

NOTICE OF CONSTITUTIONAL NON-ADJUDICATION

Request for 72-Hour Executive Constitutional and Investigative Triage

SCOTUS No. 26-179 | Rule 44.2 Rehearing Window

Mitchell Vexler | October 18, 2026

THIS NOTICE REQUESTS INVESTIGATION AND TRIAGE — NOT PREJUDGMENT.

1. PURPOSE OF THIS NOTICE

This Notice requests an immediate, source-controlled 72-hour Executive Branch triage of the constitutional, civil-rights, evidence-preservation, and institutional questions exposed by Supreme Court No. 26-179. The purpose is not to declare any Justice, judge, court employee, or public official guilty. The purpose is to determine, before the Supreme Court Rule 44.2 rehearing window closes, whether the record warrants immediate federal investigation, preservation action, constitutional review, or referral to the institutions possessing lawful authority to act.

2. THE CONSTITUTIONAL QUESTION THAT REMAINS UNANSWERED

Four Texas tribunals left the Petitioners' asserted federal constitutional claims without the merits adjudication sought. The Supreme Court of the United States then denied certiorari in No. 26-179. A denial of certiorari is not a decision on the merits and does not imply approval or disapproval of the lower-court reasoning. That limitation is precisely why the institutional question remains:

If a federally protected constitutional right exists in text, but the asserted violation cannot obtain meaningful merits adjudication before a tribunal capable of granting effective relief, what practical protection remains?

The Petition for Rehearing under Supreme Court Rule 44.2 is therefore not merely another appellate filing. It is the remaining procedural vehicle asking whether the asserted no-remedy architecture should remain standing.

3. HISTORICAL RESEARCH STATEMENT

I searched for a materially comparable Supreme Court sequence in which federally protected constitutional claims were repeatedly left without the requested merits adjudication through the state process and the resulting no-remedy architecture was then left undisturbed after discretionary Supreme Court review. To date, I have not identified one.

This is not presented as proof that no such case has ever existed. It is a research finding subject to correction. Anyone aware of a materially comparable case is expressly invited to identify it, including the case name, docket, tribunal sequence, federal right asserted, disposition at each level, and the tribunal that ultimately provided—or failed to provide—a merits adjudication.

4. WHY 72 HOURS MATTERS

Supreme Court Rule 44.2 provides a 25-day period for a petition seeking rehearing of an order denying certiorari and restricts the grounds to intervening circumstances of substantial or controlling effect or other substantial grounds not previously presented. The judicial clock is therefore finite. Delay can convert a question that is still procedurally reviewable into one that is no longer capable of being presented through that mechanism.

The requested 72-hour triage does not ask the President to command the Supreme Court, reverse a judgment, or determine criminal guilt. It asks the Executive Branch to use its own lawful authorities immediately enough to determine whether additional action, preservation, investigation, litigation participation, referral, or public explanation is warranted while the Rule 44.2 window remains open.

5. QUESTIONS REQUIRING IMMEDIATE FEDERAL TRIAGE

- **Forum and remedy.** Identify the tribunal, if any, that presently has jurisdiction to adjudicate the asserted federal constitutional claims on the merits and authority to grant the prospective relief sought.
- **18 U.S.C. § 242.** Determine whether any evidence supports a willful deprivation, under color of law, of rights protected by the Constitution or laws of the United States. A denial, dismissal, or non-adjudication alone does not establish willfulness; the inquiry must be actor-specific and evidence-based.
- **18 U.S.C. § 241.** Determine whether evidence exists of an actual agreement by two or more persons to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of federally secured rights. Repeated outcomes may justify inquiry, but agreement must be proved.
- **Evidence preservation and obstruction.** Preserve relevant court, agency, appraisal, tax-roll, software, communications, docket, and decision records and determine whether any record alteration, concealment, destruction, or obstruction occurred.
- **Impeachment / judicial accountability.** If evidence establishes serious misconduct incompatible with judicial office, identify the lawful referral path to the legislative body possessing impeachment or removal authority. Impeachment is a constitutional process; it is not self-executing from an adverse ruling.
- **Insurrection Act threshold.** Determine, as a legal question only, whether any proven facts could approach the distinct statutory thresholds in 10 U.S.C. § 253 concerning insurrection, domestic violence, unlawful combinations, or conspiracies that obstruct execution of law or leave a class of people deprived of constitutional protection while State authorities are unable, fail, or refuse to protect it. This Notice does not request military deployment and does not assert that the threshold has been met.
- **RICO / obstruction / related federal theories.** Determine whether any separate evidence establishes the elements of an enterprise, pattern, qualifying predicates, obstruction offense, or conspiracy. These theories are element-dependent and must not be inferred solely from the judicial outcomes.
- **Replication risk.** Determine whether the procedural architecture alleged in No. 26-179 can lawfully be replicated by other States in a manner that leaves federal rights formally recognized but practically without a merits forum.

6. WHAT THIS NOTICE DOES NOT CLAIM

This Notice does not claim that denial of certiorari or denial of rehearing, standing alone, proves criminal guilt, treason, insurrection, conspiracy, or an impeachable offense. It does not use the phrase 'constitutional coup' as a criminal charge. Where that phrase is used, it is a descriptive term for an alleged extra-legislative nullification of constitutional protections through institutional non-adjudication.

Nor does this Notice ask any official to presume the underlying property-tax, appraisal, bond, or financial allegations true. The request is to quickly test the record, identify the lawful forum, preserve the evidence, and determine whether statutory elements are supported.

7. THE REQUEST

Within 72 hours, the White House should direct an expedited constitutional and investigative triage by the appropriate Executive Branch offices, including the Department of Justice, Office of the Solicitor General, Civil Rights Division, FBI, and other offices with relevant lawful authority.

- Confirm the responsible offices and officials.
- Preserve the relevant federal and State-facing evidence within lawful federal reach.

NOTICE OF CONSTITUTIONAL NON-ADJUDICATION AND REQUEST FOR 72-HOUR EXECUTIVE TRIAGE

- Identify the present forum, if any, capable of adjudicating the asserted federal rights and granting the requested relief.
- State whether the evidence warrants investigation under §§ 241–242 or any other applicable federal statute.
- State whether actor-specific evidence warrants referral for judicial-discipline or impeachment consideration by the constitutionally authorized legislative body.
- State whether the alleged no-remedy architecture presents a material national replication risk.
- Provide a preliminary written response identifying any material factual, legal, or historical disagreement with this Notice.

8. WHY SILENCE IS NOT AN ANSWER

If the constitutional theory is wrong, identify the doctrine and tribunal that supply the missing remedy. If the historical research is wrong, identify the materially comparable case. If there is no deprivation, identify the merits forum. If there is no coordination, let the evidence establish that fact. If no federal criminal statute is implicated, identify the missing element. But silence and non-adjudication cannot themselves resolve the constitutional question.

The Executive Branch does not have to assume guilt. It has to determine whether there is enough evidence to investigate before the remaining judicial clock expires.

LEGAL AUTHORITIES REFERENCED

- U.S. Supreme Court Rule 44.2 — rehearing following denial of certiorari; 25-day filing period; limited grounds.
- *Maryland v. Baltimore Radio Show, Inc.*, 338 U.S. 912 (1950) — denial of certiorari carries no implication regarding the Court's view of the merits.
- 18 U.S.C. § 241 — Conspiracy Against Rights.
- 18 U.S.C. § 242 — Deprivation of Rights Under Color of Law.
- 10 U.S.C. § 253 — Interference with State and Federal law (Insurrection Act framework).
- U.S. Const. art. I, §§ 2–3; art. III, § 1 — impeachment powers and judicial tenure during good Behaviour.

Respectfully submitted,

Mitchell Vexler

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