Gupta | Wessler *Issues & Appeals*

June 19, 2019

Via Electronic Filing and Regular Mail

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

Re: No. 18-1074, *Perryman v. Romero*

Dear Mr. Harris:

Petitioner Brian Perryman does not deny that, as things stand, the automatic stay would preclude this Court from deciding the merits. Instead, in a tacit concession of how truly flawed a vehicle this case has become, he speculates that this "procedural obstacle . . . may be ultimately surmounted" if (a) the bankruptcy court eventually decides to lift the stay or (b) the bankruptcy process eventually results in a finalized sale. He suggests that this Court should therefore hold his petition for some unspecified period of time, to see if either scenario plays out. For reasons we have already explained, that suggestion does not accord with this Court's past practice. Perryman's only authority to the contrary is a law clerk's confidential memo dated November 11, 1992. But he neglects to mention what the Court actually did in that case: It denied the petition. *See Harry & Jeanette Weinberg Found. Inc. v. Croyden Assocs.*, 507 U.S. 908 (1993). Moreover, the law clerk's memo preceded the filing on December 23, 1992 of the respondent's brief in opposition, which explicitly raised the automatic stay as a basis for denial for the first time. And, although the Court's public actions should speak for themselves, the very case file that Perryman cites shows that the Justices (including Justice Blackmun) unanimously voted to deny rather than hold the petition.

Sincerely,

Deepak Gupta

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