SUPREME COURT OF THE UNITED STATES

No. 05–29

FIGSOUP, PETITIONER *v.* FIGSOUP

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[March 26, 2018]

The petition for a writ of certiorari is denied.

CHIEF JUSTICE HOLMES, with whom JUSTICE MARSHALL joins, respecting the denial of certiorari.

I have stated in the past, and maintain, that this Court *primarily* exists as "a forum for [all appeals] to be sufficiently argued" irrespective of "the[ir] merits." *OriginalGlo* v. *United States*, 4 U. S. ___ (2017) (concurring opinion). I therefore will always vote to grant certiorari to hear any properly-filed appeal. If a petition conveys with sufficient clarity what can be construed as an argument, that argument may be developed further with the aid of a Bar member at the briefing stage. However, where (as here) it is entirely unclear even *what case* is being appealed,[1] it cannot be legitimately said that anything has been conveyed with

[1] Petitioner only tells us that his "case was dismissed with prejudice." My own independent research has identified two separate cases of petitioner's which have been dismissed in the lower court: *Figsoup* v. *Department of Justice*, 3:18-1913 (USDC 2018) (relating to malicious prosecution) and *Figsoup* v. *Pupplyloftus18*, 3:18-Lx5V6kbp (USDC 2018) (alleging libel and defamation). No information provided by petitioner will aid me in narrowing down which of the two cases specifically is being appealed. Regardless, the petition obviously leaves far too much room for both myself and my fellow Justices to speculate and it could not be taken as a given that we would all be voting to grant certiorari for *the same case* if we did in fact vote to grant certiorari. Petitioner, if he decides to refile this petition, is urged to include the necessary identifying information.

"sufficient clarity."

In both of the above-referenced cases, see *infra*, at 1, n. 1, petitioner may very well have grounds for appeal. Our denial of certiorari should not be taken to express any opinion on the specific matters there at issue. See *OriginalGlo*, *supra*; *United States* v. *Carver*, 260 U. S. 482, 490 (1923) ("The denial of a writ of certiorari imports no expression of opinion upon the merits of the case").[2] In a petition where he has not named himself as both parties and has provided us with a sufficiently clear argument, we would have greater occasion to address his actual argument. There are valid reasons for denying certiorari here unrelated to the merits and so I therefore agree with the decision to do so because "[o]ur role is limited to deciding cases and controversies in a manner agreeable with our Article III powers." *Ex parte VinexyRaps*, 4 U. S. ___ (2017) (statement of Scalia, J.) (citing *Lawrence* v. *Texas*, 539 U. S. 558, 605 (2003) (Thomas, J., dissenting)).

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[2] Accord *Evans* v. *Stephens*, 544 U. S. 942 (2005) (opinion of Stevens, J., respecting denial of certiorari); *Equality Foundation of Greater Cincinnati, Inc.* v. *Cincinnati*, 525 U. S. 943 (1998) (same); *Brown* v. *Texas*, 522 U. S. 940, 942 (1997) (same); *Barber* v. *Tennessee*, 513 U. S. 1184 (1995) (same); *Darr* v. *Burford*, 339 U. S. 200, 227 (1950) (Frankfurter, J., dissenting) ("Nothing is more basic to the functioning of this Court than an understanding that denial of certiorari is occasioned by a variety of reasons which precludes the implication that were the case here the merits would go against the petitioner"); *Maryland* v. *Baltimore Radio Show*, 338 U. S. 912, 917–918 (1950) (opinion of Frankfurter, J., respecting denial of certiorari).