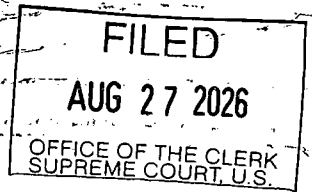


26-5533

In the



Supreme Court of the United States

Susan Braun, *pro se*,
Petitioner,

ORIGINAL

v.

Tracey Sager, *et al*,
Respondents.

On Petition for a Writ of Certiorari
To the State of Florida District Court of Appeal,
Third District

Petition for a Writ of Certiorari

Respectfully submitted by,

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August 27, 2026

QUESTION PRESENTED

Whether the Fourteenth Amendment's Due Process Clause permits a state court to recharacterize a self-represented citizen's case, and adjudicate to finality, without informed notice and an opportunity to contest the recharacterization.

PARTIES TO THE PROCEEDINGS

Susan Braun, Petitioner, was an interested person, respondent, and petitioner below, and the appellant in the Supreme Court of Florida and Third District Court of Appeal for the State of Florida.

Tracey Sager, Respondent, was a petitioner and respondent below, an appellee in the Supreme Court of Florida and Third District Court of Appeal for the State of Florida and, after the adversary proceeding started, was appointed personal representative of the Estate of Arnold Z. Braun.

Jeff Braun, Respondent, was a respondent below, and an appellee in the Supreme Court of Florida and the Third District Court of Appeal for the State of Florida. Additionally, he is a trustee.

Beatriz Braun, was a respondent in the trial court but not in the appeals.

RELATED PROCEEDINGS

No. SC26-0463, Supreme Court of Florida, *Susan Braun v. Tracey Sager et al.* Jurisdiction declined May 29, 2026; **No. 3D2024-1192**, Florida's Third District Court of Appeal, *Susan Braun v. Tracey Sager et al.* Opinion entered December 3, 2026, Rehearing denied February 19, 2026. **No. 3D2024-1708**, Florida's Third District Court of Appeal, *Susan Braun v. Tracey Sager et al.* Dismissal entered October xx, 2024; **No. 3D2022-0410**, Florida's Third District Court of Appeal; *Susan Braun v. Tracey Sager et al.*, Opinion entered July 5, 2023; Rehearing denied. **No. 3D2021-1875**; Florida Third District Court of Appeal; *Susan Braun v. Tracey Sager et al.*, Opinion entered January 25, 2023, rehearing denied. **2019-5346-CP-02**, Eleventh Judicial Circuit Court, Miami-Dade, Florida, *Susan Braun v. Tracey Sager et al.* Will admitted and proceeding concluded May 22, 2024. **No. 2019-831-CP-02**, Eleventh Judicial Circuit Court, *In re: Arnold Z. Braun*, deceased.

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JURISDICTION

The order of the Florida Third District Court of Appeal denying Petitioner's timely motion for rehearing was entered on February 19, 2026. The Florida Supreme Court declined discretionary jurisdiction on May 29, 2026.

Therefore, the Florida Third District Court of Appeal is the highest state court in which a decision could be had. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). This petition is timely filed within the 90-day statutory window expiring on August 27, 2026.

CONSTITUTIONAL PROVISIONS

The Fourteenth Amendment to the United States Constitution provides, in relevant part:

"[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

Introduction

Petitioner filed a caveat (App.13a) as an interested person before administration of her father's estate began in the Eleventh Judicial Circuit Court, Miami-Dade County, Florida. (R.45–46.) Under Florida law, a caveat filed prior to a petition for administration entitles the caveator to an adjudication of the will before probate proceeds. (18-1069-CV-02) Following the petition for administration, Petitioner filed an operative Amended Response, Affirmative Defenses, and Crossclaims, anticipating the personal representative would take control. (R.115–164.)

Before the will was admitted, the court ordered the self-represented Petitioner to open an adversary case. (App. 16a) (R.175–176.) The first docket entry described her compliance as a petition for adversary proceedings, recharacterizing Petitioner from an interested person awaiting an adjudication into a plaintiff initiating litigation. (App. 19a) (Adv. D.E.1.) (R.175–176, 245–248; Adv. D.E.1.)

Petitioner, who is under a full disability, (RC.1620), filed five motions to be heard on obtaining legal representation before any order admitting the will was entered; all received no response or were denied without a hearing. (D.E. 77, 83, 182)

The recharacterization of the case as a revocation proceeding drove two summary judgments and their respective appeals. (RS.1686; R.1853; Adv. D.E.191, 196, 278, 285–286.) None of the statutory methods Respondents pursued resulted in admission of the will. (R.182–183, 510, 512, 1039–1044, 1980; RS.2031.) A successor judge ultimately admitted the will five and a half years after the caveat, “per appellate court orders.” (App. 3a, 49a) (R.45, 984–998; Admin. D.E.234; Adv. D.E.402.) The third appeal now under review affirmed on the revocation premise. Throughout almost seven years of proceedings, no evidentiary hearing was held.

I. The Case Petitioner Presented

The decedent died on December 29, 2017. (R.1114.) On November 20, 2018, Petitioner filed a caveat as an interested person, preventing admission of the subject will, appointment of personal representative, and issuance of letters of administration until the court first determined validity.¹ (18-1069-CV-02)(R.45.) (App.13a) Respondents petitioned for administration on February 24, 2019. (R.46.)

After an attorney agreed to represent Petitioner, he was dissuaded following a conversation with counsel for Respondents. (R.462.) A hearing Petitioner set on obtaining the withheld estate planning file was canceled. (R.113.) A footnote in the cancelation order led to caselaw on permissible *ex parte* communication.² (R.113, 427–429.) Counsel and the administrative and original presiding judge were colleagues from shared service on the Florida Probate Rules Committee. (R.46, 422.) Respondents provided the file. (R.113, 1805–1806),

On October 31, 2019, the probate court granted leave on Petitioner's Amended Response, Affirmative Defenses, and Crossclaims, submitted as an interested person on the estate's behalf. (App. 14a) (R.115–164, 169.) This operative pleading opposed admission; it did not seek revocation of a will that was not admitted. (R.115–164.) Petitioner alleged the decedent's widow had procured the will without the decedent's knowledge, (R.124–126), and raised crossclaims concerning estate property and alleged harm to the decedent. (R.133–143.) Among Petitioner's supporting materials was the decedent's official state driver license record (DMV

¹ ¹ “The trial court is required to rule on the challenge to the will before proceeding to probate or naming the personal representative.” *Grooms v. Royce*, 638 So. 2d 1019, 1021 (Fla. 5th DCA 1994). “The clear implication of...the Florida Probate Code and Rules is that will contests and the rights of caveators must be determined prior to letters of administration being issued.” *Rocca v. Boyansky*, 80 So. 3d 377, 381 (Fla. 3d DCA 2012).

² ² *Nudel v. Flagstar Bank, FSB* 52 So. 3d 692, n.1 (Fla. 4th DCA 2010)

evidence) paired with an inter-office memorandum from the attesting witness. (R.148–149.) The juxtaposition demonstrated inconsistent names on the license. (R.148–149.) The attesting witness’s memo had “Arnold Z. Braun” and the DMV had “Arnold Zabusky Braun” with no name change, going back to 1971. The caveat and crossclaims constituted the case Petitioner presented. (R.45, 115–164.) It was not heard. (May 22, 2024 Tr. 20:18–21:12.)

II. The Proceedings Became the Case

A. The probate court ordered an adversary designation imposing litigation, before an adjudication on the will.

On November 6, 2019, Petitioner noticed a hearing as per the caveat for December 17 regarding the will’s admission and for sanctions against Respondents for attempts to admit the will through means other than adjudication. (App. 15a) (R.172.)

On November 22, 2019, the probate court entered a Case Management Order Declaring Matter to be Adversary (App. 16a), ordering Petitioner to open an adversary case under Florida Probate Rule 5.025, without further direction except follow the rules of civil procedure and pay the fees. (App. 16a)(R.175–176; Admin. D.E.70.) The will had not been admitted, and the hearing on admission was less than one month away. (R.172, 175–176, 502–503; Admin. D.E.63, 70.) The order relied on Petitioner’s superseded May 20, 2019 response, rather than the operative Amended Response the state court had authorized three weeks earlier. (App.) In the outdated response’s title, Petitioner had used “revocation” according to its plain meaning, erring with legal terminology. Nowhere in Amended Response nor in the outdated response did Petitioner seek revocation of an admitted will. (R.115–164, 316–317, 1691.)

Petitioner complied. On December 3, 2019, she filed a formal notice along with a clerk-provided Declaration that Proceeding is Adversary. (App. 17a-18a)(R.245–248; Adv. D.E.1, 3–4.) The docket labeled the declaration a “Petition for Adv. Proceedings,” and the record described it as “Pet. for Adversary Proceedings.” (App. 19a)(Adv. D.E.1.) From its first entry, the official history identified Petitioner as a party who had initiated litigation, rather than as an interested person awaiting adjudication on the subject will. (Adv. D.E.1.)

Petitioner did not then know how the declaration had been docketed. The probate court did not provide her online access to the case files (R.787–788); she obtained that access with assistance from the Florida Courts authority in late 2021. (D.E. 312)

B. The scheduled will hearing was canceled, and fiduciary authority issued without admission of the will.

On December 12, 2019, Petitioner submitted a memorandum for the will hearing. (R.687–713.) It included the conclusion of an investigation by the Notary Section of the Executive Office of the Governor concerning the will’s self-proving affidavit. (App. 66a)(R.510, 687–713; RS.1796, 1799–1801.) The Executive Office of the Governor determined that the notarization violated three Florida statutes: the instrument was not signed in the notary’s presence, the signatory’s identity was not confirmed, and there was a false or fraudulent acknowledgment that the decedent signed. (R.510.) The notary was also the drafting attorney. (RS.1796, 1799–1801.)

The next day, Respondents’ counsel informed Petitioner that the December 17 hearing had been canceled and that the judge wanted proposed orders uploaded. (R.513.) The docket contains no entry recording the cancelation. (Admin. D.E.63–74.) Petitioner submitted a petition for appointment of an impartial curator. (R.519.) Instead, with the caveat pending, on December 17, the court appointed Respondent Tracey Sager personal representative and issued letters of administration. (R.521;

Admin. D.E.73–74.) Respondents relied on a June 2019 consent Petitioner had provided under the incorrect understanding that assets needed marshaling and Sager would remain neutral until an adjudication on the will. (R.516–517, 520, 1210–1213.) The December 17 appointment provided fiduciary authority and access to estate funds. (R.357–360, 521.) No hearing on admission had been held, and no order admitted the will. (R.513, 521, 1214; Admin. D.E.63–74.)

After the appointment, chambers filed the curator petition. (R.1254–1263; Adv. D.E.7.) The page on impartiality was omitted. (R.1254–1263.) The last page, which included the certificate of service, was from another document, keeping the enumeration intact. (R.1254–1263.) Petitioner did not know of the alteration until 2022 and filed notice accordingly. (Adv. D.E. 300)

The DMV evidence and the Executive Office of the Governor’s determination letter had been before the state court since late 2019.

C. Neither statutory form of proof resulted in admission of the will.

Florida law places on the will’s proponents the initial burden of establishing formal execution and attestation. Fla. Stat. §§ 733.107(1), 733.201. Respondents first relied on the self-proving affidavit. (R.510.) Upon seeing the Executive Office of the Governor’s determination, Respondents contacted the attesting witness. (R.512.)

At a rescheduled caveat hearing on February 25, 2020, the court questioned counsel for Respondents on the personal representative appointment without will admission. Counsel responded that there was a “weird situation.” (R.809–811; Adv. D.E.10; Feb. 25, 2020 Tr. 16:18–25 [blank in the record on appeal].) The hearing was adjourned without deciding admission. (Feb. 25, 2020 Tr. 24:24.) The judge, meeting Petitioner for the first time, commented that Petitioner was “pleasant” for a self-represented person. (Feb. 25, 2020 Tr. 24:17; R.657.)

With the rebuttal of the self-proving affidavit by the Governor's determination, the only remaining statutory method available for Respondents to establish *prima facie* validity was an Oath of Witness to Will. Obtaining that oath required a commission. (Admin. D.E.85, 93–94.)

On February 6, 2020, Respondents had filed a sworn petition for appointment of a commissioner to take the Oath. (R.179; RS.1822–1830; Admin. D.E.85.) Probate Rule 5.230(a) required the petition to state the place of execution, if known. Although the law firm's address was known, the petition stated execution occurred "at Miami-Dade County, Florida." (R.179; RS.1822–1830.) The e-filing portal service list did not include Petitioner. (R.179; RS.1822–1830.)

Invoice records show that the day after the February 25 hearing, counsel's paralegal contacted the judicial assistant inquiring on the delay regarding the Commission. (R.815.)

On March 5, 2020, the court issued the Commission directing that the executed oath be returned "without delay." (R.182–183; Admin. D.E.93–94) Petitioner objected to the locally-based attesting witnesses not testifying in person. (R.186, 25) The court did not respond. The oath was sworn on March 12, 2020, but not filed until April 2, 2021 (RS.2031; Admin. D.E.174)—almost one year later and three days before Respondents moved for summary judgment on April 5, 2021. (Adv. D.E. 94)

On April 27, 2021, Petitioner moved to strike the Oath for noncompliance with probate rules. (R.345–350; Adv. D.E.108) The state court did not respond. On July 9, 2021, Petitioner filed Alleged Revisions to Commission to Prove Will documents. (RS 16.43, Adv. D.E. 163) The state court did not respond. Neither statutory method of proof resulted in admission. (R.510, 182–183, 345–350; RS.2031); Admin. D.E.73–

174; Adv. D.E.108) The official court record contains no ruling granting or denying admission. (Admin. D.E.73–174) (R.315–344; Adv. D.E.94)

D. The first summary judgment converted the revocation premise into a finding.

On April 5, 2021, Respondents filed a Joint Motion for Summary Judgment. (Adv. DE. 94)) The motion cited Petitioner’s superseded May 22, 2019 response five times, mentioned “revocation” repeatedly, and omitted the operative Amended Response. It stated that the caveat had been filed after the petition for administration, reversing the chronology by three months. (R.315–344, 449–450) Under that reversed chronology, Petitioner appeared to be challenging a will already admitted to probate.

The motion stated that Petitioner had not established recognized grounds to “revoke consideration” of the will. (R.324, D.E. 94) In probate usage, “revoke” placed the case within the framework of setting aside a will already treated as valid, switching the burden of proof. Petitioner did not then recognize that the unresolved question of admission had been recharacterized. Also recharacterized was Petitioner’s will argument, which Respondent’s represented as undue influence. (Id.)

Starting on May 3, 2021, Petitioner repeatedly objected to the summary judgment hearing based on incomplete discovery, lack of hearings, and the estate paying Respondents’ legal fees. (R.351–361; Adv. D.E.115–118, 130) Petitioner also objected on medical grounds. (R.361; RS.1637; RC.1617) The court did not address her requests until June 1. (R.858; Adv. D.E.132) The court stated Petitioner could argue immediately before the June 7 summary judgment hearing whether incomplete discovery warranted a continuance. Petitioner submitted a response and an evidence packet on June 4. (R.449–452; Adv. D.E.136) The hearing was continued. (Adv. D.E.139)

Court internal records showed that the summary judgment order was created while the judge was presiding, (R. 1966; Adv. 418, [still redacting on the docket]) and Florida Courts Authority records showed that Petitioner's summary judgment declaration remained in case management for nineteen days before docketed, after the order was entered. (R.595, 601 [blank in the record on appeal], 759, 1264–1265)

E. The second summary judgment revised the recharacterization.

On September 8, 2021, the court entered an amended order on summary judgment. (App. 27a - 28a) (RS.1686; Adv. D.E.191) The Executive Office of the Governor's determination led to a partial denial based on validity. (R.510; RS.1686) (App.13a) However, the order stated that Respondents moved for judgment because Petitioner "failed to present any genuine issue of fact which requires revocation of the will." (RS.1686) The court granted partial summary judgment foreclosing fraud and undue influence. (RS.1686) The motion had discussed fraud only within the context of undue influence. (R.315–344, 325) Undue influence is one of Petitioner's arguments on the estate's property. (Adv. D.E. 87) Petitioner appealed.(R.375; Adv. D.E.196)

In the summary judgment order, the state court applied the former summary judgment standard rather than the amended rule in effect. (RS.1686; Adv. D.E.191) This allowed Respondents, on September 10, 2021, to file an amended summary judgment motion. (RS.1670, 1700; Adv. D.E.195) In the motion, Respondents recharacterized Petitioner's argument as the "impostor's ruse") (Id.)

Petitioner filed documents objecting to the lack of being heard. (R.418–541, 549, 606, 612, 620, 658, 729) Five court orders were issued stating a hearing took place. (R.869–879) Other findings included Petitioner's overall abuse of process or lack of comprehension. (R.1346–1366; Adv. 238, 263) Petitioner filed a motion to correct the

record and four supplements through March 2022. (R.549, 606, 612, 658, 729; Admin. D.E.196; Adv. D.E.245, 253, 254, 299) On the day before the summary judgment hearing, Petitioner filed a motion to disqualify. (Adv. D.E. 273)

On February 8, 2022, the second hearing on summary judgment was held. (Adv. D.E.267, 269) Petitioner did not arrange for a court reporter or file a response. (R.627–639; RS.1835) No witness testified. (Adv. DE. 283) Respondents relied on amended affidavits from the attesting witnesses. (RS.1714–1725; R.1853; Adv. D.E.278) One affidavit again identified the name Arnold Z. Braun, which did not match the DMV record, and both referred to an attached photograph that was not attached. (R.148–149, 1716; RS.1714–1725) The judicial order on summary judgment was created that day and issued the following morning. (App. 38a-39a) (R.1853, 1974; Adv. D.E.278) The court's order recharacterized Petitioner as per the amended summary judgment motion as the "imposter's ruse." (Id.) Petitioner's motion for a rehearing received no response. (D.E.283)

Five hundred days retroactively, the court-filed Exhibits for Identification omitted both the DMV official driving record and the Governor's determination. (R.148–149, 510, 1847–1852; Adv. D.E.275–277, 352 [Filed under February 8, 2022]) The Oath of Witness had not been raised since 2021. (R.345–350; Adv. D.E.108) Neither of the two statutory methods admitted the will.

On March 11, 2022, Respondents submitted a proposed Order Admitting Will. (App.20a - 24a)(R.1039–1044) Counsel submitted correspondence stating the order accorded with the ruling. (R.1039–1044) The court rejected the proposed order, which remained unsigned. (App.20a - 24a) (R.1039–1044, 1980) The rejection appears only in the court's internal records and was not filed in the official court record or disclosed in the ensuing appeal. (R.1980; Adv. D.E.290–301)

On April 13, 2022, the state court responded to Petitioner's motions to correct the record in its order denying Petitioner's motions to correct the "docket." (R.882; Adv. D.E.302; 245, 253, 254, 299, 302) (R.549, 606, 612, 658, 729, 869–879; Admin. D.E.196; Adv. D.E.245, 253–254, 299, 302) Granted during the appeal, the order's last sentence provided Petitioner "leave to file any necessary pleadings or documents she believes are necessary to further her appellate cause." (R.882; Adv. D.E.302)

III. The Intermediate Appellate Court Affirmed the Recharacterization and the Imposed Premise Became the Judgment

Petitioner separately appealed the two summary judgment orders to Florida's Third District Court of Appeal (Adv. D.E.196, 285) and sought consolidation, which was initially granted on August 11, 2022, and rescinded the following day. (App. 57a - 58a)(Orders, Nos. 3D22-0410 and 3D21-1875 (Fla. 3d DCA Aug. 11 and 12, 2022) On January 25, 2023, the appellate court affirmed the first appeal without opinion. (App. 37a)(R.1006.)(App 29a - 46a) In the second appeal, Petitioner again raised due process and challenged the reliance on affidavits without an opportunity to question the attesting witnesses. Petitioner did not know the legal terminology of recharacterization or presumption of regularity and used language such as the "Bad Pro Se" and "Fiction of Normal."(Id.)

In both appeals, Petitioner briefed the bypassing of the caveat, the reliance on the outdated pleading containing the terminology error of "revocation," the inaccurate application of estate property arguments to the will, and the lack of an adjudication on the will. Petitioner also repeatedly raised the deprivation of due process. (Id.)

On July 5, 2023, the appellate court affirmed the second appeal through a three-citation opinion. (App. 47a. - 48a) (R.1010–1011) The citations referenced

authorities concerning cases devoid of merit, the evidentiary standard for fraud, and the preservation of issues for appeal.

On January 6, 2023, Respondents' granted motion for appellate attorney fees stated: "Appellant's proceeding in the trial court to overturn the Decedent's Will was filed pursuant to the Florida Probate Code." (Adv. D.E. 351) In the motion for rehearing in Appeal No. 3D-0410, Petitioner questioned whether a proponent of a will could move for summary judgment prior to admission and before meeting the statutory burden of proof. Since then, Petitioner has repeatedly raised the issue of the imposed adversarial designation on the record. (Tr. May 22, 2024, Adv. 2019-5346)

IV. The Appeal Under Review

A. Admitting the Will Per Appellate Court Orders

Neither summary judgment admitted the will, and neither decision in the first two appeals admitted the will. (App. 27, 28, 37-39, 47-49) On February 22, 2024, after the Supreme Court of Florida declined jurisdiction, Respondents petitioned to admit the will "per Appellate Court Orders." (R.984-998; Adv. D.E.375)

Petitioner sought to subpoena the attesting witnesses. (Adv. D.E.376-378) Respondents objected. (Adv. D.E.379, 386) The probate court reset the hearing, necessitating amended subpoenas. (R.1014, 1958-1961; Adv. D.E.380-383) The hearing was noticed as "evidentiary" with insufficient time to meet notice requirements. (R.1054-1095; Adv. D.E.385, 388-389) On March 27, 2024, a second successor judge granted the petition based on the appeal's mandate, the two summary judgments, and the duration of proceedings. (App. 4a-8a)(Tr. 52:1-20, 54:1-25, 55:1-10)

B. Why am I the Adversary?

On April 17, 2024, Petitioner moved for a hearing under Florida Rule of Civil Procedure 1.540(b) to vacate the judgment. (R.1126–1131; Adv. D.E. 397) Respondents used Petitioner’s emailed availability to set a hearing on their proposed order to admit the will. (R.1171–1172; Adv. D.E.398–399.) There was no accompanying filed motion. The court admonished Petitioner.

During the May 22, 2024 hearing, Petitioner expressly invoked the federal right: “Respectfully, how is this not a violation of my rights under the 14th Amendment?” (Tr. at 17:16–18) She further objected that there had been “[n]o evidentiary hearings” and stated on the record, “There’s going to be a record for violation of rights.” (Id. at 17:20–25; 21:4–9)

C. Degraded Record on Appeal

Petitioner appealed the May 22, 2024 order. (R.1969; Adv. D.E.407) The trial court transmitted the record on September 3, 2024. (Adv. D.E.427.) Numerous pages affecting Petitioner were blank. (R. 39, 99, 601, 644, 101, 901, 1123, 1423 R.S. 2026). A portion of the record on appeal, covering the period between the prior appeal and the order under review, was out of chronological order. (R. 1228–1229, [chronology break]) Approximately half of the two hundred documents Petitioner had designated were not included. After several requests, on February 3, 2025, most omissions were supplemented five months later.

Petitioner repeatedly sought to correct the degraded record on appeal. The intermediate appellate court did not order corrections. Petitioner filed a voluminous appendix to cure the deficient record, which was stricken. (App. 59a) Her motion asking the reason and seeking an opportunity to cure was denied without explanation on August 13, 2025. (App. 60a) Her Suggestion of Non-Compliance,

identifying record references in Respondents' answer brief that she contended were unsupported by the record, was stricken as unauthorized. (App.61a). Her subsequent motion seeking authorization was denied on October 9, 2025. (App. 62a)

D. Affirmed on the Premise of a Revocation Proceeding

The initial brief argued that the adversary designation had been imposed with no will in probate against which to be adversarial; that estate funds made available through the fiduciary appointment were used to litigate admission; that the proceedings included zero evidentiary hearings; and that the official account rested on the premise that the will had been validated and Petitioner had moved to overturn it. Petitioner also argued the state court recast her as an abuser of process. (App. 50a - 52, table of contents from Petitioner's initial brief) (Initial Br. 38–39, 42, 48, 54 (May 28, 2025))

On December 3, 2025, the appellate court affirmed through a four-citation opinion on valid execution of wills. *Braun v. Sager*, No. 3D24-1192 (Fla. 3d DCA Dec. 3, 2025) (App. 1a - 2a) The underlying authorities cited were revocation cases dealing with already validated wills. The opinion cited no authority governing the proponents' initial proof of execution and attestation for validity.

On January 20, 2026, Petitioner moved for rehearing, arguing that the authorities cited in the opinion addressed a type of proceeding that she had not brought and that the case actually presented had never received review. (Mot. for Reh'g pp. 3–4 (filed Jan. 20, 2026).) Respondents answered, requesting the state court declare Petitioner a vexatious litigant. (Jan. 29, 2026). Rehearing was denied on February 19, 2026. The Supreme Court of Florida declined discretionary review on May 29, 2026.

V. Recharacterization Superseded Estate Administration

None of the unaccounted for assets detailed in the 2019-filed Amended Response were accounted for. (R.129–130, 269–271, 892, 894.) The estate allowed the decedent's widow to obtain fifty percent of the estate properties, despite the Internal Revenue Service form on partnerships showing that ownership initiated after the decedent's demise. (R.1422–1424 [front page of IRS form is a blank page in the record on appeal], D.E. 290) A twenty-five percent interest in one of the beneficiary's companies received no vetting. (D.E. 11, 290).

Petitioner's Request for an Order regarding inventory valuation, concealment, and failure to investigate and marshal (Adv. D.E. 72) received no response from the state probate court. In discovery, all objections regarding the estate's administration were based on relevance, and were sustained. (D.E. 256)

The decedent was a United States veteran.

REASONS FOR GRANTING THE PETITION

I. The State Court's Unannounced Recharacterization Violates Due Process and Exposes a Gap Between Federal Supervisory Authority and State Constitutional Obligations.

A. *Castro v. United States* Requires Notice Before Recharacterization, But Its Federal Reach Leaves State Proceedings Vulnerable.

The Court has supervisory authority over the federal judiciary. *Castro v. United States*, 540 U.S. 375, 382–383 (2003) Yet, federal courts hold no supervisory power over state judicial proceedings. *Dickerson v. United States*, 530 U.S. 428, 438 (2000); *Smith v. Phillips*, 455 U.S. 209, 221 (1982). In *Castro*, the Court developed a rule providing safeguards to protect from the harm that recharacterization may cause. *Castro* at 382.

Castro holds no ties to the Fourteenth Amendment and state courts are not bound by these safeguards. This gap leaves self-represented citizens in state courts vulnerable to unannounced recharacterizations that could fundamentally alter their motion, claim or, as Petitioner experienced, their case — without their consent or knowledge. Below, the state probate court imposed litigation, installing a false premise and switching the burden of proof. If due process safeguards were in effect, the case may have resolved seven years ago, in 2019.

Under *Castro*, before a federal court may treat a self-represented party's filing as a different procedural vehicle, it must fulfill three mandatory requirements: provide notice of the "intent to recharacterize," "warn" the party of the legal consequences, and afford an "opportunity to withdraw, or to amend" the filing. *Castro v. United States*, 540 U.S. 375, 381–383 (2003). The purpose of this rule is informational; a lack of warning prevents a party from making an informed choice about whether to "contest the recharacterization" or not. *Id.* at 382.

The present case illustrates the exposure and vulnerability. Petitioner's lawful standing before the state court rested on a caveat filed as an interested person before the petition for administration (R.45) (App.13a). As Petitioner stated in the March 27, 2024 hearing, before the successor judge, "[A] caveat, you get a hearing, and you cannot admit the will. You cannot appoint a -- a personal representative, and you cannot issue letters of administration, which makes total sense because you're giving someone keys to the kingdom that's not theirs. [A]nd then that makes me the adversary when I was never the adversary." Tr. 45: 12)

Consistent with this standing, Petitioner's operative pleading, authorized by the the state court on October 31, 2019, explicitly opposed admission; it did not seek revocation of a will that had not yet been admitted in order to revoke. (R.115–164).

Despite this clear baseline, the state court on its own initiative ordered an adversary designation. (App. 16a). To do so, the court bypassed the authorized operative pleading and instead anchored its order to a legally superseded response from six months prior — because it contained a legal terminology error by employing the plain meaning of a word. As Respondents stated in their motion: “revoke consideration.” As Petitioner’s legal knowledge accumulated, language such as “litigant” and “plaintiff” were not in her working vocabulary.

Without informed notice, Petitioner complied with a court order. Petitioner had not previously initiated pro se litigation. From that first entry in the adversary proceeding(App. 19a), the court imposed on her the designations of litigant, plaintiff, and adversary. This designation had cascading ramifications. It also precluded pro bono representation from the local agencies.

The recharacterization cascades to successor judges and into appeals. These seven years are hard to believe, even for Petitioner, whose assertions must have seemed incredulous in the intermediate appellate court. There, expected was that “official acts of public officers [were presumed to] have properly discharged their official duties.” *United States v. Chemical Foundation, Inc.*, 272 U.S. 1, 14–15 (1926). This presumption of regularity extends only “in the absence of clear evidence to the contrary.” *Id.* Then, the practicality of administration engages. Caseloads and commentaries on vexatious led to a considerably degraded from being corrected. If there were safeguards similar to *Castro*, the matter may have never extended.

None of the *Castro* requirements were met in the state court below. Petitioner received no notice of the court's intent to recharacterize her pre-administration objection into a post-admission revocation proceeding. She received no warning that this recharacterization would shift the statutory burden of proof — or give the

appearance of switching the burden. Relying on a superseded terminology error to impose litigation and a new procedural reality, the state court built the entire probate proceeding on a false adversary premise. Civil court or criminal. Self-inflicted or not. This was harm.

Castro was about habeas corpus. Without in any way underplaying the gravity of that situation, Petitioner has felt as if she has been imprisoned by the state court for the past seven years.

**B. The State Court, misled by a 'Pro Se Presumption,'
substituted Recharacterization for Neutral Adjudication**

"A fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136 (1955). This guarantee entitles a party to an "impartial and disinterested tribunal." *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980). To maintain this constitutional neutrality, the Fourteenth Amendment demands that its tenets be a "two-way street." *Wardius v. Oregon*, 412 U.S. 470, 474 (1973). A tribunal ceases to be impartial when it enforces arbitrary procedural barriers against one side while moving the goal posts for the other. *Lindsay v. Normet*, 405 U.S. 56, 77 (1972).

When *Faretta v. California* constitutionalized the right to self-representation in criminal court, there was concern that this would lead to "procedural confusion" without benefiting the defendant. *Faretta v. California*, 422 U.S. 806, 852 (1975) (Blackmun, J., dissenting). However, a state court abandons its constitutional neutrality when it converts this administrative concern into an implicit "Pro Se Presumption"—anticipating procedural ineptitude or abuse—and utilizes that presumption to actively manufacture a false procedural characterization against an unrepresented party. Conduct as well the case can be recharacterized.

In the present case, the state court enforced a profound unconstitutional asymmetry by utilizing this Pro Se Presumption to excuse the represented proponents' substantive failures, while heavily penalizing the self-represented Petitioner. Under Florida law, the initial burden rests strictly upon the proponent of a will to establish *prima facie* its formal execution and attestation. Fla. Stat. §§ 733.107(1), 733.201. The trial court permitted the represented party to bypass this statutory prerequisite. On December 17, 2019, the court granted the opposing party fiduciary authority and total access to estate funds, despite the fact that no hearing on admission had been held and no order admitting the will to probate existed (R.521; Admin. D.E.73–74). The rising structural false premise rose from revocation to switching the burden of proof.

Rather than neutrally adjudicating the timely caveat on the operative docket, the state court resurrected a six-month-old, superseded pleading to impose litigation on a self-represented interested person and respondent. (App. 16a). This unannounced recharacterization unconstitutionally shifted the burden of proof. This led to fabrication of undue influence as Petitioner's argument on the will when Petitioner's case had steadfastly been that her father did not know of the subject will, which would preclude undue influence.

From initiating litigation to revoke a will that the court had not yet deemed valid, to bypassing statutory prerequisites and switching the burden of proof, to the fictionalizing an argument of undue influence, step-by-step the narrative incrementally grew and was embedded in the court record until a successor judge took over the case and concluded proceedings that rested on a false premise. This travesty would not have happened to a represented party.

This Court has firmly established that there are “minimum procedural requirements” and a State violates due process when its own procedural machinery operates to extinguish a property interest without the claim ever being heard on its actual merits. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433–437 (1982). By substituting an implicit Pro Se Presumption for neutral adjudication—insulating the represented party from mandatory statutory prerequisites while binding the self-represented party to a false “revocation” premise—the state court destroyed Petitioner’s right to an impartial tribunal and enforced an unconstitutional asymmetry. This asymmetry provided the exposure for harm.

**I. This Case Presents a Clean Vehicle
To Resolve a Question of National Importance**

**A. The Federal Question is Cleanly Presented
on an Objective Record Without Factual Disputes.**

“[T]he Court will not decide federal constitutional issues raised here for the first time on review of state court decisions.” *Cardinale v. Louisiana*, 394 U.S. 437, 438 (1969) “Questions not raised below are those on which the record is very likely to be inadequate, since it certainly was not compiled with those questions in mind.” *Id.* at 439. And “State...should be given the first opportunity to consider them.” *Id.* at 439.

The state court decision was the absence of consideration. No messy facts need be reviewed by this Court as the messy facts were not reviewed below. The narrow question before this Court is whether the State’s procedural machinery violated the Fourteenth Amendment when it substituted the case Petitioner actually presented with a fabricated procedural posture without providing informed notice and carried this false premise through to finality.

The record definitively shows that the caveat was filed on November 20, 2018 (R.45) (App.13a), preceding the petition for administration. The operative pleading

was filed for the record on October 31, 2019 (R.115–164). The order declaring the matter adversary issued on November 22, 2019 (App. 16a), relying strictly on a superseded pleading to force the revocation premise. That sequence is an objective matter of dates.

Further, the record is more than adequate. Petitioner labeled her motions, increasingly descriptively: Motion for Fair Play (D.E. 116); Plea for Relief from Fraud on the Court (D.E. 216); Request for Procedural Guidance (On Correcting the (Misapprised Premises to the Honorable Court that have led to Tainted Proceedings and a Corrupted Official Record) (D.E. 257); Notice of Filing: Denied Opportunity to be Heard on Real Estate, APSA [Adult Protective Services Act] and Legal Representation (D.E. 298). None received acknowledgment. Still: pressed; preserved.

Petitioner appealed three times. The table of contents are in the appendix, from both sides. In appellate briefs, Petitioner raised *Armstrong v. Manzo* and *Goldberg v. Kelly*, not because she knew they were landmark but because they spoke to her about her guaranteed right to due process. Because this question rests entirely on the record, a record that Petitioner religiously documented, this case is an ideal, clean vehicle for this Court's review.

B. Public Trust and Self-Represented Citizens.

Applying the notice requirements of *Castro v. United States* to state courts under the Fourteenth Amendment would prevent the type of systemic failure that transpired below. Requiring a state court to provide informed notice and an opportunity to withdraw or amend or nullify before recharacterizing a self-represented party's case ensures that the correct procedural vehicle is established at the outset. Self-represented citizens, by and large, are in state court.

When state trial and appellate courts utilize judicial process to provide an illusion of due process, they do more than commit a legal error against a single individual. Petitioner repeatedly raised the matter of court orders reciting hearings that did not happen to create this illusion of due process; Was she the only one seething?

With humility, this petition presents this Court with an opportunity to reinforce the boundaries established by the Fourteenth Amendment. Enforcing these boundaries does not require this Court to act outside its calling. This Court can remind and reaffirm that no state court possesses the authority to withhold the rights guaranteed by virtue of being a citizen of the United States — in any state.

CONCLUSION

For the foregoing reasons, the petition should be granted.

I declare under penalty of perjury that the foregoing Petition for a Writ of Certiorari with accompanying Appendix is true and correct, to the best of my understanding and belief.

Respectfully submitted by,

Dated: August 27, 2026

/s/ Susan Braun

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