

Module 17: Jurisdiction and Presumed Authority

Threshold Power, Administrative Presumption, and the Collapse of Demonstrated Jurisdiction

Section 1: Module Summary & History

Core Overview

Jurisdiction is the foundational authority to "speak the law," derived from the Latin *juris* (law/right) and *dictio* (to speak). Within the constitutional framework, jurisdiction is not an inherent attribute of an office or institution; it is a conditioned power that arises only after a lawful source, valid law, proper delegation, and due process have been affirmatively established. It serves as a constitutional condition precedent in the "Chain of Authority":

Source → Law → Delegation → Due Process → Jurisdiction → Judgment → Execution → Accountability.

Without an unbroken chain, any governmental act is regarded as *void ab initio*, void from the beginning, having no legal foundation regardless of its perceived utility or the good faith of the actors involved.

The central tension in modern governance exists between this original constitutional requirement for demonstrated authority and the contemporary practice of institutional presumption. Modern administrative and judicial practices often treat jurisdiction as an automatic byproduct of institutional existence or procedural compliance. This shift creates a structural friction where the burden of proof regarding authority moves away from the government and onto the citizen. To address this friction, the module introduces **The Firewall Question: Has jurisdiction been lawfully demonstrated, or merely presumed?**

The Timeline of Drift (1776 to Present)

Phase Name	Historical Era	Key Developments & Case Law	Alteration of Procedural Sequence
Limited Commission	1776–1789	Articles of Confederation; specific commissions for officers.	Jurisdiction was a limited grant; an official had no power outside the specific territory, person, or subject matter defined in their commission.
Constitutional Boundary	1789–1865	Article III; Judicial Review; <i>Dred Scott v. Sandford</i> .	Jurisdiction became fixed in written constitutional text. Courts acted as intermediaries ensuring delegated powers remained within constitutional limits.
National Expansion	1865–1913	Tenth Amendment strict construction; Maryland Declaration of Rights.	Despite national growth in industry, the procedural baseline remained that

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			necessity cannot enlarge written delegations.
The Administrative Rise	1913–1937	Creation of permanent regulatory agencies (banking, trade, labor).	Institutions began combining legislative, executive, and judicial functions, challenging the separation of powers baseline.
Administrative Power	1937–1970	Consolidation of the Administrative State.	The sequence shifted from demonstrated jurisdiction preceding action to administrative action followed by limited judicial review.
Procedural Gatekeeping	1970–2000	Standing, Ripeness, Mootness, Exhaustion of Remedies.	Focus shifted from constitutional authority to whether a citizen satisfied procedural prerequisites to challenge that authority.
Institutional Presumption	2000–Present	<i>Axon Enterprise v. FTC</i> ; <i>SEC v. Jarkesy</i> ; <i>Loper Bright v. Raimondo</i> .	Authority is routinely presumed by the institution; the practical burden rests on the citizen to navigate procedure to question that assumption.

Core Operational Concepts

- **The Burden Shift:** In the original constitutional design, the government bore the burden of affirmatively demonstrating jurisdiction before exercising power. In modern practice, this burden has moved to the citizen, who must now navigate complex procedural requirements (standing, exhaustion of remedies) to challenge an authority that the institution already assumes it possesses.
- **The Operational Mechanism:** Administration normalizes drift by treating "movement" within a case (orders, deadlines, filings) as evidence of authority. By focusing on management and efficiency rather than delegation, the institution allows procedure to replace the threshold demonstration of jurisdiction.

Glossary of Key Terms

- **Chain of Authority:** The eight-step constitutional sequence (Source to Accountability) required for any lawful exercise of power.
- **Jurisdiction:** The lawful authority to act within a delegated sphere established by a superior source of law.
- **Void ab Initio:** A legal nullity; an act that has no legal effect from the beginning because it lacked a jurisdictional foundation.
- **Parchment Barriers:** James Madison's term for written constitutional limits that lack an operational structure to prevent institutional encroachment.
- **Procedural Erasure:** The process by which a clear constitutional question is absorbed into and obscured by ordinary administrative procedures.
- **Presumption Notice:** An evidentiary instrument recording that a material jurisdictional question remains unestablished despite notice and opportunity to respond.

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- **Threshold Power:** An authority that must be established at the entrance of a proceeding before any other actions (judgment/execution) can occur.

Section 2: Assessment and Review

Multiple-Choice Quiz

1. **What is the literal Latin meaning of the word "Jurisdiction"?**
 - A. To enforce the will
 - B. To speak the law
 - C. To hold office
 - D. To manage the public
2. **According to the Chain of Authority, which link must immediately precede Jurisdiction?**
 - A. Judgment
 - B. Law
 - C. Due Process
 - D. Execution
3. **In the era of "Limited Commission" (1776–1789), what was required for a public official to act lawfully?**
 - A. A vote of the majority
 - B. A defined commission specifying subject, person, and territory
 - C. The existence of an established office
 - D. A declaration of administrative necessity
4. **Which historical document stated that violations of the Constitution under the "plea of necessity" are subversive of good government?**
 - A. Federalist No. 47
 - B. The Maryland Declaration of Rights
 - C. The Tenth Amendment
 - D. Article III of the Constitution
5. **James Madison defined the "accumulation of all powers, legislative, executive, and judiciary, in the same hands" as:**
 - A. Administrative efficiency
 - B. The definition of tyranny
 - C. Necessary and proper governance
 - D. Sovereignty

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6. What is "Procedural Erasure"?

- A. The deletion of court records
- B. When administrative procedures absorb and obscure a threshold constitutional question
- C. The act of vacating a judgment
- D. The expiration of a statute of limitations

7. A "Parchment Barrier" refers to:

- A. Written limits that are ineffective without operational enforcement
- B. The physical paper of the Constitution
- C. The protection of government documents
- D. International treaties

8. Which doctrine did Madison propose in Federalist No. 51 to ensure departments stay within their limits?

- A. Absolute Sovereignty
- B. Ambition must counteract ambition
- C. Administrative Management
- D. Judicial supremacy

9. What is the primary function of a "Presumption Notice"?

- A. To impose a final judicial judgment
- B. To declare an officer liable for fraud
- C. To record the evidentiary consequence of an un rebutted jurisdictional challenge
- D. To end a legal proceeding permanently

10. Under the original constitutional design, if a tribunal acts without jurisdiction, the act is:

- A. Voidable upon appeal
- B. Valid if it serves the public good
- C. Void ab initio
- D. Suspended until a fee is paid

Answer Key and Explanations Table

Question Answer		Explanation
1	B	Derived from <i>juris</i> (law) and <i>dictio</i> (to speak).
2	C	The sequence is Source → Law → Delegation → Due Process → Jurisdiction.
3	B	Office alone did not create power; the specific grant (commission) was required.

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4	B	The Maryland Declaration explicitly rejected "necessity" as a justification for drift.
5	B	Madison's structural warning in Federalist No. 47 regarding power concentration.
6	B	A mechanism where procedural activity replaces jurisdictional proof over time.
7	A	Defined in Federalist No. 48 as written boundaries that cannot prevent encroachment alone.
8	B	The mechanical solution to preventing one branch from defining its own limits.
9	C	It creates a provisional, rebuttable record of the present state of evidence.
10	C	"Void from the beginning," as authority cannot arise from its own assertion.

Essay Format Questions

1. **Synthesis of Drift:** Analyze how the shift from "Demonstrated Jurisdiction" to "Procedural Gatekeeping" alters the relationship between the individual and the state. In your answer, address how the burden of proof regarding authority has migrated over time.
2. **Madisonian Mechanical Restraints:** Explain the difference between a "Parchment Barrier" and "Ambition counteracting ambition." How does the "Chain of Authority" methodology serve as an operational tool to make written limits more than just parchment barriers?
3. **The Circularity of Presumption:** Discuss the danger of an institution using its own "continued exercise of power" as proof that the power exists. How does a threshold jurisdictional motion attempt to break this circularity?

Section 3: Exemplars Summary and Relevance

Exemplar	Summary	Relevance to Material
Notice of Challenge to Authority	A document requesting the identification of the constitutional basis for a specific condition (e.g., a filing fee).	Demonstrates the first operational step in separating a procedural requirement from its constitutional source.
Renewed Motion for Threshold Determination	A formal motion requesting that Article III jurisdiction be established before the proceeding advances.	Illustrates the principle that sequence matters: jurisdiction must be a condition precedent to further governmental action.
Presumption Notice	An instrument summarizing the record (notice, service, non-response) and stating the resulting evidentiary status.	Provides the model for converting an unresolved constitutional question into a clearly defined, rebuttable record condition.

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Section 4: Expanded Homework Assignment

Case File / Background

A citizen (the Relator) is involved in a federal proceeding where access is conditioned upon a procedural requirement (such as a filing fee). The Relator has issued a "Notice of Challenge to Authority" and a "Renewed Motion for Threshold Determination of Jurisdiction." Despite proper service and an opportunity to respond, the government's filings addressed only procedural history and timelines, failing to identify the specific constitutional delegation authorizing the condition. A "Notice of Default" was issued and remained uncured, followed by an "Affidavit of Default" recording these facts.

Procedural Review Assignment

Apply the Module 17 review standard to this file using the following steps:

1. **Identify/Document:** Locate the original authority inquiry and verify exactly what constitutional basis was requested.
2. **Verify Service:** Confirm the date and method of delivery to ensure the institution had a meaningful opportunity to answer.
3. **Analyze Response:** Compare the institutional response (e.g., Status Report) against the request. Determine if it provided a constitutional delegation or merely discussed procedural "movement."
4. **Identify Gaps:** Pinpoint the specific link in the Chain of Authority that remains unestablished.

Required Document Preparation: The Presumption Notice

Draft a formal **Presumption Notice** that includes the following sections:

- **Record Preserved:** A neutral, chronological summary of the request, service, and the nature of the response (or lack thereof).
- **Stated Presumptions:** Narrow, rebuttable presumptions tied to the missing evidence (e.g., "The constitutional source of jurisdiction remains unestablished upon the present record").
- **Rebuttal Opportunity:** Clear instructions on what competent evidence (sworn statements, specific delegations) would rebut the presumptions.
- **Statement of Limits:** Explicit language stating that this is an evidentiary record preservation, not a final judicial adjudication.

Final Review Question

Upon the completed record, has the institution demonstrated the constitutional authority to proceed, or is jurisdiction currently being presumed from the existence of the institution itself?

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EVIDENTIARY TIMELINE

January 8, 2026

The federal proceeding was initiated. This date establishes the beginning of the institutional record but does not, by itself, establish the source or scope of the tribunal's jurisdiction.

January 12, 2026

The Court issued its first order requiring payment of a \$405 filing fee and stated that failure to comply could result in dismissal. This order created the initial condition affecting continued access to adjudication. The date and substance of the order are later preserved in the Affidavit of Constitutional Exception and summarized in subsequent filings.

February 13, 2026

The Court issued a second order addressing the filing-fee requirement and characterized the earlier request for a threshold jurisdictional determination as seeking an advisory opinion. The order again required compliance with the filing-fee condition. This event became a central part of the later jurisdictional record because the objection concerned whether jurisdiction and constitutional authority should be determined before the fee condition was enforced.

March 6, 2026

The document titled RENEWED MOTION FOR THRESHOLD DETERMINATION OF ARTICLE III JURISDICTION was dated and submitted. The motion renewed the request for an express threshold determination of jurisdiction and asked that the constitutional basis for the filing-fee condition be identified before further enforcement. The filing established that jurisdiction was being raised as a condition precedent rather than as a collateral procedural issue.

March 16, 2026

A motion to amend the pleadings and substitute the individual filer for the previously named entity was filed and allowed. The government later stated that it learned of this filing through a communication from the docketing clerk. This event removed the previously identified representation issue from the later access dispute and narrowed the remaining procedural condition to the filing-fee requirement.

March 16, 2026

The United States also sought additional time in the proceeding. The later status report states that the government was not then aware of the Court's earlier filing-fee orders. This fact became relevant to the later service and notice chronology because it showed that the government did not initially possess all materials necessary to evaluate the access and jurisdictional dispute.

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April 2, 2026

After allowing substitution of the individual filer, the Court issued another order requiring payment of the filing fee by April 15, 2026 and again indicated that dismissal could follow noncompliance. This order preserved the fee as the remaining operative condition affecting continued adjudication.

April 10, 2026

The document titled NOTICE OF PRESENT DEPRIVATION OF ACCESS, CHALLENGE TO AUTHORITY, AND REQUEST FOR IDENTIFICATION OF CONSTITUTIONAL BASIS was dated and submitted. The Notice stated that the filing-fee condition was presently restricting access and requested identification of the constitutional source authorizing enforcement of that condition before a threshold determination of jurisdiction. The document preserved the distinction between the existence of a procedural requirement and the constitutional authority supporting its application.

April 27, 2026

The Court issued an electronic order directing the United States to state its position concerning whether the case should remain open and whether adjudication could continue when the filing fee had not been paid. This order placed the filing-fee condition and the continuation of adjudication directly before the government for a formal response.

May 12, 2026

The document titled RELATOR'S NOTICE OF CONTINUING OBJECTION TO PAYMENT OF FILING FEE AND DEMAND FOR THRESHOLD DETERMINATION OF AUTHORITY was dated and submitted. The Notice preserved the objection to enforcement of the fee before adjudication of jurisdiction and constitutional authority. It also preserved the contention that dismissal before resolution of the threshold question would constitute institutional action occurring before the asserted authority had been demonstrated.

May 14, 2026

The United States filed UNITED STATES' MOTION TO EXTEND TIME TO SUBMIT STATUS REPORT. The motion stated that the government had discovered it had not received several pleadings and notices that were material to preparing an accurate status report. The government stated that it requested copies of those materials and an updated docket sheet from the clerk. This filing is significant because it documents an institutional acknowledgment that the record available to the government had been incomplete.

May 18, 2026

A further filing challenging the fee requirement was submitted. The United States later identified this as the most recent filing asserting an objection to payment before the government prepared

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its status report. This event shows that the objection remained active immediately before the government's formal response.

May 22, 2026

The United States filed UNITED STATES' STATUS REPORT. The report summarized the procedural history, identified the prior fee orders, stated that the filing fee had not been paid, and asserted that dismissal could occur for failure to comply with those orders. The report also stated that the government did not wish to pay the fee. For evidentiary purposes, the document establishes the government's procedural position. The separate constitutional question is whether the report identified the constitutional source, scope, and limits of the authority requested in the prior notices and motion.

June 15, 2026

The document titled SUI JURIS RESPONSE TO THE UNITED STATES' STATUS REPORT, OBJECTION TO PROCEDURAL ERASURE, AND DEMAND FOR THRESHOLD DETERMINATION OF AUTHORITY was dated and transmitted. The response compared the original request for constitutional authority with the procedural content of the government's status report and preserved the position that the threshold question remained unresolved. The accompanying mailing record identifies June 15, 2026 as the date of transmission.

EVIDENTIARY SEQUENCE

The record may be reduced to the following sequence in narrative form. The Court imposed a filing-fee condition and stated that dismissal could result from noncompliance. A threshold jurisdictional determination was requested. The individual filer was substituted, removing the prior representation issue. The Court renewed the fee requirement. A formal Notice then requested identification of the constitutional authority supporting enforcement of the condition. The Court requested the government's position. The objection was preserved through a continuing Notice. The government acknowledged that it had not initially received all relevant filings and requested time to obtain and review them. The government then filed a procedural status report. A later response preserved the distinction between that procedural response and the constitutional authority originally requested.

The evidentiary question produced by this chronology is narrow. Did the record ultimately contain an express demonstration of the constitutional source, scope, and limits of the authority to enforce the filing-fee condition before adjudication of the threshold jurisdictional objection, or did the institutional process continue upon the assumption that the existing procedural framework was sufficient?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

UNITED STATES [REDACTED], et
al., ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED], et al.,
Defendants.

C
[REDACTED]

NOTICE OF PRESENT DEPRIVATION OF ACCESS, CHALLENGE TO AUTHORITY,
AND REQUEST FOR IDENTIFICATION OF CONSTITUTIONAL BASIS

NOTICE

Plaintiff-Relator provides notice that the Court has ordered compliance with a filing fee as a condition of proceeding in this action.

Plaintiff-Relator has cured the prior procedural issue identified by the Court by substituting the natural person Relator, who is entitled to proceed pro se under 28 U.S.C. § 1654.

Accordingly, no representation requirement remains as a barrier to adjudication, and the only remaining condition restricting access is the filing fee imposed prior to determination of jurisdiction.

This condition presently operates to restrict access to Article III adjudication in an active case over which the Court is already exercising judicial authority.

PRESENT INJURY AND NON-ADVISORY STATUS

The Court has characterized the issues raised as advisory. However, the condition imposed is not hypothetical.

The Court has ordered compliance and has stated that failure to comply will result in dismissal. The restriction on access is therefore present and ongoing.

Where enforcement itself creates the injury, the issue presents a live controversy and is not advisory. See *Ex parte Young*, 209 U.S. 123 (1908).

DUE PROCESS AS A CONDITION PRECEDENT

Due process of law is a condition precedent to the exercise of governmental power. It requires that any deprivation of rights occur pursuant to the "law of the land" prior to enforcement, meaning established legal authority and not discretionary imposition.

Due process is not satisfied by post hoc justification of conditions already imposed. *Murray's Lessee v. Hoboken Land & Improvement Co.*, 59 U.S. (18 How.) 272 (1856); *Hurtado v. California*, 110 U.S. 516 (1884).

As explained by Thomas M. Cooley, due process refers to proceedings sanctioned by settled legal principles and not by arbitrary exercise of power.

The Constitution secures rights that pre-exist government and are not subject to arbitrary control. *Hurtado v. California*, 110 U.S. 516 (1884).

The Constitution must be interpreted in light of the law as it existed at the time of its adoption, securing pre-existing rights rather than creating new ones. See *Mattox v. United States*, 156 U.S. 237, 243 (1895)

MEANING OF "DUE PROCESS" AND "LAW OF THE LAND"

The terms "due process of law" and "law of the land" require that governmental action proceed according to established legal principles that protect against arbitrary deprivation.

As articulated by Daniel Webster in the Dartmouth College Case:

"By the law of the land is most clearly intended the general law; a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial... Everything which may pass under the form of an enactment is not therefore to be considered the law of the land."

Similarly, courts have defined due process as requiring adherence to established procedures designed to protect private rights. *Westervelt v. Gregg*, 12 N.Y. 202 (1854).

"Due process of law undoubtedly means, in the due course of legal proceedings, according to those rules and forms which have been established for the protection of private rights."

These principles confirm that due process requires lawful procedure to precede deprivation, and that such procedure must be grounded in established rules designed to protect rights—not to restrict access to their adjudication.

Accordingly, the imposition of a filing fee as a condition precedent to access to adjudication, before hearing, inquiry, or determination, conflicts with the fundamental requirement that process must precede deprivation and cannot itself be conditioned upon the very access it is meant to secure.

STATE ACTION AND CONSTITUTIONAL ACCOUNTABILITY

Any deprivation of rights carried out under color of public authority constitutes state action subject to constitutional limitations.

As the Supreme Court held in *Ex parte Virginia*, 100 U.S. 339 (1880):

"Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without due process of law... violates the constitutional inhibition; and as he acts in the name and for the State... his act is that of the State."

This principle has been affirmed by the Court. *Neal v. Delaware*, 103 U.S. 370, 397 (1881).

Accordingly, the imposition of conditions that restrict access to adjudication, when carried out under judicial authority, constitutes state action and must comply with constitutional due process requirements.

HISTORICAL FOUNDATION OF ACCESS TO JUSTICE

The principle that justice must not be sold or denied is deeply embedded in the Anglo-American legal tradition.

As expressed in Magna Carta ch.40 (1215), "to no one will we sell, to no one will we deny or delay right or justice."

This principle forms part of the "law of the land" incorporated into constitutional due process guarantees. The Supreme Court has recognized that constitutional provisions must be interpreted in light of the law as it existed at the time of their adoption. See *Mattox v. United States*, 156 U.S. 237, 243 (1895)

The Massachusetts Constitution expressly adopts this same guarantee, providing that justice shall be obtained "freely, and without being obliged to purchase it... and without any denial." Mass. Const. pt. I, art. XI.

Accordingly, the imposition of a filing fee as a condition precedent to access to adjudication raises a direct conflict with this foundational principle and requires identification of the authority under which such a condition may be imposed.

DUTY OF THE COURT TO DECLARE AND APPLY THE CONSTITUTION

It is the duty of the judiciary to declare what the law is where rights are affected. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803)

The Supreme Court has further held that the Constitution is binding on the courts and that any law repugnant to it is void:

"Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle... that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument."
Id. at 180.

Courts are limited to declaring the law and determining its consistency with governing constitutional constraints. "We can only declare what the law is, and whether consistent with the law of God, and the fundamental or constitutional law of society." *State v. Post*, 20 N.J.L. 368 (1845).

Courts are therefore obligated to identify the constitutional authority for any condition imposed on access to adjudication and may not enforce conditions that are inconsistent with constitutional limitations.

The Constitution is the controlling and absolute rule of action for all departments and officers of government. As explained by Thomas M. Cooley:

"In American constitutional law, the word constitution... [is] the written instrument... as the absolute rule of action and decision for all departments and officers of the government... in opposition to which any act or regulation... will be altogether void."

Accordingly, neither statute, rule, nor practice may supply authority where the Constitution does not grant it. Any condition imposed without constitutional foundation cannot be enforced.

RIGHTS BEYOND GOVERNMENT CONTROL

There exist fundamental rights in every free government that are beyond the control of the State. *Hurtado v. California*, 110 U.S. 516, 536-37 (1884).

The Supreme Court has recognized that sovereignty remains with the people and that law operates as a limitation on governmental power, not as a source of arbitrary authority. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

Judges of the United States are bound by oath to support the Constitution. U.S. Const. art. VI.

The Ninth Amendment confirms that rights are retained by the people, and the Tenth Amendment confirms that powers not delegated are reserved.

State constitutional provisions reflecting these principles, including Texas Constitution Article I Section 29 and Massachusetts Constitution Part the First, Articles V and XVIII, confirm that rights are reserved and that governmental power is limited and accountable.

CONDITIONS CANNOT DEFEAT RIGHTS

Federal rights cannot be defeated by procedural conditions. *Davis v. Wechsler*, 263 U.S. 22 (1923).

Government may not convert the exercise of rights into a privilege subject to fees or conditions. *Murdock v. Pennsylvania*, 319 U.S. 105 (1943).

Courts are obligated to provide remedies where federally protected rights are implicated. *Bell v. Hood*, 327 U.S. 678 (1946).

Courts have jurisdiction to hear constitutional claims arising under federal law and are obligated to provide remedies where federally protected rights are implicated. *Bell v. Hood*, 327 U.S. 678 (1946).

FRAUD AND STRUCTURAL INVALIDITY

It is a fundamental principle that fraud vitiates even the most solemn proceedings and cannot be cured by time or practice. See *United States v. Throckmorton*, 98 U.S. 61 (1878).

REQUIREMENT OF AN IMPARTIAL TRIBUNAL

Due process requires a fair tribunal and prohibits even the probability of bias or structural unfairness. *Tumey v. Ohio*, 273 U.S. 510 (1927); *In re Murchison*, 349 U.S. 133 (1955).

CHAIN OF AUTHORITY REQUIREMENT

The authority of this Court must be traceable to a constitutional grant.

Article III provides judicial power over cases and controversies but conflicts with the fundamental requirement that process must precede deprivation and cannot itself be conditioned upon the very access it is meant to secure the imposition of a filing fee as a condition precedent to access to adjudication.

The Court has imposed such a condition but has not identified the constitutional or statutory authority under which it may be enforced prior to adjudication of jurisdiction.

An act lacking constitutional authority cannot be enforced. *Norton v. Shelby County*, 118 U.S. 425 (1886).

REQUEST FOR IDENTIFICATION OF AUTHORITY

The Court has imposed conditions restricting access and participation but has not identified the constitutional or statutory authority under which those conditions may be enforced in this posture.

Accordingly, Plaintiff-Relator respectfully requests that the Court identify:

1. The constitutional source of authority permitting the imposition of a filing fee as a condition precedent to participation in an active case;
2. The basis upon which such a condition may be imposed prior to determination of jurisdiction and due process compliance.

CONCLUSION

Because the condition imposed is presently enforced and operates to restrict access to adjudication, the issue is not advisory.

Due process is a condition precedent requiring lawful authority to be established before any restriction on rights may be imposed.

The Court has imposed a condition on access to adjudication without identifying the constitutional source of authority under which it may be enforced.

Under controlling constitutional principles, authority cannot be presumed from practice, procedure, or administrative rule, and any act taken in the absence of such authority is void. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803); *Norton v. Shelby County*, 118 U.S. 425 (1886).

Accordingly, identification of constitutional authority is required prior to enforcement.

These issues are preserved.

The Constitution is the controlling expression of the will of the people, and all exercises of governmental power must conform to it. As explained by Thomas M. Cooley, "the will of the people, as declared in the Constitution, is the final law; and the will of the legislature is law only when it is in harmony with... that controlling instrument."

Accordingly, neither statute, rule, nor practice may supply authority where the Constitution does not grant it.

Respectfully submitted,

lator

Dated: April 10, 2026

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

UNITED STATES
al., ex rel. [REDACTED], et
al.,

Plaintiff-Relator,

v.

[REDACTED] et al.,
Defendants.

C
[REDACTED]
L

RENEWED MOTION FOR THRESHOLD DETERMINATION OF ARTICLE III
JURISDICTION

Relator [REDACTED] appearing pro se following the substitution of the individual for the former entity relator, hereby renews the request for a threshold determination of Article III jurisdiction.

I. THE COURT HAS A MANDATORY DUTY TO DECLARE JURISDICTION As affirmed in *State v. Post* and *Marbury v. Madison*, the sole province of the judiciary is to declare what the law is. The Court's Order dated February 13, 2026, labeled this request an "advisory opinion." Relator asserts as a matter of fundamental law that a determination of jurisdiction is never advisory; it is the condition precedent to every valid judicial act.

Pursuant to the "Granite Principle" of delegation:

The Court is a "creature" of the Constitution and possesses no inherent power of its own.

The Court must identify the written grant that allows it to bypass Massachusetts Constitution Article XI (access to justice freely) and 18 U.S.C. § 1654 (the right to conduct one's own case).

II. VOID AB INITIO: THE HIERARCHY OF AUTHORITY Under the rule of Strict Construction, where the words of the law are clear, there must be no departure.

The Conflict: The Court has ordered the payment of a \$405 "toll" to access adjudication.

The Law: Article XI mandates that justice be obtained "without being obliged to purchase it."

The Result: Any order enforcing a fee in contradiction to the fundamental law of the society is void ab initio. As stated in Norton v. Shelby County, an unconstitutional act is not a law and imposes no duties.

III. NOTICE OF 18 U.S.C. § 4 (MISPRISION OF FELONY) The Relator has provided this Court with a pre-perfected evidentiary record of systemic fraud involving \$1.34 billion in federal funds. Under the strict text of 18 U.S.C. § 4, this Court has a mandatory duty to make known these felonies. To "bury" this complaint under procedural hurdles—now that the LLC representation issue has been cured—is to interfere with the reporting of federal crimes to the sovereign.

REQUEST FOR RELIEF Relator respectfully moves this Court to:

Declare the constitutional basis for its jurisdiction over this qui tam action;

Declare whether a federal statute (28 U.S.C. § 1914) can override the fundamental prohibition against "purchasing justice" in Article XI; and

Stay all administrative "pay-to-play" requirements until the Court provides a written finding that it possesses the delegated authority to abrogate pre-political rights.

Respectfully submitted,

Dated: March 6, 2026

/s/ [REDACTED]

[REDACTED], Relator

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA
ex rel. [REDACTED],

Plaintiff,

v.

[REDACTED], *et al.*,

Defendants.

FILED UNDER SEAL
[REDACTED]

UNITED STATES' STATUS REPORT

In response to the Court's April 27, 2026 Order,¹ the United States provides the following status report:

1. On January 8, 2026, the Relator filed his Complaint. ECF 1. On March 16, 2026, the Relator moved to amend his Complaint, which this Court allowed.² See ECF 15, 16, 17. On various dates after the Relator filed both his initial Complaint and Amended Complaint, the Court informed the relator via orders of the Relator's obligations to pay a filing fee. See ECF 4, 7, and 18. This Court has also informed the Relator that if "[he] is indigent and unable to pay the

¹ This Court's Order stated:

The United States of America is hereby ordered to file a status report by May [22], 2026, indicating whether it still wants this case to stay open until June 12, 2026, and if so, its view as to the Court's obligation or ability to continue adjudicating this case when no filing fee has been paid or, alternatively, its authority to order the government to pay the filing fee.

ECF 21.

² The Relator did not serve the government with his Motion to Amend the Complaint nor the corresponding Complaint. The government learned of both through a communication from the docketing clerk. Likewise, the only substantive amendment to the Complaint was the fact that the Relator substituted his name for that of his limited liability company.

filing fee, he may file a motion for leave to proceed in forma pauperis pursuant to Local Rule 4.29(c).” ECF 18. This Court’s orders also noted that if the Relator does not pay the filing fee or file a motion for leave to proceed in forma pauperis, then the matter will be dismissed without prejudice. ECF 4, 7, 18. The most recent order related to the filing fee indicated that if the fee was not paid by April 15, 2026, the matter would be dismissed. ECF 18.

2. Rather than complying with this Court’s orders and paying a required filing fee, the Relator has filed pleadings, the most recent of which was May 18, 2026, in which he asserts on seemingly meritless grounds, that he does not have to pay it. ECF 6, 20, 25. The government understands that as of the date of this filing, the Relator still has not complied with the Court’s orders to pay the filing fee or file motion for leave to proceed in forma pauperis.

3. To the extent this Court seeks to dismiss this matter under Rule 41(b) based on the Relator’s failure to comply with the court orders to pay a filing fee, the Court may certainly do so. *See Lugo v. United States*, No. 17-10770-GAO, 2017 WL 11649046, at *1 (dismissing pro se matter on failure to pay filing fee or file a motion for leave to proceed in forma pauperis because “[i]t is a long-established principle that this Court has the authority to dismiss an action *sua sponte* for a plaintiff’s failure to prosecute his action and his failure to follow the Court’s orders.”); *see also, Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-630 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action . . . because of his failure to prosecute cannot seriously be doubted,” and “is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts.”).

4. The government has no objection to dismissal of this matter for the Relator’s failure to pay the fee, and the Court need not keep this matter open until June 12, 2026, as the government previously requested. When the government moved this Court on March 16, 2026,

for an extension of time to June 12, 2026, to consider election to intervene, it was then unaware of this Court's prior orders to the Relator on this sealed matter regarding the filing fee.

5. The government does not wish to pay the filing fee on the Relator's behalf. If the Court does not dismiss the Amended Complaint due to the Relator's failure to pay the filing fee, the government will seek authority to decline intervention and dismiss the qui tam under 31 U.S.C. § 3730(c)(2)(A) and *United States ex rel. Polansky v. Executive Health Resources, Inc.*, 599 U.S. 419 (2023), because, generally speaking, the Amended Complaint does not appear to vindicate the rights of the United States, as the real party in interest in a qui tam action, and the Relator cannot proceed *pro se* to represent the United States.³ See *United States ex rel. Lu v. Trustees of Tufts College*, 2019 WL 9524094, at * ____ (1st Cir. Dec. 12, 2019) (explaining that the district court correctly concluded that the pro se litigant was not allowed to pursue a qui tam action under the FCA on behalf of the United States); *Nasuti v. United States*, No. 14-1362, 2015 WL 9598315, at *1 (1st Cir. March 12, 2015).

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

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Dated: May 22, 2026

³ The government is not aware of any authority under which it should be required to pay the Relator's filing fee. See <https://www.mad.uscourts.gov/finance/fees.htm> ("[f]ees will be charged to all **non-federal agencies**.") (emphasis in the original) (last visited May 21, 2026). Nor would that be appropriate where the government ultimately may move to dismiss the action.

CERTIFICATE OF SERVICE

I, Lindsey Weinstein, hereby certify that I caused a copy of the foregoing document to be served on the relator by the following email (with relator's assent to electronic service).

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dated: May 22, 2026

By: /s/ Lindsey Weinstein
LINDSEY WEINSTEIN
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

UNITED STATES [REDACTED], et
al., ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED], et al.,

Defendants.

C [REDACTED]
[REDACTED]

**SUI JURIS RESPONSE TO THE UNITED STATES' STATUS REPORT,
OBJECTION TO PROCEDURAL ERASURE, AND DEMAND FOR
THRESHOLD DETERMINATION OF AUTHORITY**

Relator [REDACTED] one of the natural People proceeding in his absolute [REDACTED] capacity as *sui juris*, respectfully submits this response to the "United States' Status Report". For the record, the Relator's designation as *pro se* is recognized strictly as an administrative tracking convenience utilized by court clerks to denote the absence of bar-licensed representation, while Relator's actual standing to conduct this action is secured by the literal text of 28 U.S.C. § 1654, which guarantees that "[i]n all courts of the United States the parties may plead and conduct their own cases personally".

This response places on the public record the structural contradiction of the Department of Justice (DOJ) weaponizing its status as the "*real party in interest*" not to protect the public treasury from a definitively audited \$1.34 billion fraud, but to shield state actors from accountability by rigidly enforcing a nominal administrative toll.

I. The Fiduciary Trust and the Schedule of Nondisclosure

Government is not the source of rights or law; it is merely a trustee. The constitutions of the several States establish that all political power is inherent in the people, and all officers are mere "*substitutes and agents*" who remain "*at all times accountable to them*".

As Thomas M. Cooley explained, *"In American constitutional law, the word constitution... [is] the written instrument... as the absolute rule of action and decision for all departments and officers of the government... in opposition to which any act or regulation... will be altogether void"*.

Despite this absolute fiduciary duty, the record presents an undeniable timeline showing both the judiciary and the Department of Justice actively prioritizing a \$405 administrative fee under 28 U.S.C. § 1914 over the prosecution of a \$1.34 billion False Claims Act fraud under 31 U.S.C. §§ 3729-3733:

- **January 8, 2026:** The False Claims Act (*qui tam*) complaint is initiated.
- **January 12, 2026:** The Court issues its first order demanding payment of a \$405.00 fee (\$350 filing fee plus a \$55 administrative fee) and threatens dismissal.
- **February 13, 2026:** The Court denies the Relator's motion for a threshold determination of jurisdiction, issuing a second demand to pay the fee.
- **April 2, 2026:** After allowing the Relator to substitute himself as a natural person under 28 U.S.C. § 1654, the Court issues a third demand, ordering the fee to be paid by April 15, 2026, again threatening dismissal.
- **April 27, 2026:** The Court issues an electronic order explicitly demanding the government state *"its view as to the Court's obligation or ability to continue adjudicating this case when no filing fee has been paid"*.
- **May 22, 2026:** The DOJ files its Status Report actively consenting to the case's erasure, declaring it ***"has no objection to dismissal of this matter for the Relator's failure to pay the fee" and "does not wish to pay the filing fee"***. The DOJ further threatens unilateral dismissal under 31 U.S.C. § 3730(c)(2)(A), claiming the action ***"does not appear to vindicate the rights of the United States, as the real party in interest"***.

II. The Structural Contradiction of the "Real Party in Interest"

The massive fraud alleged in this action is conclusively corroborated by the May 2025 State Auditor's Report, which found that Massachusetts engaged in ***"improper and unlawful"*** emergency procurements, bypassing competitive bidding and resulting in over \$1.34 billion in false claims for federal reimbursement.

Despite this official validation, the DOJ claims this action *"does not appear to vindicate the rights of the United States"*.

This presents a glaring paradox, the DOJ is invoking its supreme authority over the public treasury not to recover over a billion dollars in defrauded funds, but to shield the state officials responsible for the fraud by hiding behind a procedural \$405 toll.

III. The Unconstitutional Purchase of Justice vs. Pre-Political Rights

Rights are pre-political and antecedent to government. As the Supreme Court confirmed in *Mattox v. United States*, "We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted... as securing to every individual such as he already possessed". Consequently, access to Article III adjudication is a fundamental, constitutionally secured right, not a "service" or a "privilege" subject to administrative purchase.

The imposition of a \$405 fee as a condition precedent violates the supreme law of the land and multiple federal statutes:

1. **The 50-State Guarantee of Free Justice:** The constitutions of the several States universally prohibit the sale of justice. Massachusetts Constitution Part the First, Article XI explicitly guarantees that every subject shall obtain justice "***freely, and without being obliged to purchase it***". Likewise, Delaware Constitution Art. I, § 9 guarantees remedy "*without sale, denial, or unreasonable delay or expense*", and the constitutions of Colorado, Alabama, and others universally mandate that courts "*shall be open*" to every person.
2. **Conditions Cannot Defeat Rights:** The Supreme Court has firmly established that federal rights cannot be defeated by procedural conditions (*Davis v. Wechsler*, 263 U.S. 22). Furthermore, government may not convert the exercise of rights into a privilege subject to fees (*Murdock v. Pennsylvania*, 319 U.S. 105). The Court's ruling in *Miranda v. Arizona*, 384 U.S. 436, further dictates that "***Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.***".
3. **Interference with Misprision of Felony (18 U.S.C. § 4):** This action involves the reporting of federal felonies regarding fraudulent claims on the public treasury. Under the strict text of 18 U.S.C. § 4, any person with knowledge of the commission of a felony must make it known to a judge. Blocking the report of over a billion dollars in federal felonies behind a financial paywall interferes with a mandatory statutory duty and risks the appearance of concealment.

IV. Due Process and Jurisdiction as a Condition Precedent

Due process is not a procedural benefit provided *after* a fee is paid; it is a **condition precedent** to the exercise of judicial power. The fundamental protections of the Fifth and Fourteenth Amendments mandate that no person shall be deprived of life, liberty, or property without due process of law.

Under the settled maxim, *Conditio (præcendens) adimpleri debet priusquam sequatur effectus* (A condition precedent must be fulfilled before the effect can follow), lawful jurisdiction must be established before coercive enforcement can proceed. The Court cannot lawfully demand a procedural "toll" to determine whether it has the very threshold Article III jurisdiction it seeks to exercise. Where enforcement of the fee itself creates the injury, it presents a live controversy requiring immediate constitutional adjudication (*Ex parte Young*, 209 U.S. 123).

V. The Rules Enabling Act and the Limits of Delegated Authority

Where a procedural mechanism, such as a filing fee, determines whether constitutional claims may be heard at all, the procedure ceases to operate merely administratively and operates substantively. This directly violates the Rules Enabling Act, 28 U.S.C. § 2072(b), which expressly commands, "**Such rules shall not abridge, enlarge or modify any substantive right.**". Procedure remains subordinate to constitutional right and cannot lawfully be employed to effectively defeat substantive rights secured by the Due Process Clause.

VI. The Judicial Duty: Surveyors, Not Architects

Lawful courts act exclusively as **surveyors** bound to declare the pre-existing topography of the law; they possess no delegated authority to act as **architects** creating unconstitutional administrative toll barriers.

- *Marbury v. Madison*, 5 U.S. 137 (1803) mandates, "**It is emphatically the province and duty of the judicial department to say what the law is.**".
- *The State v. Post*, 20 N.J.L. 368 (1845) confirms, "**A court can only declare what the law is, and whether consistent with... the fundamental or constitutional law of society.**".
- Thomas M. Cooley confirms that "**Enactments are not the law of the land, they are but the will of the legislature, subject always to the maxims and to reason.**".

- *Norton v. Shelby County*, 118 U.S. 425 (1886) establishes the doctrine of **Void Ab Initio**, "**An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.**".

Because the Constitutions of society explicitly prohibit the "purchase" of justice and omit any delegated power allowing the government to condition court access upon a fee, any administrative rule or statute attempting to enforce such a toll is repugnant to the Constitution and void *ab initio*.

VII. Conclusion and Demand

Access to Article III adjudication cannot be denied by unexamined procedural conditions.

Relator respectfully demands that the Court fulfill its mandatory duty to declare the constitutional basis for its jurisdiction over this action before extracting property or conditioning access on the payment of a fee, and to preserve this action pending that threshold determination.

Respectfully submitted,

/s/ [REDACTED]

[REDACTED]

elator, sui juris

Monday, June 15, 2026

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

UNITED STATES [REDACTED], et
al., ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED] et al.,
Defendants.

C
[REDACTED]
L

**RELATOR'S NOTICE OF CONTINUING DEPRIVATION OF ACCESS,
REQUEST FOR IDENTIFICATION OF CONSTITUTIONAL AUTHORITY,
AND OBJECTION TO CONTINUED ENFORCEMENT PRIOR TO
THRESHOLD ADJUDICATION**

Relator [REDACTED], appearing pro se, respectfully submits this
Notice as follows:

I. THE THRESHOLD QUESTION REMAINS UNANSWERED

The Court continues to condition access to adjudication upon payment of a filing fee while the threshold constitutional and jurisdictional questions previously presented remain unresolved.

The issue is not whether Congress enacted 28 U.S.C. § 1914. The issue is whether the Constitution delegates authority permitting adjudication to be conditioned upon purchase, jurisdictional determination to be delayed pending payment, and constitutional objections to be bypassed through administrative enforcement.

The Court has continued enforcement but has not identified the constitutional source of authority permitting such enforcement in this procedural posture. That question remains live, present, and non-advisory.

II. ALL GOVERNMENTAL POWER IS DELEGATED AND LIMITED

The Constitution established a government of delegated and enumerated powers. As *McCulloch v. Maryland*, 17 U.S. 316 (1819), confirms, "[t]his government is acknowledged by all to be one of enumerated powers."

Likewise, "[s]overeignty itself remains with the people." *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

Massachusetts Constitution Part the First, Article V provides that all magistrates and officers are merely "substitutes and agents" of the people.

Accordingly, no judicial act may rest upon presumption of authority. Authority must be traceable to constitutional delegation.

The burden rests upon the party asserting power. As *Speiser v. Randall*, 357 U.S. 513, 525-26 (1958), establishes, "due process certainly requires... that the State bear the burden of persuasion."

Likewise, 5 U.S.C. § 556(d) codifies the same foundational principle: "The proponent of a rule or order has the burden of proof."

The burden therefore rests upon the proponent of enforcement to identify the lawful constitutional source authorizing the challenged condition.

III. THE FIREWALL OF LAW: NO INFERIOR RULE MAY OVERRIDE SUPERIOR LAW

Under the settled hierarchy of American law, the Constitution is supreme, statutes derive authority from the Constitution, procedural rules derive authority from statutes, and administrative practices derive authority only through lawful delegation.

No inferior rule may supersede superior law.

As *Marbury v. Madison*, 5 U.S. 137, 180 (1803), holds, "[a] law repugnant to the constitution is void."

The Massachusetts Constitution expressly secures natural rights as inherent and pre-political in Article I, recognizes all officers as mere agents of the people in Article V, protects against deprivation except by the law of the land in Article X, and guarantees that justice shall be obtained "*freely, and without being obliged to purchase it*" in Article XI.

Article XVIII further provides:

"A frequent recurrence to the fundamental principles of the constitution... [is] absolutely necessary to preserve the advantages of liberty."

The Article further declares:

"They have a right to require of their lawgivers and magistrates, an exact and constant observance of them..."

Article XVIII therefore does not merely permit constitutional inquiry. It affirmatively secures the right of the people to require from magistrates an exact and constant observance of constitutional principles.

Article XIX secures the right of the people to seek constitutional redress against abuses of power. Article XXX forbids the blending and accumulation of powers inconsistent with liberty.

No clause of Article I, Section 8 delegates authority to Congress to suspend these constitutional protections, convert constitutional adjudication into a purchasable privilege, or authorize inferior procedural mechanisms to supersede constitutional limitations.

The Court has not identified any such delegation.

IV. RIGHTS ARE PRE-POLITICAL AND CANNOT BE CONDITIONED UPON PURCHASE

The rights implicated here do not originate from government.

As *Wilson v. United States*, 221 U.S. 361, 383 (1911), explains:

"His rights are such as existed by the law of the land long antecedent to the organization of the State."

Likewise, "[t]he rights of the individual are not derived from governmental agencies." *City of Dallas v. Mitchell*, 245 S.W. 944, 945 (Tex. Civ. App. 1922).

And:

"A person cannot be compelled to purchase, through a license fee or license tax, the privilege freely granted by the constitution."

Blue Island v. Kozul, 379 Ill. 511, 519.

The Constitution was ordained to "secure the Blessings of Liberty." U.S. Const. pmbl.

It was not ordained to convert liberty into a privilege conditioned upon payment prior to adjudication of authority.

As *Corfield v. Coryell*, 6 F. Cas. 546 (1823), recognized, constitutional protections secure rights "which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments."

V. DUE PROCESS REQUIRES ADJUDICATION BEFORE ENFORCEMENT

Thomas Cooley explained:

"Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction..." -Cooley, *Constitutional Limitations* 441.

Among those settled maxims are that jurisdiction must precede valid judicial action, unconstitutional acts are void ab initio, constitutional rights cannot be converted into purchasable privileges, procedural mechanisms cannot abrogate constitutional guarantees, and authority must be shown rather than presumed.

As *Miranda v. Arizona*, 384 U.S. 436, 491 (1966), states:

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

The present issue is therefore not hypothetical. The Court is presently exercising coercive authority while the constitutional basis for that authority remains unresolved.

As further demonstrated in *Publius Custos, Replaced by Fiat: When Courts Expel Reason, the Constitution, and True Law, Gov't Accountability Comm'n L. Rev., Structural Breach Series*, art.20 (2026). Available at: <https://www.usgac.com/>, lawful authority "must be demonstrated through a continuous and unbroken chain."

That chain requires that sovereignty originate in the people, that authority be fixed in the Constitution, that delegated powers remain within constitutional limits, that due process operate as a condition precedent to lawful deprivation, and that execution remain accountable to the law from which authority derives.

The Article further explains that "[j]urisdiction is not presumed. It is a condition precedent to the lawful exercise of judicial power."

Accordingly, where authority itself is challenged, enforcement cannot lawfully precede adjudication of the constitutional source from which that authority purportedly derives.

VI. PRO SE PLEADINGS MUST BE LIBERALLY CONSTRUED

Relator appears pro se pursuant to 28 U.S.C. § 1654.

The Supreme Court has repeatedly held that pro se pleadings are to be liberally construed.

In *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), the Court held that pro se pleadings are to be held "to less stringent standards than formal pleadings drafted by lawyers."

Likewise, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), reaffirmed that a document filed pro se is "to be liberally construed."

These principles are especially important where constitutional rights are implicated, jurisdictional objections are raised, and the lawful source of governmental authority itself is challenged.

VII. THE UNITED STATES IS THE REAL PARTY IN INTEREST UNDER THE FALSE CLAIMS ACT

This action is not an ordinary private dispute. It is a qui tam action brought under the False Claims Act, 31 U.S.C. §§ 3729-3733, in the name of the United States of America.

The United States remains the real party in interest.

Congress enacted the False Claims Act specifically to encourage whistleblowers, expose fraud concealed from the government, and protect the public treasury.

The statute therefore operates as a structural anti-fraud mechanism serving the sovereign interests of the United States itself.

Accordingly, the present posture creates a fundamental constitutional and statutory question concerning whether a court may condition access to adjudication upon payment before determining jurisdiction, determining the constitutional validity of the challenged condition, and determining whether the United States itself possesses an overriding sovereign interest in adjudication of the alleged fraud.

The United States has already appeared in this action and requested additional time to determine intervention.

The Court's continued enforcement of an access-denying condition prior to threshold adjudication risks converting a statute designed to encourage whistleblowers into a mechanism that procedurally suppresses them.

VIII. THE AMERICAN CONSTITUTIONAL TRADITION REJECTS ADMINISTRATIVE CREATION OF COERCIVE BURDENS

Missouri Constitution Article I, § 31 provides:

"That no law shall delegate to any commission, bureau, board or other administrative agency authority to make any rule fixing a fine or imprisonment as punishment for its violation."

While not controlling authority here, the provision reflects a foundational constitutional principle that coercive burdens affecting liberty, property, or access to justice cannot arise merely from administrative assertion.

Likewise, Alabama Constitution Article I, § 35 declares:

"That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression."

The judiciary's authority derives from the Constitution itself, not from administrative convenience, local practice, or procedural habit.

IX. FEDERALIST NO. 78 AND THE LIMITS OF JUDICIAL POWER

The judicial role admits of no ambiguity: a judge is bound to declare the law as it exists, not to create, revise, or expand it according to preference, policy, or institutional convenience.

In *State v. Post*, 20 N.J.L. 368, 370 (1845), the court stated:

"The court has no power to enact a law, nor to set aside a law... We can only declare what the law is..."

This is the controlling structural principle.

The court does not originate law. The court does not revise law. The court does not cure perceived inconvenience by judicial will. It declares only what already exists within the lawful hierarchy.

This principle is reinforced by *Federalist No. 78*:

"The judiciary... may truly be said to have neither FORCE nor WILL, but merely judgment."

Judgment applies law. Will creates it.

The Constitution grants the former and withholds the latter.

Likewise, *Marbury v. Madison* confirms:

"It is emphatically the province and duty of the judicial department to say what the law is."

Accordingly, where Relator directly challenges the lawful source of authority for continued enforcement, the judicial duty is not to presume authority from practice or procedure.

The judicial duty is to identify and declare the law authorizing the act.

X. REQUEST FOR IDENTIFICATION OF AUTHORITY

Relator respectfully requests identification of the constitutional source authorizing continued enforcement of filing-fee conditions prior to adjudication of jurisdiction, the constitutional source permitting Article XI protections to be subordinated to 28 U.S.C. § 1914, and whether the Court's position is that statutory fee provisions supersede constitutional limitations.

Relator further requests clarification as to whether constitutional objections to enforcement need not be adjudicated prior to continued coercive enforcement, whether the Court has already determined the constitutional questions presented lack merit, whether the Court considers those constitutional questions nonjusticiable, and whether the Court believes Congress possesses delegated authority under Article I, Section 8 to override the constitutional guarantees secured by Massachusetts Constitution Part the First, Articles I, V, X, XI, XVIII, XIX, and XXX.

Relator additionally requests clarification whether the Court's continued enforcement position rests upon constitutional adjudication or administrative presumption.

XI. STRUCTURAL DUE PROCESS CONCERN

Relator does not allege personal bias.

However, continued enforcement of the challenged condition while declining to identify the constitutional source of authority raises a structural due process concern.

As *Ex parte Young*, 209 U.S. 123, 159-60 (1908), explains:

"The act to be enforced is alleged to be unconstitutional..."

and where that is so:

"the officer... is stripped of his official or representative character."

Where authority itself is challenged, the Court must identify the lawful basis of the authority asserted before coercive enforcement may continue consistent with due process of law.

XII. CONCLUSION

Relator does not seek exemption from lawful constitutional process; relator seeks adjudication before enforcement.

In a constitutional republic, authority must be identified, jurisdiction must be established, constitutional guarantees cannot be subordinated by presumption, and the people retain the constitutionally protected right to require from magistrates an exact and constant observance of constitutional principles.

Respectfully submitted,

elator, Pro Se

Dated: May 7, 2026

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

UNITED STATES [REDACTED], et
al., ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED]
Defendants.

C [REDACTED] L
F [REDACTED] L

RELATOR'S NOTICE OF CONTINUING OBJECTION TO PAYMENT OF FILING
FEE AND DEMAND FOR THRESHOLD DETERMINATION OF AUTHORITY

Relator [REDACTED] appearing pro se, respectfully submits this
Notice a [REDACTED] follows:

The Court is presently enforcing a filing-fee condition against a pro se qui tam relator while the threshold question of constitutional authority remains unresolved. Relator respectfully contends that jurisdiction and lawful authority must be established before coercive enforcement may proceed consistent with due process of law. Relator therefore requests identification of the constitutional source authorizing the conditioning of access to adjudication upon payment in the present procedural posture.

The Court's recent Electronic Order entered April 27, 2026, expressly recognizes a threshold question concerning the Court's "*obligation or ability to continue adjudicating this case when no filing fee has been paid...*" and further questions the Court's authority to order the United States to pay the filing fee.

Relator respectfully states that the Court's own Order confirms the existence of an unresolved threshold authority question directly bearing upon jurisdiction, due process, and the continued exercise of coercive judicial power in the present action.

Relator therefore respectfully preserves objection to any dismissal, closure, or coercive deprivation occurring prior to adjudication of jurisdiction and constitutional authority.

I. THE THRESHOLD QUESTION PRESENTED

The issue before the Court is not whether Congress enacted 28 U.S.C. § 1914.

The issue is whether the Constitution authorizes continued enforcement of a filing-fee condition before determination of jurisdiction and constitutional authority where the challenged procedure itself is alleged to abridge substantive constitutional rights.

The constitutional source of that authority has not yet been identified on the record.

The issue further presented is whether dismissal or termination of adjudication prior to threshold determination of jurisdiction and constitutional authority would itself constitute coercive judicial action occurring before the lawful basis for that action has been identified and adjudicated on the record.

Relator respectfully states that where adjudication itself is conditioned upon compliance with the challenged procedural mechanism, the procedure operates substantively rather than merely administratively because it determines whether constitutional claims may be heard at all.

II. MASSACHUSETTS CONSTITUTION PART THE FIRST, ARTICLES VII, XI, XVIII, AND XIX

Massachusetts Constitution Part the First, Article XI guarantees that every subject shall obtain justice:

"freely, and without being obliged to purchase it."

Relator respectfully states that continued enforcement of a filing-fee condition prior to threshold adjudication of constitutional authority appears inconsistent with that constitutional protection.

The Constitution of the United States was ordained and established in part *"to secure the Blessings of Liberty,"* and the Constitution of the Commonwealth likewise declares in its Preamble that government is instituted for the purpose of

securing the body politic in the enjoyment of their rights and liberties.

Massachusetts Constitution Part the First, Article VII further provides:

"Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people..."

Relator respectfully states that all delegated judicial authority remains subordinate to the constitutional purposes for which constitutional government itself was ordained and established.

Accordingly, procedural mechanisms cannot lawfully be administered in a manner that defeats, conditions, or substantially impairs the exercise of constitutionally secured rights whose preservation constitutes one of the very purposes for which both the federal and Massachusetts constitutions were established.

The Massachusetts Constitution further provides in Article XVIII that the people retain the right to require from their magistrates *"an exact and constant observance"* of constitutional principles and that recurrence to those fundamental principles is *"absolutely necessary to preserve the advantages of liberty."*

Relator respectfully submits that the present filing constitutes an exercise of that reserved constitutional right.

The Massachusetts Constitution further secures in Article XIX the right of the people *"to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer."*

Relator respectfully states that where adjudication itself is conditioned upon compliance with a challenged procedural mechanism before jurisdiction and constitutional authority are determined, the procedure ceases to operate merely administratively and instead operates substantively by controlling access to the very process through which constitutional grievances may be lawfully heard and remedied.

Procedure remains subordinate to constitutional right and cannot lawfully be employed to abridge, condition, or effectively defeat substantive rights secured and retained by the People under the Massachusetts Constitution and the Due Process Clause.

Relator further respectfully states that where the challenged procedure itself determines whether constitutional claims may proceed to adjudication, the procedure necessarily acquires substantive constitutional effect because it functions as the operative gatekeeping mechanism governing access to judicial redress itself.

Accordingly, continued enforcement of the challenged condition prior to threshold adjudication of jurisdiction and constitutional authority raises the unresolved constitutional question whether procedural administration is being employed in a manner inconsistent with superior constitutional guarantees reserved to the People.

III. DUE PROCESS AND ACCESS TO ADJUDICATION

The Supreme Court has recognized that due process requires meaningful access to adjudication where judicial process is the exclusive means through which rights may be vindicated.

In *Boddie v. Connecticut*, 401 U.S. 371, 377 (1971), the Court held:

"Due process requires... a meaningful opportunity to be heard."

Likewise, Thomas Cooley explained:

"Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction..."

— Cooley, *Constitutional Limitations* 441.

Among those settled maxims is the principle that:

"No man should be condemned unheard." — Broom, *Legal Maxims*, 113.

Among the settled maxims sanctioning due process is the principle that lawful authority and jurisdiction must precede coercive enforcement and that force follows lawful judgment rather than preceding it.

Due process requires meaningful opportunity to be heard before deprivation occurs where judicial process itself is the exclusive mechanism through which rights may be vindicated.

Relator respectfully states that the challenged filing-fee condition presently functions as the operative mechanism determining whether adjudication itself proceeds, thereby raising a threshold constitutional question concerning whether the challenged procedure remains merely administrative or instead operates substantively by controlling access to adjudication itself.

Relator respectfully states that dismissal prior to adjudication of the threshold jurisdictional and constitutional objections preserved herein would raise due-process concerns because coercive judicial action would occur before meaningful opportunity to be heard on the unresolved authority question identified by the Court itself.

IV. THE RULES ENABLING ACT LIMITATION

The Rules Enabling Act, 28 U.S.C. § 2072(b), expressly provides:

"Such rules shall not abridge, enlarge or modify any substantive right."

Relator respectfully states that where a procedural mechanism determines whether adjudication proceeds at all, the procedure operates substantively rather than merely administratively.

Accordingly, the issue presented is whether continued enforcement of the challenged filing-fee condition exceeds the limitation imposed by the Rules Enabling Act itself.

If a procedural mechanism abridges substantive constitutional rights, the procedure exceeds the authority delegated to it.

The Rules Enabling Act limitation reflects the foundational constitutional principle that procedure cannot enlarge delegated authority beyond constitutional limitations nor operate to abridge substantive rights under color of administration.

Where a procedural mechanism determines whether adjudication may proceed at all, the mechanism no longer functions solely administratively but instead substantively affects the exercise and vindication of constitutional rights themselves.

Relator respectfully states that dismissal prior to adjudication of jurisdiction and constitutional authority would itself demonstrate the substantive operation of the challenged procedural condition because the procedure would have functioned

as the gatekeeping mechanism controlling whether constitutional claims may be heard at all.

V. THE FALSE CLAIMS ACT AND THE PUBLIC INTEREST

This action arises under the False Claims Act, 31 U.S.C. §§ 3729-3733, in the name of the United States of America.

The United States is the real party in interest.

Congress enacted the False Claims Act to encourage whistleblowers, expose fraud against the United States, and protect the public treasury.

Relator respectfully states that conditioning adjudication upon payment before threshold determination of jurisdiction and constitutional authority appears inconsistent with the structure and purpose of the Act itself.

VI. THE JUDICIAL DUTY IS TO DECLARE EXISTING LAW

The judicial role is one of judgment, not will.

In *State v. Post*, 20 N.J.L. 368, 370 (1845), the court stated:

"The court has no power to enact a law, nor to set aside a law... We can only declare what the law is and whether consistent with the law of God, and the fundamental or constitutional law of society."

Likewise, *Federalist No. 78* explains:

"The judiciary... may truly be said to have neither FORCE nor WILL, but merely judgment."

And *Marbury v. Madison*, 5 U.S. 137 (1803), confirms:

"It is emphatically the province and duty of the judicial department to say what the law is."

Relator respectfully submits that where the lawful source of authority for continued enforcement is directly challenged, the judicial duty is to identify and declare the law authorizing the act.

Relator respectfully states that where the constitutional source of asserted authority is directly challenged on the record, continued coercive enforcement while declining to identify the asserted source of authority raises a threshold due-process and burden-allocation question concerning whether authority is being demonstrated according to law or instead presumed through procedural enforcement alone.

The Court's recent Order acknowledging a question concerning its "*ability to continue adjudicating*" absent fee payment further confirms that the present controversy concerns threshold authority and adjudicative power rather than mere administrative housekeeping.

VII. STATEMENT FOR THE RECORD

Relator respectfully states for the record that he requested identification of the constitutional source of authority asserted for conditioning adjudication upon payment of a filing fee in the present *qui tam* action.

Relator requested identification of the constitutional authority permitting continued enforcement of the challenged condition prior to threshold determination of jurisdiction and constitutional authority.

Relator further stated that the challenged procedure appears inconsistent with Massachusetts Constitution Part the First, Articles I, V, X, XI, XVIII, XIX, and XXX, the Due Process Clause, and the Rules Enabling Act limitation codified at 28 U.S.C. § 2072(b).

Relator further stated that the burden of establishing lawful authority rests upon the party asserting it, consistent with *Speiser v. Randall*, 357 U.S. 513 (1958), and 5 U.S.C. § 556(d), which provides that "[t]he proponent of a rule or order has the burden of proof."

Relator further respectfully states that the burden of establishing lawful authority cannot be shifted onto the citizen where the challenged procedure itself is alleged to abridge substantive constitutional rights and condition access to adjudication.

Relator further states for the record that dismissal prior to adjudication of the unresolved threshold authority question identified by the Court would itself constitute coercive

judicial action occurring before determination of jurisdiction and constitutional authority, the very issue presently before the Court.

Relator respectfully preserves objection to any dismissal, termination, or deprivation occurring prior to threshold adjudication of constitutional authority, jurisdiction, and due process.

Relator respectfully states for the record that continued enforcement of the challenged condition has proceeded while the constitutional source of the asserted authority remains unidentified on the record.

VIII. REQUEST FOR RELIEF

Relator respectfully requests that the Court:

1. Identify the constitutional source authorizing continued enforcement of the filing-fee condition prior to adjudication of jurisdiction and constitutional authority;
2. Determine whether 28 U.S.C. § 1914 may constitutionally be applied in the present procedural posture consistent with the Due Process Clause, the Rules Enabling Act, and Massachusetts Constitution Part the First, Article XI;
3. Determine whether jurisdiction and constitutional authority must be established before coercive enforcement may proceed;
4. Clarify whether the constitutional objections presented herein have been adjudicated, rejected, or deemed nonjusticiable;
5. Suspend continued enforcement of the challenged filing-fee condition pending threshold adjudication of authority;
6. Determine whether continued enforcement of the challenged filing-fee condition operates substantively in the present procedural posture by determining whether adjudication itself may proceed prior to threshold determination of jurisdiction and constitutional authority;
7. Determine whether dismissal prior to adjudication of jurisdiction and constitutional authority would itself constitute coercive judicial action occurring before lawful authority has been established on the record;
8. Preserve the present action pending threshold determination of jurisdiction, constitutional authority, and the constitutional objections preserved herein.

The Massachusetts Constitution further secures in Article XIX the right of the people *"to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer."*

Relator respectfully states that where adjudication itself is conditioned upon compliance with a challenged procedural mechanism before jurisdiction and constitutional authority are determined, the procedure ceases to operate merely administratively and instead operates substantively by controlling access to the very process through which constitutional grievances may be lawfully heard and remedied.

Procedure remains subordinate to constitutional right and cannot lawfully be employed to abridge, condition, or effectively defeat substantive rights secured and retained by the People under the Massachusetts Constitution and the Due Process Clause.

Relator further respectfully states that where the challenged procedure itself determines whether constitutional claims may proceed to adjudication, the procedure necessarily acquires substantive constitutional effect because it functions as the operative gatekeeping mechanism governing access to judicial redress itself.

Accordingly, continued enforcement of the challenged condition prior to threshold adjudication of jurisdiction and constitutional authority raises the unresolved constitutional question whether procedural administration is being employed in a manner inconsistent with superior constitutional guarantees reserved to the People.

Respectfully submitted,

/s/ [REDACTED]

[REDACTED] elator, Pro Se

Tuesday, May 12, 2026

