

Syllabus

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SUPREME COURT OF THE UNITED STATESSyllabus

SOUTHERNSHERIFF v. ROBERTB_ABRAMS**CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

No. 02-03. Argued February 2, 2022—Decided March 5, 2022

The Petitioner brings the case before our Court following the lower court's inability to follow the Federal Rules of Civil Procedure. On January 19th, 2022, the Respondent filed a civil case against the United States Attorney General. Upon Mr. Abrams filing the case, he did not state what his preferred or desired form of relief or remedy would be. Ignoring this requirement as clearly stated in Rule 8 of the Federal Rules of Civil Procedure, Attorney General SouthernSheriff requested an extension—citing a busy schedule with in-real affairs and matters—something that would usually be granted according to Rule 12 of the Federal Rules of Civil Procedure. However, his request was ultimately denied. On January 30th, 2022, the Attorney General moved for Summary Judgment; the Plaintiff—now Respondent—failed to submit a document in compliance with the discovery. This motion was accepted by the Magistrate Judge, and the lower court gave its order on February 2nd, 2022 in favor of the Plaintiff. The Court now remands the matter to the lower court in hopes they can follow the rules the second time around.

Held: The United States District Court for the District of Columbia failed to follow the Rules of Civil Procedure. Pp. 3-8.

- (a) The Rules 4(f) and 4(g) of the Federal Rules of Civil Procedure do not apply in our court system; they are in reference to jurisdictions either outside of the United States of America or in another state—both of which would be inapplicable in our current setting. Pp. 5-6.
- (b) A lower court may quash a summons if it is proven to not be relevant to the initial cause of action before the court. Pp. 5-6.

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- (c) Rule 4(i) of the Federal Rules of Civil Procedure would not apply; this technically not a case against the United States, only the Attorney General of the United States—which is not the same thing—in his official capacity. Pp. 6.
- (d) A presiding judge of the District Court requires reasonable grounds to enforce Rule 87—as created by the Supreme Court of the United States. Pp. 8.
- (e) There are six overall tenets when deciding to grant or deny summary judgment. Pp. 8.

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SUPREME COURT OF THE UNITED STATES

No. 02-03

SOUTHERNSHERIFF v. ROBERTB_ABRAMS

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

[March 5, 2022]

CHIEF JUSTICE THOMAS delivered the opinion of the Court, which JUSTICE SCALIA and JUSTICE RUSHING joined. JUSTICE GORSUCH took no part in the decision of this case.

I.

The Federal Rules of Civil Procedure instruct judges, attorneys, and the American people how a court operates in a civil court. The same can be said for the Federal Rules of Criminal Procedure. At the Supreme Court, we have our own rules. See Supreme Court Rules. These rules operate as a handbook, so the advocates and the justices are all bound by the same rules when doing our jobs—as attorney or as judge. Whatever may be the substantive rule, the procedural aspects of a case are governed by the Federal Rules of Civil Procedure. See *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938).

While the Respondents provided the Court with nothing entirely useful to come to a possible

conclusion that the lower court did in fact follow the Federal Rules of Civil Procedure accordingly, we are inclined to side with Attorney General Southern Sheriff in this matter.

II.

To begin, the Petitioner cites many rules where the lower court allegedly failed to follow. For clarification purposes, the Court felt it was best to go through each rule cited and determine if the rule was followed.

Typically, in a civil case, there is a common pattern in terms of how the case goes. First, the civil complaint is submitted to the District Court. If the District Court agrees to hear the case, which they do as long as (1) the plaintiff has standing and (2) the District Court has jurisdiction to hear the case. Once the Plaintiff and the District Court are present, the Defendant requires summoning—which the procedure for that is all laid out within Rule 4 of the Federal Rules of Civil Procedure. Then, the Defendant will have the opportunity to reply to the civil complaint. Upon which, the case has now entered the pre-trial phase. In that, the parties will go through the motions—*i.e.*, submitting discovery motions, dismissal motions, and so forth. Once that is all said and done, there is a trial. And finally, there will be the order from the court. To effectively and do this properly, we have a set of rules. We refer to these rules as the Federal Rules of Civil Procedure—which are not hard to follow in any sense. To best handle this matter, I

suggest that we look at each red flag marked in the lower court's proceedings as alleged by the Petitioner—the Attorney General of the United States.

A.

Rule 4 of the Federal Rules of Civil Procedure, in short, detail the summons process within a civil case. Allegedly, the lower court failed to follow 4(c), (d), (e), (f), (g), (i), and (m) of the Federal Rules of Civil Procedure. However, upon on the Court's review of the matter, (f) and (g) hold no realistic binding in our court system. Therefore, we hold that because they refer to either an international matter or a jurisdiction beyond the borders of the District of Columbia, they are two rules that parties and the lower courts should *not* enforce in a court of law.

Nevertheless, we still have a handful of sections to review. Typically, summons are not often challenged. If they are, one “may challenge the summons on any appropriate grounds.” See *Reisman v. Caplin*, 375 U.S. 440, 449 (1964). Courts may consider new situations as they arise to determine whether the enforcement of a summons would further an improper purpose or result in an abuse of the court's process. See *United States v. LaSalle Nat'l Bank*, 437 U.S. 298, 318 (1978) (“These requirements are not intended to be exclusive. Future cases may well reveal the need to prevent other forms of abuse of the judicial process.”). With a summons, it must be “no broader than necessary to achieve its purpose.” See *United States v. Bisceglia*, 420 U.S. 141, 151 (1975).

In that, the court must scrutinize the summons to determine whether it seeks information relevant to a legitimate purpose, and the court may choose either to refuse enforcement or narrow the scope of the summons. *United States v. Goldman*, 637 F.2d 664, 668 (9th Cir. 1980); *Wooden Horse Investments, Inc. v. United States*, 806 F. Supp. 1487. (E.D. Wash. 1992) (“The court may choose to enforce the summons, quash the summons, or enforce a more narrow summons with restrictions to narrow it ‘no broader than necessary to achieve its purposes.’”) (Quoting *United States v. Bisceglia*, 420 U.S. 141, 151 (1975)). This legal jumble goes to mean that when a court is reviewing a summons—the document must be relevant to the civil complaint in some shape or form. Otherwise, it could be denied or requested to be re-written with particular amendments *sua sponte* by the presiding judge.

In review of the sections pulled out by the Petitioner, it is important that (c) and (m) of Rule 4 of the Federal Rules of Civil Procedure go hand-in-hand. Per the Attorney General’s *writ of certiorari*, “at no time did ... Attorney General SouthernSheriff receive any summons.” See *Petitioner’s Writ of Certiorari*. Therefore, this would be a clear violation of Rule 4(c) and 4(m). This would also extend to be a violation of Rule 4(e).

He also claims that he never waived the summons right, see Rule 4(d) of the Federal Rules of Civil Procedure; see also Petitioner’s *Writ of Certiorari*. After reviewing the transcript for the case, we find this to be true. Therefore, Rule 4(d) was violated.

The discussion about Rule 8 is brief. According to the case chat logs, there is no record of a civil complaint being submitted. Therefore, there is no way that this case should have progressed to a discovery stage or to the plaintiff submitting a motion for recusal. That said, Rule 8 was violated for the obvious reason of there was no civil complaint. With no civil complaint, there was no way that the Plaintiff could have documented the relief sought. This is a requirement under Rule 8(a) and 8(b) of the Federal Rules of Civil Procedure. To which, Rule 12 of the Federal Rules of Civil Procedure cannot be satisfied; there was no written civil complaint submitted in the court records. Once again, there is another clear violation. A defendant cannot respond to a claim if there is no claim technically being made against him.

B.

In our own Court's defense, we did allow judges to suspend any rule of either procedure—criminal or civil—if they found reasonable basis to do so. However, there was also no trace of the presiding judge in the lower court enforcing this rule.

II.

Rule 56 of the Federal Rules of Civil Procedure lays out the boundaries of a summary judgment. In that, our Court has created six tenets for parties and judges to use for further evaluation when it comes granting a motion for summary judgment. First,

there is the “all-issues/facts” tenet—which could not be satisfied, seeing as there was no civil complaint nor response to a civil complaint submitted. Second, there is the “whole-record” tenet—which could not be satisfied without a civil complaint to detail the background of the case. Third, there is the “in-context” tenet—which could not be satisfied without a civil complaint to detail the background of the case. Fourth, there is the “nonmovant-trumps-movant” tenet—which is dependent upon the first three tents, *ibid*, but those all fail, given there is no civil complaint. Fifth, the “all-inferences” tenet—which is also dependent upon the first three tenets, *ibid*, but those failed because there was no civil complaint. See *Scott v. Harris*, 550 U.S. 372 (2007). Finally, there is the “light-burden” tenet—which could only be satisfied dependent upon proper procedure; it requires a discovery motion and/or a trial to take place. A common theme through those tenets was the needing of a civil complaint—which was missing and yet the case still went on without such a document.

Remanded.