

No. _____

In The
Supreme Court of the United States

IN RE: ADRIANO KRUEL BUDRI,
Petitioner,

On Petition for a Writ of Mandamus to the
United States Court of Appeals
for the Fifth Circuit

APPENDIX

Adriano K. Budri
Petitioner Pro Se
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Appendix:

USCOA 5 th Cir Panel's Order issued on 02/07/2022	A1
USCOA 5 th Cir Panel's Order issued for Dismissal Want to Prosecute dated 02/23/2022 pursuant to the 5th Cir. R. 42.3	A2
USCOA 5 th Cir Clerk's Office Order entered on 02/23/2022 for want of prosecution under the 5 th Cir. R. 42.3	A4
USCOA 5 th Cir Office of the Clerk Acknowledgment Letter	A5
USCOA 5 th Cir Court's Clerk Office Acknowledgment Letter Receipt of the Appellant's motion to reopen received on 03/08/2022	A8
USCOA 5 th Cir Separate Panel's Order issued on 04/30/2021 from the case Budri v. Admin. Rev. Board, --- F. App'x ---, No. 20-60574, 2021 WL 1726818, at *9 (5th Cir. Apr. 30, 2021)	A10
USCOA 5 th Cir General Docket Orders issued about the COVID-19.....	A12

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 21-11201

Adriano Kruel Budri,
Plaintiff—Appellant,
versus

FirstFleet, Incorporated,
Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CV-1872

Before Stewart, Haynes, and Ho, *Circuit Judges*.

Per Curiam:

IT IS ORDERED that Appellee's opposed motion to strike the Appellant's brief is GRANTED.

IT IS FURTHER ORDERED that Appellee's opposed motion to suspend briefing is GRANTED.

IT IS FURTHER ORDERED that Appellant Adriano Kruel Budri show cause in writing within 15 days why we should not impose sanctions against him for failing to comply with this court's order of April 30, 2021. *See Budri v. Admin. Rev. Bd.*, USDOL, 858 F. App'x 117, 128 (5th Cir. 2021).

FILED February 7, 2022

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 21-11201

Adriano Kruel Budri,
Plaintiff—Appellant,
versus

FirstFleet, Incorporated,
Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CV-1872

Before Stewart, Haynes, and Ho, *Circuit Judges*.

Per Curiam:

IT IS ORDERED that Appellee's opposed motion to impose monetary sanctions against the Appellant is DENIED.

In a comparable recent appeal, a panel of this court issued an order establishing certain restrictions and requirements applicable to Appellant for future filings in this court. *See Budri v. Admin. Rev. Bd., USDOL*, 858 F. App'x 117, 128 (5th Cir. 2021). Appellant has failed to comply with the restrictions and requirements set forth in that order,

resulting in this court's order of February 7, 2022 striking his appellate brief and suspending briefing. Accordingly, Appellant is now issued a FINAL WARNING that additional frivolous or abusive filings in this court or the district court will result in the immediate imposition of sanctions in accordance with this order and this court's previous order referenced above.

The Clerk of Court is ordered to DISMISS this appeal pursuant to 5th Cir. R. 42.3.

FILED: February 23, 2022

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 21-11201

Adriano Kruel Budri,
Plaintiff—Appellant,
versus

FirstFleet, Incorporated,
Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CV-1872

CLERK'S OFFICE:

Under 5TH Cir. R. 42.3, the appeal is dismissed as of February 23, 2022, for want of prosecution. The appellant failed to timely comply with this Court's notice of 4/30/21. *See Budri v. Admin. Rev. Bd., USDOL*, 858 F. App'x 117, 128 (5th Cir. 2021).

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

By: /s/
Roeshawn Johnson, Deputy Clerk
ENTERED AT THE DIRECTION OF THE COURT
February 23, 2022

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

LYLE W. CAYCE
CLERK

January 18, 2022

Mr. Charles Eric Stevens
Littler Mendelson, P.C.
333 Commerce Street
Suite 1450
Nashville, TN 37201

No. 21-11201 Budri v. FirstFleet
USDC No. 3:21-CV-1872

Dear Mr. Stevens,

We filed the appellant's brief on January 7, 2022. Appellee's brief is due within 30 days of that date, see FED. R. APP. P. 31 (a) (1) . 5TH CIR. R. 31 and the Internal Operating Procedures following rules 27 and 31 state that except in the most extraordinary circumstances, the maximum extension for filing briefs is 30 days in criminal cases and 40 days in civil cases.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.caS.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

Brief Template: The clerk's office offers brief templates and the ability to check the brief for potential deficiencies prior to docketing to assist in the preparation of the brief. To access these options, log in to CM/ECF and from the Utilities menu, select 'Brief Template' (Counsel Only) or 'PDF Check Document'.

Record Excerpts: 5TH CIR. R. 30.1.7(c) provides that the electronic PDF version of the record excerpts should contain pages representing the "tabs" identified in the index of the document. However, we remind attorneys that the actual paper copies of

record excerpts filed with the court must contain actual physical tabs that extend beyond the edge of the document, to facilitate easy identification and review of tabbed documents.

Reminder as to Sealing Documents on Appeal:

Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,
LYLE W. CAYCE, Clerk

By: /s/
Roeshawn Johnson , Deputy Clerk
504-310-7998

cc : Mr . Adriano Kruel Budri
Mr. Mark Anthony Flores

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
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NEW ORLEANS, LA 70130

LYLE W. CAYCE
CLERK

March 08, 2022

Mr. Adriano Kruel Budri
5029 County Road 605
Burleson, TX 76028-1177

No. 21-11201 Budri v. FirstFleet
USDC No. 3:21-CV-1872

Dear Mr. Budri,

We have filed your motion to reopen. Your appeal was dismissed on February 23, 2022 for failure to comply with this Court's notice of April 30, 2021, See *Budri v. Admin, Rev. Bd., USDOL*, 20-60574 858 F.App'x 117, 128 (5th Cir. 2021). No further action will be taken since you have not remedied the default. We will process the motion to reinstate only upon receipt of proof that the default has been remedied.

Sincerely,
LYLE W. CAYCE, Clerk

By: /s/
Roeshawn Johnson, Deputy Clerk
504-310-7998

cc: Mr. Mark Anthony Flores
Mr. Charles Eric Stevens

Concerning the separate order issued in the case: No. 20-60574 and dated on 04/30/2021 as order set forth in April 30, 2021 decision. See *Budri v. Admin. Rev. Board*,--- F. App'x ----, No. 20-60574, 2021 WL 1726818, at *9 (5th Cir. Apr. 30, 2021). Below a copy of above referenced separate written order for any future proceedings instituted in this court relating in any way to his 2017 employment by Firstfleet and/or his termination from that employment.

IT IS ORDERED that:

- (1) Any future filings in this court by Adriano Budri ("Budri"), except briefs filed in strict compliance with the Federal Rules of Appellate Procedure, must not exceed 5 pages in length unless prior leave of court is sought and granted upon good cause shown. Any such request for leave must itself be limited to no more than 5 pages in length
- (2) Unless otherwise ordered by this court, no more than three motions may be filed in any future proceeding in this court to which Budri is a party. Additionally, all motions filed by Budri must strictly comply with the Federal Rules of Appellate Procedure, as well as the Fifth Circuit Rules and Internal Operating Procedures.
- (3) Any future filings in this court by Budri must include proper citations of legal authority and proper citations to the applicable court or agency records, including pertinent case names, docket numbers, dates of filing or issuance of orders, decisions, and any other relevant documents, as well as all pertinent page numbers.

(4) Budri must file a copy of the above-referenced separate written order in any future proceedings instituted in this court relating in any way to his 2017 employment by Firstfleet and/or his termination from that employment.

(5) Any material violations of the provisions of this court's order(s) shall result in appropriate sanctions, including the striking of pleadings, dismissal, and/or the imposition of substantial monetary sanctions.

(6) Any future filings in this court by Budri must include a signed certification by Budri confirming that the filing is made in good faith, is not repetitive of a prior filing, and that Budri understands that any material violations of the provisions of this court's order(s) shall result in appropriate sanctions, including the striking of pleadings, dismissal, and/or the imposition of substantial monetary sanctions.

Court Orders and Updates During COVID-19 Pandemic

Source: Court Orders and Updates During COVID-19 Pandemic / United States Courts (uscourts.gov)

Court Orders & Information of the U. S. Court of Appeals of the Fifth Circuit

Chronology of the events dated and from the General Docket Orders issued by the Chief Judge Priscilla R. Owen of the U. S. Fifth Circuit Court of Appeals

General Docket Order 2022-1 (3/3/2022)
General Docket Order 2021-12 (12/29/2021)
General Docket Order 2021-6 (7/29/2021)
General Docket Order 2021-4 (2/18/2021)
General Docket Order 2021-3 (11/22/2021)
Order 2020-7: Deadlines (6/2/2020)
Order 2020-6: Deadlines (5/5/2020)
Order 2020-5: Videoconferencing (4/20/2020)
Order 2020-4: Court Operations (3/25/2020)
Order 2020-3: Court Operations

The Electronic Noticing and Filing Options Available to Pro Se Parties with the United States Court of Appeals of the Fifth Circuit, as well as, the Filing Option Number 3 for pro Se Mailbox and for usage of the email address: Pro_se@ca5.uscourts.gov and with filing instructions for the ProSe Mailbox, also, the written notice issued by the Court for Pro Se Litigants can temporarily email pleadings to Court and encouraging Pro Se Litigants to accept email notice of case activity, as well as to sign the certificates as signature printed and type: "s/Joe

Smith" if submitted via email, all these notices were not rescinded by the Chief Judge Priscilla R. Owen of the U. S. Fifth Circuit Court of Appeals in any General Docket Orders issued during the COVID-19 Pandemic and that is still present in the United States territory (and including in New Orleans, Louisiana).

The Panel's Court Order issued on 04/30/2021 and requiring restrictive procedural requirements to self-represented litigant as Pro Se, Adriano Kruel Budri, and to comply and related with his FirstFleet's Employment Term lawsuits filed with the USCOA 5th Circuit cannot supersede the General Docket Orders issued by the Chief Judge Priscilla R. Owen and related with the COVID-19 Pandemic and that is a Public Health Concern Matter and whose General Docket Orders were not rescinded in relation the Filing Options Available to Pro Se Parties with the USCOA 5th Circuit via email messages and with signature printed and type like "s/Joe Smith" and when submitted via email by the Self-Represented Litigants as ProSe.

**ELECTRONIC NOTICING AND FILING
OPTIONS AVAILABLE TO PRO SE PARTIES**

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

Filing Option 3

**Pro Se Mailbox, use the email address:
Pro se@ca5.uscourts.gov**

Filing Instructions for the Pro Se Mailbox:

- You must put your case number in the subject line of your email
- You may only attach one pdf document in an email. Send two emails to send your brief and record excerpts, for example.
- You may not use the email to ask questions. If you have any questions, call 504-310-7700
- If you need to correct a filing, you must file a motion to correct the filing.
- Documents in support must be filed the same date as the initial filing.
- You must serve the opposing side

Notice: Pro Se Litigants can temporarily email pleadings to court

To reduce paper filings during the COVID19 pandemic, we are permitting prose litigants to email filings to the court. A pro se litigant should save the pleading as a PDF document and email it to: pro se@ca5.uscourts.gov

We encourage prose litigants to accept email notice of case activity. See instructions at <http://www.ca5.uscourts.gov/docs/default-source/forms/pro-se-filer-instructions>. If a pro se only desires electronic notice, bypass the screens requesting credit card information. Only provide the credit card information to access other documents on PACER.

If you need additional time to file your documents, please contact the court and we will assist you.