

26-5900

No. 26 -

ORIGINAL

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SUPREME COURT, U.S.

In the Supreme Court of the United States

ANESH GUPTA,

Petitioner

v.

THE WALT DISNEY COMPANY,
WALT DISNEY PARKS AND RESORTS U.S., INC.,
UNITED STATES OF AMERICA,
MARGARET IGLESIAS, USCIS,
TRACY A. MCCORMICK, USCIS,
LISA A. ZAMORA, USCIS,
KENNETH C. WEIR, USCIS,
EDGARDO CENTENO, ICE,
ALLISON SABATINI, ICE, and
ANDREA MOLINA, ICE.

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

Anesh Gupta

ANESH GUPTA

Pro-Se Petitioner

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October 15, 2026

QUESTIONS PRESENTED

1. Whether, after *Cisco*, the Alien Tort Statute (ATS) cause of action for violation of safe conducts reaches officials' coercion, forgery, and fraudulent procurement of an alien's passport while the alien was in federal custody.
2. Whether the Blackstone-three causes of action that *Cisco* left undisturbed include principal-by-concern liability and conspiracy liability, or whether *Cisco's* holding that courts cannot create Alien Tort Statute (ATS) causes of action forecloses them.
3. Whether a court may dismiss a Little Tucker Act claim as untimely without determining the date on which the claim accrued.
4. Whether the constitutional right of access to the courts and the Due Process Clause permit a federal court to impose a pre-filing injunction that bars any future suit "related to" prior litigation, and directs that such filings be struck without review, on the strength of aggregate litigation history and without findings of specific abusive conduct to which the bar is tailored.

CORPORATE DISCLOSURE STATEMENT

Petitioner Anesh Gupta is an Individual. Respondents The Walt Disney Company and Walt Disney Parks and Resorts U.S. Inc. are corporations.

PARTIES TO THE PROCEEDING

The Petitioner (plaintiff-appellant below) is Anesh Gupta. Respondents (defendants- appellees below) are The Walt Disney Company, Walt Disney Parks and Resorts U.S. Inc., United States of America, Margaret Iglesias, Tracy A. McCormick, Lisa A. Zamora, Kenneth C. Weir, Edgardo Centeno, Allison Sabatini and Andrea Molina.

RELATED PROCEEDINGS

United States Court of Appeals (11th Cir.): *Anesh Gupta v. The Walt Disney Company, United States of America et. al.* No. 24-13457 Docket No. 56 (Motion to recall mandate) (Sept. 21, 2026).

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ANESH GUPTA, PETITIONER

v.

THE WALT DISNEY COMPANY,
UNITED STATES OF AMERICA, et. al., 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

Pro-Se Petitioner Anesh Gupta respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit in this case.

OPINIONS BELOW

The opinion of the court of appeals (App., *infra*, 1a-17a) is unreported.
. The order denying rehearing (App., *infra*, 18a-19a) is also unreported.

JURISDICTION

The United States Court of Appeals for the Eleventh Circuit entered its judgment on March 26, 2026. The court denied en banc rehearing on June 17, 2026. This Court extended the time to file a petition for writ of certiorari through October 15, 2026, in No. 26A323. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT OF THE CASE

Petitioner, a pro se noncitizen, sued federal officers and Disney. He alleged that in 2019, while in immigration detention, the officers coerced his signature, forged it on an application to the Indian Embassy, and fraudulently procured a passport, and that Disney is liable as a conspirator Compl. ¶¶ 20–23. He also pleaded a Little Tucker Act claim. The district court dismissed the ATS claims without prejudice, and dismissed with prejudice the Little Tucker Act claim as untimely without determining when the claim accrued, the event that starts the limitations period. It also designated Petitioner a vexatious litigant, based partly on filings in other courts, and permanently enjoined any filing “arising out of or related to” the claims or factual allegations asserted in this litigation or in any previously filed lawsuit in the Division.

On March 26, 2026, the Eleventh Circuit affirmed. App. A. It construed the ATS allegations as “routine deportation” and affirmed the dismissal of the Little Tucker Act claim as untimely. It affirmed the filing injunction without findings of abusive conduct or tailoring, even though the ATS dismissal left the same claims open. After merits briefing, Petitioner discovered additional evidence suggesting that the agency decision underlying much of the litigation may have rested on legally defective authority. Petitioner brought that issue to the Court of Appeals through a

motion for supplemental briefing on January 21, 2026 (Doc. 42). Notwithstanding that submission, the Court affirmed the filing restriction

Petitioner sought rehearing en banc, which invoked the safe-conduct theory recognized in *Adra v. Clift*, 195 F. Supp. 857 (D. Md. 1961). The court denied rehearing without opinion on June 17, 2026. App. B. This Court decided *Cisco Systems, Inc. v. Doe* on June 23, 2026, and the mandate of the Court of Appeals was issued on July 16. A motion to recall the mandate, directed to the officers and relying on *Cisco*, remains pending in the Eleventh Circuit (Docs. 56, 58, 59) and is disclosed there as this petition is here.

REASONS FOR GRANTING THE PETITION

Question 1: After *Cisco*, the only ATS claims that remain are those for historical torts the Court has already recognized. These include the “Blackstone three” offenses *Sosa* identified, one of which is violation of safe conducts. *Sosa v. Alvarez-Machain*, 542 U.S. 692, 715 (2004). *Cisco* left open how far that tort reaches. The question is important and recurring: lower courts need to know which acts the preserved offenses cover, or they will either extend them past their historical core or dismiss claims that fall squarely within it. This case is a good vehicle. The complaint alleges that federal officers coerced an alien in custody, forged his signature on an embassy application, and fraudulently procured his passport, *Compl.* ¶¶ 20-23, conduct that violates the protection the safe-conducts tort secures because a passport is the modern safe conduct. See *Adra*, 195 F. Supp. 857.

Question 2: *Cisco* held that courts may not create new ATS causes of action. *Cisco Systems, Inc. v. Doe*, 609 U.S. ___, No. 24-856 (June 23, 2026). Such torts are “found or discovered,” not “made or created.” *Id.* (footnote 3) (quoting *Sosa v. Alvarez-Machain*, 542 U.S. 692, 725 (2004)). *Cisco* left open what liability a discovered, historical tort carries. If a Blackstone-three tort is a pre-existing common-law action, its scope of liability, including who counts as a principal, is part of the tort itself, not a separate cause of action a court would be “creating.” The question is recurring and unresolved: every ATS plaintiff proceeding under a Blackstone-three tort will face it. It is also dispositive here. The complaint alleges that [Molina and Sabatini] coerced, forged, and fraudulently procured the passport of an alien in federal custody. Compl. ¶¶ 20–23. Whether those who acted in concert with them answer as principals turns on the answer.

Question 3: A limitations ruling requires an accrual date. Under 28 U.S.C. § 2401(a), a Little Tucker Act claim is barred six years after it “first accrues,” and a court cannot hold the claim late without identifying when that happened. Accrual is the event that starts the clock, and it ordinarily occurs when all events fixing the government’s alleged liability have occurred. *See Martinez v. United States*, 333 F.3d 1295, 1303 (Fed. Cir. 2003) (en banc). The Eleventh Circuit affirmed the dismissal of Petitioner’s claim as untimely without determining that date. That omission requires review. Without an accrual finding, appellate courts cannot test the ruling, and a litigant cannot

tell which event the court treated as dispositive. The question also recurs: every Little Tucker Act dismissal on timeliness grounds depends on it.

Review is warranted to confirm that a court may not dispose of a claim as untimely without deciding when the limitations period began.

Question 4: This Court has not decided what findings a lower federal court must make before restricting a litigant's future access to the courts. Court of appeals are divided on the findings and procedures that must precede a restriction. The Ninth Circuit requires substantive findings of frivolousness or harassment drawn from the number and content of prior filings; mere litigiousness is insufficient. *De Long v. Hennessey*, 912 F.2d 1144, 1147-48 (9th Cir. 1990). The Second Circuit weighs the litigant's motive, history of vexatious litigation, burden on courts and parties, and the adequacy of alternative sanctions. *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). The Eleventh Circuit, relying on *Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986) (en banc), and inherent power, emphasizes protecting judicial resources and permits broader reliance on aggregate litigation history. *Procup* bars total foreclosure but sets no minimum findings to distinguish unsuccessful litigation from abuse of process. This case shows the consequence. The panel affirmed the injunction without findings of abusive conduct, while the Ninth and Second Circuits would have required them.

CONCLUSION

The Court should grant the petition for a writ of certiorari.

Dated: October 15, 2026

Respectfully submitted.

A handwritten signature in black ink that reads "Anesh Gupta". The signature is written in a cursive style with a horizontal line underneath it.

(ANESH GUPTA)

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