

RECEIVED

NOV 03 2025

No. 25-1276

KELLY L. STEPHENS, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

JAMES EDWARD WHITE, Plaintiff-Appellant,

- v. -

U.S. SUPREME COURT, ET AL., Defendants-Appellees.

On Appeal from the United States District Court for the Western District of
Michigan Southern Division

A JURY TRIAL IS DEMANDED for the COMPLAINT and PETITION

**PETITION FOR REHEARING EN BANC (OF
SEPTEMBER 22, 2025 ORDER AND JUDGEMENT)
BY PLAINTIFF-APPELLANT**

James E. White
4107 Breakwater Dr.
Okemos, MI 48864
Pro Se
(517) 381-1960
james-e-white@idearights.com

TABLE OF CONTENTS

Petition for Rehearing En Banc (of September 22, 2025 Order and Judgement) by Plaintiff-Appellant	1
Table of Contents	2
Table of Authorities	3
Petition for En Banc Rehearing	6
Statement in Support of Oral Argument	7
Statement of Issues for Review	8
Conclusion	23
Relief Requested	24
Certificate of Compliance	25
Proof of Service	26

TABLE OF AUTHORITIES

Cases

<i>Bivens v. Six Unknown Fed. Narcotics Agents</i> , 403 US 388 - Supreme Court 1971	9
<i>FDIC v. Meyer</i> , 510 U.S. 471, 475 (1994)	8, 9
<i>Fin. Oversight & Mgmt. Bd. for P.R. v. Centro de Periodismo Investigativo, Inc.</i> , 598 U.S. 339, 342 (2023)	12
<i>Keifer & Keifer v. Reconstruction Finance Corp.</i> , 306 U.S. 381, 390	19
<i>Larson v. Domestic & Foreign Commerce Corp.</i> , 337 US 682 (1949).....	14, 15, 18
<i>Malone v. Bowdoin</i> , 369 US 643 (1962)	14, 15, 18, 19
<i>Millbrook v. United States</i> , 569 U.S. 50, 52 (2013)	11
<i>Mynatt v. United States</i> , 45 F.4th 889, 894 (6th Cir. 2022).....	11
<i>United States v. Lee</i> , 106 US 196 (1882).....	12, 14, 15, 16, 17, 18
<i>United States v. Standard Oil Co. of Cal.</i> , 332 U. S. 301, 311 (1947).....	9

Statutes

28 U.S. Code Chapter 171 Federal Tort Claims Act	11, 12, 14, 15, 18
28 U.S.C. §1346(b)(1).....	11

Rules

6 Cir. R. 34(a)	7
Fed. R. App. P. 34(a)	7
Fed. R. App. P. 40	6
Fed. R. App. P. 40(b)(2)(D).....	6

Constitutional Provisions

U.S. Const. Amendment I	6, 10, 14, 16, 19, 20
U.S. Const. Amendment IX	10, 11, 14, 21
U.S. Const. Amendment V	10, 12, 14, 15
U.S. Const. Amendment VII.....	7
U.S. Const. Amendment X	6, 21
U.S. Const. Amendment XIV	10

U.S. Const. Article I, §6, Cl. 114

U.S. Const. Article I, §9, Cl. 314

U.S. Const. Article III, §2, Cl. 1&2 10, 23

U.S. Const. Article IV, §4 15, 23

U.S. Const. Article V21

U.S. Const. Article VI, Cl. 210

U.S. Const. Preamble 8, 9, 21, 23

Other Authorities

A Petition Clause Analysis of Suits Against the Government: Implications for Rule 11 Sanctions, Harvard Law Review, Vol. 106, pp.1111-1128 (1993).....20

A Short History of the Right To Petition Government for the Redress of Grievances, Stephen A. Higginson, The Yale Law Journal, Vol. 96, pp.142-166 (1986)19

Against Sovereign Immunity by Erwin Chemerinsky Stanford Law Review Vol. 53:1201 May 2001 12, 20

Bracton17

Commentaries on the Laws of England, William Blackstone, Esq. 1765.. 11, 13, 21

Downsizing the Right to Petition, Gary Lawson & Guy Seidman, Northwestern University Law Review, Vol. 93 No. 3, pp.739-766 (1999) 20, 21

Magna Carta15

Primer on the Doctrine of Doctrine of Federal Sovereign Immunity, Gregory C. Sisk, Oklahoma Law Review, 439 (2005) Vol. 58, No. 3 14, 15

Redress, Progress and the Benchmark Problem, Aviam Soifer, Boston College Law Review, Vol. 40, pp.525-535 (1999)20

Sovereign Immunity and the Right to Petition: Toward a First Amendment Right to Pursue Judicial Claims Against the Government, James E. Pfander, Northwestern University Law Review, Vol. 91, No. 3, pp.899-990 (1997) 13, 20

The First Amendment Right to Petition the Government for a Redress of Grievances: Cut from a Different Cloth, Julie M. Spanbauer, Hastings Constitutional Law Quarterly, Vol. 21, pp.15-69 (1993) 20, 21

The Records of the Federal Convention of 1787, Max Farrand, ed., Yale University Press22

Why Do the Poor Not Have a Constitutional Right to File Civil Claims in Court Under Their First Amendment Right to Petition the Government for a Redress of Grievances?, Henry Rose, Seattle University Law Review, Vol.44, pp.757-769 (2021).....20

PETITION FOR EN BANC REHEARING

Pursuant to Fed. R. App. P. 40 Plaintiff Appellant files this Petition.

Pursuant to Fed. R. App. P. 40(b)(2)(D) the proceeding involves one or more questions of exceptional importance.

Question 1. Did the authors of the Constitution intend the Government to be subject to “the People” and did the first Congress under the Constitution – and the People, via the Legislatures of their States – intend the Amendment I right “to petition the Government for a redress of grievances” text to mean that, in fact, the Government could be petitioned and/or taken to court for wrongs the Government and its members do to individuals?

Question 2. And/or was it alternatively a “power ... reserved ... to the people” under Amendment X?

STATEMENT IN SUPPORT OF ORAL ARGUMENT

Pursuant to *Federal Rule of Appellate Procedure* and Sixth Circuit Rule 34(a), Plaintiff-Appellant hereby respectfully requests oral argument on the present appeal. Preferably it would be, as demanded and therefore required by Amendment VII, before a jury that would understand “abuse of power” by the people of the government and particularly by the people of the judiciary. This appeal raises important issues relating to the Plaintiff’s, or any person’s, rights under the Constitution of the United States.

STATEMENT OF ISSUES FOR REVIEW

Plaintiff first notes that MOORE, COLE, and GRIFFIN completely misconstrue the case Plaintiff brought as one where SCOTUS, the House of Representatives, and the Executive branch “violated their constitutional duty to enforce the separation of powers.” That is wrong. They (or more explicitly the people working within SCOTUS, etc.) all violated their Constitutional duty and their oaths of office to enforce/support the Constitution.

The Court plays a long children’s game of Telephone wherein instead of children whispering a (supposedly) received message to the next child, the Court (and its predecessor case decision passers) carry forward misunderstandings (or [deliberate?] misstatements) of the Constitution, law, and precedents with the net effect of ignoring the judges/Justices oaths to the Constitution and easing their own efforts to the detriment of “the People” (Preamble) to whom they are responsible.

Ignoring the multiple Telephone (game) citations in *FDIC v. Meyer*, 510 U.S. 471, 475 (1994) we can get directly to the (erroneously feared [and illegitimate?]) threat/crux:

If we were to recognize a direct action for damages against federal agencies, we would be creating a potentially enormous financial burden for the Federal Government. (at 486)

Um..., why? If the “governors” (i.e., all Government employees and elected and appointed officials) are working according to law/Constitution and for “the

People” (Preamble) where does this “financial burden” come from? It can only come from (rare) accident *or* abuse of power. The latter being exactly what the Colonists were used to from the King (of England) and the English Parliament and which they had also experienced at the hands of various colonial governors and why they wanted first a separate country and then a strong Constitutional Federal government sharing powers between central and State (formerly Colonial) governments.

FDIC goes on to say:

[B]ut decisions involving “federal fiscal policy” are not ours [the Supreme Court’s] to make. *Ibid*¹. (quoting *United States v. Standard Oil Co. of Cal.*, 332 U. S. 301, 311 (1947)). We leave it to Congress to weigh the implications of such a significant expansion of Government liability.

We see here the compounding Telephone flaws. SCOTUS, in the *Standard Oil* case quoted, decided that Congress and not SCOTUS should be the government branch to change the rules if Congress wished *Standard Oil Co. of Cal.*, *or anyone committing a tort that injured/cost the Government*, to be liable for *compensating the government* (something Congress had *NOT* done for 158 years) – the Constitution contributed no guidance on the issue. I.e., the *Standard Oil* tort injured the USA, the opposite of the present case. But the Constitution absolutely

¹ *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 US 388 - Supreme Court 1971

covers the present case where the Government injured the Plaintiff (via ignoring its Constitutional duties) and Plaintiff has the right via Amendment I “to petition the Government [all branches] for a redress of grievances.” The Constitution demands “just compensation” (Amendment V) and “due process” (Amendment XIV) and Article III clearly states:

1. The judicial Power shall extend to *all Cases, in Law and Equity, arising under this Constitution ... to Controversies to which the United States shall be a Party...*

2. In all Cases ... *in which a State shall be Party, the supreme Court shall have original Jurisdiction ...*

The State of Michigan’s theft of money due Plaintiff (via incorrect arithmetic), the State of Michigan’s denial of rightful unemployment benefits to Plaintiff (via not understanding?/following Michigan law; “individual,” “unless,” “however,” etc.), and the State of Michigan’s denial (via invalid logic) of at least costs for mandamus case initiation were all where the State of Michigan was a “Party” and the State flagrantly ignored at least Constitutional Amendments V, IX, and XIV and where SCOTUS clearly ignored its error correcting² (Amendment IX, at least) function and its “supreme Law of the Land” (Article VI, Cl. 2) “original Jurisdiction” (Article III, §2, Cl. 2) mandate to provide proper checks and balances

² PageID.52-53

on the State of Michigan in support of the Constitution's United States of America State/Federal structure (PageID.57-58).

The Court panel also cites *Mynatt v. United States*, 45 F.4th 889, 894 (6th Cir. 2022) but other than *Mynatt's* cite of the Federal Tort Claims Act Plaintiff can't see how the case applies; i.e., where has any deliberate lying by a Federal prosecutor occurred in the present case? So for the present case, as in the *Mynatt* case, the following reasonably applies:

Enacted in 1946, the FTCA "was designed primarily to remove the sovereign immunity of the United States from suits in tort." *Millbrook v. United States*, 569 U.S. 50, 52 (2013) (citation omitted). It waives sovereign immunity for claims of "injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the [United States] while acting within the scope of his office or employment." 28 U.S.C. §1346(b)(1)³. The waiver grants exclusive jurisdiction to the district courts to hear such claims, provided, however, that "the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." *Id.*

Importantly the FTCA was written to correct, without explicit SCOTUS censure, the (obviously unConstitutional) SCOTUS "doctrine" of sovereign immunity" (more on this shortly) which (falsely) relegated the Amendment IX (Blackstone⁴)

³ Plaintiff note: or at least reasonably believing to.

⁴ *Commentaries on the Laws of England*, William Blackstone, Esq. 1765 and subsequent editions (PageID.50-53).

ubi jus ibi remedium (where there is a right, there is a remedy [PageID.52])

“Englishmen’s right” to the dust heap.⁵ And further, omission of explicit wording concerning Constitutional violations from the FTCA does not eliminate redress due to any rights available under the Constitution. E.g., the Amendment V Lee case cited more completely below.

The Court further cites *Fin. Oversight & Mgmt. Bd. for P.R. v. Centro de Periodismo Investigativo, Inc.*, 598 U.S. 339, 342 (2023) with “[u]nder long-settled law, Congress must use unmistakable language to abrogate sovereign immunity” and a less emphatic quote from a 2000 case. Given that *Fin. Oversight* is a 2023 decision it should be obvious that the *injustice* of “sovereign immunity” for governments injuring their constituents is *not* “settled” let alone “long-settled.” The case includes a dissent thus again the obvious injustice of “sovereign immunity” is *not* “settled.” An internet search for “journal articles on sovereign immunity” will also show much debate⁶. Gross injustices to “the People” will not become “Justice” no matter what weight of *stare decisis* SCOTUS might wish to

⁵ A little thought and it is obvious that the “sovereign immunity” doctrine eased the workload of the Justices – it did not “establish Justice.”

⁶ E.g., *Against Sovereign Immunity* by Erwin Chemerinsky Stanford Law Review Vol. 53:1201 May 2001
https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1685&&context=faculty_scholarship&&sei-redir=1

apply to its own misunderstandings and (mis)pronouncements to ease its workload or excuse Government overreach.

Plaintiff will not repeat here all the prior material filed in support of abrogation of the judicial “sovereign immunity” *doctrine* in injustice/harm/injury cases. “Sovereign immunity” certainly has its place but it is *NOT* in denying Justice though it can apply in, for example, legislatures slowing their payment of bills when they don’t have the money. Blackstone’s “Sovereignty and legislature are indeed convertible terms; one cannot subsist without the other” (PageID.50) sentence has often been ignored by authors/courts concentrating on Blackstone’s note of “the King can do no wrong” and (incorrectly) converting that to “a government (and by extension in-compliance government agents) can do no wrong” and misapplying the fact that for justice the (English) King could (where direct court rights did not hold/occur) be *politely* petitioned rather than sued in order to get to court when, in fact, for centuries⁷ prior to the Colonies the King passed the petition to his court(s) to “let right be done.” The King’s (*maybe* divine inspired), and later Parliament’s, *laws* would not (generally) be subject to suit. The Constitution put that in the form of at least “[t]he Senators and Representatives . . . ,

⁷ Pfander notes Edward I (1239-1307) being heavy in the petition the King practice though later the King passing the petition to court was assumed rather than actual.

for any Speech or Debate in either House, they shall not be questioned in any other Place” (Article I, §6, Cl. 1) and “[n]o Bill of Attainder” (Article I, §9, Cl. 3) but Congress too (as part of the Government) could be petitioned (Amendment I).

A Primer on the Doctrine of Federal Sovereign Immunity by Gregory C. Sisk (Oklahoma Law Review, 439 (2005) Vol. 58, No. 3) discusses a triumvirate (all with dissents) of cases as establishing current “sovereign immunity” practice (sort of): *United States v. Lee*, 106 US 196 (1882) (taking of property by USA later paid for so as not to be an Amendment V violation; clear Constitutional denial of sovereign immunity), *Larson v. Domestic & Foreign Commerce Corp.*, 337 US 682 (1949) (violation of contract [then and now] FTCA rectifiable thus sidestepping⁸ Amendment V; [mythical] “sovereign” unspecified), *Malone v. Bowdoin*, 369 US 643 (1962) ([mis]applied “sovereign immunity” first thus abrogating potential of Amendment V; the dissent would have [correctly] determined title first per *Lee*). In Plaintiff’s case the Federal Government holds *none* of the 3 monetary property takings by Michigan; the Federal Government failed to correct the State of Michigan for its at least Amendment IX failures and at the very least should have kicked the case back to the State of Michigan with

⁸ A common Supreme Court subterfuge when a statute is available even though the statute only covers some narrow part of the Constitution’s coverage.

instructions to adhere to Plaintiff's rights. SCOTUS also abrogated its Article IV, §4 (shared) responsibility to "guarantee to [Michigan] a Republican Form of Government." I.e., one where the people's legislature's laws, and the U.S. Constitution, were enforced by the executives/administration and supported by the courts.

The following are taken verbatim from Sisk:

In contract cases, such as *Larson*, specific performance traditionally may not be sought from the federal government; instead, an aggrieved party generally must maintain an action for damages for breach of contract. Similarly, in cases involving a taking of private property by the government, such as presented in *Malone* (and earlier in *Lee*), a plaintiff generally is relegated to an action for compensation under the Tucker Act.¹ [FTCA] (p124)

If monetary damages are sought through allegation of tortious wrongdoing, then Congress has directed substitution of the United States as the defendant whenever the government employee had been acting within the scope of employment — an inquiry that is not invariably identical to that of determining whether the employee complied fastidiously with every statutory directive. (p.126)

Plaintiff does not believe these are definitively correct but rather serve to show the confusion wrought by the Supreme Court's many pronouncements (more later).

In the signing of the Magna Carta, a precursor to at least Amendment V, the Sovereign was a King. In the USA the "sovereign" is "We the People"⁹ (via

⁹ See the first quotation from *Lee* below.

elected legislators) and government officer/staff oaths are to the Constitution with no “only if asked” reservation thus 100% of SCOTUS, Congress, Executive and subordinates are responsible to “the People” 100% of the time under the broad precepts in the Constitution including the Amendment I “petition” right which explicitly waived “sovereign immunity.” Neither District nor Appeals Court have provided any evidence that for this specific case any “sovereign” has conclusively chosen to not be sued/petitioned.

Some relevant quotes from *Lee*, a real property case:

Under our system the people, who are there [Great Britain] called subjects, are the sovereign. ... The citizen here knows no person, however near to those in power, or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered.

[W]hat reason is there that the same courts shall not give remedy to the citizen whose property has been seized without due process of law, and devoted to public use without just compensation?

It seems to be opposed to all the principles upon which the rights of the citizen, when brought in collision with the acts of the government, must be determined. In such cases there is no safety for the citizen, except in the protection of the judicial tribunals, for rights which have been invaded by the officers of the government, professing to act in its name. There remains to him but the alternative of resistance, which may amount to crime.

The defence stands here solely upon the absolute immunity from judicial inquiry of every one who asserts authority from the executive branch of the government, however clear it may be made that the executive possessed no such power. Not only no such power is given, but it is absolutely prohibited, both to the executive and the legislative, to deprive any one of life, liberty, or property without due process of law, or to take private property without just compensation.

These provisions for the security of the rights of the citizen stand in the Constitution in the same connection and upon the same ground, as they

regard his liberty and his property. It cannot be denied that both were intended to be enforced by the judiciary as one of the departments of the government established by that Constitution.

No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives. Courts of justice are established, not only to decide upon the controverted rights of the citizens as against each other, but also upon rights in controversy between them and the government; and the docket of this court is crowded with controversies of the latter class.

The dissent in *Lee*, before incorrectly throwing in non-British sovereignty law and launching a wild warning about the potential for abuse, provides the following from history:

The earliest authority to be referred to is Bracton, who wrote in the reign of Henry III., and who, in the famous passage of his first book, affirms that the King ought not to be subject to man, but to God and to the law, because the law makes the King; and therefore the King should ascribe to the law what the law ascribes to him, namely, dominion and power, for there is no King where reigns will and not law. ... Bract. 5 b.

If it is an action of tort to recover damages only, it may there proceed to trial. But if it is an action to recover possession of land, which is in fact held by the sovereign through its officers and agents, and that fact is in due form made known to the court, the proceedings must be stayed. [for "petition of right" to the King (or Queen)]

The old form of proceeding by petition of right to the King was so tedious and expensive that it fell into disuse; and there is hardly an instance in which it was resorted to in England between the settlement of the colonies and the Declaration of Independence, or for half a century afterwards. [the courts simply assumed "do right" was granted]

Some quotes from *Larson*, a contract case where FTCA was relatively newly available:

There are a great number of such cases and, as this Court has itself remarked, it is not "an easy matter to reconcile all the decisions of the court in this, class of cases."

But in the *absence of a claim* of constitutional limitation, the necessity of permitting the Government to carry out its functions unhampered by direct judicial intervention outweighs the possible disadvantage to the citizen in being relegated to the recovery of money damages after the event. [*emphasis added*, i.e., SCOTUS was picayune about claim form then in a footnote identified the available FTCA]

Some quotes from *Malone* which was again a real property case:

While it is possible to differentiate many of these cases upon their individualized facts, it is fair to say that to reconcile completely all the decisions of the Court in this field prior to 1949 would be a Procrustean task.

Since the plaintiff [in *Larson*] had not made an affirmative allegation of any relevant statutory limitation upon the Administrator's powers, and had made no claim that the Administrator's action amounted to an unconstitutional taking, the Court ruled that the suit must fail as an effort to enjoin the United States.

While not expressly overruling *United States v. Lee, supra*, the Court in *Larson* limited that decision in such a way as to make it inapplicable to the case before us. Pointing out that at the time of the *Lee* decision there was no remedy by which the plaintiff could have recovered compensation for the taking of his land, the Court interpreted *Lee* as simply "a specific application of the constitutional exception to the doctrine of sovereign immunity." 337 U. S., at 696. So construed, the *Lee* case has continuing validity only "where there is a claim that the holding constitutes an unconstitutional taking of property without just compensation." *Id.*, at 697.

No such claim has been advanced in the present case.

I.e., again the majority chooses to be picayune and go precisely by the form rather than what they clearly understood to be the facts and intent of the suit. The *Malone* dissent correctly noted the following:

United States v. Lee, 106 U. S. 196, serves a useful function and should be followed here. There, as here, the contest was over real estate which an officer of the Federal Government held against the claim of the plaintiff. Here, as there, *if* the federal agent's possession of the land is illegal, the suit is not against the sovereign. [*emphasis added*]

The Court is quite correct in saying that all of our decisions in this field cannot easily be reconciled; and the same will doubtless be true if said by those who sit here several decades hence.

Ejectment, on the other hand, is the classic form of action to try title. It takes place in the locality where the land is located. No judges are better qualified to try it than the local judges.

Sovereign immunity has become more and more out of date, as the powers of the Government and its vast bureaucracy have increased. *Keifer & Keifer v. Reconstruction Finance Corp.*, 306 U.S. 381, 390 *et seq.*

It is tempting to quote acres of material from various scholarly articles regarding the right “to petition the Government for a redress of grievances” (Amendment I) but instead the following are included by reference;¹⁰ some are specifically cited below:

- *A Short History of the Right To Petition Government for the Redress of Grievances*, Stephen A. Higginson, *The Yale Law Journal*, Vol. 96, pp.142-166 (1986)
- *The First Amendment Right to Petition the Government for a Redress of Grievances: Cut from a Different Cloth*, Julie M. Spanbauer, *Hastings*

¹⁰ A far from inclusive list.

Constitutional Law Quarterly, Vol. 21, pp.15-69 (1993) (hereinafter Spanbauer)

- *A Petition Clause Analysis of Suits Against the Government: Implications for Rule 11 Sanctions*, Harvard Law Review, Vol. 106, pp.1111-1128 (1993)¹¹
- *Sovereign Immunity and the Right to Petition: Toward a First Amendment Right to Pursue Judicial Claims Against the Government*, James E. Pfander, Northwestern University Law Review, Vol. 91, No. 3, pp.899-990 (1997) (referred to as Pfander)
- *Redress, Progress and the Benchmark Problem*, Aviam Soifer, Boston College Law Review, Vol. 40, pp.525-535 (1999)
- *Downsizing the Right to Petition*, Gary Lawson & Guy Seidman, Northwestern University Law Review, Vol. 93 No. 3, pp.739-766 (1999) (hereinafter Lawson)
- *Against Sovereign Immunity*, Erwin Chemerinsky, Stanford Law Review, Vol. 53, pp.1201-1224 (2001)
- *Why Do the Poor Not Have a Constitutional Right to File Civil Claims in Court Under Their First Amendment Right to Petition the Government for a Redress of Grievances?*, Henry Rose, Seattle University Law Review, Vol.44, pp.757-769 (2021)

Federal “sovereign immunity” was not assumed by the Framers of the Constitution and was intentionally given up by the Constitution’s Amendment I, the “right ... to petition the Government^{12,13} for a redress of grievances.” “Petition” being well understood to be politer yet inclusive of suit. “Government” being intentional to include all three Government branches. The vast majority of scholars

¹¹ Observe the omission of authors. Is unjust and unethical retaliation likely should any lawyer properly recommend the sanctioning of any other lawyer?

¹² Pfander, p.956, consciously abandoned legislative dominance in favor of a more even division of government.

¹³Spanbauer, p.40

who have researched it agree to the preceding statements.¹⁴ The right to petition in what became the USA predates¹⁵ the freedom of speech, etc.,¹⁶ and in fact the latter arose in England as essential support for the right to petition. If you couldn't speak freely (i.e., you got your head chopped off for speaking freely) in your petition a petition was too risky of use. There was no debate on the right to petition in creation of the Amendment I because the Colonists, and the first Congress under the Constitution understood it well. They wanted the Government – and all its people – held accountable to “We the People” (Preamble). Suing the Government is also a “power ... reserved ... to the people” via Amendment X (PageID.71).

No amount of U.S. Supreme Court wordsmithing can amend the Constitution which internally severely restricts how it can be amended (Article V). Even Blackstone understood that ambiguities (or “ambiguous” or “dubious”) or omissions must be understood in the light of the context of intent, preamble, and the whole (PageID.50-52). It should be obvious that Amendment IX carried a right to that understanding into the Constitution else judicial readings/decisions without

¹⁴ Lawson, p.739, near-unanimous.

¹⁵ Id., p.749, Massachusetts in 1642.

¹⁶ Spanbauer, p.27-28

juries risk being arbitrary and capricious¹⁷ which are, as the Courts have done, even (or perhaps especially) egregious “abuses of power” in selecting Supreme Court Telephone (mis)re-readings of Constitution, law, and its own precedents.

¹⁷ “Star-chamber” as Gerry put it. *The Records of the Federal Convention of 1787*, Max Farrand, ed., Yale University Press, September 15 2:633

CONCLUSION

Again, the Supreme Court or other Federal branches do not hold property of Plaintiff, they merely have continued the damage inflicted on Plaintiff by the State of Michigan by themselves violating the Constitution of the United States of America. The Federal Government has not served “Justice” (Preamble) or the “judicial Power” (Article III, §2, Cl. 1) or “original Jurisdiction” (Article III, §2, Cl. 2) or “guarantee [Michigan] a Republican Form of Government” (Article IV, §4) or other obligations.

RELIEF REQUESTED

Same as previously requested or in the alternative remand to the District Court for an honest jury trial or, if possible, the Court could remand Plaintiff's original cases to the Michigan Supreme Court for adjudication on the arithmetic, adherence to plain English law, and valid logic in denying costs in a successful mandamus suit.

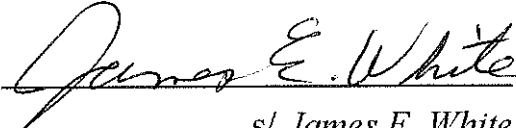
Dated: October 31, 2025  s/ James E. White

James E. White
4107 Breakwater Dr
Okemos, MI 48864
(517) 381-1960
james-e-white@idearights.com

Case: 25-1276 Document: 14 Filed: 11/03/2025 Page: 24

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), James E. White hereby certifies that this brief complies with the type-volume limitation in Rule 32(a)(7)(B)(i) because, as counted by the Word for Microsoft 365 word count tool, this brief contains 3,877 words, excluding the parts exempted by Rule 32(f) and 6 Cir. R. 32(b)(1). This brief complies with the typeface requirements in Rule 32(a)(5)(A) and the type-style requirements in Rule 32(a)(6) because this brief has been prepared in proportionally spaced 14-point Times New Roman font.

Dated: October 31, 2025  s/ James E. White

Case: 25-1276 Document: 14 Filed: 11/03/2025 Page: 25

PROOF OF SERVICE

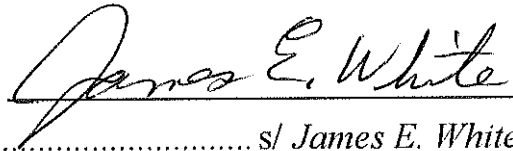
I, James E. White, certify and declare under penalty of perjury that this *Petition of Plaintiff-Appellant* was served in accordance with Rule 25(a)(2)(A)(ii) by USPS

Priority Mail to:

Ms. Laura Ann Babinsky
U.S. Attorney (Grand Rapids)
The Law Bldg.
330 Ionia Ave., NW
Grand Rapids, MI 49501-0208

Kelly L. Stephens, Clerk
6th Circuit U.S. Court of Appeals
Potter Stewart U.S. Courthouse
100 East Fifth Street, Room 540
Cincinnati, OH 45202-3988

Dated: October 31, 2025


..... s/ James E. White

No. 25-1276

- 2 -

President Joseph Biden, Attorney General Merrick Garland, and several members of the House of Representatives also failed or refused to help White.

White next turned to federal district court. White filed a complaint against “the Supreme Court of the United States and [its] employees,” the “United States House of Representatives members and staff,” and “the Executive Branch of the United States and [its] employees.” In general, White claimed that these governmental branches violated their constitutional duty to enforce the separation of powers by not correcting the state courts’ alleged violations of his constitutional rights. White demanded “justice,” costs, compensatory and punitive damages, and an order compelling the federal and state governments to investigate the UIA and correct all errors made in the last 15 years.

A magistrate judge recommended granting the government’s motion to dismiss on the ground that the defendants were entitled to sovereign immunity, which deprived the court of subject-matter jurisdiction. The district court, over White’s objections, adopted the recommendation and dismissed the complaint.

We review de novo the district court’s dismissal of a complaint for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). *Cartwright v. Garner*, 751 F.3d 752, 760 (6th Cir. 2014). A complaint is subject to dismissal under Rule 12(b)(1) if the factual allegations, accepted as true and viewed in the light most favorable to the plaintiff, show that the court lacks subject-matter jurisdiction. *Carrier Corp. v. Outokumpu Oyj*, 673 F.3d 430, 440 (6th Cir. 2012).

Jurisdiction over a suit against the United States and its agencies requires Congress to waive the government’s sovereign immunity. *See FDIC v. Meyer*, 510 U.S. 471, 475 (1994); *Mynatt v. United States*, 45 F.4th 889, 894 (6th Cir. 2022). “Under long-settled law, Congress must use unmistakable language to abrogate sovereign immunity.” *Fin. Oversight & Mgmt. Bd. for P.R. v. Centro de Periodismo Investigativo, Inc.*, 598 U.S. 339, 342 (2023). And here, White did not satisfy his burden of identifying a statutory text in which Congress unmistakably waived the government’s sovereign immunity as to his claims in the original complaint, and White’s

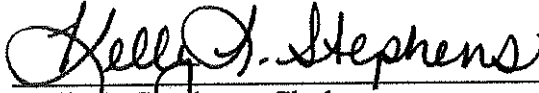
No. 25-1276

- 3 -

proposed amended complaints likewise did not remedy this deficiency. *See Lane v. Pena*, 518 U.S. 187, 192 (1996); *Gaetano v. United States*, 994 F.3d 501, 506 (6th Cir. 2021). Consequently, the district court correctly concluded that it lacked subject-matter jurisdiction over White's complaint.

Accordingly, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 09/22/2025.

Case Name: James White v. U.S. Supreme Court, et al

Case Number: 25-1276

Docket Text:

ORDER filed : AFFIRMED Mandate to issue., pursuant to FRAP 34(a)(2)(C), decision not for publication. Karen Nelson Moore, Circuit Judge; R. Guy Cole, Jr., Circuit Judge and Richard Allen Griffin, Circuit Judge.

The following document(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Mr. James Edward White
4107 Breakwater Drive
Okemos, MI 48864

A copy of this notice will be issued to:

Ms. Laura Ann Babinsky
Ms. Ann E. Filkins

EXPECTED DELIVERY DAY: 11/03/25

USPS TRACKING® #



9505 5114 5679 5304 4278 11



PRESS FIRMLY TO SEAL

Retail



45202

U.S. POSTAGE PAID
PM
OKEMOS, MI 48864
OCT 31 2025

\$11.90

RDC 03 0 Lb 6.40 Oz S2324Y501903-5

POSTAL SERVICE®

PRIORITY MAIL

FROM:

RECEIVED

NOV 03 2025

KELLY L. STEPHENS, Clerk

- Expected delivery date specified for domestic use.
- Domestic shipments include \$100 of insurance (restrictions apply).*
- USPS Tracking® service included for domestic and many international destinations.
- Limited international insurance.**
- When used internationally, a customs declaration form is required.

*Insurance does not cover certain items. For details regarding claims exclusion, see Domestic Mail Manual at <http://pe.usps.com>.

** See International Mail Manual at <http://pe.usps.com> for availability and limitations.

PRIORITY MAIL
UNITED STATES POSTAL SERVICE®

From:

James E White & Virginia M Ayres
4107 Breskwater Dr
Okemos MI 48864-4413

FLAT RATE ENVELOPE
ONE RATE ■ ANY WEIGHT

TRACKED ■ INSURED



PS00001000014

EP14F October 2023
OD: 12 1/2 x 9 1/2



To: Kelly L. Stephens, Clerk
6th Circuit U.S. Court of Appeals
Potter Stewart U.S. Courthouse
100 East Fifth Street, Room 540
Cincinnati, OH 45202-3938

Label 228, Jan 1999

www.usps.gov

This package is made from post-consumer waste. Please recycle - again.