

Diego Rodriguez
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IN THE SUPREME COURT OF THE STATE OF IDAHO

ST. LUKE'S HEALTH SYSTEM, LTD; ST.
LUKE'S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual; NATASHA
D. ERICKSON, MD, an individual; and TRACY
W. JUNGMAN, NP, an individual,

Plaintiffs/Respondents,

vs.

DIEGO RODRIGUEZ, an individual,

Defendant/Appellant,

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee; and
PEOPLE'S RIGHTS NETWORK, a political
organization,

Defendants.

Idaho Supreme Court Case No. 51244-2023

Ada County Case No. CV01-22-06789

**MOTION TO RECOGNIZE AND
PRESERVE UNRESOLVED FEDERAL
CONSTITUTIONAL QUESTIONS FOR
SUPREME COURT OR FEDERAL
COURT REVIEW**

COMES NOW Appellant, Diego Rodriguez, pro se, and respectfully moves this Court to **certify the following unresolved federal constitutional questions** to the appropriate federal forum pursuant to the Supremacy Clause of the United States Constitution and the interests of comity, clarity, and judicial efficiency. These questions implicate fundamental rights guaranteed by the U.S. Constitution and are outside the scope of this Court's jurisdiction to finally adjudicate without federal interpretive guidance.

I. PROCEDURAL HISTORY PROMPTING THIS MOTION

Appellant has repeatedly sought to assert and vindicate his federal rights to due process, access to the courts, freedom from retaliatory governmental conduct, and equal treatment under the law, particularly in the context of his inability to participate in oral argument remotely due to financial hardship and logistical impossibility.

Despite repeated filings:

- The Idaho Supreme Court has denied or ignored those motions without any explanation.
- The Idaho Supreme Court has refused to acknowledge its own 2023 policy memo, authored by Chief Justice Richard Bevan, that affirms the benefits and legitimacy of remote appearance in appellate matters.
- These denials appear to be in retaliation for Appellant's constitutionally protected speech and criticism of public officials and judicial officers.

II. LEGAL AUTHORITY FOR CERTIFICATION

The United States Supreme Court has recognized that state courts may certify questions of federal law when doing so:

- Serves the interest of justice;
- Aids federal review of constitutional issues;
- Prevents conflicting interpretations of federal rights;
- Preserves judicial resources.

Further, under 28 U.S.C. § 1257, federal constitutional questions may be reviewed by the United States Supreme Court if a state's highest court renders a final judgment denying those rights. Alternatively, systemic or procedural violations of those rights may give rise to federal remedies under 42 U.S.C. § 1983."

III. CONSTITUTIONAL QUESTIONS FOR CERTIFICATION

Appellant respectfully requests this Court to certify the following federal questions:

1. Access to Courts

Does the denial of a remote oral argument appearance, where the appellant has asserted that in-person appearance is financially difficult and logistically impossible, constitute a denial of the right of access to the courts under the First and Fourteenth Amendments of the U.S. Constitution?

This is particularly urgent when the state court has acknowledged, via official memorandum, the expansion of remote access as a tool to enhance access to justice and as being accepted as legal appearances.

2. Due Process

Does denying an appellant the ability to participate in their own appeal due to financial or logistical impossibility, or other limitations violate the fundamental due process protections guaranteed under the Fourteenth Amendment?

Especially when the court fails to provide any explanation, justification, or accommodation, despite multiple formal motions.

3. Viewpoint Discrimination

When a court denies procedural accommodations or basic access to justice in a retaliatory or prejudicial manner based on the political, religious, or expressive content of a party's public statements, does this constitute unconstitutional viewpoint discrimination under the First Amendment?

Appellant has been an outspoken critic of the judiciary and the medical establishment involved in this litigation. The procedural denials appear to correlate directly with this constitutionally protected expression.

4. Retaliatory Harassment Under Color of Law

Do repeated unexplained denials of judicial relief, particularly where they contradict the judiciary's own public policy and precedent, rise to the level of retaliatory conduct under color of law in violation of 42 U.S.C. § 1983 and the First and Fourteenth Amendments?

Judicial retaliation, though rarely enforced, can and has been recognized where the denial of due process stems from animus toward a litigant's exercise of protected rights and where conflicts of interests between the Judiciary and a favored party (in this case, the Plaintiffs and their associates) can be easily seen by the public and anybody paying attention to the case.

IV. THE NEED FOR FEDERAL CLARIFICATION

This is not a case where federal issues are incidental. The entire procedural posture of this appeal has been distorted by the State's disregard for federal rights. The continued refusal to explain or justify the denials of remote access — even after direct citations to Justice Bevan's own 2023 memorandum endorsing remote hearings — leaves no neutral explanation available.

This Court's actions force Appellant to choose between:

- Abandoning his rights through non-appearance; or
- Enduring further constitutional injury through compelled, in-person participation he cannot reasonably execute.

Appellant has no adequate remedy at law unless these questions are either certified to federal courts or meaningfully addressed by this Court itself.

V. RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that the Idaho Supreme Court:

1. Formally certify the above constitutional questions to the United States Supreme Court or, in the alternative, to the Ninth Circuit Court of Appeals or United States District Court for the District of Idaho;
2. Issue a stay of in-person oral argument pending resolution of these certified questions;

3. Provide written justification if certification is denied, as required by principles of due process, judicial accountability, and the record-preservation obligations of appellate courts.

In the event this Court declines to address these questions or stay the hearing, Appellant reserves the right to pursue emergency relief in the United States District Court or Court of Appeals for violation of federally protected rights under color of state law.

Respectfully submitted,

DATED: September 6th, 2025

By: /s/ Diego Rodriguez

Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy to:

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DATED: September 6th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez