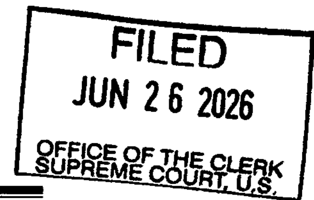

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No. 26-9

In the Supreme Court of the United States

JUSTIN PAUL DREILING,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Justin Paul Dreiling
112 Highland Woods Dr
Waynesville, MO 65583
(515) 520–9302
speier.justin@gmail.com

Pro Se Petitioner

JUNE MMXXVI

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QUESTIONS PRESENTED

Can the People rely upon the plain language of the law to exercise their Constitutional Rights? Or must the People succumb to egregious precedents of this Court *in error*? This question is the true issue before this petition. No inferior court has disproven the fact that Dreiling has done nothing but follow the plain language of the law. He has been denied justice as the inferior courts were *unwilling* to follow the plain language of the law over Supreme Court error. "If the Constitution ever perishes, it will be, when the Judiciary shall have become feeble and inert, and either *unwilling* or unable to perform the solemn duties imposed upon it by the original structure of the Government." STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §305 (1840).

The questions presented are:

1. Do individual judges have the Constitutional authority and judicial power to follow the plain language of the law, or is vertical *stare decisis* absolute regardless of egregious precedents?

2. Did this Court exercise its will in *United States v. Jones*, 131 U. S. 1 (1889) instead of the plain language of the law – the clear intent of Congress?

3. Do Dreiling's original claims satisfy the plain language of the Tucker Act, and if so, is he entitled to rely upon that plain language?

PARTIES TO THE PROCEEDING

Petitioner, and plaintiff-appellant below is Justin Paul Dreiling.

Respondent, and defendant-appellee below is the United States of America.

RELATED PROCEEDINGS

United States Court of Federal Claims:

Justin Paul Dreiling v. *United States of America*, No. 1:25-cv-00491-EHM (Aug. 21, 2025) (judgment entered)

United States Court of Appeals (CAFC):

Justin Paul Dreiling v. *United States of America*, No. 25-2155 (Apr. 15, 2026) (Court of Federal Claims affirmed)

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PETITION FOR WRIT OF CERTIORARI

Petitioner Justin Paul Dreiling prays that the law clerks who summarize this petition do so with the utmost earnestness and sagaciousness; to provide an accurate representation of the issues to the Justices instead of spuriousness and vacillation. He prays the law clerks and Justices take the time required to fully grasp the issues forthwith considering the flood of never-ending petitions in which their duties require boundless time to review; to not set aside this petition merely because Dreiling is proceeding *pro se.*

Dreiling humbly submits this petition for writ of certiorari to finally allow the People to *rely upon the plain language of the law* to assert, defend and protect their rights in an *independent* judicial tribunal. To redress their grievances against the federal government in the judicial court Congress has plainly constructed – the United States Court of Federal Claims. For this Court to trust their judicial peers and their veracious decisions. To not be denied justice from egregious precedent.

OPINIONS BELOW

The Federal Circuit's opinion is reproduced in the Appendix at App. 1–5. The Court of Federal Claims' dismissal order is reproduced in the Appendix at App. 8–18.

JURISDICTION

The Federal Circuit's decision which certiorari is instantly sought, was entered on April 15, 2026. This Court has jurisdiction under 28 U. S. C. §1254(1).

STATUTORY PROVISIONS INVOLVED

28 U. S. C. §1491(a)(1):

> The Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

STATEMENT OF THE CASE

The petitioner, Justin Paul Dreiling, a Sergeant First Class in the United States Army, has a son who wants to play sports sponsored by the Army. The Army, through the Installation Management Command (IMCOM), requires all children participating in their sports programs to be vaccinated with the current season's influenza vaccine. This requirement was cited from a regulation promulgated directly from the IMCOM Commander. Dreiling contested whether the IMCOM Commander had the legal authority to promulgate his own regulations and apply them to his son, and subsequently brought suit in the Court of Federal Claims. App. 19–29.

Numerous arguments were made which were never completely addressed by the trial court. Instead, Dreiling's complaint was ultimately dismissed, without an opinion, for lack of subject matter jurisdiction as the claims submitted were not money-mandating.

Dreiling never argued his claims were money-mandating. Dreiling, instead, argued that he had done nothing but follow the plain language of the law – the

plain language of the Tucker Act – in the formulation of his complaint. This fact was never denied or contested.

Instead, the Honorable Judge Meyers adhered strictly to his superior court's precedents. In his words:

> Even if this court thought that *Mitchell*, *Testan*, or the any of the other Supreme Court or Federal Circuit cases were wrongly decided, this court must continue to follow them.... In the end, this court can only hear cases that satisfy the money-mandating requirement of Supreme Court and Federal Circuit precedent.

App. 14. Even after this statement, the Honorable Judge Meyers did not provide an opinion on Dreiling's arguments. He made no indication that Dreiling's jurisdictional arguments were in error, or if he acquiesced. It can only be presumed precedent was strictly followed over the judge's *own* judicial contentions. He performed his duty in a manner that *this Court* directs all judges to perform—to follow precedent (not law) regardless how egregious it may be.

Dreiling, unsatisfied with the lack of an opinion and nonfeasance by the trial court of original jurisdiction, appealed the judgment to the Federal Circuit.

On appeal, Dreiling argued that he had once again done nothing but follow the plain language of the law in the formulation of his complaint. Are the People now unable to rely upon the plain language of the law to exercise and defend their rights, or are they bound solely to precedent in error?

The Federal Circuit affirmed the trial court's judgment as Dreiling's claims were not money-mandating. They opined that this Court's precedent is indeed

absolute, and they have no power to disobey it; they, like the trial court, never contested that Dreiling did nothing but follow the plain language of the law in the formulation of his complaint. Instead, the Federal Circuit, in a *per curiam* opinion stated:

> [The Federal Circuit] has no power to overturn long-standing and binding Supreme Court precedent holding the Court of Federal Claims' jurisdiction is limited to monetary claims against the government. (citations omitted). The Court of Federal Claims therefore did not err in holding it lacked subject matter jurisdiction over SSG Dreiling's claims.

App. 4. (citations omitted)

To date, Dreiling has been unable to rely upon the plain language of the law to exercise and defend his rights in a court of original jurisdiction whose jurisdictional statute unambiguously and beyond all contestation authorizes such controversies.

Not one court has disagreed or contested that Dreiling's claims do not satisfy the plain language of the law, that his arguments upon the jurisdiction of the United States Court of Federal Claims are fruitless, incorrect or in error. They have simply cited Supreme Court precedent for their decisions – not the plain language the law. Precedent that has been proven by Dreiling to be in clear, egregious error. The inferior court's statements make it clear that the egregious precedent of this Court is above the plain language of the law. Surely this cannot be so.

Dreiling prays this Court ratiocinates upon this petition, for if the People are unable to rely upon the plain language of the law to exercise and defend their

rights, how are they to actually exercise and defend them?

REASONS FOR GRANTING THE PETITION

I. All Judges have Full Judicial Power to Declare the Law

The authority and power of the Constitution was conferred directly by the People through the States when the Constitution was ratified. *M'Culloch* v. *State of Maryland,* 4 Wheat. 316, 403–404 (1819). It is from the sovereign of the People that the Constitution wields its power— whereby the People sacrificed a portion of their sovereign rights to obtain a more perfect government through a union of the States to "secure the blessings of liberty to ourselves and our posterity." U.S. Const., pmbl; *Chisholm, Ex'tor.,* v. *Georgia,* 2 Dall. 419, 471 (1793). And the People, through the Constitution, upon waiving only a small portion of their rights, enumerated specific powers to three distinct and independent branches, with the remaining rights being retained by the People, or to the States (if the People of the states granted such power under their State's constitution) [1]. U. S. Const., Amdt. X.

[1] In Dreiling's original complaint, he claimed the Army could not mandate vaccination to his son as it violates his constitutionally protected parental rights. Although the merits of this question is not yet before the Court, Dreiling believes a short synopsis on his interpretation related to the ninth and tenth amendment is appropriate, as such claims fulfill the plain language of the Tucker Act for a claim founded upon the Constitution (the third question presented before the Court). This synopsis is compiled from Dreiling's understanding of multitude of sources in which he has perused cover to cover, however, admittingly, he has been unable to spend much time specifically researching the history of the ninth and tenth amendment. He still believes, however, the

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following interpretation is an accurate, logical and justifiable understanding, viz.:

The founding fathers knew that government was essential to protect the People's rights and liberties. They envisioned a government of the People by the People, where the People are the true sovereign. However, in order to create this government and to form a more perfect union and safeguard the People's rights, a portion of those sovereign rights were vested into the government—both at the national and state level. *Barron* v. *Mayor*, 7 Pet. 243, 247 (1833). For the waived rights vested into the Constitution of the United States, they gave power to the national government to govern over the People and the States, but only upon specifically enumerated objects. The federal government's authority could never exceed these enumerated powers unless the Constitution was amended. But salutary experiences from the founding generation knew that such an enumeration on parchment may not be, in and of itself, proper protection for the People's rights which were not vested into the federal government, especially when they feared a bill of rights may be interpreted to grant power to the federal government which was never conferred by the People. STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §§432-439 (1840). The ninth amendment was added, thereby reaffirming that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." U.S. Const., amend IX. The ninth amendment re-enforced the notion that the enumerated rights listed under the first eight amendments were not the only rights retained by the People.

One such right retained by the People was parental rights. Power over parental rights was never an enumerated power granted to the federal government, nor an incidental power, and thus it was and still is a right retained by the People that the federal government cannot deny or disparage.

Our Republic is a compound republic, however. The federal government is indeed limited to the powers enumerated in the Constitution (which does not include any power over parental decisions), however the People waived more—and some distinctly different rights—to their state governments. While the federal government has no power over parental rights, this is not to

Cohens v. *Virginia*, 6 Wheat. 264, 380–381 (1821). See also *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 324–325 (1816).

And the power conferred by the People to the federal government under the Constitution, as Justice Story explains:

> is to be interpreted, as all other solemn instruments are, by endeavoring to ascertain the true sense and meaning of all the terms; and we are neither to narrow them, nor to enlarge them, by straining them from their just and natural import, for the purpose of adding to, or diminishing its powers, or bending them to any favorite theory or dogma of party. It is the language of the people, to be *judged of according to common sense*, and not by mere theoretical reasoning. It is not an instrument for the mere private interpretation of any particular men. The people have established it and spoken their will; and their will thus promulgated, is to be obeyed as the supreme law.

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construe States have no power over parental rights. It all depends on which rights the people have waived and vested into their state governments under their State's constitution. This logic is reinforced by the Tenth Amendment. Dreiling's claims are only against the federal government though—not the states—and therefore his ninth amendment claim is simply that parental rights were never vested at the national level and thus the Army, nor Congress, have the authority to mandate parental decisions to his children. (Dreiling hereby admits that his parental rights claim may actually be better claimed under both the ninth and tenth amendment, and if this controversy is remanded, he will likely motion the trial court to allow him to amend his complaint to reflect such.).

STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §42 (1840) (emphasis added).

The People, through the plain language of the Constitution—interpreted as Justice Story explained—granted Congress, "from time to time," to "ordain and establish" inferior courts to the Supreme Court. U.S. Const., Art. III, § 1. Upon creation of these courts, the Supreme Court "shall have appellate jurisdiction, both as to law and fact." U.S. Const., Art. III, § 2, cl. 2.

But to have appellate jurisdiction, a court of original jurisdiction must be available, otherwise the Supreme Court, or any courts of appeals, has no judicial power over the case or controversy; their appellate jurisdiction cannot be claimed. [2] *Martin* v. *Hunter's Lessee*, 1

[2]A court of appellate jurisdiction can only take cognizance of a case originating from a court with original jurisdiction, i.e. an Article III court, or a competent state court, whose has been conferred *judicial power* to render final judgement. (emphasis added). See STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, § 378 (1840) ("The essential criterion of appellate jurisdiction is, that it revises and corrects the proceedings in a cause already instituted, and does not create that cause. In *reference to judicial tribunals*, an appellate jurisdiction, therefore, necessarily implies, that the subject matter has been already instituted in, and acted upon by, *some other court*, whose judgement or proceedings are to be revised. This appellate jurisdiction may be exercised in a variety of forms, and indeed in any form, which the Legislature may choose to prescribe; but, still the substance must exist, before the form can be applied to it. *To operate at all*, then, under the Constitution of the United States, it is not sufficient, that there has been a decision by some officer, or Department, of the United States; *but it must be by one clothed with judicial authority, and* acting in a judicial capacity.") (emphasis added).

Executive courts have no constitutional judicial authority *at all* nor does a decision from an executive officer, board, executive tribunal, etc. create a cognizable case/controversy to which a

Wheat. 304, 330–334 (1816). *Marbury* v. *Madison*, 1 Cranch 137, 174–176 (1803).

Since the People gave Congress free reign over the formulation of the judiciary, it was left to Congress to create the courts and define their respective judicial power to cases in "Law and Equity." See *Cohens* v. *Virginia*, 6 Wheat. 264, 411 (1821):

> [Article III] does not extend the judicial power to every violation of the constitution which may possibly take place, but to "a case in law or equity," in which a right, under such law, is asserted in a Court of justice. If the question cannot be brought into a Court, then there is no case in law or equity, and no jurisdiction is given by the words of the article.

When Congress creates a court, they grant the court judicial power for cases/controversies directly from the Constitution, and when granted, the judicial power can be exercised with the utmost extent. See *Martin*, 1 Wheat. at 337. ("even admitting that the language of the constitution is not mandatory, and that congress may constitutionally omit to vest the judicial power in courts of the United States, it cannot be denied that when it is vested, it may be exercised to the utmost constitutional extent.")

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court of *appellate* jurisdiction can take direct cognizance of. Furthermore, an Article I court has no judicial power to render a final decision under Article III in which an court of appeals can review; such final decisions by Article I courts must come directly from Congress and cannot be reviewed for error by the judiciary in an appellate capacity. This reasoning is the true nature of the Judicial Department.

But, as just stated, Congress is not obligated to grant the entire judicial power to every court they create. They are able to limit and restrict a court's power to such cases/controversies as they see fit. They do this through grants of jurisdiction. And it is through this function that Congress truly provides a court with its judicial power. *Martin*, 1 Wheat. at 330.[3]

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[3] It has been declared that the United States is sovereign and cannot be sued except by its own consent. Dreiling by no means is attempting to have this precedent overruled, but instead brings forth interesting arguments to the claim, viz.:

The People are the true sovereign of our Republic. As Justice Story has explained, ""The people are known with certainty to have originated [the Constitution] themselves. Those in power are their servants and agents" 1 Story, Commentaries on the Constitution of the United States § 358 (1st ed. 1833). Thus, the federal government is not, in a manner of speaking, fully sovereign. They are *answerable* to the People, as the People created the government. However, the People granted Congress the full flexibility in legislating the judicial power of the judicial branch to the inferior courts. If Congress wishes to not make the United States suable upon certain objects, it certainly seems the People granted that right to Congress. The United States has therefore been deemed to be free from suit except by its own consent.

But there is potential error in this logic. This issue has been eruditely explained by Justice Story in *Martin*, 1 Wheat. at 330–337. Justice Story reasons, in an *imperative* sense, there must be a judicial tribunal capable of adjudging claims *against* the United States. It is not up to Congress or the Courts to forgo the right of the People to claim redress against the federal government itself when the judicial power extends to cases where the United States is a party – even as a defendant. A court must exist to exercise this judicial power (and that court as of today is the United States Court of Federal Claims.). *Id.* at 331-333. Justice Story, however, also makes the argument why this may not be so (*id.* at 336-337), and a final determination on the matter was never made. The reasoning in *Chisholm*, by the first Chief Justice John Jay, which ultimately led to a Constitutional

> It is clear, that the Judicial department is authorized to exercise jurisdiction to the full extent of the Constitution, laws, and treaties, of the United States, whenever any question respecting them shall assume such a form, that the judicial power is capable of acting upon it. When it has assumed such a form, it then becomes a case; and then, and not till then, the judicial power attaches to it. A case, then, in the sense of [U. S. Const., Art. III, §2, cl. 1], arises, when some subject, touching the Constitution, laws, or treaties, of the United States, is submitted to the court by a party, who asserts his rights in the form prescribed by law.

STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §316 (1840).

And once a case/controversy assumes a form prescribed by law—fulfilling its jurisdiction—the court has a duty and obligation to hear the case and to exercise their judicial power to the utmost extent. *Osborn* v. *U.S. Bank*, 9 Wheat. 738, 819. *Cohens* v. *Virginia*, 6 Wheat. 264, 404 (1821). *Hyde* v. *Stone*, 61 U.S. 170, 175 (1857).

> It is the *case*, then, and not *the court*, that gives the jurisdiction. If the judicial power extends to the case, it will be in vain to search in the letter of the constitution for any qualification as to the tribunal where it depends. It is incumbent, then, upon those who assert such a qualification to show its existence by necessary implication. If the

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amendment, however, brings greater weight upon the former argument in which a judicial tribunal for suits against the United States is constitutionally required. *Chisholm, Ex'tor.,* v. *Georgia*, 2 Dall. 419, 469–479 (1793).

> text be clear and distinct, no restriction upon its plain and obvious import ought to be admitted, unless the inference be irresistible.

Martin, 1 Wheat. 304, 338–339 (1816) (emphasis in original).

The primary jurisdiction of the United States Court of Federal Claims is provided by the Tucker Act under 28 U. S. C. §1491(a)(1). In relevant part, it states:

> The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

At this point, if the Court reviews Dreiling's complaint (App. 19–29) in respect to the plain text of the Tucker Act, it would be found that Dreiling has compiled his complaint in a form prescribed by 28 U. S. C. §1491(a)(1). This has never been denied—not by the courts, the government, nor anyone. His complaint fulfills the requirements put forth by Congress to form a controversy in the United States Court of Federal Claims for claims founded upon regulations of an executive department.[4]

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[4] Dreiling has made numerous other meritorious arguments that the Tucker Act is not limited to monetary claims in a multitude of briefs. The culmination of those arguments are contained in the appendix in a separate case before this Court. See *In Re Justin Paul Dreiling*, No. 25–1217, App. 23–78 (2026). See also *Justin Paul Dreiling* v. *United States*, No 22–1110, Pet. for. Writ of Cert. (May 10, 2023).

As the arguments made in this petition *supra* contend, Dreiling is entitled to have his complaint heard by the judiciary—the United States Court of Federal Claims—whereby the judicial officer has complete authority, granted by the People, to exercise the court's judicial power to the fullest extent and render judgement upon his controversy founded upon a regulation of an executive department. That Dreiling is entitled to rely upon the plain language of the law to exercise his rights. *Bostock* v. *Clayton County*, 590 U. S. 644, 673 (2020).

Furthermore, there is no other judicial court which has been conferred jurisdiction against regulations of an executive department—the federal question does not confer it—and the Administrative Procedure Act, since it is not a jurisdictional statute, cannot confer it. *Califano* v. *Sanders*, 430 U. S. 99, 105–107 (1977). App. 71–77; App. 125–131.

The Court of Federal Claims believed they had no power to follow the plain language of the Tucker Act under 28 U. S. C. §1491(a)(1). They denied Dreiling his right to rely upon the plain language of the law for the formulation of his complaint—the ability for Dreiling to exercise his first amendment right to redress his grievances in the court prescribed by law. They instead strictly followed egregious precedent of this Court in the dismissal of the complaint.

As Justice Gorsuch has asked, "When should judges follow—or overrule—a prior decision they earnestly believe to be mistaken? Most everyone would agree the answer isn't always or never; judgment is required." GORSUCH, J., A REPUBLIC, IF YOU CAN KEEP IT, p. 211, CROWN FORUM (2019).

The question is a complicated one indeed, but in terms of an inferior court's ability to correct course, this Court's current stance is blatantly clear; inferior courts must follow this Court's precedent no matter the error. *E. g.*, *Kimble* v. *Marvel Entertainment, LLC*, 576 U. S. 446 (2015); *Alleyne* v. *United States*, 570 U. S. 99, 118 (2013) (SOTOMAYOR, J., concurring).

Just read Justice Kavanaugh's footnote in his concurring opinion in *Ramos* v. *Louisiana:*

> [V]ertical *stare decisis* is absolute, as it must be in a hierarchical system with "one supreme Court." U. S. Const., Art. III, §1. In other words, the state courts and the other federal courts have a *constitutional obligation to follow a precedent* of this Court unless and until it is overruled by this Court.

Ramos v. *Louisiana*, 590 U. S. 83, 124 n. 5 (2020) (KAVANAUGH, J., concurring in part (citation omitted and emphasis added).

There is serious error in this logic upon vertical *stare decisis*; it is rooted in evil. Courts have a *constitutional obligation to follow the law* lawfully prescribed by the People through their representatives—not egregious precedent legislated by this Court. Normally, though, precedent and the interpretation of the law should coincide—if fidelity to the Constitution is adhered to and the plain language of the law is followed through common sense (as Justice Story explained). However, forcing courts to abide by egregious precedent destroys the inferior courts' independence, and transforms the judiciary into mere machines of this Court's will.

> Where there is no Judiciary department to interpret, pronounce, and execute the laws, to decide controversies, to punish offences, and to enforce rights, the government must either perish from its own weakness, or the other departments of government must usurp powers for the purpose of commanding obedience, to the utter extinction of civil and political liberty.

STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §297 (1840).

Dreiling prays this Court read the arguments in the next section with an open mind, for our government is of the People, not an oligarchy of Nine.

II. This Court's Stance on Vertical Stare Decisis is in Error

The admonition in this section is by no means an assault on the Court. Dreiling believes wholeheartedly that each and every justice is adhering to their oath and performing their duties to the best of their ability in a manner that is wholesome and just. "It is an evil thing to betray the public trust, but it is an equally evil thing to pour wholesale condemnation upon the head of every man in public life, good and bad alike." HENRY CABOT LODGE, THE DEMOCRACY OF THE CONSTITUTION AND OTHER ADDRESSES AND ESSAYS, p. 65, CHARLES SCRIBNER'S SONS (1915).

When and who can overrule precedent is not an easily answered question after all. In fact, there is no right answer. But it is well known, and unquestionable, that a judiciary without "uniformity of interpretation," as Justice Story explains:

would deliver over the constitution to interminable doubts, founded upon the fluctuating opinions and characters of those, who should, from time to time, be called to administer it. Such a constitution could, in no just sense, be deemed a law, much less a supreme or fundamental law. It would have none of the certainty or universality, which are the proper attributes of such a sovereign rule. It would entail upon us all the miserable servitude, which has been deprecated, as the result of vague and uncertain jurisprudence. *Misera est servitus, ubi jus est vagum aut incertum*. It would subject us to constant dissensions, and perhaps to civil broils, from the perpetually recurring conflicts upon constitutional questions. On the other hand, the worst, that could happen from a wrong decision of the judicial department, would be, that it might require the interposition of congress, or, in the last resort, of the amendatory power of the states to redress the grievance.

1 STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, §384 (1st ed. 1833).

The worst that could actually happen, however, is civil war, which indeed did happen, or the *effective* destruction of the Constitution, but, it should also be safe to assume, every judge and justice who swore an oath to the Constitution has the knowledge, ability and wit to understand the reasoning and purpose behind precedent; that it is essential; and that they understand their role as a judicial magistrate.

This can be seen as true with regards to the judges of the Court of Federal Claims. Every judgement upon Dreiling's claims were made in accordance with

precedence. Each judge followed precedent regardless of the error in the utmost respect for the maxim of *stare decisis*. Each judge understood their current role in the judiciary (as this Court instructs) and followed it admirably. Would it then be unsafe to assume that these very same judges are incapable of comprehending when precedent—in relation to the case/controversy before them—must be deviated from? Incapable of realizing and adjudging when relevant precedent is demonstrably erroneous and egregious, and to forcefully opine such upon the departure in their opinion and judgement?

As the fabled Chief Justice John Marshall has stated:

> You cannot exercise the powers of government personally yourselves. You must trust to agents. If so, will you dispute giving them the power of acting for you, from an existing possibility that they may abuse it? As long as it is impossible for you to transact your business in person, if you repose no confidence in delegates, because there is a possibility of their abusing it, you can have no government; for the power of doing good is inseparable from that of doing some evil."

JOHN MARSHALL, "THE POLITICAL AND ECONOMIC DOCTRINES OF JOHN MARSHALL", p. 256, The Lawbook Exchange, Ltd (2007).

With the current application of vertical *stare decisis*, injustice from egregious precedents are unable to be fixed except through, and only through, this Court. Errors which effect the whole People—against the federal government itself—against the Constitution itself—will go unresolved except by the will of the

Supreme Court. This Court has even noted such. See *NIH* v. *APHA*, 606 U.S. ____ (2025) ("[U]nless we wish anarchy to prevail within the federal judicial system, a precedent of this Court] must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." (citing *Hutto* v. *Davis*, 454 U. S. 370, 375 (1982) (*per curiam*))

But vertical *stare decisis* has the potential to ultimately result in despotism. If this Court wishes to leave an egregious error in place, the error remains—regardless how damaging and egregious it may be. They can simply reject every petition which comes before them addressing the error. The People would relentlessly petition for redress in accordance with the plain language of the law, but only to utter vain, clamor, and capitulation. The judiciary would regress to become ineffective and unwilling to perform its solemn obligations—*to interpret and declare the law*. Our republic would digress to no longer be a government of laws, but instead, an oligarchy of Nine.

Of course, the current Court has no wish for this—no wish to be an oligarchy—but it is not beyond the realm of possibility that, in the future, a majority of justices are chosen not for their independence in the interpretation of the Constitution, but for their dependence on party will. What are the People to do if (though hopefully never) such a situation occurs? It was the executive who, after all, nominated the justices (to conform to party will) and the senate (whose party controls the majority) who concurred.[5]

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[5] Furthermore, one would assume those nominated and chosen for the Court would adhere to their oath and independence to the Constitution above all else, but history, time and time

For example, it is indeed reasonable to believe that powerful lobbyist groups could attempt to have policy decisions ultimately decided by this Court instead of by legislation through Congress or amendment to the Constitution. These powerful groups would attempt to have this Court rule in their favor upon a particular issue, and Congress would purposefully and intentionally approbate the decision regardless of the error. And there is no reason to believe that a convention of States amending the Constitution would fix the issue. If the majority of the Court follows party will over the plain language of the law, what reasoning is to expected that they will abide by the will of the People and follow the amendment? It is more likely to assume that the stacked Supreme Court would instead artfully issue a lengthy, specious, esoteric opinion, difficult for the common citizen to understand, that

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again, has shown this may not always be the case. Oaths from secret societies tend to be placed above the oaths to the Constitution. See, *e.g.*, the murder of William Morgan in 1826, with Chief Justice Marshal stating, "I have said that I always understood the oaths taken by a mason, as being subordinate to his obligations as a citizen to the laws." MARSHALL, "THE POLITICAL AND ECONOMIC DOCTRINES OF JOHN MARSHALL", p. 102, The Lawbook Exchange, Ltd (2007). Chief Justice Marshall, rightfully, grew warry of secret societies, further stating, "I thought it, however, a harmless plaything, which would live its hour and pass away, until the murder or abstraction of Morgan was brought before the public;—that atrocious crime, and I had almost said, the still more atrocious suppression of the testimony concerning it, demonstrated the abuse, of which the oaths prescribed by the order were susceptible, and convinced me that the institution ought to be abandoned, as one capable of producing much evil, and incapable of producing any good, which might not be effected by safe and open means." *Id.* at 98

conforms once more to their party will, effectively rendering the amendment pointless and mute.

Is the Constitution only to be saved at this point by the blood of patriots? Perhaps, but what if inferior judges, who are more numerous, and unlikely to be effectively blackmailed or corrupted in mass, exercise their constitutional judicial power and independence to rule in accordance with the plain language of the law (and not dependent upon vertical *stare decisis*)? This Court would be forced to answer to an ever growing dissent by numerous independent inferior judges just to maintain their will—their egregious precedents. The People, as a whole, would inherently and forcefully become more aware of the situation in the judiciary and the ever-growing chaos that would inevitably ensue. The People would become cognizant of the threat to their rights and their future weal; to the Constitution itself. The People would zealously become interested in why so much disparity and disagreement was occurring within the judiciary. It would grant the People time to try and take back their government, without violence, before it was too late. The chaos would cause the People to learn their government; to learn the Constitution; to read upon its history and creation; to think for themselves; to debate; and to actually *participate in its governance.* (emphasis added). It would force new elections, force impeachments, force their servants to abide by the true will of the People and the plain language of the law. It will hold the government accountable to the People and decimate the ability of a small minority to control the nation. True representative government would reappear, and the anarchy and chaos would eventually subside. The Constitution would survive, and the

People, with much felicity, would once more ultimately govern themselves.

Furthermore, the flawed logic behind vertical *stare decisis* is similar to the error of the "Public Opinion Bill" vigorously argued against by the late U.S. Senator Henry Cabot Lodge.

The "Public Opinion Bill" was introduced back in 1907 in the Commonwealth of Massachusetts where the bill allowed the voters themselves to create and legislate laws by obtaining a relatively small portion of the population's concurrence by signature. If enough signatures were obtained, the question would be placed on the official ballot for vote at the next state election, and upon passage become law. At first read, the bill seemed like a reasonable and logical choice. It allowed the voters to determine their own laws and policies relevant to their needs directly. But Senator Lodge, with great force and persuasion claimed, "it would mean nothing less than a complete revolution in the fabric of our government and in the fundamental principles upon which that government rests." LODGE, THE DEMOCRACY OF THE CONSTITUTION AND OTHER ADDRESSES AND ESSAYS, p. 3, Charles Scribner's Sons (1915).

Senator Lodge rightfully claimed, "[w]hever you look into the history of the last four hundred years you will find that the rise and the power of the representative body are coincident with liberty, and that the rise of despotism is coincident with the breakdown of whatever representative bodies there may have been." *Id.* at 7. "[T]he voters are not the people, but a small portion of the people, not more than a fifth or a sixth part." *Id.* at 81. The Bill "[u]nder the system they propose" would allow "a small minority of the voters, who

are themselves a minority of the people" to "have unlimited power to compel the passage of laws." It places the government in the hands of a minority "always interested and determined" instead of government "by the people and for the people." *Id.* at 82.

Senator Lodge rightfully claimed that the Public Opinion Bill, or any substance in form of "compulsory initiative and referendum" converts the "legislatures into mere machines of record" to the utter "destruction of representative government." *Id.* at 114. It is, in essence, "a plan to secure not the rule of the people but arbitrary government by small, highly organized, and irresponsible minorities of voters." *Id.* at 128. The bill ultimately took the power of making laws away from the legislature and into the hands of a small number of voters (not the People). It destroyed the republican form of representative government and gave power to an "always interested and determined" minority. *Idem.* It destroyed the very purpose of the legislature.

Similarly, this Courts stance on *vertical stare decisis* renders inferior court's authority moot. It transforms its purpose to interpret and declare the law into a body which merely sorts cases/controversies according to the will of this Court. It allows a minority body (the Supreme Court—always interested and determined) to *legislate* through egregious precedent and force the lower courts to abide by it. It negates the republican form of representative government guaranteed under the Constitution by destroying the very independence and purpose of the judiciary—to declare the law (and hold the other branches in check). It creates a system where the law is not the law unless this

Court wishes and deems it to be so, especially from opinions *obiter dictum*.[6]

> It makes no difference to whom a court is subservient. When it becomes subservient to anybody outside the courtroom—whether that influence comes from the king, from money, or from a body of voters—that court is a servile court. It no

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[6] And it should be noted this Court's willingness to overrule Constitutional decisions with less burden on the parties above that of statutes is fragrantly flawed as well. See *Patterson* v. *McLean Credit Union*, 491 U. S. 164, 172–173 (1989) ("We have said also that the burden borne by the party advocating the abandonment of an established precedent is greater where the Court is asked to overrule a point of statutory construction. Considerations of stare decisis have special force in the area of statutory interpretation, for here, unlike in the context of constitutional interpretation, the legislative power is implicated, and Congress remains free to alter what we have done."

The fallaciousness in such reasoning can be found in the first half of President Abraham Lincoln's speech in Springfield on June 26, 1857. "We think [the Supreme Court's] decisions on Constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, *subject to be disturbed only by amendment of the Constitution* as provided in that instrument itself. More than this would be revolution. ... Judicial decisions are of greater or less authority as precedents, according to circumstances. That this should be so, accords both with common sense, and customary understanding of the legal profession. [But only if] this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments throughout our history."

And President Lincoln goes on with great force in the foregoing speech using President Jackson's reasoning upon the Bank of the United States and his subsequent veto as a prime example of when constitutional questions decided by the Court should be overruled outside of an amendment.

> longer interprets the law, but it declares that to be the law which someone else wants.

LODGE, THE DEMOCRACY OF THE CONSTITUTION AND OTHER ADDRESSES AND ESSAYS, p. 115, Charles Scribner's Sons (1915).

Would it be truly unwise or unsafe to allow independent judges to actually interpret and follow the law? To determine themselves if a case/controversy is in conflict with precedent, and if so, to actually rule in accordance with the law instead of egregious error? As Justice Barrett explains:

> [J]udges don't dispense justice solely as we see it; instead, we're constrained by law adopted through the democratic process. We exercise authority that the people have given us and resolve disputes according to the ground rules that the people have prescribed.

AMY CONEY BARRETT, LISTENING TO THE LAW: REFLECTIONS ON THE COURT AND CONSTITUTION, p. 23, Penguin Random House (2025)

What harm can be done by rejecting vertical *stare decisis*? It will not negate precedent. Judges surely understand their role in the judiciary; their oath to the Constitution; the necessity of precedent. In fact, it could very well be a better policy to allow the lowest court—the court of original jurisdiction—to ultimately follow the law above all else (using precedent as a guide)—and correct egregious precedent.[7]

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[7] Dreiling argued this point in his Opening Brief. See App. 124, n. 1. ("It might be better argued that it is the role of the trial court (*i. e.,* the Court of Federal Claims) to adhere and emphasize the plain language of the law first-and-foremost above all precedent

Vertical *stare decisis* only exemplifies the Supreme Court's lack of faith in their judicial peers; it displays a lack of faith in their peer's ability to declare and enforce the law as written; it assumes a majority of judges will exercise their own will instead of that of the People through Congress. If vertical *stare decisis* is abandoned, does this court believe all judges will follow their will instead of the plain language of the law and valid, controlling precedents? That the entire judiciary will succumb to public pressure and not follow the law? "Where in the name of common-sense, are our fears to end if we may not trust our sons, our brothers, our neighbors, our fellow-citizens?" THE FEDERALIST NO. 29 (ALEXANDER HAMILTON).

A free-for-all in judicial decisions would only occur if most judges violate their oath. What evidence does this Court have that this will happen? As Justice Barrett has written,

> Choosing truth over status requires strength of character, and achieving it requires mastering the natural impulse to be a people pleaser.
>
> This mastery, a virtue for anyone, is a matter of duty for a judge. The oath demands a willingness to be unpopular—a judge moved by the external

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in its rulings, and if their conclusion is contrary to established precedent, to provide a strong, logical opinion on the reasons why precedent was deviated from. It would be the court of appeals role to review such an opinion and determine if any error was made by the trial court in their correction. This would allow any disagreement between the trial court and court of appeals to be more readily reviewed and understood by the Supreme Court when petitions for writ of certiorari are inevitably made.").

> pressure of public opinion doesn't 'administer justice without respect to persons' or 'faithfully and impartially discharge' her duties under the Constitution.

BARRETT, LISTENING TO THE LAW: REFLECTIONS ON THE COURT AND CONSTITUTION, p. 31, Penguin Random House (2025).

The founders created "one supreme Court" not to instill vertical *stare decisis*, but to have one supreme body whose decision is absolute and final. To have uniformity across the Nation with one voice. However, this was never to be construed to prevent inferior judges from having complete independence in their decisions. *All judges have judicial power to declare and follow the law.* Justice Kavanaugh's statement that there is a "constitutional obligation" to strictly follow this Court's precedent—regardless how egregious it may be, is without merit. It emphatically destroys the fabric of our Constitution and installs an oligarchy of nine (once more Dreiling by no means believes this was the justice's intent, but it is, nonetheless, the effective result).

Faith urges Dreiling to bring one more hypothetical argument upon the danger of vertical *stare decisis*. Suppose for instance a deadly, deleterious epidemic swept the entire world. Fear and anxiety reign. Virulence recrudesces at every point when the epidemic seems contained.

In response, to protect the general welfare of the nation, Congress passes strict quarantine and isolation laws. Anyone who merely displays signs of sickness is restricted to their home. Those who test positive are rounded up and quarantined in designated pest

camps. The federal government is authorized by Congress to rigorously enforce and implement these passed quarantine and isolation laws. The law allows "[a] public health officer [to] impose a quarantine on the basis of reasonable belief that the person quarantined is infected with a contagious disease." FRANK P. GRAB, THE PUBLIC HEALTH LAW MANUAL, p. 95, American Public Health Association (3rd ed. 2005). And the laws are legal and justified on the basis that the public interest is to be protected at the cost of limiting personal liberty. *Id.* at 97.

The federal government hires a multitude of health officers. Isolation and quarantine are immediately implemented upon the public. People, sick and healthy alike, are immediately forced into their homes with threat of quarantine in a pest camp if they disobey—regardless if they have the disease or not—as it is merely based on the health officer's own judgment. "Health officers may act on their own judgment; an officer need not prove the presence of the communicable disease in some judicial proceeding before imposing a quarantine." *Id.* at 96.

Certain States, however, disagree with the laws passed by Congress. They do not recognize the federal health officers' authority in their jurisdiction and instead insist that only their own state officers can implement the federal laws. A few States combine their strength and bring suit against the federal government directly to the Supreme Court, exercising the court's original jurisdiction where a state is a party.

The States (whether purposefully or not) never fully argue the constitutionality of the quarantine and isolation laws passed by Congress—only that they have the right to implement the laws, not the federal

government. Upon consideration of the State's arguments, the Supreme Court rules federal law trumps state's sovereignty. For it is known that "[a] law passed in pursuance of [the Constitution] is the supreme law of the land, and binding on all the States, and cannot be defeated by them. The power to pass such a law carries with it all the incidental powers to give it complete and effectual execution." STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §203 (1840).

The States lose. The federal government is once more free to completely enforce the laws as they see fit. Precedent is set that these quarantine and isolation laws are fully in congruence with the Constitution—even though complete arguments upon the constitutionality of the laws was never made.

At the same time as this case was decided, the People were individually bringing suit in lower courts. Thousands, if not hundreds of thousands of cases, were pending by individuals claiming their rights have been violated. But, as soon as the decision by this Court was published, all the cases were dismissed. Precedent had been set. The laws and their implementation have been deemed legal and constitutional. No court can disobey the precedent.

But presume at least one citizen brought the following argument against the federal government's laws, viz. The preamble to the Constitution is not an enumerated power. Congress has no enumerated power to create quarantine and isolation laws—nor can it be an incidental power. The federal laws are thus unconstitutional and unenforceable. Only the States can create quarantine and isolation laws, for it is well known and beyond dispute. See *Gibbons* v. *Ogden.*, 9 Wheat.

1, 203 (1824); see also *Morgan* v. *Louisiana*, 118 U. S. 455, 466 (1886).

The citizen's arguments (meritorious and absolute in correctness), however, became meaningless words; this Court precedent had been set—the federal government has full constitutional authority to create and execute quarantine and isolation laws passed by Congress—and the case dismissed. Vertical *stare decisis* forced the lower court's hand regardless of the merits of the claims—even though such arguments were never before the Supreme Court. The citizen inevitably appeals to the Supreme Court, but the petition for writ of certiorari is simply rejected. Egregious precedent reigns; people's liberty and rights destroyed.

This preceding compendious example, perhaps extreme but nonetheless possible, hopefully never occurs. But it also hopefully "teaches us, how liberty itself may be lost, when men are found ready to hazard [the Constitution's] permanent blessings, rather than submit to the wholesome restraints, which its permanent security demands." STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §39 (1840). It highlights how precedent can be taken as absolute, regardless of the arguments and the specifics of the case/controversy before the court. How egregious error can reign when inferior courts have no power to hear and determine the law based upon the arguments before them.

III. This Court's Opinion in *United States* v. *Jones* is Erroneous

As Dreiling is limited to 9000 words, he cannot fully argue why the precedent set in *United States* v. *Jones,* 131 U. S. 1 (1889) is in egregious error. However, he

has meritoriously argued such in previous briefs. Dreiling prays the Court reads those briefs. See *In Re Justin Paul Dreiling*, No. 25–1217, App. 98–113 (Apr. 20, 2026); see also *Justin Paul Dreiling* v. *United States*, No. 22–1110, Pet. for Writ of Cert., 14–27 (May 10, 2023).

Furthermore, the fact that this precedent has stood for nearly a century and a half is no cause to not correct course. See *Johnson* v. *Transp. Agency,* 480 U. S. 616, 671–72 (1987) (SCALIA, J., dissenting):

> This assumption, which frequently haunts our opinions, should be put to rest. It is based, to begin with, on the patently false premise that the correctness of statutory construction is to be measured by what the current Congress desires, rather than by what the law as enacted meant. To make matters worse, it assays the current Congress' desires with respect to the particular provision in isolation, rather than the way the provision was originally enacted as part of a total legislative package ... But even accepting the flawed premise that the intent of the current Congress, with respect to the provision in isolation, is determinative, one must ignore rudimentary principles of political science to draw any conclusions regarding that intent from the failure to enact legislation. The "complicated check on legislation," erected by our Constitution creates an inertia that makes it impossible to assert with any degree of assurance that congressional failure to act represents (1) approval of the status quo, as opposed to (2) inability to agree upon how to alter the status quo, (3) unawareness of the status quo,

> (4) indifference to the status quo, or even (5) political cowardice. ... I think we should admit that vindication by congressional inaction is a canard.

Johnson, 480 U. S. at 671–72 (SCALIA, J., dissenting)

* * *

Dreiling has no ill-will or hostility to the judiciary or this Court, nor to the judges who performed their duty in accordance with their oath. The judiciary is essential for the protection of the People's rights and liberty. Dreiling only prays that the People can still rely upon the plain language of the law to exercise and defend their rights, and for all judges to understand their vital role in our Republic, independently and virtuously.

> Let the American youth never forget, that they possess a noble inheritance, bought by the toils, and sufferings, and blood of their ancestors; and capable, if wisely improved, and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, of property, of religion, and of independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful, as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour, by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are

banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them."

STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES, §459 (1840)

CONCLUSION

This Court should grant certiorari to overrule the judgment of the Federal Circuit, summarily declare the true jurisdiction of the Court of Federal Claims under 28 U. S. C. §1491(a)(1), and reverse and remand this case to the Court of Federal Claims for further proceedings.[8]

Respectfully submitted.

Justin Paul Dreiling
112 Highland Woods Dr
Waynesville, MO 65583
(515) 520–9302
speier.justin@gmail.com

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Pro Se Petitioner

[8] Since the motion to stay the mandate was denied, this case should be remanded back directly to the Court of Federal Claims.