

Application for a Stay (22A1019) (4th Circ. #23-1217; In Re Graham Schiff)  
To The Chief Justice

Supreme Court, U.S.  
FILED  
MAY 15 2023  
OFFICE OF THE CLERK

This application for a stay is being filed in regards to a forthcoming writ to be filed in this court regarding #23-1217 from the Fourth Circuit Court of Appeals. This case involves a disturbing circumstance in which the chief judge of Maryland's federal court, issued a disturbing, unprecedented order, unilaterally banning a pro se litigant from e-mailing judges and court personnel, due to their "threatening and harassing" language. This came after the applicant sent the chief a completely harmless e-mail, detailing his issues with filings being stolen out of this court, and other acts of judicial vigilantism.

The applicant then filed a writ of mandamus in the Fourth Circuit, which over the objections of the applicant, was construed as a notice of appeal. As such, the 4th Circ. Denied relief not on the merits, but rather on the grounds that the order was not appealable. The applicant intends to file for extraordinary relief in this court, which is needed to vindicate the litany of constitutional violations which accrued when Maryland's Vigilante Chief Judge issued his order.

Upon the founding of Rome, founder Romulus appointed 100 men to serve as patricians, the ruling class if you will. However, after hundreds of years of infighting between said patricians and their subjects, the plebeians, the Romans found themselves mired in class-warfare, eventually leading to the development of Rome's constitution. It is clear from this application that many members of the Maryland Bar Association have not learned from the mistakes of their forbearers. The failure to grant this application, would render pro se litigants to be merely plebeians, existing only at the behest of the patricians.

The relief sought is not available from any other court, because relief was denied by the lower federal courts. A stay is justified, because the order being challenged in this case, holds absolutely no basis in law. A judge is not a patrician!

Bredar's order violates Schiff's first amendment right to free speech, fifth and 14th amendment rights to due process, sixth amendment right to effective counsel, and 14th amendment right to equal protection of law.

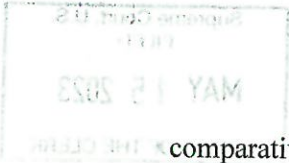
**First Amendment Free Speech (made applicable to Maryland via 14th Amendment):**

Schiff, as a citizen of Maryland, has an absolute right to contact federal judges, as long as no threats and/or other criminal acts are made. Bredar characterized Schiff's criticism of judges and court staff as "threatening and harassing" because he is upset that Schiff refuses to accept his rights being abused by judges and court staff.

**Sixth Amendment Right to Effective Assistance of Counsel:**

At the time of Schiff's e-mail, he had multiple pending filings in Bredar's court, of which he is represented pro se. The content of Schiff's e-mail to Bredar only concerned issues with the court and judges. Bredar's actions are especially egregious under these circumstances, claiming a pro se litigant complaining about corruption, constitutes "threatening and harassing" language. It should also be noted, Bredar essentially imposed a tax upon Schiff, ordering that he only use mail to communicate with the court, which costs money (see Stamp Act of 1765 for a

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comparative example).

**14<sup>th</sup> amendment right to equal protection of law:**

Bredar's actions violates Schiff's equal protection rights, by imposing arbitrary restrictions on Schiff's ability to communicate with the court. As said before: Bredar essentially imposed a tax upon Schiff, ordering that he only use mail to communicate with the court, which costs money. Schiff is entitled to the same rights as other Maryland citizens who have the right to communicate with federal judges via e-mail.

**Conclusion:**

Unless this court plans to fashion a new first amendment exception banning citizens from e-mailing public officials, it might be a good idea to stay the enforcement of Bredar's order. The applicant also encourages this court to construe this application as an extraordinary writ and/or writ of certiorari, and issue appropriate relief, related to the disturbing facts of yet another attempt to silence the applicant.

*Heahaw Schiff*

**UNPUBLISHED**

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

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**No. 23-1217**

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In re: GRAHAM SCHIFF,

Plaintiff - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
James K. Bredar, Chief District Judge. (1:23-mc-00065-JKB)

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Submitted: April 27, 2023

Decided: May 15, 2023

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Before THACKER and RUSHING, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Graham Harry Schiff, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Graham Harry Schiff seeks to appeal the district court's order requiring him to file all communication with the court with the clerk's office. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order Schiff seeks to appeal is neither a final order nor an appealable interlocutory or collateral order; moreover, because it involves filing procedures, it is not injunctive in nature. *See, e.g., Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 886 F.3d 803, 825 (9th Cir. 2018). Accordingly, we dismiss the appeal for lack of jurisdiction. We deny Schiff's motion for a stay pending appeal and to expedite, and we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

IN RE: GRAHAM SCHIFF

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Miscellaneous No. 23-65

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**ORDER**

Graham Schiff has filed numerous civil rights actions and habeas corpus petitions in this Court pertaining to his state court convictions for stalking and harassment.<sup>1</sup> *See Schiff v. State*, 254 Md. App. 509, 274 A.3d 507 (2022), *reconsideration denied* (May 24, 2022), *cert. denied*, 479 Md. 81, 276 A.3d 618 (2022), and *cert. denied*, 143 S. Ct. 251 (2022) (convicted in the Circuit Court, Montgomery County, No. 136380C, for stalking and harassing an assistant state's attorney); *Schiff v. State*, No. 239, Sept. Term, 2022, 2022 WL 5240110 (Md. Ct. Spec. App. Oct. 6, 2022) (convicted of stalking and harassment).

On February 1, 2023, the Court received an email sent from Schiff addressed to the Chief Judge that pertains to several of his cases filed in this Court. Schiff complains of the Court's Judges and rulings made, and actions taken by Court staff. The email contains threatening and harassing language pertaining to these individuals.

Schiff may not communicate with the Court, its staff and Judges by way of email. Schiff may only communicate in writing with the Court by mailing or delivering written documents to

<sup>1</sup> *See, e.g., Schiff v. Getty*, Civil Action No. PX-19-2752; *Schiff v. McBain, et al.*, Civil Action No. PX-20-0830; *Schiff v. Montgomery County Circuit Court, et al.*, Civil Action No. PX-20-0844; *Schiff v. Booth, et al.*, PX-20-0902; *Schiff v. Kleinbord, et al.*, Civil Action No. PX-20-0953; *Schiff v. Montgomery County State's Attorney's Office, et al.*, Civil Action No. PX-20-1010; *Schiff v. Montgomery County Police Dep't, et al.*, Civil Action No. PX-20-1013; *Schiff v. Judge Steven G. Salant, et al.*, Civil Action No. PX-20-1014; *Schiff v. Judge Karen Ferretti, et al.*, Civil Action No. PX-20-1015; *Schiff v. Warden*, Civil Action No. PX-20-1144; *Schiff v. Judge Robert Greenberg, et al.*, PX-20-2100; *Schiff v. Warden*, PX-20-2467; *Schiff v. Malagari, et al.*, Civil Action No. DLB-21-2448; *Schiff v. Warden*, Civil Action No. ELH-21-2919; *Schiff v. Robinson*, Civil Action No. GLR-22-0542; *Schiff v. Frosh, et al.*, GJH-22-0513; *Schiff v. Warden*, Civil Action No. JRR-22-2656; *Schiff v. Warden*, Civil Action No. TDC-22-3332; *Schiff v. Frosh, et al.*, Civil Action No. JKB-22-3383.

the Clerk's office for filing in the relevant case, or if Schiff has consented to use the electronic document submission system (EDSS) in a particular case, he may submit written documents for filing in such case using EDSS.<sup>2</sup>

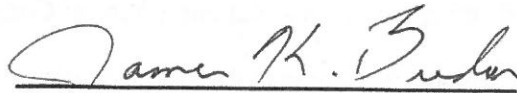
Accordingly, it is hereby ORDERED by the United States District Court of Maryland that Schiff is BARRED from communicating by email to the Court, its staff and Judges.

In order to file documents in cases, Schiff must submit paper documents to the Clerk's Office for filing, or if Schiff has consented to use EDSS in a particular case, he may submit documents for filing on that case as the system designates. Schiff may file paper documents in cases by using the U.S. Mail, in person at the Clerk's Office, or delivery to the drop boxes located at the entrance to each Courthouse.

The Clerk SHALL MAIL a copy of this Order to Graham Schiff, 7814 Aberdeen Road, Bethesda, Maryland 20814.

Dated this 6 day of February, 2023

FOR THE COURT:



James K. Bredar  
Chief Judge

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<sup>2</sup> See, e.g., *Schiff v. Frosh, et al.*, Civil Action No. JKB-22-3383.

Appendix 3

5/15/23, 10:32 AM

Gmail - Coming at You from the Due Process of Love Laboratory



Graham Schiff <grahamhschiff@gmail.com>

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## Coming at You from the Due Process of Love Laboratory

1 message

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Graham Schiff <grahamhschiff@gmail.com>  
To: MDD\_JKBChambers@mdd.uscourts.gov

Wed, Feb 1, 2023 at 2:14 PM

Hello James,

Graham Schiff here, plaintiff, No. 22-3383, but you probably knew who I was before that was filed, correct? In case you forgot, I called your chambers on 10/6/2022..... Which also happens to be the same day Brett Kavanaugh and his wife had a fake arrest warrant issued against me.

Anyway, I was about to start ranting and raving about the aforementioned pending filing, but I need to bring something else to your attention first in your capacity as the chief:

If you go to my pending 2254 Habeas Case (#22-3332), you'll see that after motion to stay, there's a second motion to stay. This is not an actual stay motion, it's a 2241 petition I filed in jail, which I believe was sent out on the 6<sup>th</sup> or 7<sup>th</sup> (check the postmark on the envelope). So on one hand, we have this 2241 petition magically disappearing from the clerk's office, then magically reappearing on 12/30/22 as a "second motion to stay".

Additionally, in the prior 2241 case where Julie Rubin purposely ignored the basis of my petition to falsely rule in favor of Brett Kavanaugh, I sent out a reconsideration (alter/amend) motion that same day (12/6 or 12/7), and lo and behold, it magically disappeared.

Somewhat ironic, because the only reason I even e-mailed Ashley Kavanaugh, is because I had filings stolen out of the Supreme Court. Starting to notice a pattern here?

Now, that case concerns the false allegations made by Jeffrey Getty's daughter, and didn't Big Jeffrey work in the U.S. Attorney's Office at the same time you were the federal PD? Isn't that how he convinced former Assistant US. Attorney George Russell to sabotage my filing against the Allegany Sheriff?

So allow me to be really clear: As long as corruption in the court system is not affecting me, I have far more compelling things to be worrying about. Unfortunately, it is affecting me, and I would just hate to see your good name brought down because Jeffrey can't just accept the reality that it was not a very good idea to lock someone up for what amounts to completely legal, federally protected conduct (see: <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5525> or <https://reason.com/volokh/2022/12/20/court-rejects-speech-integral-to-criminal-conduct-justification-for-harassment-prosecution/>)

With these facts in mind, just wanted to make sure you're aware that I pay very close attention to what happens with all my filings in every court, state or federal.



No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

Graham Schiff — PETITIONER  
(Your Name)

VS.

\_\_\_\_\_ — RESPONDENT(S)

**PROOF OF SERVICE**

I, Graham Schiff, do swear or declare that on this date, May 15th, 2023, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Judge James Bredar  
101 W. Lombard Street  
Baltimore, MD 21201

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 15th, 2023

Graham Schiff  
(Signature)