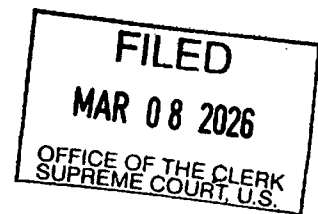


26 - 5634
No.



IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL WASHINGTON AND LAVONNE WASHINGTON,
Petitioners,

v.

U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA,
AND PRIMERICA LIFE INSURANCE COMPANY, Respondents.

=====
On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI
=====

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QUESTIONS PRESENTED

1. Whether a Court of Appeals departs from the "accepted and usual course of judicial proceedings" under Supreme Court Rule 10(a) by summarily issuing a "No Action" order (**App. F, 17a**) due to technical deficiencies in a Certificate of Interested Persons (CIP), rather than allowing a *pro se* litigant a reasonable "cure" period as required by *Foman v. Davis*, 371 U.S. 178 (1962).
2. Whether the denial of *In Forma Pauperis* (IFP) status under 28 U.S.C. § 1915 (**App. E, 12a**)—followed by a "payment under duress" (**App. C, 9a**)—effectively conditions the right to seek an extraordinary writ on a petitioner's wealth, creating an unconstitutional financial barrier in violation of the Fifth Amendment's Due Process Clause.
3. Whether a claim for Mandamus relief is rendered "moot" simply because a lower court eventually acts, where the intermediate "No Action" order created a total suspension of judicial process and forced a "payment under duress" to avoid procedural default—thereby constituting a harm "capable of repetition, yet evading review" under *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004).
4. Whether a court's inherent power to sanction participants who abuse the judicial process, as established in *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), is erroneously limited by shielding a central participant from accountability solely because they were not formally named as a "party" to the mandamus proceeding (**App. B, 4a**).

LIST OF PARTIES AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Petitioners provide the following disclosure regarding the corporate status of the non-governmental corporate Respondent:

1. **Respondent Primerica Life Insurance Company** is a Tennessee-domiciled stock life insurance underwriting company.
2. Respondent Primerica Life Insurance Company is a wholly owned subsidiary of its parent holding company, **Primerica, Inc.**
3. The parent company, **Primerica, Inc.**, is a publicly traded Delaware corporation listed and actively traded on the New York Stock Exchange under the ticker symbol "**PRI**".
4. No other publicly held company owns 10% or more of the stock of Respondent Primerica Life Insurance Company.

RELATED PROCEEDINGS

- *U.S. District Court for the Middle District of Florida (Pasco County Division)*, Case No. 2024-CA-002596. Removed to federal court on October 21, 2024).
- *U.S. District Court for the Middle District of Florida (Lead Case)*, Case No. 8:24-cv-02433-SDM-NHA. Stay order entered February 18, 2025; administratively closed without a merit-based ruling on April 30, 2025.
- *U.S. District Court for the Middle District of Florida (Derived Fragmentation Dockets)*:
 - Case No. 8:25-cv-01080-TPB-AEP, Filed April 25, 2025.
 - Case No. 8:25-cv-01121-WFJ-SPF, Filed May 1, 2025.
 - Case No. 8:25-cv-01122-MSS-SPF, Filed May 1, 2025.
 - Case No. 8:25-cv-01123-WFJ-SPF, Filed May 1, 2025.
 - Case No. 8:25-cv-01124-KKM-LSG, Filed May 1, 2025.
 - Case No. 8:25-cv-01160-MSS-NHA, Filed May 5, 2025.
- *United States Court of Appeals for the Eleventh Circuit*, Case No. 25-10482. Original proceeding for a Writ of Mandamus initiated February 13, 2025; Order denying Amended Petition for Writ of Mandamus entered October 30, 2025; Order denying Petition for Panel Rehearing and Rehearing En Banc entered February 10, 2026.

- *United States Court of Appeals for the Eleventh Circuit*, Case No. 25-12217. Appeal from the Middle District of Florida docketed June 30, 2025; Order denying Motion to Proceed In Forma Pauperis and denying Motion to Remand entered May 26, 2026.

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TABLE OF AUTHORITIES

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OPINIONS BELOW

The order denying the petition for rehearing was entered on February 10, 2026 (**App. A, 1a**). The order of the Court of Appeals denying the amended petition for writ of mandamus was entered on October 30, 2025 (**App. B, 4a**).

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

The U.S. Court of Appeals for the Eleventh Circuit entered its order denying the amended petition for a writ of mandamus on October 30, 2025 (**App. B, 4a**). Petitioners filed a timely petition for panel rehearing and rehearing en banc, which the Court of Appeals denied on February 10, 2026 (**App. A, 1a**).

Under Supreme Court Rule 13.3, the time to file a petition for a writ of certiorari runs from the date of the denial of rehearing. This petition is timely filed within 90 days of that denial.

STATEMENT OF THE CASE

Petitioners initiated an original proceeding for a Writ of Mandamus in the Eleventh Circuit on February 13, 2025. As "Rightful Beneficiaries" of the insurance proceeds central to the underlying litigation, Petitioners possess a concrete Article III standing and a protected property interest that warrants their participation as intervenors under Fed. R. Civ. P. 24(a).

Throughout the proceedings, the Eleventh Circuit issued a series of orders that obstructed Petitioners' access to a fair and impartial forum, including:

- **A "No Action" Order (March 4, 2025):** The Court refused to process a Motion to Stay due to a clerical deficiency in the Certificate of Interested Persons (CIP), denying the standard "notice and cure" period typically afforded to *pro se* litigants.
- **Denial of IFP Status (April 10, 2025):** Despite Petitioners' demonstrated indigency, the Court denied *In Forma Pauperis* status and a stay, characterizing the petition as "frivolous".
- **Final Denial of Mandamus (October 30, 2025):** The Court denied the petition on the grounds that Petitioners were not formal "parties" or "intervenors" in the case presided over by the challenged District Judge.

Petitioners contend the Eleventh Circuit erred by holding that non-party status *per se* precludes a Mandamus petition for recusal. Under the "Anomalous Rule" recognized in this Circuit, the right to an impartial adjudicator attached the moment Petitioners sought to protect their property interests via intervention.

Because a biased judge cannot fairly adjudicate the very motion to intervene that would grant formal party status, the right to seek disqualification must precede, or at least coincide with, the intervention process. Denying this right creates a circular procedural barrier that violates the Fifth Amendment's Due Process Clause. Due to these obstructions, Petitioners were forced to pay the docketing fee "under duress" on June 23, 2025, to avoid the permanent forfeiture of their claims.

REASONS FOR GRANTING THE PETITION

Argument and Applicable Law

I. The Eleventh Circuit Departed from the "Accepted and Usual Course of Judicial Proceedings" by Denying a Procedural "Cure" Period.

The Eleventh Circuit's summary refusal to process motions based on clerical CIP deficiencies (**App. F, 17a**) contradicts the fundamental judicial preference for deciding cases on their merits. Under *Foman v. Davis*, 371 U.S. 178, 181 (1962), "mere technicalities" should not avoid decisions on the merits. Review is warranted under Sup. Ct. R. 10(a) because the Court of Appeals effectively terminated litigation through administrative inaction without providing the standard "notice and cure" period mandated for *pro se* litigants. While 11th Cir. R. 26.1-5 allows withholding action, the court ignored its own "manifest injustice" exception by stalling a Motion to Stay while Petitioners attempted to navigate complex clerical requirements.

II. The Denial of IFP Status Created an Unconstitutional "Pay-to-Play" Barrier to Extraordinary Relief.

The court's April 10, 2025, denial of IFP status (**App. E, 12a**)—followed by a forced "payment under duress" on June 23, 2025 (**App. C, 9a**)—represents an unconstitutional conditioning of the right to seek an extraordinary writ on a petitioner's wealth. Under *Boddie v. Connecticut*, 401 U.S. 371 (1971), due process prohibits the state from "precluding a person from bringing an action... solely because of his inability to pay." By denying IFP for a mandamus petition—the **only** remaining remedy to stop an allegedly biased

proceeding—the court created a financial barrier that violates the Equal Protection component of the Fifth Amendment and the spirit of 28 U.S.C. § 1915 (App. G).

III. The Eleventh Circuit Erred by Failing to Correct Substantive Merit-Based Errors that Established a Clear and Indisputable Right to Relief.

Beyond procedural obstructions, the Eleventh Circuit's denial of mandamus ignored "clear and indisputable" legal errors in the District Court that meet the high standard for extraordinary relief under *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004).

The Eleventh Circuit's determination that Petitioners' claims were moot incorrectly assumes that the District Court's eventual action in April 2025 cured all prior injury. This finding ignores the "collateral consequences" exception to the mootness doctrine. The initial "No Action" order issued on March 4, 2025, was not a mere administrative delay; it was a total suspension of the judicial process. By refusing to even "act upon" motions due to a clerical CIP deficiency without providing a standard "notice and cure" period, the court placed Petitioners in a procedural "dead end." This obstruction effectively forced Petitioners to forfeit their statutory *In Forma Pauperis* (IFP) rights and submit a "payment under duress" on June 23, 2025, solely to avoid a permanent procedural default.

This scenario represents a classic example of a harm "capable of repetition, yet evading review." If a lower court can stall a case via a "No Action" notice and then claim mootness once the litigant is forced to pay or the court finally acts, the underlying error—the unconstitutional "pay-to-play" barrier—will forever

escape appellate scrutiny. This Court's intervention is required to ensure that administrative technicalities do not insulate the following substantive violations from review:

A. The Failure to Enforce Mandatory Disqualification under 28 U.S.C. § 455.

The District Court's "No Action" stance on Petitioners' motions for recusal created a prohibited appearance of partiality. Under the "Anomalous Rule," Petitioners' right to an impartial adjudicator attached the moment they sought to protect their property interest via intervention. Because a biased judge cannot fairly rule on the very motion to intervene that would grant formal party status, the right to seek disqualification under 28 U.S.C. § 455(a) must precede the intervention process to ensure Due Process.

B. The Summary Denial of Intervention as of Right under Rule 24.

Petitioners, as "Rightful Beneficiaries" of the insurance proceeds, possess a "liberty or property" interest that warrants Intervention as of Right under Fed. R. Civ. P. 24(a). The District Court's summary denial stripped Petitioners of their day in court. The Eleventh Circuit's refusal to grant mandamus effectively foreclosed Petitioners' only means to protect their property interest from being adjudicated in their absence.

B. Abuse of Discretion in Staying the Case to Compel Retention of Counsel.

The District Court's stay of proceedings on February 18, 2025, specifically to force Petitioners to retain counsel, constitutes a merit-based error under 28 U.S.C. § 1654. That statute guarantees that "in all courts of the

United States the parties may plead and conduct their own cases personally". Conditioning the progress of a case on a *pro se* litigant's ability to hire an attorney is a reversible abuse of discretion.

C. Failure to Address Primerica's Abuse of Process as the Real Party in Interest.

Primerica utilized tactical maneuvers to exhaust Petitioners' limited financial resources, resulting in the court rewarding these delays by denying Petitioners' IFP status. The Eleventh Circuit's ruling that Primerica was a "non-party" for purposes of sanctions ignored the court's inherent power to curb bad-faith interference with the judicial process, regardless of formal party labels.

IV. The Court Erroneously Shielded Non-Party Participants from Inherent Sanctioning Power.

The October 30, 2025 Order (App. B, 4a) incorrectly held that Primerica could not be sanctioned because it was not a formal "party" to the mandamus. This contradicts *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), which affirms that a court's inherent power extends to any participant who "abuses the judicial process." The Court of Appeals erroneously shielded Primerica by focusing on its 'non-party' status in the Mandamus proceeding. However, under *Chambers v. NASCO, Inc.*, the court's inherent power is triggered by conduct, not labels. Petitioners allege Primerica engaged in 'bad-faith interference' by utilizing tactical disclosure maneuvers to intentionally exhaust Petitioners' financial resources, directly resulting in the denial of their IFP status. As the real party in interest in the underlying litigation, Primerica's 'intentional stalling' constitutes an abuse of

the judicial process that the Court had a duty to deter, regardless of whether Primerica formally appeared in the appellate docket.

V. The Denial of IFP Status was an Abuse of Discretion Predicated on Circular Legal Error

The Eleventh Circuit's finding of "frivolousness" under 28 U.S.C. § 1915(e)(2) (**App. E, 15a**) constitutes a reversible abuse of discretion. This determination was not based on a lack of factual or legal substance, but rather on a circular logic that effectively immunized the lower court's procedural errors from appellate review.

A. The Circularity of the Frivolousness Finding

The Court deemed the petition frivolous because it found the underlying recusal and intervention claims meritless. However, the Court simultaneously refused to reach the actual merits of those claims by citing procedural hurdles—specifically, Certificate of Interested Persons (CIP) deficiencies—which it then refused to allow Petitioners to cure. A claim cannot be "frivolous" simply because a court has engineered a procedural impasse that prevents it from being heard.

B. The Rational Basis Standard under 28 U.S.C. § 1915

To satisfy the requirements of § 1915, Petitioners are not required to prove they will prevail; they need only demonstrate a "rational basis in law or fact" for their claims. Petitioners have met this threshold by identifying a clear statutory conflict: the District Court's stay, which sought to compel the appointment of counsel (**App. E, 15a**), directly contravenes the statutory right to proceed *pro se* under 28 U.S.C. § 1654.

C. Legal Merit of the Conflict

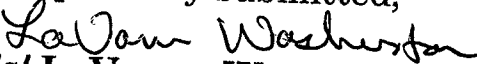
The tension between the District Court's insistence on counsel and the absolute right of individuals to plead and conduct their own cases under § 1654 provides a non-frivolous basis for this Petition. By dismissing this conflict as "frivolous" rather than addressing the statutory violation, the Court of Appeals applied an incorrect legal standard, necessitating vacatur.

CONCLUSION

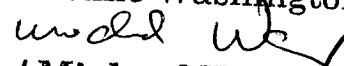
The petition for a writ of certiorari should be granted. The Eleventh Circuit's summary refusal to act on motions for clerical deficiencies (**App. F, 17a**), its denial of IFP status creating a financial barrier to justice (**App. E, 12a**), and its subsequent "payment under duress" requirement (**App. C, 9a**) represent a significant departure from the accepted and usual course of judicial proceedings.

By finding these procedural hurdles "moot" once the district court finally acted (**App. E, 12a**) and shielding central non-party participants from sanctions (**App. B, 4a**), the Court of Appeals has effectively foreclosed the only adequate means of relief available to Petitioners. This Court's intervention is necessary to ensure that technicalities and financial status do not override the fundamental right to a decision on the merits under *Foman v. Davis* and the All Writs Act (**App. G**).

Respectfully submitted,


/s/ LaVonne Washington

LaVonne Washington, *Pro Se*


/s/ Michael Washington

Michael Washington, *Pro Se*

Dated: March 7, 2026