

26-5659 ORIGINAL

No. _____

IN THE
Supreme Court of the United States

FILED
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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
SUPREME COURT OF CONNECTICUT**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment permits a State's court of last resort, on an opponent's motion and over the litigant's written opposition, to prohibit a self-represented civil litigant for one year from making any filing in that court involving the foreclosure of his home, 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 an order that bars "any filings involving" a case and directs the clerk to reject any filing made in violation of it, without a standard for determining what the bar covers and without an identified procedure for judicial review of a rejection, satisfies the Due Process Clause's requirement of explicit notice of precisely what conduct is prohibited, and its requirement of a neutral and detached adjudicator.

PARTIES TO THE PROCEEDING

Petitioner is Peter J. Murrugarra, the defendant in the underlying foreclosure action and the party subject to the order under review. The Connecticut courts render his surname "Murrugarra" in their captions, and the order under review renders it "Murragarra" in its operative sentence. 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 movant below, and the State of Connecticut Department of Revenue Services. 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 defendant in the underlying foreclosure action and a respondent of record in Motion SC 250252. It 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. SC 250252 (Conn.). Order on respondent's pre-appeal motion for sanctions entered Apr. 21, 2026 (the order under review). Application to extend the time to file this petition, No. 26A120 (U.S.), granted July 27, 2026.

Wells Fargo Bank, N.A. v. Murrugarra, No. AC 49006 (Conn. App. Ct.), with amended appeal No. AC 49006A01. Orders entered Jan. 14, 2026; reconsideration en banc denied Feb. 18, 2026. A petition for a writ of certiorari to review those orders is filed with this one; application to extend time, 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 250385 (Conn.). Petition for certification filed Apr. 8, 2026; the docket records the disposition as returned on Apr. 9, 2026.

Wells Fargo Bank, N.A. v. Murrugarra, No. SC 250422 (Conn.). Petition for certification filed Apr. 20, 2026; the docket records the disposition as returned on Apr. 21, 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	5
STATEMENT OF THE CASE	5
REASONS FOR GRANTING THE PETITION	8
I. THE ORDER WAS ENTERED WITHOUT FINDINGS, A RECORD, OR TAILORING	8
II. ENFORCEMENT WAS DELEGATED TO A CLERK LEFT TO DECIDE WHAT THE BAR COVERS	10
CONCLUSION	12
APPENDIX	1a
Appendix A, Order of the Supreme Court of Connecticut on respondent's pre-appeal motion for sanctions, SC 250252 (Apr. 21, 2026)	1a
Appendix B, Order of the Supreme Court of Connecticut denying certification, No. PSC-250299 (Apr. 21, 2026)	3a
Appendix C, Order of the Appellate Court of Connecticut on respondent's motion for sanctions, No. AC 49006 (Jan. 14, 2026)	5a
Appendix D, Respondent's motion for sanctions, Nos. SC-250299 and AC-49006 (Feb. 11, 2026) (excerpts, pages 1, 3, 8 and 9 of 10)	7a
Appendix E, Petitioner's opposition to the motion for sanctions, SC 250252 (Apr. 8, 2026) (excerpts, pages 1 and 16 of 18)	12a

Appendix F, Petitioner’s petition for certification to appeal, No. PSC-250299 (Feb. 3, 2026) (excerpts, pages 1, 4, 5, 11, 12 and 13 of 75)	15a
Appendix G, Case detail and docket of the Supreme Court of Connecticut, No. SC 250299 (Sept. 18, 2026)	22a
Appendix H, Case detail of the Supreme Court of Connecticut, No. SC 250422, recording the petition for certification as returned (Apr. 21, 2026)	25a
Appendix I, Case detail of the Supreme Court of Connecticut, pre-appeal motion for sanctions, SC 250252 (Sept. 18, 2026)	28a
Appendix J, Case detail of the Supreme Court of Connecticut, No. SC 250385, recording the petition for certification as returned (Apr. 9, 2026)	31a
PROOF OF SERVICE	Service

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Alvarez v. Smith</i> , 558 U.S. 87 (2009)	4
<i>ASARCO Inc. v. Kadish</i> , 490 U.S. 605 (1989)	5
<i>Board of Managers of 2900 Ocean Avenue Condominium v. Bronkovic</i> , 83 F.3d 44 (2d Cir. 1996)	8
<i>Boddie v. Connecticut</i> , 401 U.S. 371 (1971)	9
<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)	5
<i>Christopher v. Harbury</i> , 536 U.S. 403 (2002)	10
<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)	1
<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>DeFunis v. Odegaard</i> , 416 U.S. 312 (1974)	5
<i>Federal Trade Commission v. Goodyear Tire & Rubber Co.</i> , 304 U.S. 257 (1938)	2
<i>First National Bank of Boston v. Bellotti</i> , 435 U.S. 765 (1978)	3

<i>Goodyear Tire & Rubber Co. v. Haeger</i> , 581 U.S. 101 (2017)	2
<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>Karcher v. May</i> , 484 U.S. 72 (1987)	4
<i>Lau v. Meddaugh</i> , 229 F.3d 121 (2d Cir. 2000)	8, 11
<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)	4
<i>MLE Realty Associates v. Handler</i> , 192 F.3d 259 (2d Cir. 1999)	8
<i>Moates v. Rademacher</i> , 86 F.3d 13 (2d Cir. 1996)	8, 10
<i>Mullane v. Central Hanover Bank & Trust Co.</i> , 339 U.S. 306 (1950)	12
<i>Safir v. United States Lines, Inc.</i> , 792 F.2d 19 (2d Cir. 1986)	8
<i>Schmidt v. Lessard</i> , 414 U.S. 473 (1974) (per curiam)	11
<i>Sibron v. New York</i> , 392 U.S. 40 (1968)	3
<i>St. Pierre v. United States</i> , 319 U.S. 41 (1943)	2, 3
<i>Super Tire Engineering Co. v. McCorkle</i> , 416 U.S. 115 (1974)	3

<i>Tripati v. Beaman</i> , 878 F.2d 351 (10th Cir. 1989)	8, 11
<i>Tumey v. Ohio</i> , 273 U.S. 510 (1927)	11
<i>Turner v. Rogers</i> , 564 U.S. 431 (2011)	3
<i>U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership</i> , 513 U.S. 18 (1994)	4
<i>United States v. Munsingwear, Inc.</i> , 340 U.S. 36 (1950)	4
<i>Ward v. Village of Monroeville</i> , 409 U.S. 57 (1972)	7, 11
<i>Willy v. Coastal Corp.</i> , 503 U.S. 131 (1992)	1
Constitutional Provisions	
U.S. Const. amend. XIV, § 1	4, 5, 7, 9, 10, 12
Statutes	
28 U.S.C. § 1257(a)	1
28 U.S.C. § 2106	5
Rules	
Sup. Ct. R. 10(b)	9, 10
Sup. Ct. R. 10(c)	9

PETITION FOR A WRIT OF CERTIORARI

Petitioner Peter J. Murrugarra respectfully petitions for a writ of certiorari to review the order of the Supreme Court of Connecticut entered April 21, 2026.

OPINIONS AND ORDERS BELOW

The order under review is unreported and is at **App. A**. It is entitled “Order On Pre Appeal Motion for Sanctions SC250252” and its own header records the docket number as FSTCV136017236S, the Superior Court action in which the pre-appeal motion was filed. The order of the same court denying certification, entered the same day, is at **App. B**. The Appellate Court order of January 14, 2026 is at **App. C**.

JURISDICTION

The Supreme Court of Connecticut, the State’s court of last resort, entered the order under review on April 21, 2026. **App. A**. On July 27, 2026, in No. 26A120, the Circuit Justice extended the time to file this petition 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 order is final for purposes of § 1257 although the foreclosure action remains pending below. The federal question was conclusively decided on April 21, 2026, it is separate from the merits of the foreclosure, and a refusal of immediate review would leave it unreviewable, because the prohibition expires April 21, 2027 and any later judgment carrying the question here would come after that date. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 481-82 (1975).

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 the 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 years after the underlying case had settled and disappeared. 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 under review 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 case by name. The Court explained that reversal there could not “restore to petitioner the penalty of the term of imprisonment which he has served,” and 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, 42-43 (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 does not rest anything on, the following. The plaintiff in the foreclosure action asserts that title to the property has vested. Whether it has, 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 order under review. The order does not concern the property. It restrains petitioner personally from filing papers in a court. Its command runs against him, not against the res, and it would run against him in precisely the same terms if the foreclosure action had never existed. The State’s interest in the order 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 order as entered, without regard to the disposition of the property.

That petitioner did not obtain a stay does not moot the order. This Court addressed the point directly in *Turner v. Rogers*, 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. 431, 441 (2011); cf. 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); see also *id.* at 53 n.13. Petitioner was under an order forbidding him to file in the very court that would have heard an application to stay it.

For the same reason the controversy is not moot. 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) (twelve-month term of confinement too short to be fully litigated before its expiration). The record supplies the expectation: this is the second one-year bar the same movant has obtained against petitioner in ninety-seven days, and it asked for this one “consistent with” the first. **App. C; App. D.** Nor would expiration restore what the order took: every filing petitioner could not make in that court during the year is gone, and the order remains on that court’s records, available to any future movant seeking a further bar. 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. And the rule does not require that 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, holding that “[i]t 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 action “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”).

No state ground supports the order against the questions presented. The questions concern the process by which the order was entered and the mechanism by which it is enforced, not any ground on which it rests, and a state-law ground cannot make adequate a procedure the Fourteenth Amendment forbids. The order states no ground of any kind. **App. A.** 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).

If the Court were to conclude that the order has ceased to operate, effectual relief would remain available. Where a case becomes moot while review is pending, the ordinary course is to vacate the judgment below, because vacatur “clears the path for future relitigation of the issues between the parties,” preserving “the rights of all parties,” while prejudicing none “by a decision which . . . was only preliminary.” *United States v. Munsingwear, Inc.*, 340 U.S. 36, 40 (1950), quoted in *Alvarez v. Smith*, 558 U.S. 87, 94 (2009). The exception is narrow. Vacatur is withheld where mootness results from settlement, because the party seeking relief has then “caused the mootness by voluntary action” and has “voluntarily forfeited his legal remedy.”

U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership, 513 U.S. 18, 24, 25 (1994). Where review is instead “prevented through happenstance,” that is, where the case has “become moot due to circumstances unattributable to any of the parties,” vacatur follows. *Id.* at 23 (quoting *Munsingwear*, 340 U.S. at 40, and *Karcher v. May*, 484 U.S. 72, 82, 83 (1987)). The expiration of an order by its own terms is happenstance in that sense. Petitioner has done nothing to moot the question and has sought review at every stage open to him. *Alvarez* is the nearest application: this Court held a procedural due process challenge moot when the underlying property proceedings terminated, placed that termination on “the ‘happenstance’ side of the line,” and

vacated the judgment below. 558 U.S. at 95-97. That the order under review was entered by a state court presents no obstacle. The vacatur statute reaches “any judgment, decree, or order of a court lawfully brought before it for review.” 28 U.S.C. § 2106. This Court has followed the practice on direct review of a State’s court of last resort. In *DeFunis v. Odegaard* the controversy expired while the case was here on certiorari to the Supreme Court of Washington, and the Court directed that “the judgment of the Supreme Court of Washington is vacated, and the cause is remanded for such proceedings as by that court may be deemed appropriate.” 416 U.S. 312, 319-20 (1974) (per curiam). *ASARCO Inc. v. Kadish*, 490 U.S. 605 (1989), is not to the contrary. The Court there affirmed the judgment of the Supreme Court of Arizona, and what it said about the course to take in a moot case, *id.* at 621 & n.1, was not necessary to that disposition. *ASARCO*’s observation is addressed to the case “where the entire case had become moot,” *id.*, and rests on the premise that “in the absence of any live case or controversy, we lack jurisdiction and thus also the power to disturb the state court’s judgment,” *id.* Neither condition obtains here.

Expiration would not end the controversy: the filings petitioner could not make during the year are gone, and the order would remain on the Connecticut courts’ records, available to any future movant. The case would be at most partly moot, and a partial remedy would remain. Vacatur here would remove the restraint from the records of the Connecticut courts, where it is otherwise available to any future movant seeking a further restraint, and would restore petitioner to the position he occupied before it was entered. That is effectual relief, and the availability of even a partial remedy is sufficient to preserve the controversy. *Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam).

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. On February 11, 2026,

respondent moved for sanctions in the Supreme Court of Connecticut. The motion was filed February 13, 2026 and docketed as SC 250252. Petitioner submitted papers on February 17, February 20 and March 2, 2026; the court's docket labels the February 20 paper, submitted seven days after the motion was filed, an opposition. Each of the three was returned. The docket records no date on which any of them was acted on; that column is blank for each. The only date each entry carries is a notice date of April 21, 2026, the day the order issued. Every entry on that docket bears the same notice date, including one made August 3, 2026. **App. I.**

Petitioner filed a further written opposition on April 8, 2026, arguing among other grounds that the movant had never filed an appearance in the matter. **App. E.** Thirteen days later the court granted the motion.

The order states, in its operative sentence, that petitioner "is hereby prohibited from making any filings involving Wells Fargo Bank National Association as Trustee v. Peter Murragarra, Superior Court, judicial district of Stamford, Docket No. FST-CV13-6017236-S, in the Supreme Court, for a period of one year from the date of this order." It continues: "The Appellate Clerk is directed to reject any filing made in violation of this order. The motion is denied in all other respects." **App. A.** Its disposition field records the single word "Other." It concludes "By the Court." No justice is identified and no signature appears. Its distribution line reads "Notice sent to Counsel of Record."

The order does not mention petitioner's opposition. It does not address the standing objection. It identifies no filing of petitioner's, finds none frivolous, states no standard, and cites no rule, statute or case. It admits no exception, so that a meritorious petition for certification is barred equally with a frivolous one, and a motion to correct a clerical error equally with a motion to reargue. **App. A.**

The order admits no application for relief from it. It identifies no officer to whom an application for leave could be addressed and states no standard by which one would be decided. A litigant subject to it cannot ask, because the order creates no one to ask.

On the same day, the same court denied petitioner's petition for certification. That order records that the matter was prosecuted by "Peter Murragarra, self represented," and its distribution line also reads "Notice sent to Counsel of Record." **App. B.**

This was the second prohibition entered against petitioner in ninety-seven days on the motion of the same private litigant: the Appellate Court's on January 14, 2026, **App. C**, and this one. Respondent asked for this one "consistent with the prohibition ordered by the Connecticut Appellate Court," **App. D**, and that order, like this one, states no finding, identifies no filing, and cites no authority. **App. C.** 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 order itself: the absence of findings, a record and tailoring, and the delegation of the bar's scope to the clerk, are features of an order that did not exist until it was entered. Before it issued, petitioner's opposition addressed the movant's standing, **App. E**, and three of his papers were returned unfiled. **App. I.** The same court had before it, in the companion certification docket, petitioner's petition for certification, which presented as federal due process questions the anonymity of the Appellate Court's one-year bar and its direction to the clerk to reject filings, citing *Ward v. Village of Monroeville*, 409 U.S. 57, 61-62 (1972), **App. F**, at 17a-21a, and respondent asked this court for a bar "consistent with" that one. **App. D.** After the order issued, the bar operated: the docket records two further filings, of April 28 and May 1, 2026, as rejected. **App. I.** Where a state court's own order is the act said to violate the Fourteenth Amendment, and that order forecloses any application to the court that entered it, the question is properly presented at the first opportunity thereafter, which is this petition. *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 677-78 (1930).

REASONS FOR GRANTING THE PETITION

I. The order was entered without findings, a record, or tailoring.

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).

The Second Circuit applies the same minimums. It sets aside filing injunctions entered without notice and an opportunity to be heard and requires restrictions to remain appropriately narrow. *MLE Realty Associates v. Handler*, 192 F.3d 259, 261 (2d Cir. 1999); *Lau v. Meddaugh*, 229 F.3d 121, 123 (2d Cir. 2000); *Moates v. Rademacher*, 86 F.3d 13, 15 (2d Cir. 1996); *Board of Managers of 2900 Ocean Avenue Condominium v. Bronkovic*, 83 F.3d 44, 45 (2d Cir. 1996); *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24-25 (2d Cir. 1986).

Petitioner does not rest on the absence of a hearing, though several of these decisions require one. See *Bronkovic*, 83 F.3d at 45 (a court may not enjoin further filings "without providing express notice and a hearing"); *MLE Realty*, 192 F.3d at 261. He filed a written opposition on April 8, 2026, and the court had it for thirteen days. **App. E.** He relies instead on the three requirements that no decision makes contingent on how the restriction was initiated: a

record of the filings said to justify the bar, findings that those filings were frivolous or harassing, and tailoring. That is the point of this case rather than an answer to it: the court received the adversarial presentation and produced nothing traceable to it. Adversarial presentation is what makes findings possible; it is not a substitute for them.

The order satisfies none of the three requirements, and the absence of a record is not merely a defect in form. The order's disposition field reads "Other." It is docketed under a Superior Court number rather than any docket of the court that entered it. It names no jurist. There is no opinion, no transcript and no argued date. Whatever reasoning produced it is not in the record and cannot be examined. An order entered in that condition 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 to impose this bar "consistent with the prohibition ordered by the Connecticut Appellate Court," and told that court that the Appellate Court's January 14 order "is very telling." **App. D.** That order states no finding, identifies no filing, and cites no authority. **App. C.** An order that gives no reason cannot be tested when it is later offered as a reason, and the order under review states no more than the one it was built on.

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). Connecticut therefore had to give petitioner a meaningful opportunity to be heard before closing the forum in which state law required him to settle his claims of right. *Boddie v. Connecticut*, 401 U.S. 371, 377-79 (1971). Petitioner is defending the loss of his home, and the order closed the only court in Connecticut with authority to review the Appellate Court, at a time when the Appellate Court had already closed to him.

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 a State's court of last resort, which is the divergence Rule 10(b) describes.

This Court's own prospective filing restrictions confirm that a record and tailoring matter. They followed documented patterns of repeated frivolous filings and preserved routes outside the abuse shown. *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1, 2-3 (1992) (per curiam); *In re Sindram*, 498 U.S. 177, 179-80 (1991) (per curiam); *In re McDonald*, 489 U.S. 180, 184-85 (1989) (per curiam). The order here identifies no frivolous filing and bars every filing involving one case, without a leave procedure or other exception.

II. Enforcement was delegated to a clerk left to decide what the bar covers.

The order directs "The Appellate Clerk" to "reject any filing made in violation of this order." **App. A.** Whether a given paper "involv[es]" the foreclosure action, and whether it is a "filing" within the prohibition, are questions of scope the order leaves to the clerk to decide, alone, at intake, with no notice to the litigant and no procedure in the order for review. The clerk is thus both the officer who enforces the bar and the officer who determines what it covers. The Second Circuit has set aside an arrangement 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 obtains leave to file from a judge in this district," and the Court of Appeals reversed the order 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.

The order’s reach is as indeterminate as its enforcement. “Since an injunctive order prohibits conduct under threat of judicial punishment, basic fairness requires that those enjoined receive explicit notice of precisely what conduct is outlawed.” *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974) (per curiam) (vacating an injunction that failed to describe the conduct restrained); see *Lau*, 229 F.3d at 123 (applying the same principle to a filing injunction). Nothing in the order tells petitioner whether a motion to correct a clerical error, a notice of a bankruptcy stay, or a request for time to respond “involv[es]” the foreclosure action. Where a filing restriction provides no guidelines for what a litigant must do to obtain leave to file, “the grant or denial of leave to file an action is left completely to the whim of the court.” *Tripati*, 878 F.2d at 354. The order under review provides no route to leave at all, and what it does bar is defined at intake by the clerk.

Due process requires a neutral and detached judge in the first instance, and the requirement is structural: it turns not on proof of actual bias but on whether the adjudicator’s situation is one “which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused.” *Ward v. Village of Monroeville*, 409 U.S. 57, 60 (1972) (quoting *Tumey v. Ohio*, 273 U.S. 510, 532 (1927)); *id.* at 62. A clerk ordered to reject filings, and answerable for whether the order was carried out, is not so situated. The arrangement is aggravated by concentration. Connecticut maintains a single Chief Clerk for its appellate system, serving the Supreme Court and the Appellate Court alike, and both orders direct that one office, three months apart, to reject this one litigant’s papers.

The record shows what the delegation produced before the order even issued. Four of petitioner’s filings in the certification proceeding were returned unfiled, and two further petitions for certification were each returned the day after they were submitted, one on April 9, 2026 and one on April 21, 2026. **App. G; App. H; App. J.** After the order issued, the docket records two

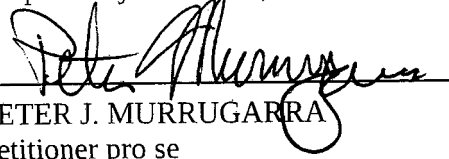
further filings, of April 28 and May 1, 2026, as rejected. **App. I.** The dates the docket assigns those returns are themselves part of the record. It records no date on which any return was acted on. The only date each carries is a notice date of April 21, 2026, and every entry on that docket carries the same one, including the three returns that preceded the order by weeks and an entry made on August 3, 2026, months after it. A docket that assigns one date to the entire life of a case does not show when the litigant was told anything. A return without a stated reason is not a ruling. It cannot be complied with, because the litigant never learns what was wrong; it cannot be assigned as error, because nothing was decided; and it cannot be distinguished from a refusal to receive the filing at all. Notice must be reasonably calculated to apprise interested parties of the pendency of the action, and when notice is a person's due, process which is a mere gesture is not due process. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314-15 (1950).

This petition is short because the order under review is. Four sentences, entered on an opponent's motion over a written opposition they never answer, logged as "Other," signed by no one, and enforced at intake by a clerk left to decide what it covers, closed a State's highest court to a self-represented litigant for a year. If that is sufficient, then nothing in the Fourteenth Amendment constrains a State's court of last resort 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

For the foregoing reasons, the petition for a writ of certiorari should be granted, the order of the Supreme Court of Connecticut of April 21, 2026 vacated, and the case remanded for further proceedings consistent with this Court's decision.

Respectfully submitted,

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

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