No. 26-6193

In the

Supreme Court of the United States

JOHN ANAYA,
Petitioner,
v.
COUNTY OF NAPA, ET AL.,
Respondents.

ORIGINAL

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

PETITION FOR A WRIT OF CERTIORARI

John Anaya
Petitioner, Pro Se
P.O. Box 17
Thornburg, Virginia 22565
(707) 210-7219
john.anaya76@yahoo.com

IOM21822204 United States Supreme Court
Recipient:
Clerks Office
Sender:
John Xavier George Anaya
Processed:
11/14/2026 8:06:13 PM | 559

RECEIVED
NOV 17 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Whether discretion under 28 U.S.C. § 1406(a) permits dismissal rather than transfer of timely asserted claims after limitations expires during their pendency, where petitioner identifies two express alternative transfer requests and the court nevertheless relies on the premise that transfer was not requested, exposing the claims to limitations defenses now asserted in the proper California forum.

2. Whether dismissal for improper venue, denial of amendment, and denial of limited in camera review as moot may stand without adequate consideration of a specific proffer that defendants' recorded statements establish intentional Virginia-directed conduct, where petitioner asserted that disclosure of source-related details would expose him to grave retaliation.

PARTIES, DISCLOSURES, AND RELATED PROCEEDINGS

Petitioner is John Anaya. Respondents are County of Napa; Cristene Briseno; Joseph Solga; Jessica Marie Lopez Anaya; Gregory Carl Winter; Kendall Barron; Robert Stamps; Alfredo Larranaga; Elia Ortiz; Allison Haley; Court CEO Robert Fleshman; Lauren Noga; Mark Boessenecker; Sheryl Bratton; Alexys Vosmeier; Veronica Piper Jefferson; and Jennifer Yasumoto. The individual respondents were named in their official and individual capacities as reflected in the appellate caption.

Petitioner is a natural person with no corporate disclosure under Rule 29.6. [Complete applicable ticker and related-proceeding disclosures under Rule 14.1(b).]

Anaya v. County of Napa, No. 3:25-cv-00255-RCY (E.D. Va.): memorandum opinion and disposition dated March 16, 2026, as identified in the Fourth Circuit opinion. Anaya v. County of Napa, No. 26-1415 (4th Cir.): opinion September 29, 2026; judgment entered September 29, 2026, as stated in this petition. Petitioner did not seek rehearing.

TABLE OF CONTENTS

Questions Presented.....i
Parties, Disclosures, and Related Proceedings.....ii
Table of Contents.....iii
Table of Authorities.....iv
Table of Authorities (continued).....v
Table of Appendices.....vi
Opinions Below and Jurisdiction.....1
Provisions Involved.....2
Statement of the Case.....3
Transfer Requests and Appellate Preservation.....4
Concrete California Limitations Prejudice.....5
Reasons for Granting the Petition.....6
I. Goldlawr: actual, not speculative, prejudice.....6
II. The erroneous premise and Berg.....7
III. Virginia-directed conduct and venue.....8
IV. Protected review: Aguilera and due process.....9
V. Scope of discretionary review.....10
Conclusion and Prayer for Relief.....11

TABLE OF AUTHORITIES

Aggarao v. MOL Ship Management Co., Ltd.,
675 F.3d 355 (4th Cir. 2012) 8
Berg v. Kingdom of the Netherlands,
24 F.4th 987 (4th Cir. 2022) 7
Burnett v. New York Central Railroad Co.,
380 U.S. 424 (1965) 6
Calder v. Jones, 465 U.S. 783 (1984) 3, 8
Carefirst of Maryland, Inc. v. Carefirst Pregnancy
Centers, Inc., 334 F.3d 390 (4th Cir. 2003) 9
Erickson v. Pardus, 551 U.S. 89 (2007) 7
Goldlawr, Inc. v. Heiman, 369 U.S. 463 (1962) 6, 10, 11
In re Muszalski, 52 Cal. App. 3d 475 (1975) 9
Mathews v. Eldridge, 424 U.S. 319 (1976) 9
Mitrano v. Hawes, 377 F.3d 402 (4th Cir. 2004) 8
People v. Aguilera, 61 Cal. App. 3d 863 (1976) 9
Porter v. Groat, 840 F.2d 255 (4th Cir. 1988) 6
Roviaro v. United States, 353 U.S. 53 (1957) 9
Walden v. Fiore, 571 U.S. 277 (2014) 8

TABLE OF AUTHORITIES (CONTINUED)

U.S. Const. amend. V.....2, 9
18 U.S.C. § 1965(a).....2, 8
28 U.S.C. §§ 1254(1), 1331, 2101(c).....1
28 U.S.C. § 1391(b).....2, 8
28 U.S.C. § 1406(a).....i, 2, 4, 6, 7, 11
California Evidence Code § 1042(d).....9
Federal Rule of Civil Procedure 21.....2, 11
Supreme Court Rules 10 and 13.....1, 10

TABLE OF APPENDICES

Appendix A — Fourth Circuit opinion, September 29, 2026 ..... 1a

Appendix B — District memorandum opinion, March 16, 2026 (ECF No. 87) 4a

OPINIONS BELOW AND JURISDICTION

The unpublished opinion in Anaya v. County of Napa, No. 26-1415 (4th Cir. Sept. 29, 2026), Appellate ECF No. 19, appears at App. 1a–3a. The district memorandum opinion, No. 3:25-cv-00255-RCY, ECF No. 87 (E.D. Va. Mar. 16, 2026), appears at App. 4a–17a. The Fourth Circuit identifies the district court's disposition as dated March 16, 2026.

Petitioner did not seek panel or en banc rehearing. Judgment was entered 09/29/2026. Jurisdiction is invoked under 28 U.S.C. § 1254(1). Timeliness is governed by 28 U.S.C. § 2101(c) and Rule 13. September 29, 2026 judgment entry, without a qualifying event changing the period, gives a December 28, 2026 deadline.

The district court's federal-question jurisdiction was invoked under 28 U.S.C. § 1331. This petition reviews the federal appellate judgment, not directly a California state judgment, a Northern District judgment, or a bankruptcy order.

PROVISIONS INVOLVED

The Fifth Amendment Due Process Clause is implicated by petitioner's preserved contention that he lacked a meaningful and appropriately protected opportunity to present material evidence.

Section 1406(a) authorizes dismissal or interest-of-justice transfer of an improperly venued case. Section 1391(b) governs general venue; 18 U.S.C. § 1965(a) supplies the invoked RICO venue provision. Rule 21 permits severance.

STATEMENT OF THE CASE

Petitioner describes himself as a deactivated Department of Justice confidential human source who voluntarily assisted law enforcement and victims of organized crime. He alleges defendants' conduct and lack of safe evidentiary procedures exposed him to grave, potentially lethal retaliation. These are allegations, not findings of a current threat.

The district opinion publicly recited his alleged source history and representation of victims, and his fear of disclosure to an opposing party. Memorandum Opinion at 2–3. Petitioner contends publication increased exposure; the opinion did not independently authenticate his source status.

He alleges defendants forced closure of Napa business operations, he reestablished operations in Virginia, and defendants then directed additional conduct into Virginia that destroyed his business there. He alleges financial injury in both states, not merely California losses carried to a new residence.

He filed April 2, 2025. ECF No. 80, filed February 19, 2026, sought limited in camera discovery under Calder. The opinion identifies California proceedings and congressional-office recordings. Id. at 4–5. [Supply speakers, dates, timestamps, and original proffer.] The court dismissed March 16, 2026 and denied remaining motions as moot. Id. at 14.

TRANSFER REQUESTS AND APPELLATE PRESERVATION

The August 11, 2026 Rule 28(j) letter identifies alternative transfer requests in petitioner's Opposition to the Motions to Strike and Dismiss, ECF No. 25 at 14, and later Memorandum in Opposition, ECF No. 70 at 28. Letter at 1–2 (Fourth Circuit record). This is the letter's description; verify the original submissions for exact language.

The letter identifies Issue III, opening brief pages 47–48, as challenging dismissal rather than transfer under § 1406(a). It also cites ECF No. 2 at 26 for approximately $115,374 in asserted Virginia injuries, including roughly $62,400 in lost Uber income. Those are allegations, not findings.

The district court nevertheless relied on strong merits reservations and the premise that petitioner had not requested alternative transfer. Memorandum Opinion at 11.

The corrected remand motion received September 28, 2026 again identifies the requests and the California limitations attack. It narrows transfer to the County Defendants and Winter claims dismissed for improper venue, excludes separately dismissed judicial-immunity and Fleshman claims from that alternative request, and withdraws blanket tolling relief. Corrected Motion at 1–7.

CONCRETE CALIFORNIA LIMITATIONS PREJUDICE

The action remained pending from April 2, 2025 until March 16, 2026, more than eleven months. Petitioner contends that limitations periods for claims timely asserted there expired during that pendency and that dismissal rather than transfer exposed those claims to the California limitations attack now being litigated.

In Anaya v. County of Napa, No. 3:26-cv-07988-TSH, County Defendants' Motion to Dismiss, ECF No. 10, memorandum at 5–6 (docket-document pages 12–13), defendants expressly assert January 9, 2026 for the Quiroz disclosure claim and May 30, 2025 for the Medina claim. Both asserted dates fall between the Virginia filing and dismissal. Petitioner does not concede accrual, untimeliness, or unavailability of tolling.

The risk has therefore materialized as an asserted defense, not necessarily as a final California ruling. Petitioner alleges two-forum procedural foreclosure: termination in Virginia and threatened forfeiture in California.

His notice reports bankruptcy on or about June 17, 2026, No. 26-32567 (Bankr. E.D. Va.), and trustee notification. The Fourth Circuit affirmed September 29, 2026, granted amended-brief leave, and denied remand. Appellate ECF No. 19 at 3.

REASONS FOR GRANTING THE PETITION

I. Goldlawr: actual, not speculative, prejudice

Goldlawr, Inc. v. Heiman, 369 U.S. 463, 466–67 (1962), addresses limitations forfeiture caused by venue mistakes and permits transfer despite lack of transferor personal jurisdiction. Porter v. Groat, 840 F.2d 255, 257–58 (4th Cir. 1988), broadly construed transfer to overcome a procedural impediment blocking merits adjudication in Virginia but not the proposed North Carolina forum. Neither establishes automatic transfer in every case.

Here, defendants are not merely expected to raise limitations. Their identified California motion already does so. The prejudice petitioner invokes is the actual need to defend timely asserted claims against a new-action limitations defense after requesting continuity through transfer.

The question is not whether an eleven-month pendency is inherently unconstitutional. It is whether refusing transfer on an allegedly incorrect premise converted a curable forum defect into potential forfeiture of claims timely asserted against the relevant parties. Petitioner seeks transfer of the original claims, not retroactive rewriting of the California filing date or a declaration defeating all defenses.

Burnett v. New York Central Railroad Co., 380 U.S. 424, 429–35 (1965), reinforces attention to diligence and notice, but its FELA tolling holding does not automatically govern petitioner's claims.

II. THE ERRONEOUS PREMISE AND BERG

The district court cited Berg v. Kingdom of the Netherlands, 24 F.4th 987, 999 (4th Cir. 2022), not the different citation appearing in the letter. Its stated no-request premise is challenged by the two record locations specifically identified to the Fourth Circuit.

The material distinction is procedural: petitioner asserts transfer requests below and preservation on appeal. His pro se status supports construing them by substance under Erickson v. Pardus, 551 U.S. 89, 94 (2007), not exemption from legal requirements.

The opinion contains separate immunity, pleading, and futility discussions. Petitioner does not ignore them. His narrower contention is that the court did not adequately establish why each venue-dismissed claim would fail after transfer and therefore should be exposed to the limitations defense rather than preserved through a change of forum.

Petitioner's contention that Virginia was proper did not withdraw alternative relief. His personal-safety concerns about California did not automatically negate transfer of the action there. The requested remedy corrects an alleged error in the exercise of discretion; it neither proves improper motive nor establishes defendants' liability.

III. VIRGINIA-DIRECTED CONDUCT AND VENUE

Calder v. Jones, 465 U.S. 783, 788–90 (1984), addresses intentional forum-directed conduct. Walden v. Fiore, 571 U.S. 277, 284–90 (2014), requires defendant-created forum contacts, not residence and foreseeable injury alone.

Petitioner alleges additional intentional conduct into Virginia after rebuilding his business there, not merely continuing California losses. The recordings must substantiate particular defendants' contacts. [Identify acts, recipients, dates, timestamps, and original proffer citations.]

Personal jurisdiction is distinct from statutory venue. Mitrano v. Hawes, 377 F.3d 402, 405–06 (4th Cir. 2004), recognizes that more than one district may be proper; substantial California events do not automatically exclude substantial Virginia events under § 1391(b)(2). RICO venue under 18 U.S.C. § 1965(a) requires separate treatment.

The district opinion cited Aggarao v. MOL Ship Management Co., Ltd., 675 F.3d 355, 365–66 (4th Cir. 2012), concerning outside-pleading evidence and favorable factual treatment on venue motions. Petitioner contends his specific proffer should have been assessed under that standard. Bankruptcy and the amount of loss do not substitute for contacts.

IV. PROTECTED REVIEW: AGUILERA AND DUE PROCESS

People v. Aguilera, 61 Cal. App. 3d 863, 868–71 (1976), reversed refusal of the prosecutor-requested informant hearing under California Evidence Code § 1042(d). It quoted In re Muszalski, 52 Cal. App. 3d 475, 483 (1975), concerning abuse of discretion where protected review is the only means to meet a burden without disclosing the very information claimed confidential. Aguilera at 870. These are limited analogies, not automatically controlling federal civil procedures.

Mathews v. Eldridge, 424 U.S. 319, 333, 335 (1976), addresses meaningful opportunity to be heard and contextual balancing. Petitioner alleges that dismissal, denial of amendment, and mootness denied a meaningful opportunity in Virginia while exposing claims to forfeiture in California. He does not claim California has necessarily accepted the defense.

Sealing limits public access but does not necessarily exclude opposing parties. Petitioner requests tailored preliminary examination, redaction, and appropriate protective procedures, not judgment based automatically on secret evidence. Roviaro v. United States, 353 U.S. 53, 59–62 (1957), recognizes confidentiality interests and balancing, not unlimited personal privilege.

Carefirst of Maryland, Inc. v. Carefirst Pregnancy Centers, Inc., 334 F.3d 390, 402–03 (4th Cir. 2003), permits denial of speculative discovery. Petitioner requested to present audio from the Napa Superior Court allocated through a public information request. The request was for a limited scope in camera review to validate Calder's Effects Test assertions. The harm was imposed in two jurisdictions, first in California and when Petitioner was exiled he was targeted in the Commonwealth of Virginia. Petitioner now faces uncertain and potentially lethal retaliation directly as a result of the State Created Danger resulting from the harm.

V. SCOPE OF DISCRETIONARY REVIEW

Rule 10 makes review discretionary. Mere factual error or misapplication of a properly stated rule ordinarily does not warrant certiorari. Petitioner does not assert an established circuit split or express rejection of Goldlawr. He contends that the alleged record contradiction, concrete limitations attack, and foreclosure of a specific protected proffer together warrant scrutiny as an exceptional procedural departure.

The California motion documents an asserted consequence, not a final finding of constitutional deprivation. An adverse limitations ruling is not assumed, and petitioner does not concede the defense. Later materials must be presented through a procedurally proper method and do not cure failure to preserve a question below.

The desired remedy preserves different forums: reinstatement in Virginia of properly supported Virginia-directed claims and severance and transfer of appropriate California-centered claims. Every actual dismissal ground must be addressed. Transfer alone does not eliminate judicial immunity or the separate Fleshman disposition.

The public repetition of source allegations explains the stakes of protection. It does not by itself prove unlawful publication, a current threat, or the merits of every claim.

CONCLUSION AND PRAYER FOR RELIEF

Petitioner requests that the Court grant certiorari, vacate the judgment to the extent necessary, and remand for the following relief:

1. Reconsider preserved venue, amendment, and protected-review issues and reinstate in the Eastern District of Virginia those intentional Virginia-directed claims satisfying jurisdiction, venue, and the requirements for overcoming their actual dismissal grounds.

2. Where appropriate, sever under Rule 21 California-centered claims that cannot properly proceed in Virginia and direct their actual transfer to the Northern District of California under § 1406(a), consistent with Goldlawr, rather than leave the original action dismissed while defendants invoke intervening limitations periods in the new California action.

3. Alternatively, if Virginia venue remains rejected, vacate the Rule 12(b)(3) dismissal and remand with instructions to transfer the affected County Defendants and Winter claims identified in the corrected remand motion. Leave separate dismissal grounds to preserved challenges and claim-specific accrual, limitations, tolling, estate interests, duplication, and merits defenses to the appropriate court.

4. Direct consideration of tailored protected review of the material proffer consistently with safety and respondents' procedural rights, and grant other appropriate relief.

Respectfully submitted,

John Anaya, Petitioner, Pro Se
P.O. Box 17, Thornburg, Virginia 22565
(707) 210-7219 | john.anaya76@yahoo.com
Date: 11/16/2026