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Supreme Court, U.S.
FILED
SEP 14 2022
OFFICE OF THE CLERK

EMERGENCY – EXPEDITED MOTION

Wesley Sudbury, *pro se*
Prisoner Number: 99288-022
FDC Honolulu
PO Box 30080
Honolulu Hawaii 96820

IN THE SUPREME COURT OF THE UNITED STATES

Wesley Mark Sudbury,)	
)	Supreme Court No. 21-8110
Petitioner)	
)	
v.)	
)	
United States of America,)	
)	
Respondent.)	

EMERGENCY – EXPEDITED MOTION FOR INJUNCTIVE RELIEF

COMES NOW Wesley Mark Sudbury, the Petitioner in the above styled and numbered cause, proceeding without the assistance of counsel,¹ as an unrepresented pro se litigant, and brings this emergency-expedited motion for injunctive relief. This motion is also supported by an emergency motion for expedited consideration, filed separately herewith, supported by ^{declaration WMS 31 Aug 2022} affidavit of Mr. Sudbury.

Mr. Sudbury filed a Motion for Leave to File Petition for Writ of Mandamus or Certiorari to the United States Court of Appeals for the Ninth Circuit. On May 19, 2022, indicated on the docket as a Petition for writ of mandamus and motion for leave to

¹ Under their constitutional and statutory right to self-representation, AS 22.20.040(a), Appearance. (a) An action or proceeding may be prosecuted or defended by a party in person or by attorney.

Emergency Motion for Emergency Injunction

1 proceed in forma pauperis. The waiver of the respondent United States to Respond was
2 filed June 13, 2022. July 7, 2022, it was DISTRIBUTED for Conference of 9/28/2022.

3 REASONS FOR REQUESTING EMERGENCY – EXPEDITED RELIEF

4 Court appointed counsel for Mr. Sudbury in the pending federal criminal case,
5 Attorney Jason Z. Say, appeared in court with Mr. Sudbury, provided the information to
6 the District Court that the petition had been accepted by the Supreme Court, and that it
7 was DISTRIBUTED for Conference of 9/28/2022. Counsel requested a stay of the trial
8 until after the Supreme Court had an opportunity to rule on the pending petition for writ
9 of mandamus.

10 The court instructed counsel to file a written motion requesting a stay. Hearing on
11 the motion was ^{video Teleconference WMS 31 Aug 2022} telephonic. The hearing was listened to by Mr. Sudbury, by the Mother
12 of Mr. Sudbury Jeanne Aert in the State of Utah, and by Segio Sandoval, a paralegal in
13 the State of California, ^{assisting WMS 31 Aug 2022} assistance Mr. Sudbury and his court appointed counsel.

14 The Court denied the request for a stay of the trial until after the Supreme Court
15 had an opportunity to rule on the pending petition for writ of mandamus. In addition, the
16 following statement was made by the trial court judge during the scheduling:

17 "Judge Kobayashi stated that the trial would begin on September 12th then ^{WMS 31 Aug 2022} according to her the Judge's personal schedule she is halting the trial on the 20th
18 and then finishing the trial upon her return on September 26th concluding the trial
19 ^{WMS 31 Aug 2022} on the 28th. The judge stated on the record that she is halting trial proceedings
20 so that she can take a trip to Washington DC days prior to the wrapping up of Mr.
21 Sudbury's trial conclusion and, as stated by the judge, finalizing on the date that
22 the Supreme Court of the United States of America is to hold their conference
23 regarding the Wesley Sudbury matter."

24 This statement was confirmed by Mr. Sudbury, the petitioner in this case, Mr.
Sudbury's mother, Sergio Sandoval the paralegal ^{Sudbury WMS 31 Aug 2022} assisting Mr. Sandoval and his court
appointed counsel. Mr. ~~Sandoval~~ ^{Sudbury WMS 31 Aug 2022} believes this is an attempt to force him through trial in

1 an attempt to move the Supreme Court to dismiss the petition as moot, after conviction,
2 and undermine the Supreme Court's jurisdiction to entertain the issues in the petition.

3 Mr. Sudbury is requesting emergency-expedited consideration of this emergency
4 - expedited motion for injunctive relief because the time would expire before this motion
5 could be heard in regular time, as explained in the emergency expedited motion for
6 expedited consideration filed separately herewith.

7 SUPREME COURT'S JURISDICTION TO ISSUE AN EMERGENCY INJUNCTION

8 The United States Supreme Court has jurisdiction under the All Writs Act¹ to
9 issue an emergency injunction, in aid of its jurisdiction, directed to the Federal District
10 Court to stay the pending federal criminal trial of Wesley Mark Sudbury until after this
11 Court has had an opportunity to rule on the pending petition.

12 The Supreme Court must agree that the wording and intent of 18 USC 3504(a)(1)
13 was that "upon a claim by a party aggrieved that evidence is inadmissible because it is
14 the primary product of an unlawful act or because it was obtained by the exploitation of
15 an unlawful act, the opponent of the claim shall affirm or deny the occurrence of the
16 alleged unlawful act."

17 Mr. Sudbury has spent nearly seven years as a pre-trial detainee attempting to
18 exercise his right as an aggrieved party under 18 USC 3504(a)(1) to an order of the
19 court directed to the government to disclose its sources of evidence.

20 Mr. Sudbury has shown in his petition that the intent of Congress was that this
21 was a pretrial right that could not be reviewed under the same standards of review after
22 trial and conviction, and the denial of the right is ~~not~~ ^{WMS 31 Aug 2002} one immediately appealable.

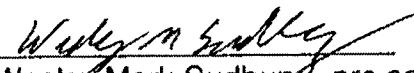
23
24 ¹ 28 U.S.C. § 1651(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary
or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. 3 4
Emergency Motion for Emergency Injunction PAGE X OF X

1 This court is requested to take judicial notice of what appears to be the trial
2 court's attempt to undermine this Court's jurisdiction to determine the issues in the
3 pending petition, by forcing Mr. Sudbury through trial, with the intent to have trial of Mr.
4 Sudbury completed by the date scheduled by this Court for distribution.

5 Mr. Sudbury believes that in absence of this Court's emergency injunction to stay
6 the trial until after this court rules on the pending petition, all of the nearly seven years
7 Mr. Sudbury has spent as a pretrial detainee, attempting to exercise his rights under 18
8 USC 3504(a)(1), as intended by Congress, will have been forfeited.

9 WHEREFORE for the above and foregoing reasons, Wesley Mark Sudbury prays
10 this Court will grant this emergency expedited request for an emergency injunction.

11 Respectfully submitted this 31 day of August 2022.

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13 
14 Wesley Mark Sudbury, pro se

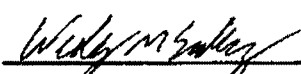
15 **CERTIFICATE OF SERVICE**

16 I, Wesley Sudbury, hereby certify that a true and exact copy of
17 the foregoing document was duly served on the Following parties by first class mail
18 with postage prepaid on this 31 day of August, 2022.

19 Attorney for Plaintiff: UNITED STATES OF AMERICA

20 Thomas Muehleck
21 Assistant United States Attorney
22 PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

Elizabeth B. Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

23 
24 Wesley Sudbury, pro se

Emergency Motion for Emergency Injunction

1 **EMERGENCY – EXPEDITED MOTION**

2 Wesley Sudbury, *pro se*
3 Prisoner Number: 99288-022
4 FDC Honolulu
5 PO Box 30080
6 Honolulu Hawaii 96820

7
8 IN THE SUPREME COURT OF THE UNITED STATES

9 Wesley Mark Sudbury,)
10) Supreme Court No. 21-8110
11 Petitioner)
12 v.)
13 United States of America,)
14)
15 Respondent.)

16 **DECLARATION OF WESLEY MARK SUDBURY**

17 STATE OF HAWAII)
18) ss.
19 _____)

20 I, Wesley Mark Sudbury, declare and states:

21 1. That I am an adult resident of the State of Hawaii, as a pretrial detainee in the
22 Federal Detention Center in Honolulu, and that I am the named Petitioner in the above
23 styled and numbered cause.

24 2. That I have prepared and reviewed my emergency motion for expedited
consideration, and the underlying emergency expedited motion for an emergency
injunction, finding any factual assertions made therein to be true to the best of my
knowledge and belief.

Declaration
AFFIDAVIT OF WESLEY SUDBURY
WMS 31 Aug 2022

1 3. That I have not brought this motion to cause unnecessary delay, the motion is
2 brought for the purpose of protecting my constitutional and statutory rights, and the
3 motion will not cause prejudice to the other parties. I believe that my motion complies
4 with the Federal Rules of Civil Procedure and the Supreme Court Rules.

5
6 RESPECTFULLY submitted on this the 31 day of August, 2022.

7
8 BY Wesley M Sudbury
9 Wesley Mark Sudbury, Petitioner, pro se

10
11 **CERTIFICATE OF SERVICE**

12 I, Wesley Sudbury, hereby certify that a true and exact copy of
13 the foregoing document was duly served on the following parties by first class mail
14 with postage prepaid on this 31 day of August, 2022.

15 Attorney for Plaintiff: UNITED STATES OF AMERICA

16 Thomas Muchleck
17 Assistant United States Attorney
18 PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

Elizabeth B. Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

19 Wesley M Sudbury
20 Wesley Sudbury, pro se

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22
23
24 Declaration
AFFIDAVIT OF WESLEY SUDBURY.
WMS 31 Aug 2022

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3 Prisoner Number: 99288-022
4 FDC Honolulu
5 PO Box 30080
6 Honolulu Hawaii 96820

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8 IN THE SUPREME COURT OF THE UNITED STATES

9 Wesley Mark Sudbury,)
10) Supreme Court No. 21-8110
11 Petitioner)
12)
13 v.)
14)
15 United States of America,)
16)
17 Respondent.)
18)

19 **EMERGENCY MOTION FOR EXPEDITED CONSIDERATION**

20 COMES NOW, Wesley Mark Sudbury, Petitioner in the above styled and
21 numbered cause, without the assistance of counsel, as an unrepresented pro se litigant,
22 and hereby files this emergency motion for expedited consideration of his emergency
23 expedited motion for an emergency injunction. This emergency motion is supported
24 by affidavit filed separately herewith.

The reason this emergency motion for expedited consideration is filed is because
the time would expire before this motion, and the underlying motion for an emergency
injunction, could be heard in regular time.

1 **EMERGENCY – EXPEDITED MOTION**

2 Wesley Sudbury, *pro se*
3 Prisoner Number: 99288-022
4 FDC Honolulu
5 PO Box 30080
6 Honolulu Hawaii 96820

7 IN THE SUPREME COURT OF THE UNITED STATES

8 Wesley Mark Sudbury,)
9 Petitioner)
10 v.)
11 United States of America,)
12 Respondent.)
13 _____)

Supreme Court No. 21-8110

ORDER

14 This matter came before the court on Mr. Sudbury's emergency motion for
15 emergency injunction, supported by ^{delegation WMS 31 Aug 2022} affidavit, and it appearing that good cause has
16 been shown,

17 It is Hereby ORDERED that Mr. Sudbury's request for emergency injunction is
18 Hereby GRANTED.

19 DATED this _____ day of _____, 2022.

20 _____
Supreme Court Justice

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CERTIFICATE OF SERVICE

I, Wesley Sudbury, hereby certify that a true and exact copy of the foregoing document was duly served on the following parties by first class mail with postage prepaid on this 31 day of August, 2022.

Attorney for Plaintiff: UNITED STATES OF AMERICA

Thomas Muchleck
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

Elizabeth B. Prologar
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-2001

Wesley M. Sudbury
Wesley Sudbury *pro se*

1 **EMERGENCY – EXPEDITED MOTION**

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3 Prisoner Number: 99288-022
4 FDC Honolulu
5 PO Box 30080
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7 IN THE SUPREME COURT OF THE UNITED STATES

8 Wesley Mark Sudbury,)
9 Petitioner)
10 v.)
11 United States of America,)
12 Respondent.)

Supreme Court No. 21-8110

ORDER

13 This matter came before the court on Mr. Sudbury's emergency motion for
14 expedited consideration, of the underlying emergency motion for emergency injunction,
15 supported by ^{*Declaration WMS*} affidavit, and it appearing that good cause has been shown,
16 _{*21 Aug 2022*}

17 It is Hereby ORDERED that Mr. Sudbury's request for expedited consideration is
18 Hereby GRANTED.

19 DATED this _____ day of _____, 2022.

20 _____
Supreme Court Justice