From: Mitch Vexler
Sent: Friday, October 30, 2026 3:51 PM
To: 'sharris@supremecourt.gov' <sharris@supremecourt.gov>
Subject: Case 26-179. Where does an American go to obtain their Constitutional rights when those rights are made unavailable by non-adjudication?

Dear Mr. Harris:

When government officials are repeatedly placed on actual notice that their actions allegedly leave federally protected rights without any forum capable of adjudicating them, and the same no-remedy structure is knowingly preserved, the issue moves beyond ordinary procedural error and raises a legitimate question whether the elements of 18 U.S.C. §§241 or 242 are implicated. That determination requires investigation and proof of the statutory elements, including agreement under §241 and willfulness under §242.

With regard to voting rights being taken from society via election fraud and voter fraud, the voting-rights analogy is useful because election fraud deprives citizens of their voting rights and that leads to the question of why denial of access to a judicial forum should be treated differently, when they are both Deprivation of Rights? The conceptual bridge is this:

A constitutional right can be defeated not only by formally repealing it, but also by making its exercise practically unavailable.

That is where *Williams v. Reed* becomes important. In 2025, SCOTUS reversed Alabama where a state exhaustion rule operated as a procedural catch-22 preventing federal claims from being heard. The strongest constitutional question is not "SCOTUS committed a crime because it denied the case." It is:

If SCOTUS has already held that a State may not construct a procedural catch-22 that prevents federal rights from being heard, where does a citizen go when the asserted catch-22 reaches the Nation's highest court, and the claim still receives no merits adjudication?

That is the heart of the Constitutional question, "Where do I go to get SCOTUS to protect the Constitution?"

Procedurally, there is no higher Article III court above the Supreme Court. That is exactly why the question becomes institutional rather than merely appellate. The remaining lawful avenues are different branches and forums: the pending Rule 44.2 rehearing process, the live federal civil-rights case in Sherman for claims within that court's jurisdiction, DOJ Civil Rights review for potential §§241/242 issues, congressional oversight/impeachment mechanisms where legally appropriate, and public/academic scrutiny of the constitutional architecture. None of those is an "appeal from SCOTUS"; they are separate constitutional mechanisms.

Where does an American citizen go when the deprivation is committed or left unremedied by the institutions whose function is to protect the right?

If a State may not create a procedural structure that makes federal rights practically unenforceable, what remedy remains when that structure survives every State tribunal and alleged discretionary review by the Supreme Court itself?

That is the constitutional question exposed by No. 26-179.

It is not answered by saying the Court denied review. The problem is that the asserted federal right still has not received a merits adjudication from a tribunal capable of granting the relief sought.

If there is another lawful forum, identify it. If there is not, then the Nation must confront what practical protection the Constitution provides when access to adjudication disappears.

Best Regards.

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