

Five Courts. No Merits Adjudication. What Happens Next?
Your Equity is being stripped along with your Constitutional rights!
The Constitutional, Financial, and National Replication Questions Raised
by SCOTUS No. 26-179

By Mitchell Vexler, October 12, 2026

For nearly a century, when States created procedural or jurisdictional barriers that threatened to prevent federal rights from being adjudicated, the Supreme Court intervened. In No. 26-179, four Texas courts left the federal constitutional claims without a merits determination, and now the Supreme Court denied review. Why now? Why this case? What does this mean? What is in the 10/12/2026 letter to President Trump?

No. 26-179 is the vehicle that exposed a potentially replicable constitutional failure. The immediate concern is no longer confined to the litigants or even to Texas. The concern is whether the procedural architecture left standing in Texas can now be used elsewhere to place federal constitutional claims beyond meaningful adjudication.

The **National Constitutional Emergency** is not simply that one case was denied. The emergency is that a potentially replicable method of constitutional non-adjudication has been exposed. If that method can be copied, the question is no longer what happened to these Plaintiffs. The question is whether federal constitutional rights can be made practically unenforceable State by State.

Historical Context:

1934 — McKnett

1988 — Felder

1990 — Howlett

2009 — Haywood

2025 — Williams

2026 — No. 26-179

Howlett summarized the rule that state courts of competent jurisdiction generally cannot refuse federal rights for invalid state-law reasons and expressly relied on *McKnett* and *Felder*. [Legal Information Institute](#) *Williams* in 2025 again dealt with an exhaustion rule that the majority found could prevent plaintiffs from obtaining a merits resolution of §1983 claims. [Supreme Court](#)

In the historical research we have conducted, we have not identified another materially comparable sequence in which the State's highest court left this type of no-remedy architecture intact and the U.S. Supreme Court then declined review.

SCOTX vs. SCOTUS — FULL SIDE-BY-SIDE COMPARISON

EXCERPT FROM FEDERAL COMPLAINT — HISTORICAL PROCEDURAL POSTURE

SCOTUS 26-179 - Questions Asked	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION - Jury Trial Demanded
1. Whether the Due Process Clause permits a State to make an administrative remedy exclusive when the designated tribunal lacks authority to grant the prospective relief sought, leaving no state court able to adjudicate the claim.	1. This is a civil rights action under 42 U.S.C. §§ 1983, 1985, and 1986, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the Fifth and Fourteenth Amendments to the Constitution of the United States. It arises from what Plaintiffs allege is a systematic, publicly admitted departure from the mandatory property-appraisal methodology of Texas law by the Chief Appraiser of the Denton Central Appraisal District, and from the subsequent refusal of every Texas forum — administrative and judicial, up to and including the Supreme Court of Texas — to adjudicate the federal constitutional claims that departure generated.
2. Whether a federal due-process objection to a state court's final foreclosure of all available remedies is timely under 28 U.S.C. sec 1257 when the objection could not become complete until the state court of last resort denied rehearing.	2. The Texas Constitution commands that "[t]axation shall be equal and uniform." Tex. Const. art. VIII, § 1(a). The Texas Legislature has commanded that market value "shall be determined by the application of generally accepted appraisal methods and techniques," and that where an appraisal district determines value by mass appraisal, "the mass appraisal standards must comply with the Uniform Standards of Professional Appraisal Practice" ("USPAP"). Tex. Tax Code § 23.01(b). Compliance is not discretionary. It is the statutory floor on which every Texas assessment rests.
THE ANSWERS TO THESE QUESTIONS EXIST AND IS STATED IN BOTH STATE, FEDERAL CONSTITUTIONAL & DOCTRINAL LAW. Do you think it is worth ½ hour of the Justices time at SCOTUS to re-state their own Doctrine (Williams v Reed) and close down what appears to be a judicial coup in the making. What could possibly be a legitimate reason not to hear a case of this magnitude, but for intent?	3. Plaintiffs allege that the Denton Central Appraisal District ("DCAD" or "the District") does not appraise property in conformity with that floor. At a public meeting of the DCAD Board of Directors on October 12, 2023, Chief Appraiser Don Spencer stated on the record that DCAD does not perform its mass-appraisal valuation inside its computer-assisted mass appraisal ("CAMA") software; that DCAD must "pull data out of the system, manipulate the data, and then put it back into the system"; and that approximately 60,000 properties were valued or revalued by a single employee using a spreadsheet outside the controlling software. DCAD officials further described having shared these "workarounds" with other appraisal districts in Texas.
Either this case is heard or Constitutional rights vanish. SCOTX provided the map of non-adjudication & replication across the U.S.	4. Plaintiffs allege that this conduct is not error but design: that appraised values within the District are reverse-engineered to support predetermined budgets and revenue expectations of taxing units, including school districts, rather than derived from any lawful application of USPAP-compliant methodology, and that a valuation process which begins from a predetermined budget has, in Plaintiffs' words, "zero to do with property values." Plaintiffs allege that the resulting values are not appraisals within the meaning of Texas law at all, but fabricated fiscal inputs bearing the label of appraisals.
Mr. President, Members of the Supreme Court of Texas, Members of the Supreme Court of the United States, DOJ, FBI, SEC, Solicitor General, United States Treasury, appellate attorneys, Attorneys General, State Comptrollers, Legislators, Finance Committees, House of Representatives, Congress, politicians and to all American Citizens; Please prove where the evidence is wrong.	5. Plaintiffs pursued the remedies the State designated. The Solinski Plaintiffs protested before the Appraisal Review Board ("ARB"); the Vexler and Mavex Plaintiffs appealed ARB determinations to the district court. Plaintiffs then sued in the 481st Judicial District Court of Denton County seeking prospective relief compelling the Chief Appraiser to conform his methodology to Section 23.01(b), declaratory relief, refunds, and just compensation. Every Texas court to touch the case disposed of it without reaching the merits of any federal claim: the trial court granted Defendants' pleas to the jurisdiction; the Court of Appeals for the Second District of Texas affirmed on the ground that Tex. Tax Code § 42.09 makes the administrative protest process the "exclusive" remedy; and the Supreme Court of Texas denied review on October 24, 2025 and rehearing on May 8, 2026, each time by order and without opinion. One word — "Denied." No reasoning. No opinion. No dissent. No remand.
Two Forums. One core issue: Non-Adjudication of Constitutional Claims. How can this be in the United States of America with the Constitution of the United States of America? Quite simply, no court is credible that refuses adjudication.	6. The consequence, on the State's own construction of its statutes, is that no forum in Texas — not the ARB, which lacks power to grant the relief the federal claims require, and not the courts, which held themselves without jurisdiction — can ever adjudicate Plaintiffs' federal takings and due process claims. Plaintiffs allege that when a State routes a federal constitutional claim into a tribunal that cannot grant the relief the claim requires, and then invokes that routing to close its courts, the refusal to adjudicate itself becomes the constitutional harm. Plaintiffs allege that Texas has constructed an architecture of non-adjudication: (1) designate an administrative tribunal as the exclusive forum; (2) withhold from that tribunal the power to grant constitutional remedies; (3) require exhaustion of that tribunal; and (4) invoke exclusivity to bar judicial review. Under such a system, federal rights remain nominally recognized while becoming structurally

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	unenforceable — a condition Plaintiffs describe as taxation without representation and without remedy.
Currently, there is no other conclusion than a judicial coup and a Constitutional Crises.	7. A petition for a writ of certiorari directed to the state-court judgment is in final counsel review for filing in the Supreme Court of the United States. That proceeding is the vehicle for direct review of the state judgment. This action does not ask this Court to review, reverse, or reject that judgment. As against Spencer and DCAD, this action asserts independent federal claims based on an allegedly ongoing methodology applied anew each tax year and seeks prospective relief and damages for injuries Plaintiffs allege no state tribunal adjudicated on the merits.
The power to tax is the power to destroy. The power of unchecked leverage is economic suicide. The lack of adjudication is the gasoline on the bonfire of Dynamic Contagion.	8. As against the Justice Defendants, Plaintiffs allege that the refusal to adjudicate — in the face of a record containing the Chief Appraiser's own public admissions, and in the face of the Supreme Court of Texas's own precedent holding that an "exclusive" administrative remedy does not bar claims the designated forum "could not have finally decided . . . or awarded the relief" for, <i>Hensley v. State Commission on Judicial Conduct</i> , 692 S.W.3d 184, 196–98 (Tex. 2024) — operated to strip more than thirty million Texans of any forum for a defined class of federal constitutional claims, and thereby deprived Plaintiffs of rights secured by the First, Fifth, and Fourteenth Amendments under color of state law.
To all American Citizens: Your Constitutional rights are being stripped along with your equity.	9. Plaintiffs acknowledge that claims against sitting judicial officers arising from judicial acts confront the doctrine of judicial immunity and related statutory and constitutional limitations. Plaintiffs plead those claims within the exceptions existing doctrine recognizes — for acts taken in the clear absence of all jurisdiction, <i>Stump v. Sparkman</i> , 435 U.S. 349, 356–57 (1978); <i>Mireles v. Wac</i> , 502 U.S. 9, 11–12 (1991) (per curiam) — a line of doctrine originating in <i>Bradley v. Fisher</i> , 80 U.S. (13 Wall.) 335, 351–52 (1872) — and for declaratory relief, which the 1996 amendment to § 1983 leaves available — on the ground that no grant of jurisdiction known to American law empowers any court to place a State's procedural architecture beyond the reach of the Constitution of the United States, and that a judicial act whose function and effect is to nullify constitutional guarantees for an entire class of claimants is an act no jurisdiction authorizes. To the extent existing doctrine would nonetheless bar any such claim, Plaintiffs expressly assert it as a good-faith argument for the extension, modification, or reversal of existing law pursuant to Federal Rule of Civil Procedure 11(b)(2). The Court's published orders lists for October 24, 2025 and May 8, 2026 list No. 25-0615 with no notation of any Justice's non-participation, although both lists record such notations for other cases; no separate statement or dissent respecting either denial was published.
 Time is of the Essence The White House switchboard can be reached at 202-456-1414. Leave a kind message that says – “Hear, Reverse, & Remand SCOTUS case 26-179. Our Constitutional Rights depend on it.” Several thousand phone calls will make the point. Additionally, comments can be submitted via email at comments@whitehouse.gov	10. Plaintiffs seek: (a) a declaration that the District's mass-appraisal methodology violates Tex. Tax Code § 23.01(b) and the Fifth and Fourteenth Amendments; (b) a declaration that Tex. Tax Code § 42.09, as applied to foreclose federal constitutional claims that the designated administrative forum cannot hear, violates the Supremacy Clause and the Due Process Clause; (c) prospective injunctive relief, under <i>Ex parte Young</i> , 209 U.S. 123 (1908), compelling the Chief Appraiser to conform his methodology to the statutory mandate; (d) preservation and production of appraisal records; (e) compensatory, nominal, and punitive damages; and (f) attorneys' fees and costs under 42 U.S.C. § 1988.
mitch@mockingbirdprop.com	www.mockingbirdproperties.com/dcad

The full comparison above is the record. The four-step summary below is the shortest way to explain the architecture.

This side-by-side comparison reduces to **four steps**:

1. Exclusive administrative forum
2. Forum allegedly cannot grant the constitutional relief sought

3. Courts rely on exclusivity/jurisdiction to avoid merits adjudication
4. SCOTUS denies review.

This is the constitutional issue. If a right exists on paper, but the citizen cannot reach a tribunal capable of deciding it and granting the required relief, what practical protection remains?

As seen in the letter to the President the asserted structure remains intact and replicable, while repeated non-adjudication leaves the constitutional issue unresolved.

Why Haywood matters

The word “roadmap” is extremely memorable.

In Haywood, the Supreme Court warned against allowing jurisdictional rules to become a roadmap for States wishing to circumvent federal law. That is why replication matters here.

The government’s briefing in *Williams* quoted *Haywood* precisely on this point: a contrary rule could provide a “roadmap for States wishing to circumvent” prior Supreme Court decisions.
[Supreme Court](#)

My concern is not only what happened in Texas. It is that the structure can, will, and is being copied.

This is where **Dynamic Contagion** comes in.

Property valuation

- **Certified tax base**
- **Property-tax collections**
- **School-district / municipal debt**
- **Bond credibility**
- **Repricing / liquidity stress**
- **Broader fixed-income transmission**

The reason this is no longer only a constitutional case is that the same property values feed the tax base supporting public debt. If the underlying data cannot be reproduced or verified, the question becomes one of municipal-credit integrity.

If the model is wrong, prove it wrong. If it is right, delay is itself a risk multiplier.

Treasury has already been **warned**.

Reference the [Formal Notice of Criminal Allegation](#) sent to US Treasury Secretary Scott Bessent along with the [Advanced Evidence Verification Report](#).

FORMAL NOTICE OF CRIMINAL ALLEGATION

Demand for Certified Bond Genealogy, Evidence Preservation, and Financial-Stability Verification

To	Scott Bessent, Secretary of the Treasury
From	Mitchell Vexler
Date	September 25, 2026
Re	Companion notice to the Advanced Evidence Verification Report and Treasury Data Verification Package
Requested response	Within 10 business days of receipt: identify the responsible Treasury office, the authoritative data custodians, and any factual, mathematical, or source-record disagreement.

Statement of posture. This document records the complainant's formal criminal allegations and the evidence he contends supports them. It does not represent a criminal adjudication, indictment, or finding by Treasury, DOJ, SEC, a court, or any other authority. Its purpose is to put the allegations, verification challenge, preservation demand, and requested government response in a precise, testable form.

Companion to: Advanced Evidence Verification Report; Treasury Data Verification Package; Federal Complaint Master Exhibit Index; and related court/public-record materials.

ADVANCED VERIFICATION REPORT - TREASURY

Advanced Evidence Verification Report

Property-Valuation Data, Tax-Roll Integrity, and Municipal-Credit Transmission Risk

Prepared for Scott Bessent, Secretary of the Treasury

September 24, 2026

Purpose: controlled verification of documentary records, data lineage, and municipal-credit transmission risk. This report distinguishes documentary records, litigant allegations, analytical outputs, and items requiring independent verification.

Important: The report does not ask Treasury to accept allegations as proven. It asks that specified data and records be independently reconciled against authoritative sources before financial-stability or enforcement conclusions are drawn.

What is the letter to President Trump about? **EMERGENCY REQUEST FOR EXECUTIVE ACTION - SCOTUS No. 26-179, CONSTITUTIONAL NON-ADJUDICATION, POTENTIAL RICO IMPLICATIONS, AND SYSTEMIC FINANCIAL RISK** and is available in full at www.mockingbirdproperties.com/dcad.

This letter to the President (10/12/26) is not the beginning of the warning.

- September 24, 2026: **Advanced Evidence Verification Report** prepared for Secretary Scott Bessent.
- September 25, 2026: **Formal Notice of Criminal Allegation** directed to Secretary Bessent.
- Treasury was asked to test the evidence against authoritative data, not simply accept allegations.

The **Advanced Verification Report** specifically says its purpose is controlled verification of property-valuation data, tax-roll integrity, and municipal-credit transmission risk, and expressly says Treasury should independently reconcile the records before drawing conclusions.

The **criminal allegation notice** likewise framed the allegations as testable and asked Treasury to identify certified data and discrepancies rather than assume guilt.

These documents are over and above the criminal complaints that were filed with the DOJ, FBI and SEC which are also available for review at www.mockingbirdproperties.com/dcad.

This letter is not the beginning of the warning. Now we are at the point in which constitutional, evidentiary, criminal-investigative, and financial-stability warnings converge.

Judicial clock: days.

Financial-risk clock: unknown / potentially compressed.

There are two clocks running. One is the Supreme Court rehearing window. The other is the financial-stability clock.

I am not asking the President to order the Supreme Court to decide a case. I am asking the Executive Branch to use the lawful tools it already has, to test the evidence immediately while judicial remedies remain available.

THE 72-HOUR TRIAGE REQUEST

Six steps:

1. Solicitor General / DOJ constitutional review
2. Treasury / FSOC stress review
3. DOJ / FBI evidence preservation

4. RICO predicate assessment
5. SEC municipal-securities review
6. Interagency systemic-risk determination

I am not asking anyone to prejudge guilt. I am asking the federal government to determine whether the evidence warrants immediate action.

The American system was built around a simple principle: government power, particularly the power to tax, must remain subject to law and meaningful constitutional restraint. The founding grievance was taxation without representation. The question before us today is different, but related: **what happens when citizens challenge government taxation under the Constitution and no tribunal will reach the merits?**

The constitutional safety valve is adjudication. If that valve is closed, the danger is not merely financial. It is institutional. Loss of institutional sovereign credibility is a one-way street to civil unrest.

The full letter to the President is available for download. Read it. Verify it. Pass it forward. If anything in it is wrong, show the error. But silence and non-adjudication are not answers.

NO COURT IS CREDIBLE THAT REFUSES ADJUDICATION

The President could lawfully order a **72-hour Executive Branch triage**.

Article III is designed to make the federal judiciary independent. Supreme Court Justices hold office during “good Behavior,” and the Court itself states that a Justice can be removed only through impeachment; the House impeaches and the Senate tries the impeachment. Congress, not the President, also determines the number of Justices. [Supreme Court](#)

So an executive order could direct the **Executive**, not the Court. A lawful 72-hour order could require DOJ, the Solicitor General, Treasury/FSOC, FBI, SEC, OLC, and other appropriate agencies to do things such as:

- review No. 26-179 and the rehearing posture immediately;
- determine what lawful litigation steps remain available to the United States;
- preserve and evaluate evidence;
- assess §241, §242, RICO, securities, obstruction, and other federal theories;
- stress-test the Bond Credibility Chain and Dynamic Contagion model;
- produce an interagency report to the President within 72 hours;
- recommend whether Congress should be asked to investigate or consider impeachment-related evidence.

That is consistent with the President's authority to supervise executive agencies. The current White House itself describes an independent judiciary as one of the structural safeguards of the constitutional system. [The White House](#)

Even declaring a national emergency would not change that. Congressional Research Service explains that emergency powers remain subject to constitutional limits; the Constitution does not generally suspend itself during an emergency, and emergency actions remain judicially reviewable. [Congress.gov](#)

Mr. President, I am not asking you to direct the Supreme Court how to decide a case or to interfere with the independent judicial function. I am asking you to exercise the full lawful power of the Executive Branch immediately: order a 72-hour interagency constitutional, criminal, evidentiary, and financial-stability triage; require the Solicitor General and Attorney General to identify every lawful avenue still available while the rehearing window remains open; require preservation and investigation of the underlying evidence; and, if the evidence warrants it, transmit appropriate findings to Congress for the constitutional remedies that belong to Congress."

If evidence establishes misconduct by federal judges, the constitutional remedy is not military removal. It is investigation, referral, and—where the evidence satisfies the constitutional standard—impeachment by the House and trial by the Senate.

The emergency is the need for immediate lawful action, not suspension of the constitutional structure itself.

I am not asking the President to suspend constitutional government in response to an alleged constitutional failure. I am asking him to use every constitutional power available to determine, within days rather than months, whether that failure has occurred. Clearly, given the evidence of provided by these courts, we have a constitutional failure.

What SCOTX Did:

1. SCOTX = "DENIED" adjudication – means NO RECOURSE.
2. SCOTX VIOLATED their OATH OF OFFICE. Protect & Defend.
3. SCOTX Subverted both Texas and U.S. Constitutional Law.
4. SCOTX's actions raise potential deprivation-of-rights questions under 42 U.S.C. §1983 and potential criminal questions under 18 U.S.C. §§241 and 242 that require investigation.
5. **SCOTX prohibited adjudication of proven fraud, deemed admitted fraud.**
6. SCOTX discredited their existence & violated their own doctrines.

18 U.S.C. § 242 makes it a federal crime for anyone acting under color of law to willfully deprive a person of rights protected by the U.S. Constitution or laws.

The actions of SCOTX sanction the violation of the 1st, 5th, 6th, 14th, 16th Amendments.

Exposed the map of non-adjudication. If other courts across the U.S. follow SCOTX, then the Constitutional rights of all Americans are vanquished.

What SCOTUS Did:

Allowed other states to replicate the crime (civil and criminal) of Deprivation of Rights via non-adjudication, committed by SCOTX.

Violated the Constitutional Rights of all Americans

SCOTUS declined discretionary review in No. 26-179 without providing an explanation or identifying any Justice in the order.

- The denial did not adjudicate the asserted federal constitutional claims on the merits.
- SCOTUS did not rule that the evidence was false.
- SCOTUS did not rule that the challenged conduct was lawful.

In the historical research we have conducted, we have not identified another materially comparable sequence in which **every court involved issued a one-word ‘DENIED,’ without explanation, without merits analysis, and without identifying how any Justice voted. No court has articulated a legal rationale explaining how this result can be reconciled with the constitutional protections invoked and the Supreme Court precedents cited.** Until such a rationale is identified, the legal basis for the result remains unexplained.

Leading to:

- **18 U.S.C. §241: investigators would ask whether two or more people actually agreed to interfere with the exercise of a federal right. DOJ describes that agreement as an essential element. Justice Department**
- **18 U.S.C. §242: investigators would ask whether a public official, acting under color of law, willfully deprived someone of a federally protected right. DOJ expressly says judges can act under color of law and can be prosecuted if the elements are proved. Justice Department**
- **Impeachment: if evidence supported serious misconduct by federal judges, the constitutional removal mechanism is impeachment and Senate trial. U.S. Senate**

42 U.S.C. §1983 is a civil cause of action, not the criminal offense of deprivation of rights. The criminal statute is 18 U.S.C. §242. The record raises potential civil liability questions under 42 U.S.C. §1983 and potential criminal questions under 18 U.S.C. §§241 and 242.

The strongest emergency request to the President is:

Order a 72-hour Executive Branch triage of the constitutional, criminal, evidentiary, and financial-stability issues; direct DOJ/FBI to evaluate §§241 and 242 and any RICO predicates; direct OSG to identify lawful litigation options while the rehearing window remains open; direct Treasury/FSOC to test the Dynamic Contagion model; preserve the evidence immediately; and, if evidence implicates federal judges, transmit that evidence to Congress for the constitutional remedies Congress controls.

THE CONSTITUTION CANNOT PROTECT CITIZENS IF NO COURT WILL ADJUDICATE THEIR CLAIMS.

The record raises grave constitutional and potential criminal questions.

Warrants immediate Executive Branch investigation & examination under 18 U.S.C. §§ 241 and 242

Without adjudication, we now have the appearance of a Judicial Coup, where the Constitution of the United States of America is not for the Citizens but to be used as an interpretation by government officials when it suits them.

SCOTUS does not have a more profound case to hear than this case.

End.