

26-565 ORIGINAL
No. _____

IN THE
Supreme Court of the United States

FILED
SEP 18 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETER J. MURRUGARRA,

Petitioner,

v.

WELLS FARGO BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR CERTIFICATE HOLDERS OF
BEAR STEARNS ASSET BACKED SECURITIES I LLC,
ASSET-BACKED CERTIFICATES, SERIES 2007-AC6, ET AL.,

Respondents.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
APPELLATE COURT OF CONNECTICUT**

PETITION FOR A WRIT OF CERTIORARI

PETER J. MURRUGARRA
Petitioner pro se
175 Imperial Avenue
Westport, CT 06880
(203) 856-2674
peter.murrugarra@gmail.com

QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment permits a state appellate court, on an opponent's motion, to bar a self-represented civil litigant for one year from filing any appeal or pre-appeal motion arising out of the foreclosure of his home, and to direct its clerk to reject any filing in violation of the bar, by an order that identifies no offending filing, finds none frivolous or made in bad faith, states no standard, and provides no exception and no procedure for leave to file.
2. Whether the Due Process Clause of the Fourteenth Amendment permits a state appellate court to dismiss a pending appeal and bar the appellant's future filings by orders that conclude "By the Court," name no judge, and bear no signature, and for which the court's own docket records no panel, so that the litigant cannot determine whether grounds for recusal or disqualification of the decision-maker exist.

PARTIES TO THE PROCEEDING

Petitioner is Peter J. Murrugarra, the defendant and appellant below. The Connecticut courts render his surname "Murrugarra" in their captions; the correct spelling is used here except in quotations.

Respondents are Wells Fargo Bank, National Association, as Trustee for Certificate Holders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2007-AC6, the plaintiff and appellee below, and the State of Connecticut Department of Revenue Services, a defendant in the trial court and an appellee in No. AC 49006. Wells Fargo Bank, National Association has no stock ticker symbol of its own; it is a subsidiary of Wells Fargo & Company, publicly traded under the ticker symbol WFC. The Department of Revenue Services is a state agency and has no stock ticker symbol. It appears through the Office of the Attorney General.

CORPORATE DISCLOSURE STATEMENT

Petitioner is a natural person and not a nongovernmental corporation. No corporate disclosure statement is required of petitioner under Rule 29.6.

RELATED PROCEEDINGS

The following proceedings are directly related to this case within the meaning of

Rule 14.1(b)(iii):

Wells Fargo Bank, N.A. v. Murrugarra, No. FST-CV13-6017236-S (Conn. Super. Ct.). Judgment of strict foreclosure entered July 31, 2017; judgment appealed in No. AC 49006 recorded as entered July 18, 2025.

Wells Fargo Bank, N.A. v. Murrugarra, No. AC 49006 (Conn. App. Ct.), with amended appeal No. AC 49006A01. Orders entered Jan. 14, 2026 (the orders under review); reconsideration en banc denied Feb. 18, 2026. Application to extend the time to file this petition, No. 26A122 (U.S.), granted July 27, 2026.

Wells Fargo Bank, N.A. v. Murrugarra, No. PSC-250299 (Conn.). Petition for certification denied Apr. 21, 2026.

Wells Fargo Bank, N.A. v. Murrugarra, No. SC 250252 (Conn.). Order on respondent's pre-appeal motion for sanctions entered Apr. 21, 2026. A petition for a writ of certiorari to review that order is filed with this one; application to extend time, No. 26A120 (U.S.), granted July 27, 2026.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDING	ii
CORPORATE DISCLOSURE STATEMENT	ii
RELATED PROCEEDINGS	iii
TABLE OF AUTHORITIES	vi
PETITION FOR A WRIT OF CERTIORARI	1
OPINIONS AND ORDERS BELOW	1
JURISDICTION	1
CONSTITUTIONAL PROVISION INVOLVED	6
STATEMENT OF THE CASE	6
REASONS FOR GRANTING THE PETITION	8
I. THE ORDERS WERE ENTERED WITHOUT THE PROCESS THE CONSTITUTION REQUIRES	8
II. THE ORDERS DO NOT DISCLOSE WHO DECIDED THEM, AND THE GUARANTEE OF A NEUTRAL ADJUDICATOR CANNOT BE APPLIED TO A DECISION-MAKER THE RECORD DOES NOT IDENTIFY	11
CONCLUSION	12
APPENDIX	1a
Appendix A, Order of the Appellate Court of Connecticut dismissing the amended appeal as moot, No. AC 49006 (Jan. 14, 2026)	1a
Appendix B, Order of the Appellate Court of Connecticut on respondent’s motion for sanctions, No. AC 49006 (Jan. 14, 2026)	3a
Appendix C, Order of the Supreme Court of Connecticut denying certification, No. PSC-250299 (Apr. 21, 2026)	5a
Appendix D, Order of the Supreme Court of Connecticut on respondent’s pre-appeal motion for sanctions, SC 250252 (Apr. 21, 2026)	7a
Appendix E, Order of the Appellate Court of Connecticut denying reconsideration en banc, No. AC 49006 (Feb. 18, 2026)	9a

Appendix F, Petitioner’s motion for reconsideration en banc, No. AC 49006 (Jan. 26, 2026) (excerpts, pages 1, 9, 11 and 12 of 16)	11a
Appendix G, Petitioner’s petition for certification to appeal, No. PSC-250299 (Feb. 3, 2026) (excerpts, pages 1, 3, 4, 5, 11, 12, 13 and 15 of 75)	16a
Appendix H, Case detail and docket of the Appellate Court of Connecticut, No. AC 49006	25a
Appendix I, Respondent’s motion for sanctions, Nos. SC-250299 and AC-49006 (Feb. 11, 2026) (excerpts, pages 1, 3, 8 and 9 of 10)	29a
PROOF OF SERVICE	Service

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Alvarez v. Smith</i> , 558 U.S. 87 (2009)	5
<i>American Railway Express Co. v. Levee</i> , 263 U.S. 19 (1923)	1
<i>Brinkerhoff-Faris Trust & Savings Co. v. Hill</i> , 281 U.S. 673 (1930)	7
<i>Calderon v. Moore</i> , 518 U.S. 149 (1996)	3
<i>Chafin v. Chafin</i> , 568 U.S. 165 (2013)	3, 4, 5
<i>Christopher v. Harbury</i> , 536 U.S. 403 (2002)	9
<i>Church of Scientology of California v. United States</i> , 506 U.S. 9 (1992)	3
<i>Cok v. Family Court of R.I.</i> , 985 F.2d 32 (1st Cir. 1993)	8
<i>Cooter & Gell v. Hartmarx Corp.</i> , 496 U.S. 384 (1990)	2
<i>Cox Broadcasting Corp. v. Cohn</i> , 420 U.S. 469 (1975)	1
<i>Cromer v. Kraft Foods N. Am., Inc.</i> , 390 F.3d 812 (4th Cir. 2004)	8
<i>De Long v. Hennessey</i> , 912 F.2d 1144 (9th Cir. 1990)	8
<i>Federal Trade Commission v. Goodyear Tire & Rubber Co.</i> , 304 U.S. 257 (1938)	3
<i>First National Bank of Boston v. Bellotti</i> , 435 U.S. 765 (1978)	4
<i>Goodyear Tire & Rubber Co. v. Haeger</i> , 581 U.S. 101 (2017)	2

<i>Gorman v. Washington University</i> , 316 U.S. 98 (1942)	1
<i>In re McDonald</i> , 489 U.S. 180 (1989)	10
<i>In re Oliver</i> , 682 F.2d 443 (3d Cir. 1982)	8
<i>In re Sindram</i> , 498 U.S. 177 (1991)	10
<i>Logan v. Zimmerman Brush Co.</i> , 455 U.S. 422 (1982)	9
<i>Martin v. District of Columbia Court of Appeals</i> , 506 U.S. 1 (1992)	10
<i>Michigan v. Long</i> , 463 U.S. 1032 (1983)	2
<i>Moates v. Rademacher</i> , 86 F.3d 13 (2d Cir. 1996)	9
<i>Mullane v. Central Hanover Bank & Trust Co.</i> , 339 U.S. 306 (1950)	11
<i>Sibron v. New York</i> , 392 U.S. 40 (1968)	4
<i>St. Pierre v. United States</i> , 319 U.S. 41 (1943)	2, 4
<i>Stratton v. Stratton</i> , 239 U.S. 55 (1915)	1
<i>Super Tire Engineering Co. v. McCorkle</i> , 416 U.S. 115 (1974)	4
<i>Tripati v. Beaman</i> , 878 F.2d 351 (10th Cir. 1989)	8
<i>Turner v. Rogers</i> , 564 U.S. 431 (2011)	4
<i>U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership</i> , 513 U.S. 18 (1994)	5
<i>United States v. Munsingwear, Inc.</i> , 340 U.S. 36 (1950)	5

<i>Ward v. Village of Monroe</i> , 409 U.S. 57 (1972)	7, 9, 11
<i>Willy v. Coastal Corp.</i> , 503 U.S. 131 (1992)	2
<i>Yee v. City of Escondido</i> , 503 U.S. 519 (1992)	7
<i>Zatko v. California</i> , 502 U.S. 16 (1991)	10

Constitutional Provisions

U.S. Const. amend. XIV, § 1	2, 6, 7, 9, 10, 12
-----------------------------	--------------------

Statutes

28 U.S.C. § 1257(a)	1
Conn. Gen. Stat. § 51-197f	1

Rules

Sup. Ct. R. 10(b)	9, 10
Sup. Ct. R. 10(c)	9
Sup. Ct. R. 13.1	1

PETITION FOR A WRIT OF CERTIORARI

Petitioner Peter J. Murrugarra respectfully petitions for a writ of certiorari to review the orders of the Appellate Court of Connecticut entered January 14, 2026.

OPINIONS AND ORDERS BELOW

The orders under review are unreported. The order dismissing the amended appeal as moot and the order barring appeals and pre-appeal motions for one year, both entered January 14, 2026, are at **App. A** and **App. B**. The order of the Appellate Court denying reconsideration en banc, entered February 18, 2026, is at **App. E**. The order of the Supreme Court of Connecticut denying certification, entered April 21, 2026, is at **App. C**.

JURISDICTION

The Appellate Court of Connecticut entered the orders under review on January 14, 2026. **App. A; App. B.** Petitioner moved for reconsideration en banc on January 26, 2026; the court denied the motion on February 18, 2026. **App. E.** Petitioner sought certification from the Supreme Court of Connecticut, Conn. Gen. Stat. § 51-197f, and that court denied it on April 21, 2026. **App. C.** Because review in that court is discretionary and was declined, the Appellate Court is the highest court of the State in which a decision could be had.

American Railway Express Co. v. Levee, 263 U.S. 19, 20-21 (1923) (writ properly addressed to the intermediate court once the state supreme court declined discretionary review). Where that further review was available and not sought, this Court has dismissed. *Stratton v. Stratton*, 239 U.S. 55, 56-57 (1915); *Gorman v. Washington University*, 316 U.S. 98, 99-101 (1942). Petitioner sought it and was refused. **App. C.** The orders are final: the dismissal ended the appeal, and the bar is a final order of the same court in the same proceeding, leaving nothing for the Appellate Court to decide. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 476-83 (1975). The time to petition runs from the order denying discretionary review, Sup. Ct. R. 13.1, and on July 27, 2026, in No. 26A122, the Circuit Justice extended that time to and including September 18, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a). The stages at which the federal questions were raised, and how they were passed on, are set out in the Statement below.

The questions presented concern the constitutional validity of the process by which the orders were entered, a federal question distinct from the merits of the foreclosure and from the unexplained mootness disposition. No state ground supports the orders against those questions, because a state-law ground cannot make adequate a procedure the Fourteenth Amendment forbids. The order imposing the bar states no ground of any kind. **App. B.** The order dismissing the amended appeal states that the appeal is “dismissed as moot” and nothing more. **App. A.** Whether the appeal was moot under Connecticut law is not the question presented about that order; the question is who decided it and whether the litigant could know. Where the adequacy and independence of a possible state ground is not clear from the face of the order, this Court accepts jurisdiction. *Michigan v. Long*, 463 U.S. 1032, 1040-41 (1983).

An order restraining a litigant from filing is collateral to the merits of the case in which it was entered. Its validity does not rise or fall with that case. This Court held in *Cooter & Gell v. Hartmarx Corp.* that the imposition of a sanction “is not a judgment on the merits of an action,” but “requires the determination of a collateral issue: whether the attorney has abused the judicial process, and, if so, what sanction would be appropriate,” and that “[s]uch a determination may be made after the principal suit has been terminated.” 496 U.S. 384, 395-96 (1990). A unanimous Court applied the same rule in *Willy v. Coastal Corp.*, sustaining a sanction entered in an action the district court never had jurisdiction to hear, because “[t]he District Court order which the petitioner seeks to upset is one that is collateral to the merits.” 503 U.S. 131, 137-38 (1992). In *Goodyear Tire & Rubber Co. v. Haeger*, this Court granted certiorari and reviewed a sanction after the underlying case had settled. 581 U.S. 101 (2017). If a state court has power to enter a restraint on filing notwithstanding the end of the case in which it was entered, this Court has power to review that restraint on the same footing.

The order imposing the bar is an injunction. It commands petitioner not to file, and that command operates on him every day it runs. *St. Pierre v. United States*, the leading authority for the proposition that a completed term of punishment moots review of it, carves out this kind of order in terms. The Court explained that reversal there could not “restore to petitioner the penalty

of the term of imprisonment which he has served,” that no further disability had been shown, and then said: “In these respects the case differs from that of an injunction whose command continues to operate in futuro even though obeyed.” 319 U.S. 41, 43 (1943) (per curiam) (citing *Federal Trade Commission v. Goodyear Tire & Rubber Co.*, 304 U.S. 257, 260 (1938)). The decision cited for that proposition holds that a respondent who has already complied with a continuing order is nonetheless “entitled to seek review of the order and to have it set aside if found to be invalid.” 304 U.S. at 260. Petitioner is under that kind of order now.

Petitioner notes, and rests nothing on, the following. Respondent’s motion for sanctions asserts that title to the property vested in it on June 8, 2023. **App. I, at 29a**. Whether it did, and whether the proceedings by which it purportedly did so were lawful, are questions of Connecticut law that this petition does not present and this Court need not reach. They are also irrelevant to the orders under review. The orders do not concern the property. They restrain petitioner personally from filing papers in a court, and dismissed an appeal without stating why. Their commands run against him, not against the res, and the bar would run against him in precisely the same terms if the foreclosure action had never existed. The State’s interest in the orders is an interest in controlling its own docket, which the transfer of a deed neither satisfies nor diminishes. Petitioner therefore asks the Court to decide the federal questions on the orders as entered, without regard to the disposition of the property.

The order dismissing the amended appeal presents a distinct question, and the disposition of the property does not moot review of it either. A case “becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party,” and “[a]s long as the parties have a concrete interest, however small, in the outcome of the litigation, the case is not moot.” *Chafin v. Chafin*, 568 U.S. 165, 172 (2013) (internal quotation marks omitted). Relief need not be complete: “even the availability of a ‘partial remedy’ is ‘sufficient to prevent [a] case from being moot.’” *Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam) (quoting *Church of Scientology of California v. United States*, 506 U.S. 9, 13 (1992)). In *Church of Scientology* the materials at issue had already been surrendered, and this Court held

the case live because a court could still order their return or destruction. 506 U.S. at 12-13. This Court has declined to “manipulate constitutional doctrine” to hold a case moot where the ordinary tools of expedition and stays are available. *Chafin*, 568 U.S. at 178.

That petitioner did not obtain a stay does not moot either order. This Court addressed the point directly in *Turner v. Rogers*, 564 U.S. 431 (2011), distinguishing *St. Pierre* on the ground that “this case, unlike *St. Pierre*, arises out of a state-court proceeding,” and that respondents had given “no reason to believe that we would have (or that we could have) granted a timely request for a stay had one been made.” 564 U.S. at 441 (citing 28 U.S.C. § 1257). The same answer was given in *Sibron v. New York*: a State “may not effectively deny a convict access to its appellate courts until he has been released and then argue that his case has been mooted by his failure to do what it alone prevented him from doing.” 392 U.S. 40, 53 (1968). The footnote to that sentence rests on there having been no procedure open to the petitioner by which the expiration could have been prevented, in part because this Court had no jurisdiction over a judgment that was not from the highest court of the State in which a decision could be had. *Id.* at 53 n.13. Here the only court in which a stay of the bar could have been sought is the court whose order closed it to petitioner.

The controversy is live. The dismissal has no expiration. The bar expires January 14, 2027, but a one-year restraint on court access is “in its duration too short to be fully litigated” before it expires, and there is a reasonable expectation that the same party will be subjected to the same action again. *Turner*, 564 U.S. at 439-40 (internal quotation marks omitted). This Court has held far longer windows too short. In *First National Bank of Boston v. Bellotti* it found that a period of “approximately 18 months” between authorization and referendum “proved too short a period of time for appellants to obtain complete judicial review, and there is every reason to believe that any future suit would take at least as long.” 435 U.S. 765, 774 (1978). A twelve-month bar is shorter still. Nor must the primary injury still be under way at the moment of decision. In *Super Tire Engineering Co. v. McCorkle* the strike that gave rise to the case had ended, and this Court reached the merits because a fixed state policy continued to operate on the

parties: “It is sufficient, therefore, that the litigant show the existence of an immediate and definite governmental action or policy that has adversely affected and continues to affect a present interest.” 416 U.S. 115, 125-26 (1974); see also *id.* at 122 (the challenged governmental activity “is not contingent, has not evaporated or disappeared, and, by its continuing and brooding presence, casts what may well be a substantial adverse effect on the interests of the petitioning parties”). The record supplies the expectation: the same movant asked the Supreme Court of Connecticut for a second one-year bar “consistent with the prohibition ordered by the Connecticut Appellate Court,” and obtained it on April 21, 2026. **App. D; App. I.** Nor would expiration restore what the order took. The appeals and pre-appeal motions petitioner could not take during the year are gone, and the order remains on the court’s records, available to any future movant. Cf. *Chafin*, 568 U.S. at 172.

If the Court were to conclude that the bar has ceased to operate, effectual relief would remain available. When a civil case becomes moot while review is pending, the established practice is to vacate the judgment below, which “clears the path for future relitigation of the issues between the parties and eliminates a judgment, review of which was prevented through happenstance.” *United States v. Munsingwear, Inc.*, 340 U.S. 36, 40 (1950). This Court followed that course in *Alvarez v. Smith*, vacating the judgment below after a procedural due process claim became moot through the resolution of the underlying property disputes, because that mootness “more closely resemble[d] mootness through ‘happenstance’ than through ‘settlement.’” 558 U.S. 87, 94, 95, 97 (2009). The equitable exception is for a losing party who “voluntarily forfeited his legal remedy” by settling. *U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 25 (1994). The expiration of a bar entered on an opponent’s motion is not that. Vacatur would remove the orders from the records of the Connecticut courts, where they are otherwise available to any future movant seeking a further restraint, and would restore petitioner to the position he occupied before they were entered. That relief is available, and its availability is itself sufficient to preserve the controversy. Cf. *Chafin*, 568 U.S. at 177.

CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment provides in relevant part: “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

STATEMENT OF THE CASE

Respondent commenced a foreclosure action against petitioner’s home at 175 Imperial Avenue, Westport, Connecticut, in 2013. No. FST-CV13-6017236-S. Petitioner appealed to the Appellate Court of Connecticut on August 5, 2025 and amended the appeal on December 5, 2025. No. AC 49006. He was self-represented throughout, and the court’s docket records him as “Self Rep: PETER J MURRAGARRA.” **App. H.**

On December 10 and 11, 2025, respondent moved to dismiss the amended appeal and, separately, for sanctions. On January 14, 2026 the Appellate Court decided six motions. It granted both of respondent’s motions, denied two motions to strike petitioner had filed, disposed of petitioner’s earlier motion for sanctions with the entry “Other,” and disposed of his motion for an immediate hearing with the same entry. The docket records a separate clerk-uploaded order for each of the six. **App. H.**

Notice of the dismissal issued at 2:58:56 p.m. Sixty-three seconds later, at 2:59:59 p.m., notice issued of the order imposing the one-year bar. **App. A; App. B.** The dismissal order states, in its entirety: “The appeal as amended is dismissed as moot.” **App. A.** The bar order states that petitioner “is hereby prohibited from filing any further appeals or preappeal motions in this Court arising out of” the foreclosure action “for a period of one year from the date of this order,” and directs that “The Appellate Clerk is directed to reject any filing made in violation of this order.” **App. B.**

Neither order identifies a judge or bears a signature. Each concludes “By the Court.” The court’s docket leaves blank the fields for Panel, Argued Date and Submitted on Briefs, and records no counsel for petitioner. **App. H.** The distribution of the two orders differs. The dismissal order was distributed to “Counsel of Record,” to the trial judge and to the clerk of the

Superior Court. The order imposing the one-year bar was distributed to "Counsel of Record" alone. **App. A; App. B.**

Petitioner moved for reconsideration en banc on January 26, 2026. The court denied the motion on February 18, 2026. **App. E.**

On January 21, 2026, on respondent's motion, the Superior Court entered an order restricting petitioner's future filings in that court; that order is not under review here.

The federal questions presented arise from the January 14, 2026 orders themselves; until they issued there was no bar to challenge and no unsigned order to identify. Petitioner raised them at the first opportunity the state courts afforded. His motion for reconsideration en banc, filed January 26, 2026, asserted that the sanctions order, "signed only 'By the Court' with no judge or panel identified," violated "the Due Process Clause of the Fourteenth Amendment," which "requires a 'neutral and detached judge,'" citing *Ward v. Village of Monroeville*, 409 U.S. 57, 61-62 (1972); that the direction to the Appellate Clerk "consolidates the powers of adjudication and enforcement in a single administrative officer"; and that the orders "certify notice to 'Counsel of Record' while proving forensically that no such counsel exists."

App. F, at 13a-15a. The Appellate Court denied the motion without opinion. **App. E.** His petition for certification, filed February 3, 2026, presented the same questions to the Supreme Court of Connecticut, **App. G, at 19a-23a**, and that court denied it without opinion. **App. C.** Where a state court's own order is the act said to violate the Fourteenth Amendment, the question is properly raised by presenting it to that court system at the first opportunity thereafter. *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 677-78 (1930). The due process claim against the bar having been presented and passed on, petitioner may support it here with arguments not made below. *Yee v. City of Escondido*, 503 U.S. 519, 534 (1992).

On April 21, 2026 the Supreme Court of Connecticut denied certification. That order records that the matter was prosecuted by "Peter Murragarra, self represented," and its distribution line reads "Notice sent to Counsel of Record." **App. C.**

REASONS FOR GRANTING THE PETITION

I. The orders were entered without the process the Constitution requires.

The courts of appeals that have addressed the question require, in formulations that differ in detail but not in substance, that a court proposing to bar a litigant's future filings give notice and an opportunity to respond, ground the bar in a record of the filings said to justify it, find those filings frivolous or abusive, and confine the bar to the conduct found.

De Long v. Hennessey, 912 F.2d 1144, 1147-48 (9th Cir. 1990) (notice and opportunity to be heard; an adequate record; substantive findings of frivolousness or harassment; narrow tailoring); *Tripati v. Beaman*, 878 F.2d 351, 353-54 (10th Cir. 1989) (a record of the litigant's abusive history; stated conditions for leave; notice and opportunity to oppose); *Cok v. Family Court of R.I.*, 985 F.2d 32, 35-36 (1st Cir. 1993) (a sufficiently developed record; notice and opportunity to respond; an order drawn to the offending conduct); *In re Oliver*, 682 F.2d 443, 446 (3d Cir. 1982) (an opportunity to oppose the order before it is instituted); *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 818-19 (4th Cir. 2004) (the litigant's history and good faith, the burden on the courts and the adequacy of other sanctions; notice and opportunity to be heard; narrow tailoring).

Petitioner does not rely on any decision requiring a hearing before a bar entered on a served motion. He relies on the three requirements that no decision makes contingent on how the restriction was initiated. Adversarial presentation is what makes findings possible; it is not a substitute for them.

The order under review satisfies none of the three. It identifies no filing. It finds nothing frivolous, vexatious, or made in bad faith. It states no standard, cites no rule, no statute and no case, and provides no exception and no procedure for leave, so that a meritorious appeal is barred equally with a frivolous one. **App. B.** It leaves a reviewing court nothing to examine, which is the condition the record requirement exists to prevent.

Nor was the absence of findings harmless. Respondent asked the Supreme Court of Connecticut for a one-year bar "consistent with the prohibition ordered by the Connecticut

Appellate Court,” and told that court that the order under review “is very telling.” **App. I.** An order that states no reason cannot be tested when it is later offered as a reason, and the bar that followed states no more than this one. **App. D.**

The interest extinguished is not abstract. Where a State creates a right to seek review it may not withdraw that right by a procedure that gives the litigant no opportunity to be heard on the withdrawal, and where it is the state system itself that destroys the interest by operation of law, the violation is complete whatever the actor’s intent. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 434, 436 (1982). Petitioner is defending the loss of his home, and the order closed, for a year, the court to which an appeal from that judgment is taken.

Delegating enforcement to a clerk compounds the defect. The order directs the Appellate Clerk to reject any filing made in violation of it, and provides no procedure for review of a rejection, so that the clerk decides alone and at intake whether a given paper falls within the bar. **App. B.** Due process requires a neutral and detached judge in the first instance, and the requirement is structural rather than dependent on proof of bias. *Ward v. Village of Monroeville*, 409 U.S. 57, 61-62 (1972). A clerk ordered to reject filings, and answerable for whether the order was carried out, is not so situated. The Second Circuit has set aside an order that delegated less. In *Moates v. Rademacher*, the District Court directed its clerk “to not accept for filing any further complaints, pleadings or documents” from the litigant unless he first obtained leave from a judge, and the Court of Appeals reversed and remanded for notice and a hearing even while holding that the litigant “has clearly abused the judicial process.” 86 F.3d 13, 15 (2d Cir. 1996). The order here provides no route to a judge at all.

This petition presents the consideration stated in Rule 10(c) and, in substance, the one stated in Rule 10(b). Whether the Fourteenth Amendment requires a record, findings, and tailoring before a state court bars a litigant’s filings is a question that “has not been, but should be, settled by this Court,” which has never stated what process is due before a court forecloses access to itself and has said that the constitutional source of the access right remains “unsettled.” *Christopher v. Harbury*, 536 U.S. 403, 415 & n.12 (2002) (collecting decisions grounding the

right in the Article IV Privileges and Immunities Clause, the First Amendment Petition Clause, the Fifth Amendment Due Process Clause, and the Fourteenth Amendment Equal Protection and Due Process Clauses). The question is recurring and developed. Six courts of appeals have answered it with requirements that converge on the same three, and no state court is bound by their answer, because this Court has never adopted it. Petitioner does not contend that the courts of appeals are divided; they are not. The divergence is between those courts and the courts of a State, which is the divergence Rule 10(b) describes, though the order under review comes from an intermediate court whose judgment became final when the court of last resort declined review.

Respondent may answer that this Court itself restricts abusive filers by summary order. The comparison confirms the point. This Court's orders are conditional: the Clerk was directed not to accept further petitions from Martin "in noncriminal matters unless he pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33."

Martin v. District of Columbia Court of Appeals, 506 U.S. 1, 2 (1992) (per curiam). They are confined by subject: "His abuse of the writ of certiorari has been in noncriminal cases, and so we limit our sanction accordingly. The order will therefore not prevent Martin from petitioning to challenge criminal sanctions which might be imposed on him." *Id.* at 3. They follow a warning. *Id.* (quoting *Zatko v. California*, 502 U.S. 16, 18 (1991) (per curiam)). *In re Sindram* reached only petitions for extraordinary relief and left the petitioner "free under the present order to file in forma pauperis requests for relief other than an extraordinary writ." 498 U.S. 177, 180 (1991) (per curiam). And each rested on a documented count of prior frivolous filings, the ground on which this Court allocates "the institution's limited resources." *In re McDonald*, 489 U.S. 180, 184 (1989) (per curiam). The order under review has none of those features. It is conditioned on no fee, limited to no subject, preceded by no warning, and grounded in no identified filing. Even the conditional orders drew dissent. *Martin*, 506 U.S. at 4 (Stevens, J., joined by Blackmun, J., dissenting).

II. The orders do not disclose who decided them, and the guarantee of a neutral adjudicator cannot be applied to a decision-maker the record does not identify.

Both orders conclude “By the Court.” Neither identifies a judge. Neither bears a signature. The court’s own docket leaves blank the fields for Panel, Argued Date and Submitted on Briefs. **App. H.** Petitioner does not contend that an order is void because it lacks a handwritten signature. He contends that a litigant cannot determine whether grounds for recusal or disqualification exist when the record does not disclose who decided, and that the requirement of a neutral and detached adjudicator, *Ward*, 409 U.S. at 61-62, cannot be applied to a decision-maker the record does not identify. That is the question, and it is one of due process, not of form. The record sharpens it. Notice of the dismissal issued at 2:58:56 p.m.; notice of the bar issued sixty-three seconds later. **App. A; App. B.** Whether the same unidentified decision-maker entered both, and whether either was considered apart from the other, cannot be determined from a record that identifies no one.

The distribution of the orders presents a related concern. The docket records petitioner as self-represented; both orders were distributed to “Counsel of Record,” and the bar order to no one else. **App. A; App. B; App. H.** Petitioner does not contend that he never learned of the orders. He relies on the inconsistency for what it shows about the process. Notice must be “reasonably calculated, under all the circumstances,” to apprise the party whose rights are affected. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). An order addressed to counsel for a litigant the same court’s docket records as having none bears directly on whether that calculation was made.

That the Connecticut courts can do otherwise appears from this same record. The order of the Supreme Court of Connecticut denying certification in this matter recites the date of decision, identifies the appearances of both sides, including that petitioner appeared self-represented, and is signed by a named assistant clerk. **App. C.** The orders under review name no deciding judge, bear no signature, and record no appearance for either party. **App. A; App. B.** These are not

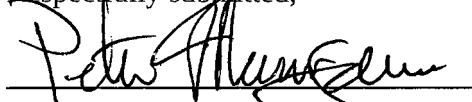
formalities. They are the record by which a reviewing court learns who decided, on what, and whether the decider was disqualified.

This petition is short because the record is. Two orders of one afternoon, one of which closed a state appellate court to a self-represented litigant for a year, contain among them no finding, no identified filing, no standard, no authority, no judge and no panel. If that is sufficient, then nothing in the Fourteenth Amendment constrains a state court in closing itself to a litigant, and the rule the federal courts have applied for four decades has no application where it is needed most.

CONCLUSION

The petition for a writ of certiorari should be granted, the orders of January 14, 2026 vacated, and the case remanded for further proceedings consistent with the standard this Court announces.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Murrugarra", written over a horizontal line.

PETER J. MURRUGARRA
Petitioner pro se
175 Imperial Avenue
Westport, CT 06880
(203) 856-2674
peter.murrugarra@gmail.com

Dated: September __, 2026