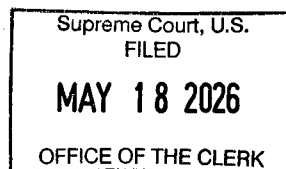


No. _____

26-5460

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



PETITION FOR A WRIT OF CERTIORARI

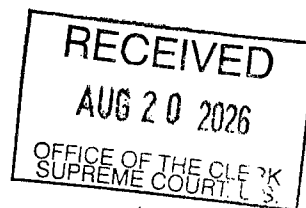
IVA ROBBINS
Petitioner

v.

UNITED STATES POSTAL SERVICE, et al.,
Respondents

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the
District of Columbia Circuit

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August 12, 2026



QUESTION PRESENTED

1. Whether a District Court inflicts an ongoing structural and constitutional harm upon the Petitioner under Article III and the separation of powers doctrine by docketing Petitioner 's ministerial filing for a clerk-entered default judgment under Federal Rule of Civil Procedure 55(b)(1) as a judicial motion, thereby assuming judicial authority over these submissions and stripping the petitioner of the mandatory substantive protection by the Rule.
2. Whether the Court of Appeals compounds this structural judicial governance breakdown by adjudicating Petitioner 's appeal based on existing record — formally disputed, thereby adopting the District Court's characterization of a "motion" and proceeding on issues not presented by the Petitioner.

PARTIES TO THE PROCEEDING

Petitioner is Iva Robbins, who was the plaintiff in the district court and the appellant in the court of appeals.

David Steiner Postmaster General (official-capacity respondent))

Gerald Roane, USPS Virginia District Manager (official-capacity respondent)

United States Postal Service (agency respondent)

TABLE OF CONTENTS

TITLE PAGE	PAGE
COVER PAGE	
CAPTION PAGE _____	i
QUESTION PRESENTED	ii
PARTIES TO THE PROCEEDING	iii
TABLE OF CONTENTS....	iv
TABLE OF AUTHORITIES	v
OPIONIONS BELOW _____	1
JURISIDICTIION _____	2
CONSTITUTIONAL STATUTORTY, AND RULE PROVISIONS INVOLVED _____	3--5
STATEMENT OF THE CASE	6--9
REASONS FOR GRANTING THE WRIT.....	10
PART I : RULE INVOKES ARTICLE III VIOLATES THE SEPARATION OF POWERS DOCTRINE.....	10
PART II : JUDICIAL CHARACTERIZATION EXPANDS TO ADVOCACY, LEGISLATIVE ACTS AND VIOLATES THE PARTY PRESENTATION PRINCIPLE _____	12
PART III: RIGHT TO MINISTERIAL, NON-ADVERSARIAL PROCESS	15
PART IV: COURT ASSUMES AUTHORITY OVER RULE HARMS WITH DEPRIVATION OF SUBSTANTIVE RIGHTS.....	18
PART V: TRUE RECORD IS VOICE OF THE PETTIONER(Litigant).....	21
JUDICIAL PRACTICES IS WHY OF NATIONAL IMPORTANCES.....	25

APPENDIX

TABLE OF AUTHORITIES

CASES	PAGE
Burzee v. Park Avenue Ins., Agency, Inc., 946 So.2d 1200(Fla. 5 th DCA 2006).....	23
California Motor Transport Co. U. Trucking Unlimited, 404 U.S. 50 (1972).....	13
Clark v. Sweeney, 259 F.3d 122 (3d Cir. 2001).....	18
Del Rio v. City of Hialeah, 904 So.2d 484 (Fla. 3d DCA 2005).....	23
Dorsett v. Dorsett, 902 So.2d 947 (Fla. 4th DCA 2005).....	23
Franchise Holding 11, LLC v. Huntington Restaurants Group, Inc., 375 F.3d 922, 928 (9th Cir.2004).....	15
Germ v. St. Luke's Hosp. Assn, 993 So.2d 576 (Fla. 1st DCA 2008).....	23
Greenlaw v. United States, 554 U.S. 237, 243-44 (2008).....	13
Grimes c. District of Columbia, 794 F.3d 83, 92 (D.C. Cir. 2015).....	17
Henderson v. United States, 568 U.S. 266 (2013).....	16
Milhouse V. Carlson, 652 F.2d 371 (3d Cir. 1981).....	13
Reed v. Reed, 914 So.2d 26 (Fla. 4th DCA 2005) (error on the face of the order).....	21
Robbins v. United States Postal Service, 24 cv-1156(D.D.C. 2025).....	2, 22, 24
Smith v. Coalition to Reduce Class Size, 827 So.2d 959 (Fla. 2002).....	22, 24
Whigum v. Heilig-Meyers Furniture, Inc., 682 So.2d 643 (Fla. 1st DCA 1996).....	21, 23
VLM Food Trading Int'l, Inc. v. Illinois Trading co., 811 F.3d 247, 255 (7 th Cir. 2016)....	21
United States v. Sineneng-Smith, 590 U.S. 371 (2020).....	15, 22

CONSTITUTIONAL PROVISIONS

U.S. Const. art. III	Page 10, 11, 12, 15
Petition Clause of the First Amendment	Page 13
U.S. Const. art. I.....	Page 14

STATUTES

28 U.S.C. s 1254(1)	
28 U.S.C. s 1331 ..	
28 U.S.C. s 2106 ..	

RULES

Fed. R. Civ. P. 55(b)(1)	passim
Rules Enabling Act....	Passim
Rule 10e.....	25
Sup. Ct. R. 14	
Sup. Ct. R. 33.2	

OTHER AUTHORITIES

Handbook of Practice and Internal Procedures of the United States Court of Appeals for the District of Columbia Circuit	
Wright & Miller, Federal Practice and Procedure& ____Restatement (Second) of Judgments.....	

OPINIONS BELOW

The memorandum opinion of the United States Court of Appeals for the District of Columbia Circuit, issued on February 17, 2026, is unpublished and appears at *Robbins v. United States Postal Service*, No. 25-5229 (D.C. Cir. 2026). The decision is reproduced in the Appendix at A1.- A2

The order of the United States District Court for the District of Columbia, issued on April 16, 2025, denying Petitioner's Rule 55(b)(1) default-judgment filing and misclassifying submission appears at *Robbins v. United States Postal Service*, No. 1:24-cv-1156 (D.D.C. 2025). The order is reproduced in the Appendix at A-3.

JURISDICTION

The judgment of the United States Court of Appeals for the District of Columbia Circuit was entered on February 17, 2026. Petitioner did not seek rehearing. This petition is filed within 90 days of the entry of judgment, as required by Supreme Court Rule 13.1.

This Court has jurisdiction under 28 U.S.C. 1254(1), which authorizes review of cases in the courts of appeals by writ of certiorari.

This case presents federal questions concerning ongoing Judicial Structure Harm: judicial assumes authority over submissions pursuant to Rule 55(b)(1) and the constitutional implications of this practice on Substantive Rights. The case further concerns the creations of a materially inaccurate record that bars for a meaningful appellate review.

CONSTITUTIONAL, STATUTORY AND RULE PROVISIONS INVOLVED

Article I, Section 1. of the U.S. Constitution states that:

"All legislative powers are vested in a Congress of the United States, establishing the legislative branch of the federal government."

Article III, Section 1. of the U.S. Constitution provides :

" The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to . time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office"

Petition Clause of the First Amendment provides :

" Congress shall make no law ... abridging the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"

28 U.S.C. 1254(1)

‘Cases in the courts of appeals may be reviewed by the Supreme Court by writ of . certiorari granted upon the petition of any party to any civil or criminal case..’

28 U.S.C. s 2106

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

The Rules Enabling Act of 1934

Empowers the U.S. Supreme Court to create uniform procedural rules for federal courts while preserving substantive rights.

Federal Rule of Civil Procedure 55(b)(1) provides :

“ If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person..”

Federal Rule of Appellate Procedure 10(e)(1) provides:

"If any difference arises about whether the record truly discloses what occurred in the district court, the difference must be submitted to and settled by that court and the record conformed accordingly..”

Federal Rule of Appellate Procedure 10(e)(2) provides:

“If anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded..”

Supreme Court Rule 14

"A petition for a writ of certiorari shall contain, in the order indicated: (i) the questions presented; (ii) a list of all parties; (iii) a table of contents; (iv) a table of authorities; (v) citations of the opinions and orders entered in the case; (vi) the jurisdictional statement; (vii) the constitutional and statutory provisions involved;

(viii) the statement of the case; (ix) the reasons for granting the writ; and (x) an appendix."

Supreme Court Rule 33.2

"A document prepared under this Rule shall be produced on standard letter-size paper, using a typeface of 12-point or larger, with margins of at least one inch on all sides."

STATEMENT OF THE CASE

A. DISTRICT COURT PROCEEDINGS

Petitioner Iva Robbins filed a civil action in the United States District Court for the District of Columbia on April 19, 2024, alleging age discrimination by the United States Postal Service and related defendants. Summonses were issued requiring the defendants to appear and respond to the complaint by August 16, 2024. The district court docket reflected that the defendants did not appear by that deadline.

More than thirty days after the appearance deadline, and while the docket continued to show no appearance by the defendants, Petitioner filed an Entry of Default Judgment accompanied by an Affidavit on September 20, 2024. On September 23, 2024, Petitioner filed an Amended Entry of Default Judgment for Disposal of Claims, accompanied by an Affidavit. As of that date, the district court docket still reflected no appearance by the defendants. *See Appendix D.C. live data base record.*

Only after Petitioner filed the default judgment pursuant to Rule 55(b)(1) Disposal of all Claims, the defendants appeared on the record by a motion for an extension of time to respond. The defendants' September 25, 2026 motion for an extension of time to respond constituted their first appearance in the case. *See Appendix District Court Docket Entry 17*

Petitioner subsequently observed some discrepancies in the district court docket. The docket entries identified Petitioner's submissions pursuant to Rule 55(b)(1) as a "Motion" For Entry Of Default Judgment and Petitioner's filing Entry of Default Judgment amended for Disposal of all Claims was labeled as an

"errata" Motion for Entry of Default Judgment. *See Appendix District Court Docket Entry Doc 14*, District Court Docket also error in docketing the accompany Affidavit unattached to it submission of September 20, 2026.

On September 26, 2024 , Court's through minutes order grants the defendants' motion to respond to the Petitioner's complaint together these docket entries recorded an appearance by the defendants for September 25 , 2024 Thereby, an appearance by the defendants appears on the record after September 23, 2024 the date stamped of the Petitioner's filings. *See Appendix District Court Docket Entry Doc. 17*

To address these discrepancies, regarding the docket entries identified as a "motion entry for default judgment" and petitioner's text 'amended' labels as an "errata" and continued characterization as a motion" for entry of default judgment, Petitioner submitted petitions to the district court and clerk of the court. Petitioner noted that these submissions, made pursuant to Rule 55(b)(1), were nondiscretionary filings directed to the Clerk and were not motions. Petitioner emphasized that she did not, in any manner, petition the Court for action, review, or judicial consideration with respect to these filings. Petitioner also observed that the D.C. Live Database Record contradicted any implication—arising from the defendants' motion for an extension of time—that the defendants had not appeared in response to Petitioner's Rule 55(b)(1) filings. *See Appendix - September 23, 2025 D.C. Live Database Record.*

Specifically, Petitioner requested that the Docket Sheet be correct to the exact text as submitted. Petitioner's Entry of Default Judgment, accompanied with an Affidavit filed on September 20, 2024; Petitioner's Entry of Default Judgment

Amended for Disposal of Claims filed on September 23, 2024 accompanied with an Affidavit. See Appendix for petitioner's actual filings.

During the course of the open case, no action was taken on Petitioner's requests to correct the record to its true accuracy, defendants' repeated motions for extensions of time —later-filed motion to dismiss. Docket continued to label Petitioner's Rule 55(b)(1) submissions as a "motion". Over the course of nearly a year, District Court Docket consistently recorded Petitioner's Rule 55(b)(1) filing as a "motion. See Appendix D.C. District Court Docket.

On April 16, 2025, The district court Grants the defendants' motion to dismiss the petitioner's complaint, See D.C. District Court Order.

B. APPELLATE PROCEEDINGS

Before the defendants filed any affirmative or dispositive motion in the appellate court, Petitioner filed a petition to correct the record pursuant to the procedures described in the Handbook of Practice and Internal Procedures of the United States Court of Appeals for the District of Columbia Circuit which mirrors Rule 10(e). The Petitioner's Petition De Novo Review of the Disputed Record, a preliminary action, considered prior to affirmative motions. See Appendix — Petitioner's Petition for De Novo Review of the Disputed Record.

On February 17 2026, The D.C Circuit affirmed the district court's judgment ruling.

FURTHER ORDERED that the motions for other relief be denied. Appellant has not shown that any aspect of the record requires correction, including the term "motion" in the district court docket entries for ECF and 16. See Fed. R. App. P. 10(e). Nor has she shown that she was entitled to a default judgment. *Robins v. United States Postal Service et al* 24cv1156 February 17, 2026. *See Appendix D.C. Circuit Order Page 2*

At no time Petitioner received a Schedule Order, no litigation Schedule Order was entered for the petitioner-s appeal and case was adjudicated on the existing record — without considerations of the Petitioners Petition for De Novo Review of the Disputed Record .

Irrespectively, to D.C . Circuit 's ruling, Petitioner's Petition for De Novo Review of the Disputed Record carefully defines what constitute the appellate record ; identified what record are disputed and what and why identified records are disputed. RULE 10e ensure the appellate court has the record necessary to conduct meaningful review . Still, Petitioner-s Petition to correct the record in its absences of consideration — structure errors and wrongly applied principle of law remain apparent from the face of district court docket sheet .

REASON FOR GRANTING THE WRIT

PART 1: RULE 55(b)(1) INVOKES ARTICLE III — VIOLATES THE SEPARATION OF POWERS DOCTRINE

The Constitution establishes a tripartite structure in which legislative, executive, and judicial powers are vested in separate branches of government. The constitutional principle of Separation of Powers distinguishes between judicial acts, which require the exercise of Article III authority, and which do not. The Judiciary may act only when its power has been properly invoked and only within the bounds of authority assigned to it by Article III and by statute. The separation-of-powers framework therefore prohibits courts from exercising judicial discretion where the governing rule assigns the relevant function to a non-judicial officer.

This constitutional limitation is directly relevant here. Petitioner's filings on September 20 and September 23, 2024 were submitted pursuant to Rule 55(b)(1) and therefore did not request judicial action. The docket's characterization of these filings as motions is inconsistent with the Rule's text, the ministerial nature of the Clerk's role, and the constitutional requirement that judicial power be exercised only when properly invoked.

Under the separation of powers, Rule 55(b)(1) expressly assigns the entry of default judgment—under narrow and specified conditions—to the Clerk rather than the Court. The Clerk's responsibilities under Rule 55(b)(1) are ministerial: the Clerk must enter judgment when the prerequisites are satisfied, and no judicial discretion is required or permitted. Because the Rule does not call for adjudication, evaluation of evidence, or the exercise of judicial judgment, Petitioner's filings on September 20

and September 23, 2024 submitted under Rule 55(b)(1) do **not** invoke **Article III** authority.

A motion is, by definition, a request for judicial action. A Rule 55(b)(1) filing, however, —its operations —is directed to the Clerk and seeks no judicial involvement. The separation of powers prohibits the Judiciary from assuming authority over matters that the Rules assign to a non-judicial officer. Characterizing such a filing as a motion would improperly transform a nondiscretionary ministerial act into a judicial act, thereby expanding the Court’s role beyond the limits established by the Rule 55(b)(1) and Article III. Treating Petitioner’s submission on September 20 and September 23, 2024 — a Rule 55(b)(1) submission —as a “motion” is inconsistent with this constitutional structure.

The filings on September 20 and September 23, 2024 pursuant to Rule 55(b)(1) do not invoke judicial power and cannot properly be treated as motions. The Court’s role is not engaged unless and until a matter requiring judicial determination is presented. Thus, under the constitutional structure and the text as written pursuant to Rule 55(b)(1), Petitioner’s filings were not petitions for judicial action. Their characterization on the docket as motions is inconsistent with both the Rule and the separation-of-powers framework that limits judicial authority. See Appendix A11-A15 District Court Docket

The Court cannot treat Rule 55(b)(1) —non discretionary legal mandate — for a judicial motion without exceeding the Article III authority which is not

assigned to it by Rule 55(b)(1). Characterizing Federal Rules holding a nature like 55(b)(1) as “motion” is constitutionally impermissible and is structurally unsound thus, constitutes a structure error. This structural violation is not cured by the mere appearance of a defendant’s later filings. The constitutional defect arises at the moment the Court treats a Rule 55(b)(1) submission as a judicial motion.

The Judiciary cannot expand its own authority by its characterizing of filings, nor can it assume jurisdiction over matters that do not require judicial intervention. The Article III Separation of Powers prohibits the Court from exercising judicial power where the governing rule assigns the function to a non-judicial officer. The Court exercises authority that the Rule does not confer and that Article III does not permit violates separation of power and present the party presentation principle.

PART II: JUDICIAL CHARACTERIZATION EXPANDS TO ADVOCACY, LEGISLATIVE ACTS AND VIOLATES THE PARTY PRESENTATION PRINCIPLE

Petitioner submitted an Entry of Default Judgment accompanied by an Affidavit on September 20, 2024 and an Amended Entry of Default Judgment for Disposal of Claims accompanied by an Affidavit on September 23, 2024 pursuant to Rule 55(b)(1).. These filings were directed to the Clerk and required no judicial action. The Live Database Record confirms that, at the time of these filings, the defendants had not appeared and had taken no action in response to Petitioner’s Rule 55(b)(1) submissions. *See Appendix A 17 -A22; See Appendix A15-A16 September 25,2024 D.C. live data base record*

Petitioner subsequently identified discrepancies on the district's court docket. The docket improperly characterized the September 20 and September 23, 2024 Rule 55(b)(1) submissions as a 'motion,' and characterizes the text amended as 'errata' for disposal of claims. Petitioner also observed that the defendant had appeared by filing a motion, specifically a motion seeking an extension of time to respond. *Ses Appendix A13 District Court Docket*

Petitioner has the constitutional right to have their filing treated as legally operative in the form submitted, without government alteration. Petition Clause of the First Amendment protects court filings. *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508 (1972). **The Supreme Court has made clear that the right to petition includes the right to use the courts without obstruction.** The right to petition necessarily includes the right to access courts and administrative agencies. Government cannot obstruct or burden that access without violating petitioner's first right to petition. *Milhouse v. Carlson*, 652 F.2d 371, 373 (3d Cir. 1981). That right extends to both judicial and administrative forums, and government may not burden or obstruct that access without violating the First Amendment right to petition.

Petition Clause of the First Amendment, the right to petition, and the adversarial structure of Article III require that the litigant not the court—controls the content of their claims. This right prevents the court from transforming a filing into something the litigant did not submit, thereby ensuring that the litigant—not the court—controls the articulation of their claims. The doctrine is rooted in the fundamental separation between adjudication and advocacy: the court may interpret a filing, but it may not change it. In practice, the Supreme Court refers to this as the "party presentation principle."

Courts are generally barred from raising and deciding issues that have not been presented by the parties. *Greenlaw v. United States*, 554 U.S. 237, 243-44 (2008) holding that an appellate court may not, on its own initiative, increase a defendant's sentence in the absence of a government appeal.

The Constitution protects the integrity of the litigant's voice and preserves the adversarial process from judicial distortion. The Constitution therefore protects the litigant's voice from judicial alteration and preserves the integrity of the adversarial process by requiring courts to adjudicate filings as they are, not as the court might prefer them to be.

When a court alters the petitioner's filing into a motion, it abandons its adjudicative function and assumes an advocacy role, intrudes into the domain of the litigant (by rewriting the petition). Likewise, when the court alters the plaintiff's petition pursuant to Rule 55(b)(1) — **a legislative mandatory operation** — it abandons its adjudicative function and assumes a legislative role, intrudes into the domain of the legislature (by rewriting the rule's operation).

Article I bestows legislative power in Congress, not the judiciary. When a court alters the content of a filing that Congress has made legally operative, the court is not interpreting the law—it is **replacing the command with its own**. This is a direct violation of the Rules Enabling Act which authorizes procedural rules but prohibits courts from modifying the legal effect, if the effect is change in a rule this may constitute a substantive violation of rights.

Rule 55(b)(1) assigns a substantive consequence — the filing of a complaint

's affidavit. Judicial alteration of the affidavit to a judicial motion modifies the substantive right **the Rule attaches to that filing**. This not only violates the Rules Enabling Act Congress enacted but also violation of the petitioner 's substantive rights in pursuit to that rule.

Under the federal Rules Enabling Act, Congress fixes the legal consequences that attach to a Rule 55(b)(1) filing upon a nonappearance, leaving courts no discretion to alter them. *Franchise Holding II, LLC v. Huntington Restaurants Group, Inc.*, 375 F.3d 922, 928 (9th Cir. 2004); *VLM Food Trading Int'l, Inc. v. Illinois Trading Co.*, 811 F.3d 247, 255 (7th Cir. 2016) Because Congress has already determined the legal consequence of a Rule 55(b)(1) filing, the judicial alteration of the petition's filing: disrupts the adversarial structure of Article III, distorts the presentation of claims, and exceeds the judicial power conferred by Article III. *United States v. Sineneng-Smith*, 590 U.S. 371, 375-376 (2020).

The Judiciary's alteration of Petitioner's Rule 55(b)(1) filings by characterizing them as motions changes the mandatory operative facts and thereby alters the statutory trigger applicable to a non-appearing party, otherwise than as written of the Rule. This misclassification undermines Petitioner's right to have a filing receive the legal effect assigned to it by law, rather than a different effect imposed through judicial characterization.

Court's conduct also violates Article III under the separation of powers. In a mandatory-rule context, the Court may not assume authority over a submission

that does not invoke its jurisdiction, and any such assumption exceeds the limits of Article III. Thereby, collapsing the constitutional structure that requires separation between legislator and the judiciary.

PART III: RIGHT TO MINISTERIAL, NON-ADVERSARIAL PROCESS

Petitioner's filings on September 20, 2024, and an Amended Entry of Default Judgment for Disposal of Claims on September 23, 2024 invoked only the Clerk's ministerial authority under Rule 55(b)(1). Rules Enabling Act — establishes a **mandatory, ministerial procedure** that assigns the entry of default judgment to the clerk of the court meaning the clerk's duty is purely administrative: verify the record and enter judgment. Petitioner has a constitutional and statutory right to a **ministerial, non-adversarial process**. See **Henderson v. United States**, 568 U.S. 266 (2013) — courts must apply rules as written. **Meaning:** The legal standard is fix as written and the rule's text as written is unequivocal:

- i) Rule 55(b)(1) as written Requires a nonappearance
 - ii) Rule 5 5(b)(1) as written entry of default ¹under Rule 55(a)
 - iii) Rule 55(b)(1) as written an Affidavit showing the sum of amount due” ,
- the clerk **must** enter judgment once these conditions are met.

By labeling these filings as motions on the docket, supposedly transformed from one with a fixed, automatic consequence to one dependent on judicial discretion. Minutes Order rules as follows:

¹ A failure to seek default risked complaint dismissal for lack of prosecution.

" *"In light of the government's appearances on behalf of all defendants, the Court on September 26, 2024, hereby denies the plaintiff's motion for entry of default judgment, denies the motion for entry of default, and denies the motion to correct Docket Entry 20."*Robbins v. USPS, No. 24-cv-1156, Minute Order (D.D.C. Oct. 1, 2024). See Appendix A13 District Court Docket .

Alongside its denial of the entry of default judgment, court denied the Petitioner's petition to correct the record. District Court's Minute Order violates Petitioner's constitutional and statutory right to a ministerial, non-adversarial process. Petitioner has a substantive separation-of-powers right to have zero court discretion, no judiciary involvement and right to have a federal rule applied exactly as written.

Irrespectively, the Court of Appeals adopted the District Court's unauthorized characterization of Petitioner's Rule 55(b)(1) filings as a judicial motion. In its order affirming the District Court's final order, the Court of Appeals improperly applied a discretionary standard, stating :

"[N]or has she shown that she was entitled to a default judgment." See, e.g., Grimes v. District of Columbia, 794 F.3d 83, 92 (D.C. Cir. 2015) (noting "Rule 55's implicit preference for judgments on the merits, and its cautions against default as a sanction for curable non-response or lack of diligence"). See Appendix A1 D.C. Circuit Order .

D.C. Circuit's holding fundamentally distorts the federal Rule 55(b)(1). By following the district court's presentation the issue is not as presented of the petitioner's actual filings — thus , D.C. Circuit compounded a structure error. While the *Grimes* case addresses judicial discretion under Rule 55(b)(2) motions, it has zero legal application to the ministerial, non-discretionary command of Rule 55(b)(1) [Rule 55]. By applying a discretionary "judgment on the merits" standard to

a strict clerical entry, the Court of Appeals insulated a structural error and validated an unauthorized judicial rewrite of the Federal Rules of Civil Procedure 55(b)(1). In so doing, presented a presentation other than presented of neither party — particular the petitioner because of a defendant's non-appearance and violates the principle of presentation *Clark v. Sweeney*, 259 F.3d 122 (3d Cir. 2001)

The separation of powers, embodied in Articles I, II, and III of the Constitution, imposes substantive limits on the exercise of judicial authority. Article III authorizes the Judiciary to act only when its power has been properly invoked through a filing that requests judicial determination. Rule 55(b)(1), however, it does not involve adjudication, discretion, or the exercise of judicial power. It assigns the entry of default judgment —under a straightforward, objective, and nondiscretionary condition — to the Clerk.

The Clerk's function under the Rule is ministerial; Petitioner's filings pursuant to Rule 55(b)(1) on September 20, 2024, and an Amended Entry of Default Judgment for Disposal of Claims on September 23, 2024 accompany with Affidavits therefore does not invoke Article III authority and cannot properly be treated as a motion. Petitioner therefore retains a constitutional right to have the Rule 55(b)(1) submissions treated according to their legal effect—as written—and not as motions for judicial intervention.

PART IV: COURT ASSUMES AUTHORITY OVER RULE 55(b)(1), HARMS WITH DEPRIVATION OF SUBSTANTIVE RIGHTS

Rule 55(b)(1) assigns the entry of default judgment to the Clerk as a nondiscretionary, ministerial function. Because the Rule permits zero judicial

discretion, Petitioner's filings on September 20 and 23, 2024 accompany with Affidavits operated as a mandatory command to the Clerk of the Court pursuant to Rule 55(b)(1). Changed into a motion — it loses not only its character as a mandatory command but also loses character by what is it commanding of its operative form.

By treating Petitioner's Rule 55(b)(1) filing as a "**motion**," ' the court makes a substantive change. First, it transforms the legal framework from a ministerial clerk function into a discretionary judicial process." This shift changes the filing's legal effect, its legal consequences, the **governing standard** , changes the burden , and ultimately changes **the outcome** from one with a fixed, automatic consequence to **judgment being extinguished**. Each change produced substantive consequences for the petitioner by eliminating the mechanism through which her underlying substantive rights could be enforced. These are substantive changes in the Rule 55(b)(1) and each change imposes deprivation of a substantive right on the petitioner.

Petitioner is deprived of a host of substantive rights by judicial assuming authority over Rule 55(b)(1) submissions. By the application of court's discretion, alters the mandatory character of Rule 55(b)(1) thus , displaces the non-discretionary framework. Petitioner loses a host of substantive right to the legal consequences when deprived of a submission pursuant to Rule 55(b)(1) and ultimately the petitioner loses a substantive undisputed entitlement to

judgment— assigned by law to the [Rule].

Following labeling “amended” as “errata” for amended for disposal of claim,” and then treating the filings as a judicial submission requiring court action is the displacement of the mandatory character of that Rule 55(b)(1) stands on. Petitioner loses a host of substantive rights : Petitioner **loses** substantive right to have the [rule] applied as written , **and** under Rule 55(b)(1) — a mandatory standard , Petition loses a substantive right to a **fixed, nondiscretionary legal standard**. Petitioner’s also loses a substantive right to **legal consequences of the filing actually made**.

Petitioner also possessed a substantive right to a **correct and accurate record as originally filed ignored by judiciary**. When a court’s docket converts a mandatory clerk-directed Rule 55(b)(1) submission into a judicial motion, it alters the legal effect of the filing, solicits an adversarial process where none was demanded ,restores to the Defendants’ rights they had forfeited by failing to appear and ironically, converting Rule 55(b)(1) to a motion prepares the defendants to contest.

A motion by design changes the mandatory framework of Rule 55(b)(1) , the motion itself restores defendants’ rights that forfeits on a fail appearance; thereby, the motion restores right to contest liability, restores the right to judicial discretion, restores the right to an unfixed outcome, restore the right to shift the burden onto Petitioner through motions , and restore the right to equitable balancing.

Districts court's alteration of Petitioner's Rule 55(b)(1) submissions into a motion, eliminates substantive rights to petitioner and restores forfeited rights to the defendants thus, compounding the deprivation of substantive rights and substantive harm imposed on the petitioner. Defendants loses a host of rights — forfeited by failing to appear, Court assume authority over Rule 55(b)(1) " the court creates an adversarial process. This conversion of Rule 55(b)(1) into a motion requiring judicial review serves to restore each defendant's forfeited rights and ironically prepares to contest. Each right forfeited for a non-appearance restore to the defendants and each substantive right the petitioner lost through deprived submissions under Rule 55(b)(1), each independently and collectively, produces substantive consequences constitutes a deprivation of a substantive right suffered by the petitioner that ultimately eliminates the petitioner's ability to obtain the judgment required to enforce her substantive rights.

PART V. THE TRUE RECORD IS THE VOICE OF THE PETITIONER

Substantive Rights are embedded within the Structure

Separation-of-Powers Doctrine. The mandatory operations pursuant to Rule 55(b)(1) and plainly the First Amendment's Petition Clause which protects the right to petition the government for redress, the government may not alter the content of a petition without violating the petitioner's substantive and constitutional rights. A court filing is a petition, if the court modifies the filing, the court is no longer responding to the litigant's petition but to a judicially created

alternative. This constitutes **an exercise of legislative power** and violates the separation of powers .

The petitioner’s filings dated September 20, 2024, and the Amended Entry of Default Judgment Disposal of all Claims” dated September 23, 2024 accompany with Affidavits —characterized and treated as a “**motion** “in the district court — do not define the issues in the case and do not constitute the petitioner’s actual submissions and therefore cannot serve as the operative record for appellate review. Thereby, through the Petition Clause of the First Amendment and pursuant to Rule 10(e,) Petitioner possessed a substantive right to a correct and accurate record prior to the adjudicating of an appeal. Petitioner exercised that right on September 16, 2025 the commencement of the appeal, prior to appellate motions, petitioner Petition for De Novo Review of the Disputed Record. *See Appendix A23 – A35*

Appellate courts rely exclusively on the record as exist ; The D.C. Circuit is obligated to correct for the exact text actually submitted. An altered record deprives the litigant of a meaningful appellate review. *Smith v. Coalition to Reduce Class Size*, 827 So.2d 959 (Fla. 2002)

In addition, Supreme Court has emphasized that an appellate review cannot proceed on a record that is incomplete or distorted, for the appellate court “is limited to the record before it.” *See United States v. Sineneng-Smith*, 590 U.S. ____ (2020) (reaffirming that courts may not reshape the case beyond the parties’ submissions).

The adversarial system depends on the parties—not the court—defining the

issues. The court's role is to adjudicate the dispute presented, not to rewrite it. An accurate record is essential because: the parties control the claims, the court adjudicates those claims.

In this case, a review of the docket for truth and accuracy under Rule 10(e) was inseparable from the appellate review itself. This is because the district court effectively performed legislative acts by both rewriting the claims and redefining the conditions under which those claims must be entered. Petitioner therefore requested that the D.C. Circuit conduct a *de novo* review of the disputed record, Petitioner's request for de novo review is best understood citing the following:

De novo review simply means that the appellate court is free to decide a question of law, without deference to the trial judge, as if the appellate court had been deciding the question in the first instance See *Burzee v. Park Avenue Ins. Agency, Inc.*, 946 So.2d 1200 (Fla. 5th DCA 2006); *Del Rio v. City of Hialeah*, 904 So.2d 484 (Fla. 3d DCA 2005);

While the general rule is that the appellate court must affirm in the absence of a record, the court can reverse a judgment that is fundamentally erroneous even if there is no record. See Reed v. Reed, 914 So.2d 26 (Fla. 4th DCA 2005) (error on the face of the order); *Dorsett v. Dorsett*, 902 So.2d 947 (Fla. 4th DCA 2005) (error on the face of the judgment).

An order under review rests purely on legal matters, that order is subject to full, or de novo, review on appeal. See *Germ v. St. Luke's Hosp. Assn*, 993 So.2d 576 (Fla. 1st DCA 2008); *Smith v. Coalition to Reduce Class Size*, 827 So.2d 959 (Fla. 2002) (review of trial court's application of law is de novo). Under this standard, the appellate court makes its own determination as to the correct principle of law to be applied to a particular set of facts.

Trial court's characterization of debt action as a compulsory counterclaim presents pure issue of law subject to de novo review. ***Whigum v. Heilig-Meyers Furniture, Inc.***, 682 So.2d 643 (Fla. 1st DCA 1996).

Correcting the docket to the true and accurate record was apparent from the face of the district court's docket sheet because petitioner's Rule 55(b)(1) submissions were treated as a motion the time of it appeared on district court docket sheet as motion. Their characterization on the docket as motions are inconsistent with both the Rule 55(b)(1) and the separation-of-powers framework that limits judicial authority.

In addition, the docket itself effectively shifted the burden away from the defendants and onto the Petitioner, a 'motion' is contrary to the Rule 55(b)(1) and the Constitution. The Judiciary may not shift the burden away from the defendants or negate the consequences of their failure to appear by mischaracterizing a clerk-directed filing as a judicial motion thus violates the structural protections guaranteed by the separation of powers. The separation of powers prohibits the Judiciary from assuming authority over a matter that does not invoke judicial power.

Further, it was apparent with the absence of the clerk's entry as written of Rule 55(b)(1), — clerk had not performed its minister duties - enter a default judgment.

Conclusively, clerk absence of an entry default judgment on the record making it apparent from the face of the district court docket sheet that the wrong principle of law had been applied See, *Smith v. Coalition to Reduce Class Size*, 827 So.2d 959 (Fla. 2002)

Irrespective, these errors are clearly apparent from the docket, the appeal was adjudicated on a disputed record. The appellate court's failure to correct the record prior to adjudication destroyed this structural right because meaningful appellate review is a **substantive right**. **Petitioner continue to suffered**

deprivation of substantive rights ongoingly compounded with the D.C. circuit court meaningless appellate review and by law is null and void. Thus, Appellate courts cannot review a case on a defective record. Clark v. Sweeney, 259 F.3d 122 (3d Cir. 2001).

JUDICIAL PRACTICES IS WHY OF NATIONAL IMPORTANCES

The Supreme Court has repeatedly recognized that structural constitutional violations arise when an Circuit acted in concert—whether intentionally or not—presents a judicial breakdown in the entire branch exercises power in a manner inconsistent with law, even if no single actor's conduct alone would appear extraordinary.

Here, the district court performance was in fact extraordinary . It redefined the claim of the petitioner and rewrite the condition in which the claim shall be entered . This performance is far belonging to the judiciary — effectively assuming legislative power ,this overreach resulted in a profound entrenchment on substantive rights and deprived Petitioner of her voice of the petition actually made.

As like the district court judiciary governance presents otherwise than Rule 55(b)(1) is other than a non appearances , affidavit and judgment entered , this case present otherwise of extraordinary importance to the national interest of litigants. Question presented how practice will this performance become for the expansion of structure judicial break down nationwide where the appellate do not return the voice of the litigant taken of their

petitions nor return of legislators , instead United States Court of Appeals for the District of Columbia Circuit invalidated an unauthorized judicial rewrite of the Federal Rules of Civil Procedure 55(b)(1).

Conclusively , this case become a national importances to return one's voice where by judicial governance breakdown is of a national importances , Supreme Court must intervene for litigants nationwide to retain their voices . It must not be warranted to the extent to return one's voice taken from a petition, if one may retain that voice as originally submitted .

RELIEF

Petitioner respectfully requests that the Court grant the petition for writ of certiorari, reverse the judgment of the court of appeals, and hold that the default judgment entered below is valid and enforceable. Petitioner further requests any additional relief that this Court deems just and proper.

Respectfully submitted



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