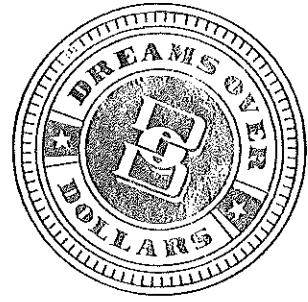**To:** The Committee on Rules of Practice and Procedure
Judicial Conference of the United States
Administrative Office of the U.S. Courts
Washington, D.C.

From:
Joseph Anthony Reyna (JoeCat®)
Public-Interest Litigant · Founder, Dreams Over Dollars Foundation (501(c)(3))

Subject: Procedural Submission —
Algorithmic Spoliation and Metadata Suppression under FRCP 26 & 37(e)

Dear Members of the Committee,

I submit this correspondence for the record as a matter of procedural reform rather than personal grievance. The subject is *algorithmic spoliation*—the automatic alteration or decay of digital evidence through self-modifying systems such as cloud retention policies, data deduplication, or machine-learning retraining loops. These processes often operate beyond a litigant's control, yet they materially alter the evidentiary record after a duty to preserve has attached.

The Federal Rules of Civil Procedure presume evidence governed by human intention. In modern systems, intent is diffused across automation. When an algorithm deletes, overwrites, or retrains on contested data, the result mirrors willful destruction while evading the definitional threshold of "intent."

This procedural gap undermines both *Rule 37(e)* and the interpretive expectations of "reasonably accessible" under *Rule 26(b)(2)(B)*.

I respectfully request that the Committee:

1. **Recognize algorithmic spoliation** as a distinct evidentiary risk within Rule 37(e) commentary or future amendment notes.

2. **Clarify certification duties** for automated systems—including model-version control, retention disablement logs, and dataset immutability confirmations.

3. **Address self-modifying evidence** under *FRE 901(b)(9)* by requiring authentication of process versions and training parameters, not merely system identity.

4. **Study privilege risk** under *Rule 502* where AI summarization or classification occurs during legal hold.

5. **Issue uniform guidance** to prevent local-rule divergence (Rule 83) that could fracture discovery standards between districts.

This letter also aligns with the Advisory Committee's current *Technology Subcommittee* agenda examining AI's impact on discovery. I ask that this submission be logged as a public comment or procedural inquiry under the next published agenda, per the Committee's standard docketing process. If assigned a reference number, please confirm for tracking.

To assist the Committee's evaluation, I am willing to provide anonymized documentation and empirical examples demonstrating metadata drift, AI retraining during preservation, and forensic mismatch between static and dynamic data versions.

Disclaimer and Preservation Request

This communication is issued in good faith for procedural consideration under *Fed. R. Evid. 901*, *Fed. R. Civ. P. 26, 34, 37(e)*, and related Judicial Conference authorities.
It does not allege misconduct, seek ex parte relief, or request confidential information.
Receipt constitutes notice of a matter with foreseeable procedural relevance.
All responses—or non-responses—may be cited solely for the limited purpose of demonstrating notice to the rulemaking body responsible for evidentiary uniformity.

Closing

I recognize the Committee's workload and institutional boundaries. My intent is not to lobby, but to ensure the rulebook evolves at the same pace as the evidence it governs.
If further material is unwelcome, please confirm, and I will refrain from additional correspondence except to supply clarifying data upon formal request.

Respectfully submitted,
/s/ Joseph Anthony Reyna (JoeCat®)
Public-Interest Litigant · Founder, Dreams Over Dollars Foundation (501(c)(3))
Executed under 28 U.S.C. §1746 on October 28, 2025
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