

No. 20-6490

IN THE SUPREME COURT OF THE UNITED STATES

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MARIO ALLAN MONTANO, Applicant,

v.

OAKLAND COUNTY CIRCUIT COURT JUDGE, Respondent.

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**EMERGENCY APPLICATION FOR A STAY OF EXECUTION PENDING THE  
DISPOSITION OF THE PETITION FOR WRIT OF CERTIORARI**

**APPENDIX**

# **Appendix A**

**Court of Appeals, State of Michigan**

**ORDER**

**In re Montano**

Docket No. 353802

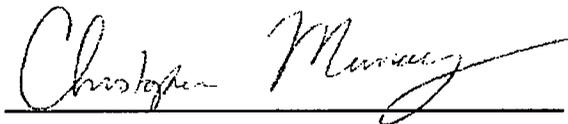
LC No. 2017-854298-PP

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Christopher M. Murray, Chief Judge, acting under MCR 7.201(B)(3), orders:

The complaint for superintending control is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). Plaintiff has failed to correct the defect in this filing by paying to the Clerk of the Court the \$375 entry fee and the \$25 e-filing system fee. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

On its own motion pursuant to MCR 7.216(C)(1), the Court ASSESSES SANCTIONS on the basis that plaintiff's complaint is frivolous and vexatious. Plaintiff Mario Allan Montano is ordered to pay sanctions in the amount of \$750.00 to the Clerk of this Court within 28 days of the Clerk's certification of this order. The Clerk of the Court is ordered to return without accepting any further filings by, or on behalf of, Mario Allan Montano in any non-criminal matter until he has made the payment required by this order. MCR 7.216(A)(7).

  
\_\_\_\_\_



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUL 14 2020

Date

  
Chief Clerk

# **Appendix B**

**Court of Appeals, State of Michigan**

**ORDER**

**In re Montano**

Docket No. 353957

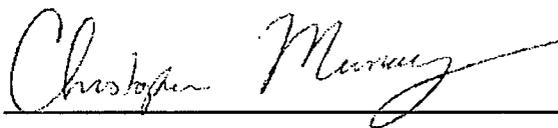
LC No. 2012-802216-DO

---

Christopher M. Murray, Chief Judge, acting under MCR 7.201(B)(3), orders:

The complaint for superintending control is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). Plaintiff has failed to correct the defect in this filing by paying to the Clerk of the Court the \$375 entry fee and the \$25 e-filing system fee. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

On its own motion pursuant to MCR 7.216(C)(1), the Court ASSESSES SANCTIONS on the basis that plaintiff's complaint is frivolous and vexatious. Plaintiff Mario Allan Montano is ordered to pay sanctions in the amount of \$750.00 to the Clerk of this Court within 28 days of the Clerk's certification of this order. The Clerk of the Court is ordered to return without accepting any further filings by, or on behalf of, Mario Allan Montano in any non-criminal matter until he has made the payment required by this order. MCR 7.216(A)(7).

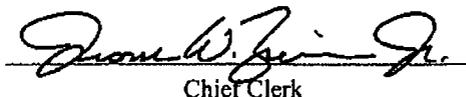




A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 11 2020

Date

  
Chief Clerk

# **Appendix C**

# Order

Michigan Supreme Court  
Lansing, Michigan

October 5, 2020

Bridget M. McCormack,  
Chief Justice

161475  
161670

David F. Viviano,  
Chief Justice Pro Tem

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

*In re* MONTANO.

---

MARIO ALLAN MONTANO,  
Plaintiff-Appellant,

SC: 161475, 161670  
COA: 353802

OAKLAND COUNTY CIRCUIT COURT  
JUDGE,  
Defendant-Appellee.

---

On order of the Chief Justice, the interlocutory application and the application for leave to appeal are administratively dismissed for the failure of plaintiff-appellant to pay the outstanding fees. The clerk of the Court shall not to accept further filings from the plaintiff-appellant in any civil matter until the sanctions ordered by this Court in No. 161152, *IW v MM* (\$500.00) and No. 161299, *Montano v Court of Appeals* (\$1,000.00) are paid in full.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 5, 2020

---

Clerk

# Appendix D

# Order

Michigan Supreme Court  
Lansing, Michigan

October 5, 2020

Bridget M. McCormack,  
Chief Justice

161662  
161848

David F. Viviano,  
Chief Justice Pro Tem

IVY ALICE WIMMER,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

SC: 161466, 161645  
COA: 353685  
Oakland CC: 2012-802216-DO

MARIO ALLAN MONTANO,  
Defendant-Appellant.

---

On order of the Chief Justice, the interlocutory application and the application for leave to appeal are administratively dismissed for the failure of defendant-appellant to pay the outstanding fees. The clerk of the Court shall not to accept further filings from the defendant-appellant in any civil matter until the sanctions ordered by this Court in No. 161152, *IW v MM* (\$500.00) and No. 161299, *Montano v Court of Appeals* (\$1,000.00) are paid in full.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 5, 2020

Clerk

# **Appendix E**

## MICHIGAN COURT OF APPEALS

IN RE MONTANO

COA. 353802  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2017-854298-PP  
Hon. Kameshia D. Gant

---

### **MOTION TO STAY THE EXECUTION OF THIS COURT'S ORDER PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Plaintiff, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. This Court issued an order dismissing this case ("**Dismiss Order**") on July 14, 2020 (Exhibit 1).
2. The Plaintiff appealed the Dismiss Order to the Michigan Supreme Court ("**MSC**") initiating the case of *In Re Montano*<sup>1</sup> ("**MSC Case**") on July 19, 2020.
3. The MSC issued an order dismissing the MSC Case ("**MSC Dismissal**") on October 5, 2020 (Exhibit 2).
4. The Plaintiff appealed the MSC Dismissal by filing a Petition for Writ of Certiorari with the Supreme Court of the United States ("**SCOTUS**") on November 11, 2020.
5. The case of *Montano v. Oakland County Circuit Court Judge*, No. 20-6490 was docketed with SCOTUS on December 1, 2020.<sup>2</sup>
6. SCOTUS has discretionary review jurisdiction over the MSC Dismissal and this Court's Dismiss Order.

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<sup>1</sup> *In Re Montano*, 161475, 161670 (Mich. October 5, 2020).

<sup>2</sup> <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-6490.html>

7. This Court's Dismiss Order will not achieve final disposition until SCOTUS disposes of Case No. 20-6490.
8. This Court's Dismiss Order sanctions the Plaintiff \$750 and also prevents him from filing in all non-criminal cases until he has paid \$750.
9. The Plaintiff has not paid the sanctions because he cannot afford them.
10. This Court has jurisdiction to issue a stay of execution of its Dismiss order pending the disposition of the Petition for Writ of Certiorari pursuant to MCR 7.209(H)(2).
11. This Court's Dismiss Order is not final, and it is unjust for the Plaintiff to be deprived his right to litigate in the COA based on a non-final order.
12. The Plaintiff requests this Court to enter an order to stay the execution of the Dismiss Order pending disposition of the Petition for Writ of Certiorari.

**WHEREFORE** the Plaintiff, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the Dismiss Order pending disposition of the Petition for Writ of Certiorari.
- C. Grant the Plaintiff any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 6, 2020

*/s/Mario Allan Montano*

\_\_\_\_\_  
Mario Allan Montano  
Plaintiff

# **Appendix F**

## MICHIGAN COURT OF APPEALS

IN RE MONTANO

COA. 353957  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2012-802216-DO  
Hon. Kameshia D. Gant

---

### **MOTION TO STAY THE EXECUTION OF THIS COURT'S ORDER PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Plaintiff, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. This Court issued an order dismissing this case ("**Dismiss Order**") on August 11, 2020 (Exhibit 1).
2. The Plaintiff appealed the Dismiss Order to the Michigan Supreme Court ("**MSC**") initiating the case of *In Re Montano*<sup>1</sup> ("**MSC Case**") on August 11, 2020.
3. The MSC issued an order dismissing the MSC Case ("**MSC Dismissal**") on October 5, 2020 (Exhibit 2).
4. The Plaintiff appealed the MSC Dismissal by filing a Petition for Writ of Certiorari with the Supreme Court of the United States ("**SCOTUS**") on November 11, 2020.
5. The case of *Montano v. Oakland County Circuit Court Judge*, No. 20-6490 was docketed with SCOTUS on December 1, 2020.<sup>2</sup>
6. SCOTUS has discretionary review jurisdiction over the MSC Dismissal and this Court's Dismiss Order.

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<sup>1</sup> *In Re Montano*, 161622, 161848 (Mich. October 5, 2020).

<sup>2</sup> <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-6490.html>

7. This Court's Dismiss Order will not achieve final disposition until SCOTUS disposes of Case No. 20-6490.
8. This Court's Dismiss Order sanctions the Plaintiff \$750 and also prevents him from filing in all non-criminal cases until he has paid \$750.
9. The Plaintiff has not paid the sanctions because he cannot afford them.
10. This Court has jurisdiction to issue a stay of execution of its Dismiss order pending the disposition of the Petition for Writ of Certiorari pursuant to MCR 7.209(H)(2).
11. This Court's Dismiss Order is not final, and it is unjust for the Plaintiff to be deprived his right to litigate in the COA based on a non-final order.
12. The Plaintiff requests this Court to enter an order to stay the execution of the Dismiss Order pending disposition of the Petition for Writ of Certiorari.

**WHEREFORE** the Plaintiff, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the Dismiss Order pending disposition of the Petition for Writ of Certiorari.
- C. Grant the Plaintiff any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 6, 2020

*/s/Mario Allan Montano*

**Mario Allan Montano**  
Plaintiff

# **Appendix G**

**almontano29582@gmail.com**

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**From:** info@truefiling.com  
**Sent:** Monday, December 7, 2020 8:25 AM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Court of Appeals Case No. 353802

The Michigan Court of Appeals has rejected your document filed into Case No. 353802, IN RE MONTANO.

**Filing Details**

Rejection Reason: The filing was rejected.  
Document Type: Motion - Regular  
Filing Name: Motion for a Stay Pending SCOTUS Disposition  
Filed By: Montano, Mario (Pro Se)  
From: Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

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Home page: <https://mifile.courts.michigan.gov/>

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# Appendix H

**almontano29582@gmail.com**

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**From:** info@truefiling.com  
**Sent:** Monday, December 7, 2020 8:25 AM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Court of Appeals Case No. 353957

The Michigan Court of Appeals has rejected your document filed into Case No. 353957, IN RE MONTANO.

**Filing Details**

Rejection Reason: The filing was rejected.  
Document Type: Motion - Regular  
Filing Name: Motion for a Stay Pending SCOTUS Disposition  
Filed By: Montano, Mario (Pro Se)  
From: Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected.\*\*\*\*\*

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# Appendix I

**MICHIGAN SUPREME COURT**

**IN RE MONTANO**

MSC: 161475, 161670  
Hon. Bridget M. McCormack

COA. 353802  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2017-854298-PP  
Hon. Kameshia D. Gant

---

**MOTION TO STAY THE EXECUTION OF THIS COURT'S  
ORDER PENDING DISPOSITION OF A PETITION FOR WRIT  
OF CERTIORARI**

**NOW COMES** the Plaintiff-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. MCR 7.305(I) state that the provisions in MCR 7.209 regarding a stay of execution apply to this Court.
2. MCR 7.209(D) as applied to this Court give this Court jurisdiction to stay the orders of the Michigan Court of Appeals ("COA") on terms it deems just.
3. MCR 7.209(H)(2) as applied to this Court give this Court jurisdiction to stay any judgment or order of a lower court and its own orders on terms it deems just.
4. This Court issued an order in MSC 161121 granting the Plaintiff-Appellant ("**Plaintiff**") a fee waiver on March 18, 2020.
5. This Court determined the Plaintiff was too poor to afford motion fees of \$75 or more on March 18, 2020.
6. The Plaintiff's financial situation has declined since March 18, 2020 and he still can't afford court fees of \$75 or higher.

RECEIVED by MSC 12/7/2020 10:56:02 AM

7. Mario Allan Montano filed a Complaint for Superintending Control against the Honorable Kameshia D. Gant with the Michigan Court of Appeals (“COA”) on June 11, 2020.
8. The case of *In Re Montano*<sup>1</sup> (“COA 353802”) was initiated on June 11, 2020.
9. The Defendant in COA 353802 has not filed a single document in the case which has been uncontested since the day it was initiated.
10. Chief Judge Murray issued an order dismissing COA 353802 (“COA Dismissal”) on July 14, 2020 (Exhibit 1).
11. The COA Dismissal ordered the Plaintiff to pay the Clerk \$750 in sanctions.
12. The COA Dismissal ordered the Clerk to reject all Plaintiff filings in non-criminal cases till the sanctions were paid.
13. This Court affirmed that the Plaintiff is too poor to pay the sanctions.
14. The Plaintiff has not paid the sanctions in the COA Dismissal because he cannot afford them.
15. The Plaintiff has been deprived of any ability to litigate any non-criminal issue in the COA since July 14, 2020 because he is too poor to pay sanctions ordered in an uncontested case.
16. The Plaintiff appealed the COA Dismissal initiating the case of *In Re Montano*<sup>2</sup> (“this case”) with the Michigan Supreme Court (“MSC”) on July 19, 2020.
17. This case has been uncontested since the day it was initiated.
18. This Court issued an order dismissing (“MSC Dismissal”) this case on October 5, 2020 (Exhibit 2).

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<sup>1</sup> *In Re Montano*, 353802 (Mich. Ct. App. July 14, 2020).

<sup>2</sup> *In Re Montano*, 161475, 161670 (Mich. October 5, 2020).

19. The MSC Dismissal states that the Clerk must reject all Plaintiff-Appellant (“**Plaintiff**”) filings in all non-criminal matters till sanctions totaling \$1,500 issued in other cases are paid.
20. The MSC Dismissal states that the Plaintiff must pay all court fees up front and no longer have his fees conditionally waived upon filing of a Motion to Waive Fees pursuant to MCR 7.319(C).
21. This Court has affirmed that the Plaintiff cannot afford to pay the sanctions or the Court Fees on March 18, 2020.
22. The Plaintiff has not paid the sanctions and cannot afford to pay court fees.
23. The Plaintiff has been deprived of any ability to litigate any issue in the MSC since October 5, 2020 because he is too poor to pay sanctions and Court Fees as ordered by this Court.
24. The Plaintiff appealed the MSC Dismissal and by extension the COA Dismissal by filing a Petition for Writ of Certiorari (“**Petition**”) with the Supreme Court of the United States (“**SCOTUS**”) on November 11, 2020.
25. The case of *Montano v. Oakland County Circuit Court Judge*, No. 20-6490 was docketed with SCOTUS on December 1, 2020.<sup>3</sup>
26. SCOTUS has discretionary review jurisdiction over the MSC Dismissal and the COA Dismissal.
27. It is a fact that the MSC Dismiss Order and the COA Dismiss Order have not achieved final disposition and will not do so until SCOTUS has disposed of the Petition.

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<sup>3</sup> <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-6490.html>

28. The Plaintiff has been deprived of all abilities to defend or litigate any matter in this Court based on the MSC Dismissal which is not yet final.
29. Justice and MCR 7.209(H)(2) support the entry of an order by this Court to stay the execution of the MSC Dismissal pending the Disposition of the Petition with SCOTUS.
30. The Plaintiff filed a motion to stay the execution of the COA Dismissal with the COA on December 6, 2020 (Exhibit 3).
31. The motion seeks a stay of the COA Dismissal pending the disposition of the Petition with SCOTUS.
32. The COA rejected the filing of the Plaintiff's motion on December 7, 2020 (Exhibit 4).
33. The COA has denied the Plaintiff's Petition for a stay of the COA Dismissal based on its action.
34. This Court has jurisdiction and is the Court of last resort in the state of Michigan that can issue a stay on the COA Dismissal.
35. The Plaintiff is deprived of any ability to litigate in any COA non-criminal case based on the COA Dismissal which not yet final.
36. Justice and MCR 7.209(H)(2) support the entry of an order by this Court to stay the execution of the COA Dismissal pending the Disposition of the Petition with SCOTUS.

**WHEREFORE** the Plaintiff-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the MSC Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- C. Enter an order to stay the execution of the COA Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- D. Grant the Plaintiff-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 7, 2020

*/s/Mario Allan Montano*

\_\_\_\_\_  
**Mario Allan Montano**  
Plaintiff-Appellant

# **Appendix J**

**MICHIGAN SUPREME COURT**

**IN RE MONTANO**

MSC: 161622, 161848  
Hon. Bridget M. McCormack

COA. 353957  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2012-802216-DO  
Hon. Kameshia D. Gant

---

**MOTION TO STAY THE EXECUTION OF THIS COURT'S  
ORDER PENDING DISPOSITION OF A PETITION FOR WRIT  
OF CERTIORARI**

**NOW COMES** the Plaintiff-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. MCR 7.305(I) state that the provisions in MCR 7.209 regarding a stay of execution apply to this Court.
2. MCR 7.209(D) as applied to this Court give this Court jurisdiction to stay the orders of the Michigan Court of Appeals ("COA") on terms it deems just.
3. MCR 7.209(H)(2) as applied to this Court give this Court jurisdiction to stay any judgment or order of a lower court and its own orders on terms it deems just.
4. This Court issued an order in MSC 161121 granting the Plaintiff-Appellant ("**Plaintiff**") a fee waiver on March 18, 2020.
5. This Court determined the Plaintiff was too poor to afford motion fees of \$75 or more on March 18, 2020.
6. The Plaintiff's financial situation has declined since March 18, 2020 and he still can't afford court fees of \$75 or higher.

RECEIVED by MSC 12/7/2020 11:16:56 AM

7. Mario Allan Montano filed a Complaint for Superintending Control against the Honorable Kameshia D. Gant with the Michigan Court of Appeals (“COA”) on June 25, 2020.
8. The case of *In Re Montano*<sup>1</sup> (“COA 353957”) was initiated on June 25, 2020.
9. The Defendant in COA 353957 has not filed a single document in the case which has been uncontested since the day it was initiated.
10. Chief Judge Murray issued an order dismissing COA 353957 (“COA Dismissal”) on August 11, 2020 (Exhibit 1).
11. The COA Dismissal ordered the Plaintiff to pay the Clerk \$750 in sanctions.
12. The COA Dismissal ordered the Clerk to reject all Plaintiff filings in non-criminal cases till the sanctions were paid.
13. This Court affirmed that the Plaintiff is too poor to pay the sanctions.
14. The Plaintiff has not paid the sanctions in the COA Dismissal because he cannot afford them.
15. The Plaintiff has been deprived of any ability to litigate any non-criminal issue in the COA since August 11, 2020 because he is too poor to pay sanctions ordered in an uncontested case.
16. The Plaintiff appealed the COA Dismissal initiating the case of *In Re Montano*<sup>2</sup> (“this case”) with the Michigan Supreme Court (“MSC”) on August 11, 2020.
17. This case has been uncontested since the day it was initiated.
18. This Court issued an order dismissing (“MSC Dismissal”) this case on October 5, 2020 (Exhibit 2).

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<sup>1</sup> *In Re Montano*, 353957 (Mich. Ct. App. August 11, 2020).

<sup>2</sup> *In Re Montano*, 161622, 161848 (Mich. October 5, 2020).

19. The MSC Dismissal states that the Clerk must reject all Plaintiff-Appellant (“**Plaintiff**”) filings in all non-criminal matters till sanctions totaling \$1,500 issued in other cases are paid.
20. This Court has affirmed that the Plaintiff cannot afford to pay the sanctions and the Plaintiff has not paid them.
21. The Plaintiff has not paid the sanctions and cannot afford to pay court fees.
22. The Plaintiff has been deprived of any ability to litigate any non-criminal matter in the MSC since October 5, 2020 because he is too poor to pay sanctions ordered by this Court.
23. The Plaintiff appealed the MSC Dismissal and by extension the COA Dismissal by filing a Petition for Writ of Certiorari (“**Petition**”) with the Supreme Court of the United States (“**SCOTUS**”) on November 11, 2020.
24. The case of *Montano v. Oakland County Circuit Court Judge*, No. 20-6490 was docketed with SCOTUS on December 1, 2020.<sup>3</sup>
25. SCOTUS has discretionary review jurisdiction over the MSC Dismissal and the COA Dismissal.
26. It is a fact that the MSC Dismissal and the COA Dismissal have not achieved final disposition and will not do so until SCOTUS has disposed of the Petition.
27. The Plaintiff has been deprived of all abilities to defend or litigate any non-criminal matter in this Court based on the MSC Dismissal which is not yet final.
28. Justice and MCR 7.209(H)(2) support the entry of an order by this Court to stay the execution of the MSC Dismissal pending the Disposition of the Petition with SCOTUS.

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<sup>3</sup> <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-6490.html>

29. The Plaintiff filed a motion to stay the execution of the COA Dismissal with the COA on December 6, 2020 (Exhibit 3).
30. The motion seeks a stay of the COA Dismissal pending the disposition of the Petition with SCOTUS.
31. The COA rejected the filing of the Plaintiff's motion on December 7, 2020 (Exhibit 4).
32. The COA has denied the Plaintiff's Petition for a stay of the COA Dismissal based on its action.
33. This Court has jurisdiction and is the Court of last resort in the state of Michigan that can issue a stay on the COA Dismissal.
34. The Plaintiff is deprived of any ability to litigate in any COA non-criminal case based on the COA Dismissal which is not yet final.
35. Justice and MCR 7.209(H)(2) support the entry of an order by this Court to stay the execution of the COA Dismissal pending the Disposition of the Petition with SCOTUS.

**WHEREFORE** the Plaintiff-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the MSC Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- C. Enter an order to stay the execution of the COA Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- D. Grant the Plaintiff-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 7, 2020

*/s/Mario Allan Montano*

\_\_\_\_\_  
**Mario Allan Montano**  
Plaintiff-Appellant

# **Appendix K**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Monday, December 7, 2020 11:27 AM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Supreme Court Case No. 161475

The Michigan Supreme Court has rejected your document filed into Case No. 161475, IN RE MONTANO.

**Filing Details**

Rejection Reason: The filing was rejected for the reason previously explained.  
Document Type: Motion - Regular  
Filing Name: Motion for a Stay Pending SCOTUS Disposition  
Filed By: Montano, Mario (Pro Se)  
From: Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

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# **Appendix L**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Monday, December 7, 2020 11:26 AM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Supreme Court Case No. 161622

The Michigan Supreme Court has rejected your document filed into Case No. 161622, IN RE MONTANO.

**Filing Details**

Rejection Reason: The filing was rejected for the reason previously explained.  
Document Type: Motion - Regular  
Filing Name: Motion for a Stay Pending SCOTUS Disposition  
Filed By: Montano, Mario (Pro Se)  
From: Mario Montano

You should contact the Court if you need further explanation.

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# **Appendix M**

# Case Search

Case Docket Number Search Results - 353802

Appellate Docket Sheet  
**COA Case Number: 353802**  
**MSC Case Number: 161670**  
IN RE MONTANO

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1	MONTANO MARIO ALLAN	PL	PRO	
2	OAKLAND COUNTY CIRCUIT COURT JUDGE	DF	RET	(69425) GANT KAMESHIA D

---

**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

**06/11/2020 1 Complaint for Writ of Superintending Control**

Proof of Service Date: 06/11/2020  
Answer Due: 07/02/2020  
Fee Code: EPAY  
Filed By Pro Per

**05/11/2020 2 Source of Case**

From: OAKLAND CIRCUIT COURT  
Case Number: 2017-854298-PP  
Trial Court Judge: 69425 GANT KAMESHIA D  
Nature of Case:  
Superintending Control

**06/11/2020 3 Motion: Waive Fees**

Proof of Service Date: 06/11/2020  
Filed By Pro Per  
For Party: 1 MONTANO MARIO ALLAN PL  
Answer Due: 06/18/2020

**06/16/2020 6 Submitted on Administrative Motion Docket**

Event: 3 Waive Fees  
District: T

**06/16/2020 7 Order: Waive Fees - Deny**

View document in PDF format  
Event: 3 Waive Fees  
Panel: ELG  
Comments: \$400 due 7/7

**06/16/2020 8 Other**

Date: 06/16/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: notice of filing application with Michigan Supreme Court

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

06/21/2020 15 Motion: Reconsideration of Order  
Proof of Service Date: 06/21/2020  
Filed By Pro Per  
For Party: 1 MONTANO MARIO ALLAN PL  
Answer Due: 07/05/2020  
Comments: of denial of motion to waive fees-received on 6/21/20 on weekend-docketed next business day

06/23/2020 17 Submitted on Reconsideration Docket  
Event: 15 Reconsideration of Order  
District: T

06/23/2020 18 Order: Reconsideration - Deny - Appeal Remains Open  
View document in PDF format  
Event: 15 Reconsideration of Order  
Panel: ELG  
Comments: fees must be paid by 7/7

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

07/14/2020 26 Submitted on Administrative Motion Docket  
Event: 1 Complaint for Writ of Superintending Control  
District: T

07/14/2020 27 Order: Dismissal - Administrative - Filing Defect

View document in PDF format  
Event: 1 Complaint for Writ of Superintending Control  
Panel: CMM  
Amount: \$750.00  
Comments: DISMISSED for failure to pay fees- SANCTIONS ASSESSED- sanctions due 8/11

07/14/2020 28 Resent Email Notification

07/20/2020 29 Other  
Date: 07/19/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: notice of filing app in Sup Court

[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] [REDACTED]  
[REDACTED]

# **Appendix N**

# Case Search

Case Docket Number Search Results - 353957

Appellate Docket Sheet  
**COA Case Number: 353957**  
**MSC Case Number: 161848**  
IN RE MONTANO

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1	MONTANO MARIO ALLAN	PL	PRO	
2	OAKLAND CIRCUIT COURT JUDGE	DF	RET	
			RET	(69425) GANT KAMESHIA D

---

**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

06/26/2020    1 Complaint for Writ of Superintending Control  
Proof of Service Date: 06/25/2020  
Fee Code: I  
Filed By Pro Per

11/13/2019    2 Order Appealed From  
From: OAKLAND CIRCUIT COURT  
Case Number: 2012-802216-DO  
Trial Court Judge: 69425 GANT KAMESHIA D  
Nature of Case:  
Superintending Control

**06/25/2020**    **3 Motion: Waive Fees**  
Proof of Service Date: 06/25/2020  
Filed By Pro Per  
For Party: 1 MONTANO MARIO ALLAN PL  
Fee Code: I  
Answer Due: 07/02/2020

07/14/2020    5 Submitted on Administrative Motion Docket  
Event: 3 Waive Fees  
District: T

**07/14/2020**    **6 Order: Waive Fees - Deny**  
View document in PDF format  
Event: 3 Waive Fees  
Panel: ELG  
Comments: \$400 due 8/4

07/15/2020    7 Other  
Date: 07/15/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Notice of Filing Application to Michigan Supreme Court

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██  
██  
██





# **Appendix O**



Comments: Docketed without fees to determine PTAT's entitlement to fee waiver. If MSC denies fee waiver, PTAT will be invoiced for application and motion fees (\$600.00)

**06/16/2020 10 SCt Motion: Waive Fees**

Party: 1  
Filed by Pro Per

**06/16/2020 11 SCt Motion: Immediate Consideration**

Party: 1  
Filed by Pro Per

**06/16/2020 12 SCt Motion: Consolidate**

Party: 1  
Filed by Pro Per

**06/17/2020 13 SCt Case Caption**

Proof Of Service Date: 06/17/2020

**06/17/2020 14 SCt Correspondence Received**

Proof Of Service Date: 06/17/2020  
Filed By Pro Per

Comments: Correspondence requesting to withdraw motion for immediate consideration of motion to waive fees

[REDACTED]

[REDACTED]

[REDACTED]

**06/24/2020 19 SCt Motion: Dismiss**

Party: 1  
Filed by Pro Per

Comments: Docketed without fees, if MSC denies fee waiver (event 10), PTAT will be invoiced for \$75.00 motion fee

**06/25/2020 20 SCt: Miscellaneous Filing**

Filing Date: 06/25/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Withdrawal of Application

**06/29/2020 21 SCt: Miscellaneous Filing**

Filing Date: 06/29/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Notice of withdrawing motion to dismiss

**07/08/2020 22 SCt: Miscellaneous Filing**

Filing Date: 07/08/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Letter re rescinding intended dismissal of case.

**07/09/2020 23 SCt: Miscellaneous Filing**

Filing Date: 07/09/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Notice of Filing Withdrawal.

[REDACTED]

07/20/2020 31 Sct: Application for Leave to Sct  
Supreme Court No: 161670  
Answer Due: 08/17/2020  
Fee: Invoiced  
For Party: 1  
Filed By Pro Per  
Comments: Filing fee temporarily waived to determine AT's eligibility. Will be invoiced for all fees if not eligible  
Interlocutory application in MSC No. 161475.

07/20/2020 32 Sct Motion: Stay  
Party: 1  
Filed by Pro Per  
Comments: Fee temporarily waived pending decision on motion to waive fees

07/27/2020 33 Sct Motion: Dismiss  
Party: 1  
Filed by Pro Per  
Comments: 161475 - Fee temporarily waived pending decision to waive fees

07/27/2020 34 Sct: Miscellaneous Filing  
Filing Date: 07/27/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Proof of service

07/28/2020 35 Sct: Miscellaneous Filing  
Filing Date: 07/28/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: "Notice of Ex Parte Order for Entry Pursuant to MCR 7.305(I) and MCR 7.209(I)"; order included

08/10/2020 36 Sct Motion: Miscellaneous  
Party: 1  
Filed by Pro Per  
Comments: Motion to amend app and interlocutory app; amended app included; fee temporarily waived pending decision on motion to waive fees

08/10/2020 37 Sct: Miscellaneous Filing  
Filing Date: 08/10/2020

For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Proof of service; see event 37

08/10/2020 38 SCt Motion: Stay

Party: 2

Filed by Pro Per

Comments: Motion for immediate stay order; fee temporarily waived pending decision on motion to waive fees

08/12/2020 39 SCt Motion: Immediate Consideration

Party: 1

Filed by Pro Per

Comments: Motion for immediate consideration of motion for stay; fee temporarily waived pending decision on motion to waive fees

08/12/2020 40 SCt: Miscellaneous Filing

Filing Date: 08/12/2020

For Party: 1 MONTANO MARIO ALLAN PL

Filed By Pro Per

Comments: Proof of service; see event 39

09/16/2020 41 SCt: Miscellaneous Filing

Filing Date: 09/16/2020

For Party: 1 MONTANO MARIO ALLAN PL

Filed By Pro Per

Comments: Notices - withdraw filings

09/16/2020 42 SCt: Miscellaneous Filing

Filing Date: 09/16/2020

For Party: 1 MONTANO MARIO ALLAN PL

Filed By Pro Per

Comments: Proof of service of notices - 161670

10/05/2020 43 SCt Order: Close/Fail Pay Fees

View document in PDF format

Comments: MSC Nos. 161475 & 161670 are administratively closed for failure to pay fees. Clerk shall not accept filings from AT in any civil matter until sanctions ordered in Nos. 161152 & 161299 are fully paid.

10/26/2020 44 SCt: Miscellaneous Filing

Filing Date: 10/26/2020

For Party: 1 MONTANO MARIO ALLAN PL

Filed By Pro Per

Comments: Notice of filing stay of execution with SCOTUS

12/07/2020 45 SCt Correspondence Received

Proof Of Service Date: 12/07/2020

Comments: SCOTUS notice of petition for writ of cert being filed (SCOTUS No. 20-6490).

12/17/2020 48 File Closed-Out

File Location: F

Case Listing Complete

# **Appendix P**



For Party: 1

Filed By Pro Per

Comments: Application accepted and fee temporarily waived to determine AT's eligibility for waiver

07/16/2020 9 SCt Case Caption

Proof Of Service Date: 07/16/2020

07/20/2020 10 SCt: Miscellaneous Filing

Filing Date: 07/20/2020

For Party: 1 MONTANO MARIO ALLAN PL

Filed By Pro Per

Comments: Amended application; accepted pending waiver decision

07/20/2020 11 SCt Motion: Stay

Party: 1

Filed by Pro Per

Comments: Fee temporarily waived pending decision on motion to waive fees

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

07/29/2020 18 SCt Correspondence Received

Proof Of Service Date: 07/29/2020

Filed By Pro Per

Comments: Correspondence re previous filing

07/29/2020 19 SCt: Miscellaneous Filing

Filing Date: 07/29/2020

For Party: 2 OAKLAND CIRCUIT COURT JUDGE DF

Filed By Pro Per

Comments: "Notice of Ex Parte Order for Entry Pursuant to MCR 7.305(I) and MCR 7.209(I); order included

07/29/2020 20 SCt Motion: Miscellaneous

Party: 1

Filed by Pro Per

Comments: Motion to serve supplemental pleading; fee temporarily waived pending decision on motion to waive fees

07/30/2020 21 SCt Motion: Miscellaneous

Party: 1

Filed by Pro Per

Comments: Fees temporarily waived pending decision on motion to waive fees; brief and correspondence included

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

08/11/2020 25 SCt Motion: Dismiss  
Party: 1  
Filed by Pro Per  
Comments: Mtn to dismiss interlock appeal; will file a direct appeal from 8-11-2020 CoA dismissal. Fees temporarily waived pending decision on mtn to waive fees.

08/11/2020 26 SCt: Miscellaneous Filing  
Filing Date: 08/11/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Proof of service of motion to dismiss  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

08/12/2020 28 SCt: Application for Leave to SCt  
Supreme Court No: 161848  
Answer Due: 09/09/2020  
Fee: Invoiced  
For Party: 1  
Filed By Pro Per  
Comments: Interlocutory application in MSC 161622. Conditionally accepted without fee to determine AT's entitlement to fee waiver.

08/12/2020 29 SCt: Miscellaneous Filing  
Filing Date: 08/12/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Correspondence re desire to have interlocutory application dismissed.

08/12/2020 30 SCt Motion: Stay  
Party: 1  
Filed by Pro Per  
Comments: Motion to stay execution of order being appealed.

08/12/2020 31 SCt Motion: Immediate Consideration  
Party: 1  
Filed by Attorney  
Comments: Mtn for IC of mtn for stay.

08/12/2020 32 SCt: Miscellaneous Filing  
Filing Date: 08/12/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Proposed ex parte order to stay execution of COA sanction.

08/20/2020 33 SCt Correspondence Received  
Proof Of Service Date: 08/20/2020  
Filed By Pro Per

08/21/2020 34 SCt: Miscellaneous Filing  
Filing Date: 08/21/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Proof of service of documents filed 08202020; see event 33

08/21/2020 35 SCt: Miscellaneous Filing  
Filing Date: 08/21/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: "Objection to this Court's failure to issue fee waiver orders"

09/02/2020 36 SCt: Trial Court Record Received  
1 files

09/16/2020 37 SCt: Miscellaneous Filing  
Filing Date: 09/16/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Notice - withdrawing filings

**10/05/2020 38 SCt Order: Close/Fail Pay Fees**  
View document in PDF format  
Comments: MSC Nos. 161622 & 161848 are administratively closed for failure to pay fees. Clerk shall not accept filings from AT in any civil matter until sanctions ordered in Nos. 161152 & 161299 are fully paid. Clerical correction to say DFAT not PLAT.

10/26/2020 39 SCt: Miscellaneous Filing  
Filing Date: 10/26/2020  
For Party: 1 MONTANO MARIO ALLAN PL  
Filed By Pro Per  
Comments: Notice of filing stay of execution with SCOTUS

12/17/2020 42 File Closed-Out  
File Location: F

Case Listing Complete