service, these subpoenaed witnesses did not appear in court. Their nonappearance impaired Petitioner's ability to present evidence, confront witnesses, develop the factual record, and obtain meaningful review of his property, due process, and disqualification claims.

Petitioner also contends that the State failed to comply with discovery requests and motions, further impairing his ability to defend against the charges and challenge the lower-court proceedings. Petitioner filed motions for return of property and for sanctions. Those motions were addressed by the trial court in written orders dated October 15th, 2025. Petitioner contends that no meaningful relief was provided and that the property remained unreturned.

Petitioner further contends that the State and the Coral Gables Police Department failed to preserve, produce, or make available material evidence, including 911 audio, dispatch records, body-camera footage, dash-camera footage, and related records necessary to test the truthfulness of the arrest report and the legality of the seizure. Petitioner characterizes the conduct as intentional evidence spoliation. Petitioner cites 18 U.S.C. § 1512(c) only as federal background concerning corrupt alteration, destruction, mutilation, or concealment of a record, document, or other object with intent to impair its use in an official proceeding; nonproduction alone does not establish a violation of that statute. Petitioner likewise recognizes that 18 U.S.C. § 1361 is limited to property of the United States, or of a federal department or agency, and cites it only as federal background rather

than as a direct charge concerning state or municipal records. Petitioner cites Fla. Stat. § 815.06 only to the extent the facts may involve unauthorized access to, or impairment of, a computer, computer system, computer network, or electronic device; ordinary discovery noncompliance, standing alone, is not an offense under that statute. Petitioner states that at the first arraignment Judge Betty Capote Erben said, "I will leave everything as it is," but Petitioner contends that the judicial docket was thereafter made materially inaccurate. Petitioner characterizes the asserted docket irregularity as fraud on the court because, in his view, it affected the record available for review. Petitioner does not contend that 18 U.S.C. § 1519 automatically applies to a state-court docket; that statute concerns records altered, destroyed, concealed, or falsified with intent to impede, obstruct, or influence a matter within the jurisdiction of a federal department or agency or a Title 11 bankruptcy case. *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), describes fraud on the court as fraud directed to the "judicial machinery itself." *Cox v. Burke*, 706 So. 2d 43, 46 (Fla. 5th DCA 1998), requires clear and convincing proof of an unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter. Petitioner invokes those standards to explain the asserted significance of an inaccurate judicial record; he maintains that judicial integrity and the appearance of impartiality are essential to public confidence in the courts.

The judicial-disqualification issue became central to the case. Petitioner sought to disqualify the presiding judge, Hon. Lizzet Caridad Martinez, based on

bias, prejudice, inconsistent application of legal standards, and the appearance that Petitioner could not receive a neutral hearing. Petitioner asserted that the judge applied double standards, treated his filings and evidence unfairly, and allowed the matter to proceed despite unresolved property, subpoena, discovery, and due-process issues. Petitioner's disqualification request was not merely a disagreement with adverse rulings. Petitioner contends that the judge's continued involvement affected matters involving his liberty, property, criminal process, bench-warrant concerns, and ability to create a record for appellate review.

Petitioner further submits that Judge Lizzet Caridad Martinez abused the authority of the court by issuing a bench warrant against Petitioner while simultaneously failing to enforce subpoenas directed to law-enforcement officers whose testimony and evidence were material to the defense. Petitioner contends that the court exercised its coercive powers against the accused while declining to compel compliance from government witnesses, resulting in unequal treatment and the appearance of prejudice. Such conduct raises serious concerns regarding judicial impartiality and conflicts of interest under 28 U.S.C. § 455, which requires disqualification whenever a judge's impartiality might reasonably be questioned. Petitioner maintains that Judge Martinez demonstrated bias against the undersigned after he invoked and exercised his constitutional rights, including his privilege against self-incrimination and his right to challenge governmental conduct through lawful motions and subpoenas.

The severity of these procedural irregularities warrants review. Petitioner contends that the judicial process was used as a mechanism of intimidation through the issuance of a warrant while exculpatory witnesses and subpoenaed officers were not compelled to appear. Petitioner respectfully submits that this case presents an important question concerning abuse of judicial power and the limits of judicial discretion when a court selectively enforces its orders against one party but not another. Petitioner seeks review not only to remedy the violations suffered in this case, but also to establish precedent clarifying that courts may not weaponize their contempt and warrant powers against litigants while refusing to enforce compulsory process against government witnesses whose testimony is necessary for a fair hearing. Such conduct undermines public confidence in the judiciary and threatens the constitutional guarantee of an impartial tribunal and meaningful due process of law.

On October 20th, 2025, the trial court denied Petitioner's motion for disqualification by written order, finding it factually and legally insufficient. Petitioner contends that ruling was flawed because it failed to address the cumulative effect of the false reporting, unlawful retention of property, failure of officers to intervene, nonappearance of subpoenaed witnesses, denial of meaningful hearings, and appearance of judicial partiality. Petitioner also cites Fla. Stat. § 839.24, which criminalizes the willful failure of specified criminal-procedure officers to perform duties required by criminal-procedure law, because he contends that

officers, court personnel, and judicial officials failed to perform duties necessary to preserve an appealable record and meaningful criminal process.

Petitioner then sought relief in the District Court of Appeal of Florida, Third District, by filing a petition for writ of prohibition to prevent the trial judge from continuing to preside. On November 13th, 2025, the Third District denied the petition in an unelaborated order without opinion. Petitioner thereafter filed a notice to invoke discretionary jurisdiction in the Supreme Court of Florida. On December 15th, 2025, the Florida Supreme Court dismissed the case, stating that it lacked jurisdiction to review an unelaborated decision issued without opinion or explanation. Petitioner contends that, as a result, his constitutional claims concerning unlawful seizure and retention of property, deprivation of property, denial of due process, nonappearance of subpoenaed witnesses, failure to develop the record, and judicial bias were never meaningfully reviewed by an appellate court before later appellate sanctions were imposed.

On or about December 12th, 2025, Petitioner filed a notice of appeal to challenge lower-court action connected to disqualification. Petitioner contends that this was the required method to invoke appellate jurisdiction concerning real lower-court consequences. On December 22th, 2025, the Third District entered an order addressing several pending appellate matters. The court stated that it had previously consolidated four cases, then vacated that consolidation and consolidated only three appeal cases under Case No. 3D2025-2250: Case Nos. 3D2025-2250, 3D2025-2252, and 3D2025-2448. The court identified Case No. 3D2025-2250 as an

appeal from the October 15th, 2025, order denying sanctions; Case No. 3D2025-2252 as an appeal from the October 15th, 2025, order on Petitioner's motion for return of missing property; and Case No. 3D2025-2448 as a disqualification appeal. Petitioner also filed a petition for writ of mandamus in Case No. 3D2025-2195 to address the lower court's failure to provide or enter necessary orders.

The Third District ordered Petitioner to file a copy of the order on appeal in Case No. 3D2025-2448 by December 28th, 2025. The December 22th, 2025, order also separated Case No. 3D2025-2144, the petition case involving disqualification issues, and ordered that the petition case would stand alone and would not be consolidated with the appeal cases. This separation left Petitioner's disqualification concerns procedurally disconnected from the appeals concerning sanctions, return of property, and the lower-court consequences arising from the same proceedings.

On January 26th, 2026, the Third District dismissed Petitioner's consolidated appeals for failure to comply with the December 22th, 2025, order and the Florida Rules of Appellate Procedure. The dismissal was procedural. It did not decide whether the lower-court judge should have been disqualified, whether Petitioner had been denied a neutral tribunal, whether the subpoenaed witnesses' failure to appear violated due process, whether the property should have been returned, or whether the October 15th, 2025, orders were entered through a constitutionally fair process.

Also on January 26th, 2026, the Third District issued an order requiring Petitioner to show cause why he should not be prohibited from filing new pro se

matters in that court. The court relied on Petitioner's history of pro se filings, stating that he had filed thirty-six pro se cases in five years and that thirty-three were unsuccessful. Petitioner contends that the number of unsuccessful filings does not show bad faith because many of his filings arose from actual lower-court proceedings involving criminal/misdemeanor charges, property deprivation, bench-warrant concerns, subpoenaed witnesses, judicial disqualification, and efforts to obtain appellate review.

On February 10th, 2026, the Third District entered the challenged pro se filing-ban order. The court stated that Petitioner had failed to timely respond to the show-cause order and therefore had not shown cause why he should not be prohibited from further pro se filing. The court then prohibited Petitioner from filing in the Third District any further pro se petitions, appeals, motions, or other proceedings regarding any lower-court case. The court directed the Clerk of the Third District to refuse such filings unless reviewed and signed by a duly licensed Florida Bar attorney in good standing.

The filing ban was not limited to one case. It was not limited to repetitive filings in closed cases. It was not limited to a particular subject matter. It did not create an exception for emergency, liberty, property, criminal, warrant, or judicial-disqualification claims. It did not provide Petitioner with counsel. Instead, it conditioned Petitioner's future appellate access on obtaining a Florida Bar attorney's review and signature.

Petitioner now seeks review in this Court because the pro se filing ban and appellate dismissal cannot be separated from the unresolved disqualification problem. Petitioner contends that a filing ban and procedural appellate dismissal cannot constitutionally rest on lower-court proceedings where the presiding judge's neutrality was reasonably questioned, disqualification was denied, and the resulting orders were never meaningfully reviewed. The right of access to the courts, the right to petition for redress, and the right to procedural due process require, at minimum, meaningful review before an indigent pro se litigant is barred from future appellate filings concerning any lower-court case.

Petitioner also provides related background from his Pinecrest proceedings to show why he repeatedly sought judicial review and why he views the challenged filing restriction as punishment for asserting constitutional rights. Petitioner states that on May 24th, 2024, at approximately 2:48 p.m., he was lawfully riding an electric scooter near US-1 and SW 124th Street in Pinecrest, Florida, when multiple Pinecrest police vehicles executed sudden turns and later detained him. Petitioner contends that officers D. Jones, O. Vega, A. Garcia, A. Ulloa, and Edison Cruz were involved; that he invoked his rights by stating that he did not consent to a search of his person or property; and that he was cited in traffic citations AJLNSFE, AJLNSGE, and AJLNSEE. Petitioner contends that he requested discovery, body-worn camera video, dash-camera video, and public records, but that the State did not produce the body-camera and dash-camera evidence he requested.

Petitioner further states that in the Pinecrest matters, State Attorney Maria Paula Molano submitted personal cell-phone footage that Petitioner contends was unauthenticated because it lacked an author, date, time, and place. Petitioner also states that police records confirmed no records of numerous phone calls that the report referenced. Petitioner cites these related statements not to expand the judgment being reviewed beyond Case No. 3D2025-2448, but to explain his position that his filings were efforts to challenge perceived official misconduct, retaliation, discovery failures, and government abuse of power rather than frivolous or abusive filings.

XI. REASONS FOR GRANTING THE PETITION

I. The lower-court disqualification problem is the central due-process issue.

Due process guarantees a fair proceeding before a neutral and detached judicial officer. In *re Murchison* states the controlling principle in clear terms: "A fair trial in a fair tribunal is a basic requirement of due process." 349 U.S. 133, 136 (1955). The Court further explained that the justice system must prevent even the probability of unfairness and that "justice must satisfy the appearance of justice." *Id.*

Tumey v. Ohio likewise holds that due process is denied by "[e]very procedure which would offer a possible temptation to the average man as a judge ... not to hold the balance nice, clear and true between the State and the accused." 273 U.S. 510,

532 (1927). *Caperton v. A.T. Massey Coal Co.* confirms that recusal is constitutionally required when “the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.” 556 U.S. 868, 872 (2009). *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813 (1986), further recognizes that due process is implicated when a judge’s personal interest creates an impermissible risk of bias.

This principle applies here because Petitioner repeatedly challenged the neutrality and authority of the lower-court judge in proceedings involving criminal/misdemeanor charges, a bench warrant, court authority, missing or disputed orders, property issues, discovery, and appellate consequences. The issue is not merely whether Petitioner disagreed with rulings. The issue is whether the judge’s continued involvement, after disqualification concerns were raised, created an appearance that Petitioner was not receiving a fair hearing before a neutral tribunal.

Williams v. Pennsylvania reinforces that the appearance of neutrality is not cosmetic. The Court held that “Both the appearance and reality of impartial justice are necessary to the public legitimacy of judicial pronouncements and thus to the rule of law itself.” 579 U.S. 1, 16 (2016). Florida law separately recognizes the importance of this protection through Florida Statutes section 38.10 and Florida Rule of General Practice and Judicial Administration 2.330. Petitioner also cites 28 U.S.C. § 455 by analogy because that federal statute requires disqualification whenever a judge’s impartiality might reasonably be questioned. Here, Petitioner

contends that the lower-court denial of disqualification, followed by a procedural appellate dismissal and later filing restriction, left the appearance and reality of impartial review unresolved.

Judicial corruption and judicial misconduct issues require serious review when they affect the fairness of proceedings. In *Bracy v. Gramley*, the Supreme Court addressed claims arising from a judge later convicted of taking bribes, explaining that a judge who accepts bribes to fix a case is "biased" in the most basic sense of the word. 520 U.S. 899, 905 (1997). Petitioner cites *Bracy* because it recognizes that judicial corruption may create a due-process issue when it affects the judge's neutrality, the litigant's ability to develop a record, or the fairness of the proceeding.

Judicial immunity does not erase the need to examine constitutional defects in judicial process. *Pulliam v. Allen* held that "Judicial immunity is not a bar to prospective injunctive relief against a judicial officer" acting in a judicial capacity. 466 U.S. 522, 541-42 (1984). *Lezama v. Justice Court*, 190 Cal. App. 3d 15, 20 (1987), applied *Pulliam* in considering declaratory or injunctive relief against a lower court. Congress later amended 42 U.S.C. § 1983 to provide that, in an action against a judicial officer for an act or omission taken in a judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. Petitioner therefore cites *Pulliam* and *Lezama* only for the historical immunity principle and the importance of judicial review of constitutional claims, not to enlarge the relief available under the amended statute.

II. The filing ban and appeal dismissal impose a severe burden on court access.

The Constitution protects meaningful access to the courts. The right of access is rooted in the First Amendment right to petition and in the Due Process and Equal Protection Clauses of the Fourteenth Amendment. This Court has recognized that access to courts is essential where a litigant seeks to challenge government action affecting liberty, property, family, confinement, or basic legal status. See *Boddie v. Connecticut*, 401 U.S. 371 (1971); *Bounds v. Smith*, 430 U.S. 817 (1977); *Christopher v. Harbury*, 536 U.S. 403 (2002); *Tennessee v. Lane*, 541 U.S. 509 (2004).

Judicial review is a foundational feature of the constitutional system, allowing courts acting within their jurisdiction to examine challenged governmental action for constitutional and legal compliance. In *Ohio Valley Water Co. v. Ben Avon Borough*, 253 U.S. 287, 289 (1920), the Court held in the specific context of a confiscatory rate challenge that the State had to provide a “fair opportunity” to submit the issue to a judicial tribunal for an independent determination of law and facts. *Keller v. Potomac Electric Power Co.*, 261 U.S. 428 (1923), addressed the constitutional limits on assigning nonjudicial rate-making functions to an Article III court in a public-utility valuation dispute. Petitioner cites these cases for the narrower proposition that meaningful judicial review can be a due-process safeguard when governmental action is challenged as constitutionally unlawful; he

does not contend that either case created a freestanding right to appellate review of every adverse state-court ruling.

The order here was not a merits adjudication of Petitioner's constitutional claims. The January 26, 2026 order dismissed the appeal for noncompliance before deciding whether the lower-court judge should have been disqualified, whether Petitioner had been denied a neutral tribunal, or whether lower-court orders were entered through a constitutionally fair process. The later filing restriction compounded that problem by conditioning future pro se access on attorney review and signature.

A litigant who believes lower-court orders were entered through constitutionally defective proceedings must have a meaningful avenue to seek review. The Third District's dismissal and related restriction created the precise danger that access-to-court doctrine is meant to prevent: a self-represented litigant challenging lower-court authority is barred from meaningful appellate review before the neutral-tribunal issue is decided.

The Eleventh Circuit has likewise recognized that courts may restrict abusive litigants, but restrictions must still leave open a meaningful avenue of access. *Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986).

III. The Third District used the harshest restriction without narrow tailoring.

This Court has allowed courts to address repetitive or abusive litigation, including restrictions on frivolous filings. See *In re McDonald*, 489 U.S. 180 (1989);

Martin v. District of Columbia Court of Appeals, 506 U.S. 1 (1992). But those authorities do not support a categorical restriction that prevents an indigent litigant from filing any future pro se matter concerning any lower-court case without a lawyer's signature.

Martinez v. Court of Appeal of California, 528 U.S. 152 (2000), does not justify the restriction here. Martinez addressed whether a criminal appellant has a federal constitutional right to personally conduct a direct appeal when counsel is available. It did not authorize a court to condition all future pro se access on private attorney review where no counsel is provided and legitimate constitutional, liberty, or disqualification claims may arise.

Less restrictive alternatives were available. The Third District could have required leave of court before filing, limited any restriction to repetitive filings in closed cases, required a certification that new filings raised new issues, or created an exception for criminal, liberty, warrant, emergency, jurisdictional, or judicial-disqualification claims. Instead, the later filing restriction functioned as an attorney-signature condition that Petitioner may have no practical ability to satisfy.

Florida's own abusive-filing procedure requires notice and an opportunity to be heard. State v. Spencer, 751 So. 2d 47 (Fla. 1999). But notice alone does not make an overbroad restriction constitutional where no individualized findings show that every future filing would be frivolous, no lesser alternatives were considered, and no meaningful channel remained for legitimate constitutional claims.

IV. The procedure before the filing ban did not provide meaningful due process.

Due process requires notice and an opportunity to be heard appropriate to the seriousness of the deprivation. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Wolff v. McDonnell*, 418 U.S. 539 (1974). The process here was not meaningful because the show-cause procedure occurred against a background of unresolved disqualification concerns, missing or disputed orders, contested discovery and property issues, and procedural confusion over what order was being appealed.

The sanction imposed was extreme. It affected all future pro se matters in the Third District regarding any lower-court case. Before such a restriction could be imposed, due process required a meaningful opportunity to explain the constitutional issues, the disqualification problem, Petitioner's indigency, his inability to obtain attorney review, and whether narrower remedies would protect the court without closing access.

No hearing was held. No individualized findings were made that Petitioner acted in bad faith in the specific matter under review. No finding was made that lesser restrictions would be inadequate. No finding was made that Petitioner could actually obtain attorney review. And no exception was created for criminal, liberty, warrant, jurisdictional, judicial-disqualification, or emergency claims.

V. Government abuse-of-power principles support review.

Petitioner also raised claims of official misconduct, judicial corruption, and government abuse of power. This Court has recognized that due process protects

against arbitrary government action. *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998), explains that due process protects against “the exercise of power without any reasonable justification in the service of a legitimate governmental objective.” The Court also stated that the Due Process Clause was intended to prevent government officials “from abusing [their] power, or employing it as an instrument of oppression.” *Id.* at 846.

Lewis further explains that “only the most egregious official conduct can be said to be arbitrary in the constitutional sense” and that the cognizable level of executive abuse of power is conduct that “shocks the conscience.” *Id.* at 846-47. Petitioner cites these principles because he contends that state actors used official authority, procedural dismissals, missing or disputed orders, discovery failures, and a filing restriction to prevent meaningful review of constitutional claims.

Petitioner cites 18 U.S.C. § 242 because that statute reflects Congress’s judgment that official action under color of law that willfully deprives constitutional rights is a grave matter. Petitioner does not ask this Court to initiate a criminal prosecution. He cites section 242 to show that his filings raised serious claims of deprivation of rights under color of law and should not have been treated as mere abusive paperwork before the neutral-tribunal issue was meaningfully reviewed.

Petitioner also cites *Thompson v. Zirkle*, No. 2:07-CV-227-TS, 2007 WL 3046667, at *1 (N.D. Ind. Oct. 17, 2007), which quoted the Supreme Court’s formulation that acting under color of law includes “misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with

the authority of state law." (quoting *Monroe v. Pape*, 365 U.S. 167, 184 (1961)). *United States v. Classic*, 313 U.S. 299, 326 (1941), likewise states that such misuse of state-conferred power is action taken "under color of" state law. Petitioner invokes these authorities to explain why he characterizes the asserted misuse of official authority as a constitutional issue rather than a private dispute.

Petitioner further cites Fla. Stat. § 839.24 because it makes it unlawful for a sheriff, county court judge, prosecuting officer, court reporter, stenographer, interpreter, or other officer required to perform duties under criminal-procedure law to willfully fail to perform those duties. Petitioner contends that the failure to provide orders, perform record duties, address discovery, enforce subpoenas, and preserve a meaningful appealable record is part of the government-abuse issue requiring review.

Petitioner also cites 18 U.S.C. §§ 872, 1951, 2111, and 3571 in connection with his concern about coercive official conduct and monetary or property consequences. Petitioner recognizes that § 872 concerns extortion by officers or employees of the United States; § 1951 is the Hobbs Act and requires the statutory effect on interstate or foreign commerce; § 2111 applies only within the special maritime and territorial jurisdiction of the United States; and § 3571 is a federal sentencing provision governing fines. He cites those statutes only as background and not as direct criminal charges arising from the Florida proceedings.

Petitioner also cites 18 U.S.C. §§ 241, 287, 371, 1001, 1503, 1621, 2381, and 2382 as federal statutes addressing, respectively, conspiracy against rights, false

claims against the United States, conspiracy to commit a federal offense or defraud the United States, false statements in matters within federal jurisdiction, obstruction affecting the due administration of justice in federal court, federal perjury, treason, and misprision of treason. Petitioner recognizes that each statute has distinct federal elements and jurisdictional limits and does not ask this Court to initiate a criminal prosecution. He cites them only to frame the seriousness of the types of official conduct he says he repeatedly attempted to place before reviewing courts.

Petitioner also cites 28 U.S.C. §§ 453, 607, and 636 as federal provisions addressing, respectively, the oath of justices and judges of the United States, the prohibition on the practice of law by officers or employees of the Administrative Office of the United States Courts, and the authority and duties of United States magistrate judges. Those provisions govern federal judicial officers or federal court personnel and do not directly govern Florida state judges or clerks. Petitioner cites 22 U.S.C. § 6712 and 10 U.S.C. § 921 only for their text and background principles concerning non-waiver of constitutional rights in the specific Chemical Weapons Convention implementation context and larceny under the Uniform Code of Military Justice; he recognizes that those provisions have specific contexts and do not independently create the state-court relief requested here.

Petitioner also cites the federal honest-services fraud statutes, 18 U.S.C. §§ 1341 and 1346, as evidence that federal law recognizes the seriousness of schemes that deprive the public of honest services. In *Skilling v. United States*, 561 U.S. 358

(2010), the Supreme Court limited honest-services fraud to bribery and kickback schemes. Petitioner relies on *Skilling* not to ask this Court to prosecute anyone, but to show that claims of bribery, kickbacks, and corrupt official decision making are materially different from ordinary adverse rulings and require meaningful judicial review before a pro se litigant's access to appellate court is restricted.

Petitioner further cites 18 U.S.C. § 201 because that statute criminalizes bribery of federal public officials and witnesses. Petitioner recognizes that section 201 has federal-public-official and witness requirements and does not itself convert every state-court dispute into a federal bribery prosecution. Petitioner cites section 201, together with *McDonnell v. United States*, 579 U.S. 550 (2016), to identify the federal concern with official acts performed in exchange for things of value and to frame his abuse-of-power argument as a request for meaningful review, not as a request for this Court to initiate criminal charges.

Historical judicial-corruption cases show why the neutral-tribunal question must be taken seriously. In *United States v. Manton*, 107 F.2d 834, 839 (2d Cir. 1938), the Second Circuit described a prosecution involving a conspiracy to obstruct justice and defraud the United States of the right to have federal judicial power exercised free from corruption, partiality, improper influence, bias, dishonesty, and fraud. Petitioner cites *Manton* to show that corruption affecting judicial decision making strikes at the lawful function of courts and is not merely a private grievance.

Similarly, *United States v. Ciavarella*, 716 F.3d 705 (3d Cir. 2013), arose from the Luzerne County “Kids for Cash” scandal, in which judicial officers were accused of receiving large payments connected to juvenile detention facilities. The Third Circuit described convictions for racketeering, honest-services mail fraud, money-laundering conspiracy, false tax returns, and related crimes. Petitioner cites *Ciavarella* as an example of why courts must preserve meaningful review of claims that judicial or official power has been abused for improper purposes.

Petitioner also relies on Article III, section 2 and Article VI, clause 2 of the United States Constitution to emphasize the founding concern that cases involving state power remain subject to the supreme law of the land and require neutral judicial review when federal rights are raised. Petitioner recognizes that Article III does not eliminate Florida’s ordinary authority to hear state criminal or traffic proceedings. The point is that when the State is the prosecuting party and a defendant contends that state actors prevented meaningful review, federal due process requires an independent and neutral path for adjudicating constitutional claims.

Marbury v. Madison states the bedrock rule: “It is emphatically the province and duty of the judicial department to say what the law is.” 5 U.S. (1 Cranch) 137, 177 (1803). Petitioner relies on *Marbury* because he contends that state authority, lower-court process, and appellate restrictions were used in a manner that prevented constitutional claims from receiving meaningful judicial review.

VI. The case presents an important recurring issue regarding pro se litigants and appellate access.

Pro se litigants often file imperfect papers. Courts have legitimate concerns about repetitive and meritless filings. But the constitutional line matters. A court may protect itself from abuse, but it may not respond by effectively denying meaningful future access to a litigant who cannot afford counsel and who is attempting to raise criminal, liberty, property, disqualification, corruption, abuse-of-power, or due-process issues.

The issue presented here is important because state courts use prefiling restrictions against pro se litigants across the country. Without clear constitutional limits, an indigent litigant may lose access not because a future claim is meritless, but because past filings were unsuccessful or procedurally defective. This Court should grant review to clarify that filing restrictions must be narrowly tailored and must preserve a meaningful channel for legitimate constitutional claims.

XII. CONCLUSION

For the foregoing reasons, Petitioner Samuel Lee Smith, Jr., respectfully requests that this Court grant the petition for a writ of certiorari.

This case presents more than a routine procedural dismissal. Petitioner sought appellate review of serious constitutional issues involving judicial disqualification, access to courts, deprivation of property, subpoenaed witnesses who failed to appear, unresolved due process violations, failure to perform criminal-

procedure duties, government abuse of power, and lower-court proceedings affecting his liberty and criminal/misdemeanor case. Instead of receiving meaningful review of the neutral-tribunal issue, Petitioner's appeal was dismissed on procedural grounds and he was later subjected to a broad pro se filing restriction.

Petitioner respectfully asks this Court to grant the writ, vacate the January 26th, 2026, order dismissing the appeal in Case No. 3D2025-2448, hold that due process requires meaningful review of judicial-disqualification objections before appellate access may be denied or restricted, and remand for further proceedings consistent with this Court's ruling.

Respectfully submitted,

/s/ SAMUEL LEE SMITH, JR.,
SAMUEL LEE SMITH, JR.,
Petitioner Pro se
16614 SW 99 Court
Miami, Florida 33157
Email: Gymsam7@gmail.com