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US COURT OF APPEALS DC CIRCUIT
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333 Constitution Avenue,
NW Washington, DC 20001-2866

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

No. 26-5154

September Term, 2026

Allan Douglas Wilson, Appellant, v. Clerk, United States Supreme Court, Appellee.

Appeal from the United States District Court for the District of Columbia (Civil Action No.
1:26-cv-00017-UNA).

PETITION FOR PANEL REHEARING AND REHEARING EN BANC

The unpublished *per curiam* judgment issued on September 14, 2026 conflicts with the following prior decisions of this Court and therefore the full Court's consideration is necessary to secure or maintain uniformity of the Court's decisions: *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (*per curiam*); *Wagshal v. Foster*, 28 F.3d 1249, 1251 (D.C. Cir. 1994); and *Messina v. Krakower*, 439 F.3d 755, 759 (D.C. Cir. 2006). The ruling by Justices Millett, Walker, and Pan represents an indefensible departure from the record, established precedent, and basic principles of judicial review.

The panel's summary affirmation of the District Court's orders must be vacated because it rests entirely on a *sua sponte* rescue mission for a defaulting Appellee, relies on completely inapplicable legal citations, and invents a dangerous new category of absolute immunity for a Court Clerk, who, rather than doing his work, can simply throw it all in the dumpster. By

issuing a single-page judgment (exempting the caption), the Court has dealt with this case expeditiously and at the expense of fairness and due process.

A detailed examination of the panel's cited authorities reveals that the legal reasoning in the Court's decision is irreconcilably flawed and entirely unsupportable under the actual factual record of this case. It further reveals a superficial attempt to support the district court decisions by citing cases with little or no relation to the appeal.

First, the panel cites *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (*per curiam*), for the proposition that the Appellee's acceptance or non-acceptance of filings constitutes an integral part of the judicial process, thereby triggering judicial immunity. This citation is a deliberate misapplication of the law to evade the reality of the record. *Sindram* addresses the ministerial or discretionary refusal, docket management, or rejection of filings within established procedural norms. It provides zero legal cover, authority, or immunity for a court clerk throwing out petitions without acknowledging receipt, refusing to communicate with litigants, and falsifying documents. The panel has fatally conflated a lawful "refusal" or rejection of a defective filing with the criminal or quasi-criminal "destruction" and active concealment of unacknowledged submissions. There is no legal basis establishing that the outright spoliation of a citizen's filings falls within the scope of judicial immunity, and the panel has produced no evidence or legal analysis to prove otherwise.

Second, the panel cites *Wagshal v. Foster*, 28 F.3d 1249, 1251 (D.C. Cir. 1994), to justify the District Court's issuance of the dismissal with prejudice. *Wagshal* applies to quasi-judicial immunity regarding mediation and neutral case evaluation processes where structured procedural safeguards and records exist. This apparently inapposite case appears with

keyword searches for “judicial immunity” and “color of law/authority” and is plausibly the result of the panel’s attempt to defend or otherwise research an avenue of defense for Supreme Court Associate Justice Clarence Thomas’ role in denial of communications and receipt of Appellant’s legal filings. Stretching *Wagshal* to protect an Associate Justice acting on behalf of the Supreme Court Clerk whose actions fall outside statutory duties by willfully destroying submissions and covering up the act, reveals expediency over any valid legal argument and makes a mockery of the doctrine of judicial immunity. The panel utilizes this citation to rubber-stamp a dismissal that was executed without a shred of supporting evidence, violating the foundational legal principle that a dismissal requires a proper evidentiary foundation, especially for one with prejudice.

Third, the panel cites *Messina v. Krakower*, 439 F.3d 755, 759 (D.C. Cir. 2006), to assert that the District Court did not abuse its discretion in denying the Appellant's motion for reconsideration. *Messina* is found to be unrelated in substance as it determined immunity for alleged attorney defamation in a pre-suit settlement demand letter. A cursory legal search using the terms “judicial proceedings privilege” and “district court affirmation” would produce this defamation case which in fact runs contrary to the present judgment in that the underlying court actually addressed the claims presented. Here, the underlying dismissal completely failed to address the Appellant's explicit damages claims, conspiracy allegations, and civil claims arising from actions that are reasonably criminal in nature. A court cannot properly exercise discretion to deny reconsideration when it entirely failed in the first instance to analyze or address the core causes of action pled in the complaint.

By affirming the originating court’s decisions to dismiss based on a misapprehension of the record, the Court has also ignored the auto-plagiarism evident in Justice Alikhan’s district

court dismissal and detailed in the Appellant's brief. The present affirmation of that decision was not found to be plagiarized however exhibits obvious fallacies in legal research that cannot be ignored on the face of the record.

The impropriety of the panel's ruling is further underscored by the procedural vacuum from which it emerged. The Appellee failed entirely to file a responsive brief. The District Court's actual position below was merely that the Clerk failed to properly receive or process legal filings, whereas the Appellant's brief detailed the Clerk willfully destroying submissions and attempting a cover-up. Rather than holding the defaulting Appellee accountable, this Court stepped outside its neutral role to manufacture a brand-new, fictitious defense for the Clerk. The grounds for affirmation did not emanate from the District Court, nor from the Appellee, nor from the Appellant; they were invented *sua sponte* by a panel seeking to defend a government entity from its own indiscretions.

The present decision to affirm the district court orders is not known to be in the interest of justice as there is no mention of the term 'justice' in the Court's orders. By designating this decision as unpublished pursuant to D.C. Circuit Rule 36, the panel tacitly acknowledges the embarrassing implications of extending absolute immunity to the unauthorized destruction of court documents. The resulting rule of decision—that a court clerk may throw out petitions without acknowledgment, refuse communications, and falsify records with impunity—destroys due process and turns the judiciary into a self-interested apparatus protecting its own sources of administrative funding. To properly honor a judicial process based on law, this Court must grant rehearing, withdraw its unprincipled judgment, and hold that the destruction of citizen legal filings, in the manner admitted by the respondent by failure to contend, falls completely outside the protections of judicial immunity.

Respectfully submitted,

/s/ Allan Douglas Wilson

Allan Douglas Wilson

Appellant, Pro Se

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS

1. This document complies with the type-volume limit of Fed. R. App. P. 40(b)(1) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this petition for rehearing contains 1,052 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 12-point Times New Roman.

Dated: September 18, 2026

Respectfully submitted,

/s/ Allan Douglas Wilson

Allan Douglas Wilson

Appellant, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2026, I caused the foregoing Petition for Panel Rehearing and Rehearing en banc, along with the accompanying Certificate of Compliance, to be served upon the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by dispatching it via United States Mail, first-class postage prepaid, addressed as follows:

Clerk of Court

United States Court of Appeals for the D.C. Circuit

E. Barrett Prettyman United States Courthouse

333 Constitution Ave., N.W.

Washington, D.C. 20001

I further certify that upon receipt and docketing, the Clerk of Court will cause this filing to be entered into the Court's CM/ECF system, which will generate automated electronic service upon all registered counsel of record representing the Appellee.

Dated: September 18, 2026

Respectfully submitted,

/s/ Allan Douglas Wilson

Allan Douglas Wilson

Appellant, Pro Se

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5154

September Term, 2026

ALLAN DOUGLAS WILSON,

Appellant,

v.

CLERK, UNITED STATES SUPREME COURT,

Appellee.

Appeal from the United States District Court

for the District of Columbia

(Civil Action No. 1:26-cv-00017-UNA)

MOTION TO PUBLISH UNPUBLISHED JUDGMENT PURSUANT TO CIRCUIT

RULE 36(f)

I. INTRODUCTION AND TIMELINESS

Pursuant to D.C. Circuit Rule 36(f), Appellant Allan Douglas Wilson, *pro se*, respectfully moves this Court to publish its unpublished *per curiam* judgment issued on September 14, 2026. This motion is filed within 30 days of the judgment and concurrently with a timely petition for rehearing, satisfying the threshold procedural requirements of Rule 36(f).

While motions for publication are generally disfavored under the rule, this case presents extraordinary and compelling reasons that demand public transparency. The Circuit Court judges should be shouting from the rooftops that they have managed to subvert constitutional protections and grant the Clerk of Court such powers as to

unilaterally decide cases without review, ignore communications from litigants, and falsify documents covering up these actions. Such powers are unprecedented in the Supreme Court, and the public should be made aware by publication of this important judgment.

II. CRITERIA FOR PUBLICATION UNDER CIRCUIT RULE 36(c)

Under Circuit Rule 36(f), publication must be based upon one or more criteria listed in subsection (c), and this judgment satisfies multiple criteria.

First, regarding the substantial issues it resolves, this is a case of first impression in that the Clerk never denied destroying the Appellant's petition without acknowledgement, and this Court has affirmed these actions as constituting an integral part of the judicial process; an entirely new consideration previously thought to be exempt from immunity. This extension of judicial immunity lends itself to a reframing of the actions of the Clerk of Court as those of an over-zealous garbage man rather than a legal professional.

Second, this decision to uphold the District Court's orders substantially alters the precedent in *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (*per curiam*), in that the judicial process now includes throwing out petitions without judicial consideration and falsifying receipt dates to cover up destroyed petitions. The judgment establishes that immunity can be determined on a conclusory basis and without proper functional analysis, establishing further that judicial immunity is extended to the destruction of property without regard for compensating material losses.

Third, the judgment warrants publication in light of other factors that give it general public interest, as the public has the right to know that their tax money is being used by decision-makers who engage in judicial plagiarism and issue orders that have no legal merit. The public should also be aware that their legal filings may be thrown out without any acknowledgment or follow-up by the Clerk's Office and that due process can be informally denied by the courts with impunity.

III. CONCLUSION

It is expected that the level of corruption demonstrated in this judgment will inherently preclude any publication; so may it rest on the conscience of those without the courage to make their deeds publicly known.

For the compelling reasons set forth above, this Court should grant this motion and order the publication of its judgment.

Respectfully submitted,

/s/ Allan Douglas Wilson

Allan Douglas Wilson

Appellant, *Pro Se*

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Dated: September 18, 2026

Respectfully submitted,

/s/ Allan Douglas Wilson

Allan Douglas Wilson

Appellant, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2026, I caused the foregoing Motion to Publish Unpublished Judgment Pursuant to Circuit Rule 36(f), along with the accompanying Certificate of Compliance, to be served upon the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by dispatching it via United States Mail, first-class postage prepaid, addressed as follows:

Clerk of Court

United States Court of Appeals for the D.C. Circuit

E. Barrett Prettyman United States Courthouse

333 Constitution Ave., N.W.

Washington, D.C. 20001

I further certify that upon receipt and docketing, the Clerk of Court will cause this filing to be entered into the Court's CM/ECF system, which will generate automated electronic service upon all registered counsel of record representing the Appellee.

Dated: September 18, 2026

Respectfully submitted,

/s/ Allan Douglas Wilson

Allan Douglas Wilson

Appellant, Pro Se