

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**ALLAN DOUGLAS WILSON,**  
Plaintiff-Appellant,

v.

**CLERK, SUPREME COURT OF THE UNITED STATES,**  
Defendant-Appellee.

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On Appeal from the United States District Court  
for the District of Columbia  
Civil Action No. 26-17 (UNA)

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**BRIEF OF APPELLANT ALLAN DOUGLAS WILSON**

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## **JURISDICTIONAL STATEMENT**

The United States District Court for the District of Columbia exercised jurisdiction over this matter pursuant to 28 U.S.C. § 1331. The district court issued a Memorandum Opinion and Order dismissing the action with prejudice on February 9, 2026. Plaintiff-Appellant timely filed a Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 59(e) on February 12, 2026. On March 20, 2026, the Honorable Tanya S. Chutkan entered an Order denying that Motion for Reconsideration. This appeal follows. This Court has jurisdiction over the appeal pursuant to 28 U.S.C. § 1291 as an appeal from a final judgment of the district court. The notice of appeal is timely filed within sixty days of the March 20, 2026 denial order pursuant to Federal Rule of Appellate Procedure 4(a)(1)(B), which governs appeals in which a United States officer or agency is a party.

## **STATEMENT OF ISSUES PRESENTED FOR REVIEW**

- I. Whether the district court erred as a matter of law by applying an absolute immunity doctrine categorically to all pleaded claims without conducting the fact-specific functional analysis required by *Forrester v. White*, 484 U.S. 219 (1988), and its progeny.
- II. Whether the district court misapprehended the factual record by characterizing Appellant's complaint as alleging mere processing delays, when the complaint expressly alleged destruction of federal mail, obstruction of justice, and denial of constitutional access to the courts. These allegations are supported with sworn affidavits and documentary evidence in the underlying complaint exhibits.
- III. Whether dismissal with prejudice was an abuse of discretion where the district court failed to adjudicate the merits of Appellant's statutory and constitutional claims and failed to grant leave to amend to a pro se litigant.

IV. Whether independent statutory claims under 18 U.S.C. §§ 1503 and 1702, and constitutional claims under the First, Fifth, and Fourteenth Amendments, required individualized analysis separate from any immunity determination.

V. Whether the appearance of non-independent adjudication, as documented in Appellant's Plagiarism Analysis Report, warrants vacatur and remand for independent review.

## **STATEMENT OF THE CASE**

### ***A. Factual Background***

In the originating District Court proceedings, the Government defendants did not deny that Plaintiff-Appellant's rights were withheld for a period of one(1) year and although the injunctive relief was granted pretrial recognizing the Appellant's U.S. citizenship, the action was dismissed without consideration for damages. Upon subsequent affirmation of dismissal in this Court, the matter was filed for review in the Supreme Court of the United States. The legality of the resulting treatment in the Higher Court is the principal issue contended here with the Appellant seeking redress. The alternative for this Court is to affirm the kind of callous disregard for justice exemplified in throwing out legal cases without due consideration, behavior by state actors described herein which runs contrary to the Appellant-Plaintiff's reasoning for filing for U.S. citizen status in the originating proceedings.

After submitting an initial petition for review by certiorari, Appellant received a deficiency notice from the Clerk's Office requiring corrections to the filing. Appellant thereafter prepared a revised petition in compliance with the notice and transmitted it as described below.

On May 9, 2025, at approximately 4:12 PM, Appellant caused to be mailed via Letterstream, a professional mailing service (<https://www.letterstream.com>), two boxes containing eleven copies

of the corrected certiorari petition (over 1,300 pages of court documents) by U.S. First Class Mail addressed to the Office of the Clerk, Supreme Court of the United States, 1 First Street NE, Washington, DC 20543. This mailing is documented by the sworn Affidavit of Mailing submitted as Exhibit 'A' to the complaint, signed under penalty of perjury in Cebu City, Philippines on January 1, 2026. The Affidavit further establishes, by reference to the appended Mail Service Disruption Report, that there were no reported disruptions in mail service that would have precluded delivery during, before, or after the specified mailing date.

Upon follow-up, the Clerk's Office confirmed receipt of only one of the two dispatched boxes. The second box containing the corrected submission was never acknowledged as received. Despite multiple documented attempts to contact the Clerk's Office by telephone and in writing, as evidenced by phone records attached as Exhibit 'C' and Letterstream service records attached as Exhibit 'D' to the complaint, no acknowledgment of the missing materials was ever provided and no substantive response to Appellant's inquiries was returned.

On July 18, 2025, at approximately 12:38 PM, Appellant caused a second mailing to be transmitted via Letterstream by U.S. First Class Mail to the same Clerk's Office address, containing a copy of the certiorari petition with additional documentation. That mailing also went unacknowledged by the Clerk's Office. The Affidavit of Mailing (Exhibit 'A') attests to both the May 9 and July 18, 2025 mailings and establishes that each was properly addressed, stamped with sufficient postage, and deposited in the United States mail through a professional mailing service with no reported service disruptions.

The complaint further alleged that during a telephone call with the Clerk's Office, Associate Justice Clarence Thomas participated in the communication and denied receipt of Appellant's



petition, apparently acting under instruction from another party. The complaint alleged that Justice Thomas, while enjoying judicial immunity, participated this function ordinarily performed by Clerk's Office to deny Appellant's constitutional right of access to the courts. This allegation, taken with the broader evidentiary record, formed the foundation of the civil rights conspiracy claim.

The complete pattern of conduct alleged in the complaint proceeded through six identifiable stages: (1) initial return of the petition with a deficiency notice; (2) confirmed partial receipt of only one of two boxes containing the corrected submission dispatched on May 9, 2025; (3) complete failure to acknowledge the missing box despite multiple telephone and written inquiries documented by Exhibits 'C' and 'D'; (4) absence of acknowledgment of the July 18, 2025 supplemental mailing; (5) eventual discrete docketing of certain materials only from exhibits submitted in a subsequent filing rather than from the original certiorari submission; and (6) swift denial of the certiorari petition followed immediately by dismissal with prejudice of this civil complaint. Appellant alleged that this sequence, supported by the sworn evidentiary record, reflected not inadvertent administrative error but coordinated obstruction of Appellant's constitutional right of access to the Supreme Court.

### ***B. The Underlying Civil Complaint and Claims Presented***

On the basis of these events, Appellant filed a civil complaint in the United States District Court for the District of Columbia asserting six principal categories of claim. First, destruction or loss of federal mail in violation of 18 U.S.C. § 1702. Second, obstruction of justice through willful destruction and concealment of court filings and denial of access to the courts in violation of 18 U.S.C. § 1503. Third, denial of the constitutional right of access to the courts under the First Amendment right to petition and the due process clause of the Fifth Amendment. Fourth,

violation of equal protection and due process under the Fifth and Fourteenth Amendments. Fifth, civil rights conspiracy under 42 U.S.C. § 1985, grounded in the alleged coordination between Clerk's Office personnel and a judicial officer. Sixth, conduct categorically outside the scope of official duties sufficient to defeat any claim of quasi-judicial immunity.

In the Prayer for Relief, Appellant requested that the district court enter judgment in Appellant's favor and award: compensatory damages on the basis of six percent prejudgment legal interest calculated from the date of the underlying appeal, amounting to \$154,563.63 as of the date of filing; compensatory damages for the cost of preparing and mailing over 1,300 pages of court documents presumed lost or destroyed by the Defendant, in the amount of \$218.17; punitive damages for Defendant's willful misconduct; reasonable attorneys' fees and costs pursuant to applicable federal statutes; and such other and further relief as the Court might deem just and proper. Appellant additionally demanded a trial by jury on all issues so triable.

***C. District Court Proceedings, Motion for Reconsideration, and Denial***

On February 9, 2026, the district court issued a Memorandum Opinion (ECF No. 4) dismissing the action with prejudice. The Opinion characterized Appellant's claims as arising solely from the Clerk's "alleged failure to properly receive, process, and acknowledge [his] lawfully mailed court filings," applied absolute immunity doctrine, and made no mention of Appellant's statutory claims, constitutional claims, full damages prayer, jury demand, or the evidentiary record comprised of the sworn Affidavit of Mailing, phone records, and mailing service documentation.

On February 12, 2026, Appellant filed a timely Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 59(e), supported by a Plagiarism Analysis Report submitted as Appendix 'A'. That Report documented substantial verbatim and structural duplication between the

February 9, 2026 Memorandum Opinion and a prior decision in *Lewis v. United States* District Court, issued six days earlier on February 3, 2026, by the same judge, raising material questions about whether the opinion reflected independent adjudication of the distinct claims presented in this case.

On March 20, 2026, the Honorable Tanya S. Chutkan entered an Order denying the Motion for Reconsideration. The denial order did not address the plagiarism analysis, did not engage the statutory or constitutional claims that the original Memorandum Opinion had failed to adjudicate, and did not provide leave to amend. The denial thereby confirmed and compounded the legal errors identified in the Motion for Reconsideration rather than correcting them. This appeal is taken from both the February 9, 2026 dismissal and the March 20, 2026 denial of reconsideration, which together constitute the final disposition of all claims presented below.

## **SUMMARY OF ARGUMENT**

The district court's dismissal rests on three compounding legal errors that independently warrant vacatur and remand.

First, the court applied absolute immunity without performing the fact-specific functional analysis that Supreme Court and D.C. Circuit precedent require. Under *Forrester v. White*, 484 U.S. 219 (1988), the relevant inquiry is not the identity of the actor but the nature of the function performed. The complaint alleged conduct involving intentional destruction of federal mail and obstruction of justice that no reasonable functional analysis could characterize as integral to the judicial process. The court performed no such analysis; it instead applied a categorical immunity framework that the Supreme Court expressly rejected in *Forrester*.

Second, the court misapprehended the factual record in a manner that independently constitutes reversible error. At the motion-to-dismiss stage, a court must accept all well-pleaded allegations as true and draw all reasonable inferences in favor of the plaintiff. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The court instead collapsed Appellant's complaint into a single characterization of routine processing delay, disposing of multiple claims supported by sworn affidavits, phone records, and mailing service documentation, without briefing or substantial adjudication.

Third, dismissal with prejudice was an independent abuse of discretion. A dismissal with prejudice operates as an adjudication on the merits and forecloses future relief. Where a court has not actually resolved the substantive merits of pleaded claims—as occurred here—such a dismissal is improper. See *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497 (2001). Moreover, when a pro se litigant's complaint, liberally construed, raises cognizable claims, the court should afford an opportunity to amend before dismissing with prejudice. See *Erickson v. Pardus*, 551 U.S. 89 (2007); *Castro v. United States*, 540 U.S. 375 (2003).

These structural errors were compounded by the court's wholesale failure to consider independent statutory claims under 18 U.S.C. §§ 1503 and 1702 and constitutional claims under the First, Fifth, and Fourteenth Amendments. Even if immunity could properly be applied to some conduct, each independent claim required individualized analysis. Finally, the Plagiarism Analysis Report submitted with the Motion for Reconsideration documents substantial textual and structural duplication between the dismissal opinion and a prior decision issued six days earlier, raising legitimate concerns about the thoroughness and independence of the adjudication that justify, at minimum, remand for fresh consideration.

Appellant respectfully requests that this Court vacate the dismissal and remand with instructions to conduct a proper functional immunity analysis, adjudicate independent statutory and constitutional claims, and permit amendment of the complaint.

## **ARGUMENT**

### ***I. THE DISTRICT COURT ERRED BY FAILING TO CONDUCT A FACT-SPECIFIC FUNCTIONAL IMMUNITY ANALYSIS.***

#### ***A. Absolute Immunity Is a Functional, Not a Categorical, Doctrine.***

The Supreme Court has long established that absolute immunity for judicial and quasi-judicial officers is a functional doctrine, not a status-based one. The foundational principle is that 'the relevant inquiry is the nature of the function performed, not the identity of the actor who performed it.' *Forrester v. White*, 484 U.S. 219, 229 (1988). Accordingly, the proper analytical framework requires a court to examine the specific conduct alleged and determine whether that conduct, by its nature, is integral to the judicial process—not whether the defendant holds a position associated with judicial duties.

The D.C. Circuit has applied this functional analysis consistently. In *Sindram v. Suda*, 986 F.2d 1459, 1460-61 (D.C. Cir. 1993), the court extended quasi-judicial immunity to a clerk's receipt and processing of filings because those acts were integral to the judicial function. Crucially, however, *Sindram* did not hold that all acts performed by court staff are immune; it held that acts integral to the judicial process are immune. The operative question is always whether the specific act challenged is of that character.

The Supreme Court reaffirmed in *Mireles v. Waco*, 502 U.S. 9 (1991), that absolute immunity for judicial acts is not defeated by allegations of bad faith or malice. But the Court's analysis in *Mireles* presupposed that the challenged act was itself a judicial one—the judge's issuance of an

order during pending proceedings. Where the act alleged is not judicial or quasi-judicial in nature, neither *Mireles* nor the cases it applies resolves the immunity question. The threshold determination of whether the act is judicial must precede the immunity inquiry itself.

***B. The Complaint Alleged Conduct That, if Proven, Falls Outside Any Conceivable Judicial Function.***

The complaint alleged not a failure to process filings correctly, but the intentional destruction or loss of federal mail lawfully deposited and addressed to the Court. The destruction or concealment of court filings serves no legitimate judicial function. It does not assist in the orderly administration of proceedings, the management of the docket, or the issuance of judicial determinations. It is, by any analysis, detrimental to the judicial process rather than integral to it.

Appellant's complaint further alleged obstruction of justice under 18 U.S.C. § 1503 through willful destruction and concealment of court filings and denial of constitutional access to the courts. Criminal obstruction of justice is not a function performed in aid of adjudication; it is conduct that subverts adjudication. No functional analysis consistent with *Forrester* could classify such conduct as within the scope of protected quasi-judicial activity.

The district court performed no functional analysis of any kind. Its Memorandum Opinion applied absolute immunity categorically to the Clerk's conduct based on the Clerk's role, without examining whether the specific acts alleged bore any resemblance to functions that courts have identified as integral to the judicial process. This omission is not a matter of degree; it is a failure to apply the controlling legal standard. Under *Forrester*, the court's analytical approach was legally erroneous.

***C. The Westfall Act Requires a Scope-of-Employment Determination That the District Court Did Not Conduct.***

The Westfall Act, 28 U.S.C. § 2679(d), provides that federal employees receive immunity for acts within the scope of their employment. Immunity does not attach, however, to acts performed outside the scope of official duties. Section 2679(d)(2) expressly provides that substitution of the United States as defendant (and the attendant immunity) does not apply where the employee acted outside the scope of employment.

The destruction of federal mail is a criminal act. It is not within the official duties of a court clerk whose responsibilities are defined by law to include receiving, processing, and filing documents. An act that violates federal criminal law cannot simultaneously constitute authorized official conduct within the scope of employment. The Supreme Court has stated that 'courts must engage in a fact-specific inquiry to determine whether a challenged action is the kind of act that is properly attributable to the sovereign.' *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 543 (1986). The district court made no such inquiry. Remand is required to conduct that analysis.

## ***II. THE DISTRICT COURT MISAPPREHENDED THE FACTUAL RECORD AND FAILED TO CREDIT WELL-PLEADED ALLEGATIONS.***

### ***A. The Governing Standard Requires Acceptance of All Well-Pleaded Allegations.***

On a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), a court must accept all factual allegations in the complaint as true and draw all reasonable inferences in favor of the plaintiff. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The Court's task is not to assess the plausibility of the plaintiff's interpretation of events against alternative explanations but to determine whether the complaint's allegations, taken as true, state a cognizable legal claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A complaint survives dismissal if it contains sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face.

Additionally, because Appellant is a pro se litigant, the complaint must be 'liberally construed' and held to 'less stringent standards than formal pleadings drafted by lawyers.' *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Courts are required to interpret pro se pleadings to raise the strongest arguments they suggest, rather than to narrow them to the least favorable construction. *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000).

***B. The Court Mischaracterized the Complaint.***

The district court described Appellant's claims as arising from 'alleged failure to properly receive, process, and acknowledge [his] lawfully mailed court filings.' ECF No. 4 at 2. This characterization does not accurately reflect the complaint's allegations. The complaint expressly alleged the intentional destruction or loss of a box of federal mail containing over 1,300 pages of court documents deposited via Letterstream by U.S. First Class Mail on May 9, 2025, at approximately 4:12 PM. The complaint alleged that the Clerk's Office confirmed receipt of only one of the two dispatched boxes despite the sworn Affidavit of Mailing establishing that both were lawfully sent. It alleged that multiple subsequent telephone and written inquiries went entirely unanswered ((Exhibit 'C') phone records; (Exhibit 'D') mailing service records). It alleged that a second mailing dispatched on July 18, 2025, at approximately 12:38 PM also went unacknowledged. And it alleged that this cumulative pattern of conduct, including the eventual discrete docketing of materials only from a subsequent filing rather than from the original certiorari submission, reflected coordinated obstruction rather than isolated administrative error.

Reducing these pleaded facts to a characterization of 'failure to receive and process' eliminates the core of the complaint setting forth allegation that materials were deliberately destroyed or concealed, not accidentally misfiled. This distinction is legally dispositive because accidental



processing errors may fall within the scope of conduct that Sindram and related decisions protect, while intentional destruction and concealment do not. By collapsing this distinction at the threshold dismissal stage, the court applied an immunity standard to a factual premise the complaint never advanced.

***C. The Court Failed to Consider the Evidentiary Record Supporting the Complaint.***

The complaint was supported by four categories of documentary evidence that the Memorandum Opinion did not address. First, the sworn Affidavit of Mailing (Exhibit ‘A’), executed under penalty of perjury, attests that both the May 9, 2025 and the July 18, 2025 mailings were completed through Letterstream, that the documents were properly addressed, stamped with sufficient postage, and deposited in the United States mail, and that the appended Mail Service Disruption Report shows no reported disruptions that would have precluded delivery during or around either mailing date. Second, phone records (Exhibit ‘C’) document Appellant's multiple attempts to contact the Clerk's Office following the confirmed partial receipt of only one box. Third, Letterstream mailing service records (Exhibit ‘D’) confirm the logistical details of both dispatches and the absence of any reported return or failed delivery notifications. Fourth, docket entries from related prior proceedings including Civil Action Nos. 23-cv-00216, 25-cv-02852, 25-cv-03561, and 23-cv-03826 establish the broader pattern of conduct and the eventual docketing of certain materials only from exhibits in a subsequent filing, supporting the inference that the original certiorari submission had not been processed in the ordinary course.

None of these exhibits were addressed in the Memorandum Opinion. Under the applicable pleading standard, the court was required to assess whether the complaint's allegations, considered in conjunction with the attached exhibits, plausibly stated claims for relief that survive the applicable legal standards. The failure to engage with the sworn affidavit and

supporting records in any respect constitutes a misapprehension of the factual basis for the complaint which independently warrants reversal.

***III. DISMISSAL WITH PREJUDICE WAS AN ABUSE OF DISCRETION WHERE SUBSTANTIVE CLAIMS WERE NOT ADJUDICATED AND LEAVE TO AMEND WAS NOT GRANTED.***

***A. Dismissal With Prejudice Requires an Actual Adjudication on the Merits.***

A dismissal with prejudice operates as a final judgment on the merits and bars relitigation of the same claims. *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 505 (2001). It is therefore appropriate only where the court has actually evaluated and resolved the substantive claims presented, or where the defects in the complaint are incurable. Where a court dismisses by applying a threshold doctrine without reaching the merits of the claims, dismissal without prejudice, or dismissal with leave to amend, is the appropriate disposition.

The district court here did not adjudicate the merits of Appellant's statutory claims under 18 U.S.C. §§ 1503 and 1702, did not resolve the constitutional claims under the First, Fifth, and Fourteenth Amendments, did not consider the civil rights conspiracy claim under 42 U.S.C. § 1985, and did not address whether the scope-of-employment limitation of the Westfall Act, 28 U.S.C. § 2679(d), barred the application of immunity to the conduct alleged. Applying the terminal disposition of dismissal with prejudice to claims that were never examined on their merits is an abuse of the district court's discretion that this Court reviews under the abuse-of-discretion standard.

***B. Pro Se Litigants Are Entitled to Leave to Amend Before Dismissal With Prejudice.***

Courts are required to afford pro se litigants an opportunity to amend their pleadings before dismissing with prejudice, particularly where the complaint raises cognizable allegations that

might be clarified or supplemented. *Castro v. United States*, 540 U.S. 375, 381-82 (2003). Federal Rule of Civil Procedure 15(a) provides that leave to amend shall be freely given when justice so requires. In the context of a pro se filing, where the court's own construal of the complaint may be narrower than the strongest reading it supports, the obligation to afford leave to amend is correspondingly heightened.

The district court dismissed Appellant's complaint with prejudice without providing any opportunity to amend. Even if the original complaint were found to contain pleading deficiencies (which Appellant disputes) the appropriate course would have been to identify those deficiencies and afford Appellant an opportunity to cure them by amendment. Dismissal with prejudice on a first filing, without leave to amend, is inconsistent with the liberal amendment standard of Rule 15(a) as applied to pro se litigants.

***C. The Damages Claims Survive Any Immunity Determination.***

The complaint sought four categories of monetary relief and demanded a jury trial on all issues so triable. Appellant requested compensatory damages calculated at six percent prejudgment legal interest from the date of the underlying appeal, amounting to \$154,563.63 as of the date of filing; compensatory damages for the cost of preparing and mailing the over 1,300 pages of documents presumed lost or destroyed by the Defendant, amounting to \$218.17; punitive damages for Defendant's willful misconduct; and reasonable attorneys' fees and costs pursuant to applicable federal statutes. The court's Memorandum Opinion did not analyze whether the claimed compensatory damages (\$218.17 in direct losses) attributable to the destroyed mailing could proceed even if immunity were found to shield some portion of the alleged conduct. A dismissal with prejudice that forecloses the full damages prayer, including punitive damages and

fees, without engaging any of it on the merits compounds the error of the initial immunity determination.

#### ***IV. THE DISTRICT COURT FAILED TO ADJUDICATE INDEPENDENT STATUTORY AND CONSTITUTIONAL CLAIMS.***

##### ***A. Statutory Claims Under Federal Criminal Postal and Obstruction Statutes Required Independent Analysis.***

Appellant's complaint alleged violations of 18 U.S.C. § 1702, which proscribes the taking or destruction of mail matter, and 18 U.S.C. § 1503, which prohibits obstruction of justice. Although these are criminal statutes, conduct violating them may also be actionable in civil proceedings where it gives rise to civil damages or equitable claims. The complaint framed these statutory violations as part of the factual predicate for civil relief, specifically as evidence of conduct outside the scope of official duties and therefore outside the protection of quasi-judicial immunity.

Neither statutory claim was addressed in the Memorandum Opinion. The court's blanket application of absolute immunity foreclosed the statutory analysis without engaging it. This approach is legally erroneous: an immunity determination resolves only whether the defendant is shielded from suit; it does not resolve whether the underlying conduct constituted a violation of law. Where the complaint alleges criminal conduct as the basis for a civil cause of action, the court must engage with the statutory claim on its own terms.

##### ***B. The Constitutional Claims Required Independent Adjudication.***

The Supreme Court has recognized that '[t]he right of access to the courts is indeed but one aspect of the right of petition.' *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972). Cognizable constitutional injury is evident when a court official's conduct

deprives a litigant of the ability to have claims heard through destruction of filings, refusal to acknowledge receipt, or coordination to deny access. The First Amendment right to petition and the Fifth Amendment guarantee of due process are independently enforceable.

The D.C. Circuit has held that immunity does not 'insulate corrupt or malicious acts designed to frustrate the judicial process.' *Sindram v. Suda*, 986 F.2d 1459, 1461 (D.C. Cir. 1993). While immunity extends to erroneous acts, it does not extend to acts that are criminal and designed to obstruct access to the courts. The complaint's allegations of denial of access to the Supreme Court are supported by a documented pattern of unreturned communications, lost submissions, and eventual docketing from secondary sources. The totality of evidenced claims denying access to courts requires independent constitutional analysis.

***C. The Conspiracy Allegations Under 42 U.S.C. § 1985 Required Separate Consideration.***

The complaint alleged a conspiracy to deny constitutional rights under 42 U.S.C. § 1985, evidenced by coordinated conduct among court officials. Associate Justice Thomas participated in a communication denying receipt of Appellant's petition while apparently acting under instruction from another party, implying a coordinated denial of Appellant's access to the Court while avoiding consequences with judicial immunity. Section 1985 claims require independent analysis of whether two or more persons conspired to deny a plaintiff equal protection of the laws or access to courts.

Whether or not the conspiracy claim ultimately survives on the merits, the district court was required to analyze it. A conspiracy allegation cannot be disposed of by applying absolute immunity doctrine to individual official acts; if the conspiracy itself is designed to subvert the

judicial process, the question of whether the coordinated conduct falls outside immunity requires separate inquiry. The court's silence on this claim warrants reversal on this issue as well.

***V. THE DISTRICT COURT'S OPINION PRESENTS PROCEDURAL IRREGULARITIES AND AN APPEARANCE OF NON-INDEPENDENT ADJUDICATION THAT WARRANT VACATUR AND REMAND.***

Appellant's Motion for Reconsideration included as Appendix 'A' a Plagiarism Analysis Report documenting substantial verbatim and structural duplication between the district court's February 9, 2026 Memorandum Opinion and a prior decision, *Lewis v. United States District Court*, issued only six days earlier. The duplicated framework addresses routine administrative processing of court filings and absolute immunity in that context. As Appellant demonstrated, the analytical structure, case citations, and reasoning of the Wilson opinion substantially reproduce the Lewis framework without attribution and without engagement with the distinct claims raised in this case.

Judicial independence requires individualized consideration of the claims presented in each case. When a published opinion employs a copied analytical structure to resolve a claim without engaging the pleaded allegations that distinguish it from the template case, a legitimate question arises as to whether the adjudication was conducted on the claims actually presented. The Code of Conduct for United States Judges, Canon 2, requires that a judge avoid not only impropriety but the appearance of impropriety in all activities. An opinion that appears constructed from a prior immunity template, while omitting any analysis of criminal and constitutional allegations that were pleaded, reasonably gives rise to apprehension that the claims were characterized to fit a predetermined conclusion rather than adjudicated on their own terms.

The progression of decisions identified in Appellant's briefing below—from *Fuller v. Harris*, 258 F. Supp. 3d 204 (D.D.C. 2017), through *Windsor v. Harris*, No. 23-cv-03929, to the present dismissal—illustrates an evolving framework through which courts have progressively extended immunity to a range of conduct by Supreme Court Clerk personnel. Each iteration of this framework has expanded immunity to the present point of complete failure to conduct the individualized analysis that Forrester requires. The effect of this progression is that alleged criminal conduct destroying federal mail is treated as categorically immune from review.

Appellant does not contend that institutional relationships among federal courts establish actual bias in any individual adjudication. The concern raised is structural: where a district court dismisses claims against a Supreme Court official on immunity grounds through an opinion that substantially reproduces an earlier decision without addressing the claims that distinguish the present case, the appearance of independent adjudication is undermined. Public confidence in the judiciary depends on perceptions of individualized, reasoned adjudication. This Court's supervisory authority over district court proceedings provides an independent basis to vacate and remand for due consideration.

***VI. PARTIAL OR ALTERNATIVE RELIEF IS WARRANTED TO PRESERVE NON-IMMUNITY CLAIMS AND TO DEVELOP THE RECORD.***

Even if this Court were to conclude that some of the conduct alleged is protected by absolute or quasi-judicial immunity, the appropriate disposition is partial vacatur rather than wholesale affirmance of the dismissal with prejudice. At a minimum, the claims based on conduct outside the scope of official duties (destruction of federal mail and obstruction of justice) require remand for the functional analysis that the district court omitted. The Westfall Act claims, the

constitutional access-to-courts claims, and the Section 1985 conspiracy claims each survive any categorical immunity determination and must be independently adjudicated on remand.

Should this Court conclude that the factual record requires development before a definitive immunity ruling can be made, the appropriate remedy is remand with instructions to permit limited discovery on the scope-of-function and intent questions that the complaint raises. The determination of whether alleged conduct falls within or outside official duties is, at the threshold, a legal determination informed by the nature of the acts. But where the complaint raises a plausible factual dispute about the nature of those acts through sworn affidavits and documentary evidence, some degree of factual development may be required before the legal determination can be made.

In the alternative, if this Court determines that the complaint as presently pleaded contains deficiencies that prevent full adjudication, the proper remedy is vacatur of the dismissal with prejudice and remand with instructions to permit Appellant to file an amended complaint. Under Federal Rule of Civil Procedure 15(a), leave to amend shall be freely given when justice so requires. No prejudice to the Defendant, no undue delay, and no prior amendment can be held against argument for this relief. The record presents a first complaint dismissed without prior opportunity to amend, in a case involving documented loss of federal court filings and allegations of criminal conduct by court personnel.

## **CONCLUSION**

For the foregoing reasons, Plaintiff-Appellant Allan Douglas Wilson respectfully requests that this Court:



- (1) Vacate the district court's February 9, 2026 Memorandum Opinion and Order dismissing this action with prejudice;
- (2) Remand with instructions to conduct the fact-specific functional immunity analysis required by *Forrester v. White* and to adjudicate independently Appellant's statutory claims under 18 U.S.C. §§ 1503 and 1702, constitutional claims under the First, Fifth, and Fourteenth Amendments, and civil rights conspiracy claim under 42 U.S.C. § 1985;
- (3) In the alternative, remand with instructions to permit Appellant to file an amended complaint and to conduct limited discovery on the scope-of-function and intent issues bearing on the immunity determination;
- (4) Direct that the dismissal, if any, be entered without prejudice given the district court's failure to adjudicate the merits of the pleaded claims; and
- (5) Grant such other relief as this Court deems just and proper, including consideration of costs allowable under applicable appellate rules.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I, Allan Douglas Wilson, hereby certify that on the date set forth below, I caused a true and correct copy of the foregoing Appellant Brief to be served by filing through the Clerk's Office by way of electronic notice upon counsel of record for the Defendant-Appellee at the following address:

Clerk, Supreme Court of the United States

Office of the Clerk

1 First Street, NE

Washington, DC 20543

Date: May 5, 2026



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Allan Douglas Wilson

Pro Se Plaintiff-Appellant