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FOR IMMEDIATE RELEASE

U.S. SUPREME COURT PETITION RAISES FUNDAMENTAL ACCESS-TO-COURTS QUESTION: WHAT REMEDY EXISTS WHEN THE ALLEGED BARRIER IS WITHIN THE COURT SYSTEM ITSELF?

Florida case asks Supreme Court to examine filing restrictions, judicial disqualification, due process, appellate review, and protected political speech

MIAMI, FL — [DATE] — A petition now before the U.S. Supreme Court raises a constitutional question with implications beyond the underlying Florida family-court dispute: **What meaningful remedy remains when a litigant alleges that a state court itself has restricted his ability to seek judicial relief, including the ability to seek disqualification of the presiding judge, and the state appellate process provides no written explanation permitting further review?**

In **Frank E. Polo v. The Eleventh Judicial Circuit of Florida in and for Miami-Dade County, Florida, et al., U.S. Supreme Court No. 26-5374**, petitioner Frank E. Polo asks the Court to review a Florida Third District Court of Appeal decision arising from filing restrictions imposed upon him while he was an indigent, self-represented litigant.

The petition does not contend that courts lack authority to control abusive litigation. Instead, it asks where the constitutional limits lie: whether an indigent litigant may be subjected to a prospective filing restriction **without notice that such a restriction would be considered, without a meaningful opportunity to contest its factual basis, and without an effective alternative procedure for seeking constitutional, jurisdictional, emergency, or judicial-disqualification relief.**

THE DOCUMENTS ALLOW THE PUBLIC TO EXAMINE THE QUESTION DIRECTLY

The dispute can be traced through the court's own records.

Polo had been formally determined indigent in February 2017. **(APPX O, pp. 114–116.)** Later that year, an October 3 notice scheduled a hearing concerning the **"Resolution of Competing Orders Submitted by the Parties."** It did not identify the proceeding as a hearing concerning sanctions, a prospective filing injunction, or restriction of Polo's future access to court. **(APPX P, pp. 117–119.)**

Following that hearing, however, an October 24, 2017 order found Polo's conduct “vexatious” and directed that he could not file further pleadings, motions or letters unless they were reviewed by a member of The Florida Bar. **(APPX Q, pp. 120–121.)**

Polo contends that because he received no notice that his future filing rights would be adjudicated, he had no meaningful opportunity to prepare for and contest that issue—including the factual basis for the restriction, its breadth, his indigency, or possible less restrictive alternatives.

A later appellate decision characterized Polo’s filings as excessive and frivolous, but did not identify an evidentiary hearing or record establishing that characterization. Polo maintains that none existed.

The restriction subsequently became broader. An October 2, 2018 order stated that Polo **“may not file anything further in the court file”** and restricted communications with the judicial assistant. **(APPX R, pp. 122–123.)** In 2022, another order limited Polo's filings to pleadings concerning a single pending attorney-fee motion. **(APPX V, pp. 150–152.)**

WHEN THE RESTRICTED FILING WAS A MOTION TO DISQUALIFY THE JUDGE

The constitutional issue became concrete again on December 31, 2025, when Polo electronically submitted a verified motion seeking disqualification of Judge Spencer Multack under Florida Rule of General Practice and Judicial Administration 2.330. **(APPX G, pp. 074–083.)**

On January 2, 2026, the Clerk refused to docket the motion as a motion seeking judicial relief, stating that it was **“barred by order of court or otherwise incapable of being filed in the clerk's case maintenance system.” (APPX H, pp. 084–086.)**

Polo subsequently mailed the motion to chambers, obtained delivery confirmation, and filed a notice attaching the rejected motion and asking that it be docketed. **(APPX J, pp. 091–093; APPX K, pp. 094–107.)** The lower-court docket reflected no order denying the disqualification motion. **(APPX N, pp. 112–113.)**

Polo then petitioned Florida's Third District Court of Appeal for mandamus relief, arguing that the filing restriction could not be used to defeat the time-sensitive procedure governing judicial disqualification. **(APPX C, pp. 007–022.)**

On April 7, 2026, the Third District denied the mandamus petition without a written explanation. **(APPX A, pp. 001–003.)**

Polo then sought rehearing and specifically requested a written opinion. **(APPX F, pp. 061–073.)** On April 23, the appellate court denied both, again without explaining its reasoning. **(APPX B, pp. 004–006.)**

That sequence is at the center of the Supreme Court petition.

Under Florida law, the Florida Supreme Court generally lacks discretionary conflict jurisdiction over an unelaborated district-court disposition that provides no written statement of law establishing express

and direct conflict. Polo therefore argues that the absence of a written decision did more than leave him without an explanation—it left no practical route for discretionary review by Florida's highest court.

FROM A PERSONAL DISPUTE TO A NATIONAL CONSTITUTIONAL QUESTION

The petition also places the controversy against the background of Polo's protected political activity.

After the original 2017 filing restriction, Polo entered electoral politics in 2018 and publicly campaigned against what he characterized as **judicial corruption**, while also criticizing political figures within his own Republican Party. He later ran for federal office.

The petition does **not** ask the public to presume that subsequent judicial actions were retaliation for that speech. Rather, Polo argues that the chronology raises a broader institutional concern: constitutional access to courts must remain neutral and meaningful even for citizens who publicly criticize judges, courts, or other government officials.

> **"I am not asking journalists to accept my allegations because I say they are true," Polo said. "I am asking them to examine the court records themselves. If courts can restrict a citizen's ability to file, prevent that citizen from obtaining adjudication of a motion to disqualify the judge, and then dispose of the constitutional challenge without an explanation that permits further state review, the question is no longer simply whether I should have prevailed. The question is what remedy remains."**

The Supreme Court petition consequently presents an institutional question extending beyond Polo's underlying litigation: **what constitutional protection remains when the alleged obstruction of access originates within the judicial system itself, and the available appellate process leaves the underlying constitutional challenge without meaningful review?**

Polo asks the Supreme Court to grant certiorari, review the Third District's judgment, and require a constitutionally adequate procedure through which his verified judicial-disqualification motion can be filed and adjudicated.

SOURCE DOCUMENTS

The court records cited above as **"APPX"** retain the same appendix designations and page numbers used in the petition submitted to the U.S. Supreme Court. This allows journalists to compare the documents provided with the underlying Supreme Court filing.

Supreme Court Petition, Selected Appendix Exhibits & Media Documents:

https://FrankPolo.com/documents

SCAN ME

U.S. Supreme Court: *Frank E. Polo v. The Eleventh Judicial Circuit of Florida in and for Miami-Dade County, Florida, et al.*, **No. 26-5374**

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