26-6194

ORIGINAL

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

FILED
AUG 31 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ERNEST EMORY DUBLIN, JR.,

Petitioner,

v.

FLORIDA DEPARTMENT OF REVENUE,

Respondent.

Petition for a Writ of Certiorari
To Review the Final Judgment of the
District Court of Appeal of Florida, Case No. 6D2026-1251 Sixth District

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PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Question Presented No. 1

Whether the Fourteenth Amendment permits a state appellate court to terminate a statutorily authorized appeal through an unexplained jurisdictional dismissal and thereafter deny a timely motion requesting clarification or a written opinion, where the appellant contends that the absence of any stated jurisdictional basis prevents meaningful review of preserved federal constitutional claims.

Question Presented No. 2

Whether an unexplained state-court dismissal of a statutorily authorized appeal, followed by the denial of a timely motion requesting clarification of the jurisdictional basis for dismissal, constitutes an adequate and independent state-law ground sufficient to preclude review of preserved federal constitutional questions under this Court's adequate-and-independent-stateground jurisprudence.

LIST OF ALL PARTIES TO THE PROCEEDING

Pursuant to Rule 14.1(b) of the Rules of the Supreme Court of the United States, Petitioner identifies all parties to the proceeding in the court whose judgment is sought to be reviewed:

Petitioner:

Ernest Emory Dublin, Jr.

Respondents:

Nicole L. Ayers

Florida Department of Revenue, Child Support Program

No party to this proceeding is a publicly traded corporation. Accordingly, no party has a stock ticker symbol.

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INTRODUCTION

This petition presents an important constitutional question concerning the minimum procedural safeguards required when a State creates a statutory right to appellate review but terminates that review through an unexplained jurisdictional dismissal.

Florida expressly authorizes appeals from orders granting or denying relief under Rule 1.540 through Florida Rule of Appellate Procedure 9.130(a)(5). Petitioner timely invoked that appellate jurisdiction after the trial court denied his Rule 1.540(b)(4) motion asserting that the underlying order was void for lack of jurisdiction.

Rather than identify any jurisdictional defect, however, the District Court of Appeal entered an unexplained order granting Respondent's motion to dismiss the appeal. Petitioner then timely sought rehearing, clarification, and a written opinion specifically requesting that the court identify the jurisdictional basis for its dismissal so that meaningful review could be sought if necessary. The District Court denied that request without explanation.

This case therefore presents a question that extends beyond the correctness of Petitioner's individual appeal. It asks whether a State that creates a statutory right to appellate review may terminate that review through an unexplained jurisdictional dismissal and then refuse to identify the legal basis for its decision after a litigant specifically requests clarification in order to preserve federal constitutional review.

The petition does not ask this Court to function as an ordinary error-correcting tribunal. Instead, it seeks clarification of an important constitutional question concerning procedural due process, meaningful appellate review, and the relationship between unexplained state-court jurisdictional dismissals and this Court's adequate-and-independent-state-ground jurisprudence.

OPINIONS BELOW

The order of the District Court of Appeal of Florida, Sixth District, dismissing Petitioner's appeal without opinion or explanation was entered on May 19, 2026, and is reproduced in Appendix A.

The order of the District Court of Appeal of Florida, Sixth District, denying Petitioner's timely Motion for Rehearing, Motion for Clarification, and Motion for Written Opinion was entered on July 14, 2026, and is reproduced in Appendix B.

The order of the Circuit Court for the Ninth Judicial Circuit, Orange County, Florida, denying Petitioner's Motion for Relief from Judgment pursuant to Florida Rule of Civil Procedure 1.540(b)(4), is reproduced in Appendix C.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a) because this Petition seeks review of a final judgment entered by the District Court of Appeal of Florida, Sixth District, in which Petitioner expressly presented and preserved substantial federal questions arising under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

The District Court of Appeal entered its order dismissing Petitioner's appeal on May 19, 2026. Petitioner timely filed a Motion for Rehearing, Motion for Clarification, and Motion for Written Opinion. The District Court of Appeal denied those motions on July 14, 2026. That order constitutes the final judgment of the highest court of the State of Florida in which a decision could be had.

This Petition is timely filed within ninety days after entry of the order denying rehearing. See Sup. Ct. R. 13.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following constitutional and statutory provisions are pertinent to the questions presented in this Petition.

U.S. Const. amend. XIV, § 1 provides, in pertinent part:

> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

28 U.S.C. § 1257(a) provides, in pertinent part:

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or any commission held or authority exercised under, the United States."

Florida Rule of Appellate Procedure 9.130(a)(5) provides, in pertinent part:

> "Appeals to the district courts of appeal of nonfinal orders are limited to those that review orders entered on motions filed under Florida Rule of Civil Procedure 1.540."

STATEMENT OF THE CASE

Petitioner sought relief from a final judgment pursuant to Florida Rule of Civil Procedure 1.540(b)(4), asserting that the underlying judgment was void for lack of personal jurisdiction and in violation of the Due Process Clause of the Fourteenth Amendment. The Circuit Court denied the motion, and Petitioner timely invoked the appellate jurisdiction of the District Court of Appeal of Florida, Sixth District.

Florida Rule of Appellate Procedure 9.130(a)(5) expressly authorizes appellate review of orders entered on motions filed pursuant to Rule 1.540. Consistent with that rule, Petitioner timely filed a notice of appeal seeking review of the circuit court's denial of Rule 1.540(b)(4) relief.

Rather than adjudicating the appeal on the merits or identifying any jurisdictional defect, the District Court of Appeal entered an order summarily dismissing the appeal without opinion, explanation, or citation to authority. The order did not identify any procedural deficiency, jurisdictional limitation, or other basis for dismissal.

Petitioner timely filed a Motion for Rehearing, Motion for Clarification, and Motion for Written Opinion. Those motions specifically requested that the District Court identify the jurisdictional basis for dismissing an appeal that Florida law expressly authorizes and explain the disposition sufficiently to permit meaningful review of the federal constitutional questions preserved throughout the proceedings.

The District Court denied each motion without explanation. As a result, Petitioner was left without any statement of the jurisdictional basis for dismissal and without any meaningful avenue to challenge the appellate court's disposition or obtain review of the preserved federal constitutional questions.

This Petition does not ask this Court to review the correctness of the underlying Rule

1.540(b)(4) ruling. Instead, it presents important questions concerning whether the Fourteenth Amendment permits a state appellate court to terminate a statutorily authorized appeal through an unexplained jurisdictional dismissal and thereafter deny a timely request for clarification or a written opinion, thereby foreclosing meaningful review of preserved federal constitutional claims.

REASONS FOR GRANTING THE PETITION I. This Case Presents an Important Federal Question Concerning the

Constitutional Limits of an Unexplained Jurisdictional Dismissal of a Statutorily Authorized Appeal.

This case presents an important federal question concerning the constitutional limits of a state appellate court's authority to terminate a statutorily authorized appeal without identifying the jurisdictional basis for its decision. Although the Federal Constitution does not require a State to provide appellate review, once a State elects to establish an appellate process, that process must be administered in a manner consistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment. *Evitts v. Lucey, 469 U.S. 387, 393 (1985); Griffin v. Illinois, 351 U.S. 12, 18 (1956); M.L.B. v. S.L.J., 519 U.S. 102, 120 (1996).*

Florida has expressly authorized appellate review of orders entered on motions filed pursuant to Florida Rule of Civil Procedure 1.540. Fla. R. App. P. 9.130(a)(5). Petitioner timely invoked that appellate jurisdiction following the denial of his Rule 1.540(b)(4) motion. Rather than adjudicating the appeal on the merits or identifying any jurisdictional defect, the District Court of Appeal summarily dismissed the appeal without opinion, citation, or explanation. Petitioner thereafter timely filed a Motion for Rehearing, Motion for Clarification, and Motion for Written Opinion, specifically requesting that the court identify the jurisdictional basis for its dismissal. The District Court denied each motion without explanation, leaving Petitioner without any statement of the legal basis upon which his statutorily authorized appeal had been terminated.

This case is distinguishable from the routine use of unelaborated merits dispositions, such as *per curiam* affirmances, which reflect that an appellate court exercised its jurisdiction, reviewed the appeal, and resolved the issues presented. By contrast, a jurisdictional dismissal is a threshold determination that the court lacks authority to proceed at all. When a state appellate court terminates a statutorily authorized appeal through an unexplained jurisdictional dismissal and subsequently denies a timely request for clarification, the litigant is left without any means of determining the legal basis for the court's refusal to exercise jurisdiction. The absence of an articulated jurisdictional ground prevents meaningful evaluation of whether the dismissal rests upon an established state procedural rule, a jurisdictional limitation, or some other legal basis. It is this uncertainty concerning the operation of the State's gatekeeping function, not the absence of a merits opinion, that gives rise to the important federal questions presented by this Petition.

This Petition does not contend that the Constitution requires written opinions in every appeal. Nor does it challenge the longstanding practice of summary merits dispositions where an appellate court has exercised jurisdiction and resolved the issues presented. Instead, it presents the narrower and more fundamental question whether the Fourteenth Amendment permits a state appellate court to terminate a statutorily authorized appeal through an unexplained jurisdictional dismissal and thereafter refuse to identify the jurisdictional basis for that disposition after a timely request for clarification. That question implicates the integrity of the appellate process itself and warrants this Court's review.

II. The Decision Below Effectively Forecloses Meaningful Review of Preserved Federal Constitutional Questions.

This Court has long recognized that it lacks authority to review a state-court judgment resting upon an adequate and independent state-law ground. That doctrine serves important principles of federalism by respecting state-court judgments that clearly and expressly rest upon

independent state law. At the same time, however, the doctrine presupposes that the state court has identified a state-law basis sufficient to permit a reviewing court to determine whether such an independent ground exists. See *Michigan v. Long, 463 U.S. 1032, 1040-41 (1983)*; *Harris v. Reed, 489 U.S. 255, 261-63 (1989)*; *Coleman v. Thompson, 501 U.S. 722, 729-32 (1991)*.

Throughout these proceedings, Petitioner consistently asserted that the underlying judgment was void because it was entered without personal jurisdiction in violation of the Due Process Clause of the Fourteenth Amendment. Those federal constitutional questions were preserved before the trial court, presented on appeal, and specifically identified in Petitioner's Motion for Rehearing, Motion for Clarification, and Motion for Written Opinion.

The District Court of Appeal nevertheless dismissed the appeal without opinion, citation, or explanation and subsequently denied Petitioner's request that it identify the jurisdictional basis for its disposition. As a result, neither Petitioner nor any reviewing court can determine whether the dismissal rested upon an established state jurisdictional rule, a procedural default, a perceived lack of appellate jurisdiction, or some other state-law ground.

This Petition does not ask this Court to review the correctness of the state court's application of Florida law. Rather, it asks whether an unexplained jurisdictional dismissal, followed by the denial of a timely request for clarification, may effectively foreclose review of preserved federal constitutional questions without identifying the state-law basis upon which the dismissal rests. That question concerns the proper operation of the adequate and independent state grounds doctrine and warrants this Court's review.

This case therefore presents an important opportunity for the Court to clarify whether an unexplained jurisdictional dismissal that identifies no state-law basis is sufficient to foreclose

review of preserved federal constitutional claims, particularly where the litigant has timely requested clarification of the jurisdictional grounds for dismissal and that request has been denied.

III. This Court's Review Is Necessary to Preserve the Integrity of State-Created Appellate Rights and to Clarify the Constitutional Limits of Unexplained Jurisdictional Dismissals.

This case presents an important question extending well beyond Petitioner's individual appeal. The issue concerns the constitutional limits governing a state appellate court's exercise of its gatekeeping authority after a State has created a statutory right to appellate review. Once a State elects to provide appellate review, the procedures governing access to that review must comport with the fundamental requirements of due process. *Evitts v. Lucey, 469 U.S. 387, 393 (1985).*

The question presented does not concern the correctness of the state court's interpretation of Florida law. Nor does it seek a constitutional rule requiring written opinions in every appeal. Rather, it concerns the far narrower circumstance in which a state appellate court terminates a statutorily authorized appeal by means of an unexplained jurisdictional dismissal and subsequently refuses a timely request to identify the jurisdictional basis for that disposition.

Jurisdiction is the indispensable prerequisite to every judicial proceeding. A court either possesses authority to adjudicate a controversy or it does not. A decision declining jurisdiction is therefore fundamentally different from an unelaborated disposition on the merits. While a summary affirmance signifies that the appellate court exercised jurisdiction and resolved the issues presented, a jurisdictional dismissal represents a determination that the court lacks authority to proceed. When that threshold determination is left wholly unexplained despite a timely request for clarification, neither the litigant nor a reviewing court can ascertain the legal rule governing the dismissal or evaluate whether the court properly exercised its gatekeeping function.

This Court's intervention is warranted because the question presented implicates the orderly administration of appellate justice. A state-created right of appellate review loses much of its practical value if the jurisdictional basis for terminating that right may remain entirely undisclosed after a litigant has timely requested clarification. Clarification from this Court will provide meaningful guidance concerning the constitutional principles governing unexplained jurisdictional dismissals while respecting the authority of state courts to manage their own appellate dockets.

The issue presented is both recurring and significant. It concerns the minimum constitutional requirements applicable when a state appellate court declines to exercise jurisdiction over an appeal that state law expressly authorizes. Resolution of that question will provide important guidance to litigants, state courts, and reviewing courts concerning the relationship between due process, state-created appellate rights, and the exercise of appellate jurisdiction.

IV. This Case Presents an Ideal Vehicle for Resolving the Questions Presented.

This case presents a clean and appropriate vehicle for resolving the important federal questions presented. The relevant procedural history is undisputed, and the questions presented arise solely from the procedural disposition of Petitioner's appeal. No disputed factual issues must be resolved before reaching the constitutional questions presented by this Petition.

Petitioner timely invoked the appellate jurisdiction expressly authorized by Florida Rule of Appellate Procedure 9.130(a)(5) following the denial of his Rule 1.540(b)(4) motion. After the District Court of Appeal summarily dismissed the appeal, Petitioner timely filed a Motion for Rehearing, Motion for Clarification, and Motion for Written Opinion, specifically requesting that the court identify the jurisdictional basis for its dismissal. The District Court denied each motion

without explanation, thereby rendering its judgment final while leaving the jurisdictional basis for dismissal entirely undisclosed.

The federal questions presented were preserved at every stage of the proceedings. Petitioner consistently asserted that the underlying judgment was void for lack of personal jurisdiction in violation of the Due Process Clause of the Fourteenth Amendment, presented those constitutional questions to the state courts, and expressly sought clarification of the jurisdictional basis upon which the District Court terminated his appeal. The federal questions therefore were fairly presented to the state courts and arise directly from the final judgment under review. See *Cardinale v. Louisiana, 394 U.S. 437, 438–39 (1969)*; *Adams v. Robertson, 520 U.S. 83, 86–87 (1997)*.

Nor does this Petition require the Court to review the merits of Petitioner's underlying Rule 1.540(b)(4) motion or determine whether the Florida courts correctly interpreted Florida law. The questions presented are antecedent to the merits. They concern whether a state appellate court may terminate a statutorily authorized appeal through an unexplained jurisdictional dismissal and thereafter deny a timely request to identify the jurisdictional basis for that disposition, thereby effectively foreclosing meaningful review of preserved federal constitutional questions.

The judgment below is final for purposes of this Court's review under 28 U.S.C. § 1257(a). See *Cox Broadcasting Corp. v. Cohn, 420 U.S. 469, 476–87 (1975)*. Because the material facts are undisputed, the procedural posture is final, the federal questions were properly preserved and presented throughout the state proceedings, and no antecedent jurisdictional or procedural issue prevents this Court from reaching those questions, this case presents an appropriate vehicle for resolving the important constitutional issues presented. Clarification from this Court will provide needed guidance concerning the constitutional limits of unexplained jurisdictional dismissals, the procedural safeguards required when a State terminates a statutorily authorized appeal on

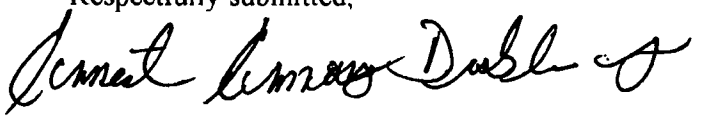
jurisdictional grounds, and the proper application of the adequate and independent state grounds doctrine where the state court identifies no jurisdictional or procedural basis for its disposition.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for a Writ of Certiorari to review the final judgment of the District Court of Appeal of Florida, Sixth District.

Upon review, Petitioner respectfully requests that this Court vacate the judgment of the District Court of Appeal of Florida, Sixth District, and remand the case for further proceedings consistent with this Court's opinion. Petitioner further requests such other and further relief as this Court deems just and proper.

Respectfully submitted,



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