

IN THE
Supreme Court of the United States

R. ALLEN STANFORD,
Petitioner,

v.

RALPH S. JANVEY, ET AL.,
Respondents.

On Petition for a Writ of Certiorari from the
United States Court of Appeals for the Fifth Circuit

**RESPONDENTS' OPPOSITION TO PETITIONER'S APPLICATION TO HOLD
PETITION FOR WRIT OF CERTIORARI IN ABEYANCE**

To the Honorable Samuel A. Alito, Associate Justice of the
Supreme Court of the United States and Circuit Justice for the
United States Court of Appeals for the Fifth Circuit

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RULE 29.6 DISCLOSURE

Respondent Ralph S. Janvey confirms that, as an individual and a court-appointed receiver, he has no disclosure to make under this Court's Rule 29.6. Likewise, Respondent the Official Stanford Investors Committee has no such disclosure.

Respondent respectfully opposes Petitioner R. Allen Stanford's ("Stanford") request to hold the petition for writ of certiorari in abeyance. This is only the most recent of Stanford's attempts to maliciously and gratuitously delay the payment of more than a billion dollars in settlement funds to the victims of Stanford's own fraudulent scheme. Stanford's petition for writ of certiorari raises the same arguments that have been found frivolous by three different panels of the Fifth Circuit. The incoherent arguments concerning subject matter jurisdiction and venue raised by his petition in no way concern so-called "Chevron deference" nor are they in any way connected to the issues presented by this Court's pending cases that Stanford cites in his application. Further, Stanford cites no authority for the extraordinary relief he seeks. This Court should deny Stanford's motion.

I. Background

Petitioner R. Allen Stanford ("Stanford") was convicted of numerous federal crimes and given a 110-year sentence for perpetrating one of the largest financial frauds in history. *See United States v. Stanford*, 805 F.3d 557, 564 (5th Cir. 2015). His conviction is long since final. *See United States v. Stanford*, 580 U.S. 1105 (2017) (denying rehearing of this Court's denial of Stanford's petition for writ of certiorari in which he sought to challenge his criminal conviction). Stanford's scheme collapsed more than fourteen years ago when the SEC filed suit against Stanford and his wholly-owned companies and asked for the appointment of a receiver. *See Janvey v. Democratic Senatorial Campaign Comm., Inc.*, 712 F.3d 185, 188–89 (5th Cir. 2013). The district court appointed Ralph S. Janvey ("Receiver") to take over Mr. Stanford's far-flung financial empire and established the

Official Stanford Investors Committee (“OSIC”) to represent the interests of investors. *See Rotstain v. Mendez*, 986 F.3d 931, 934–35 (5th Cir. 2021).

For more than a decade, the Receiver and OSIC have been pursuing asset recoveries to help compensate Stanford’s 18,000 fraud victims who have suffered billions of dollars in losses. One of these proceedings involved a lawsuit against five banks that helped Mr. Stanford run his investment fraud. *See Rotstain*, 986 F.3d at 934, 940. In early 2023—on the eve of trial—the Receiver and OSIC settled this long-running lawsuit through five settlement agreements (one per defendant) adding up to a total of \$1.602 billion (collectively the “Bank Settlements”). Each settlement requires court approval. This proceeding concerns Stanford’s frivolous objections to the final three Bank Settlements (collectively, the “Final Three Settlements”).

Stanford’s objection to the Final Three Settlements had nothing to do with the settlements themselves but instead challenged the very existence of the fourteen-year-old Stanford Financial Receivership based on largely unintelligible arguments that had been repeatedly rejected by the district court. *See generally* Pet.

The district court overruled Stanford’s objections and approved the Final Three Settlements. *See* Pet. Appx. at 3. Stanford appealed those orders even though the Fifth Circuit had already twice rejected identical arguments as frivolous in his appeals of the first two Bank Settlements. *See* Respondents’ App. to Vacate Order Granting Pet.’s App. for Extension of Time to File Pet. for Writ of Cert., at 42a, *Stanford v. Trustmark National Bank*, No. 23-10530 (5th Cir. Jul. 25, 2023) (per curiam); *id.* at 43a, *Stanford v. Janvey*, No. 23-10689 (5th Cir. Jul. 28, 2023) (per curiam).

The Receiver moved to dismiss Stanford's latest appeal as frivolous. And just as it had done twice before in Stanford Bank Settlement appeals, the Fifth Circuit granted the motion and dismissed Stanford's purported appeal as frivolous. *See* Pet. Appx. at 1, *Stanford v. Janvey*, No. 23-10891 (5th Cir. Sept. 18, 2023) (per curiam). It is from this determination that Stanford seeks to pursue relief in this Court.

II. Stanford's petition for writ of certiorari does not concern so-called "Chevron deference."

Stanford incorrectly argues that his petition for writ of certiorari should be held in abeyance because it concerns issues that are implicated by two cases pending in this Court that concern "Chevron deference," *Loper Bright Enterprises, v. Raimondo*, No. 21-5166 (U.S. Nov. 10, 2022), and *Relentless, Inc. v. Dept. Comm.*, No. 21-1886 (U.S. Jun. 14, 2023). These cases have nothing to do with the arguments raised in Stanford's petition for writ of certiorari, as Stanford's own application makes clear. Pet.'s App. to Hold Pet. for Writ of Certiorari in Abeyance, at 3.

As Stanford says in his application: "The questions presented by the Petitioner in his Writ of Certiorari are jurisdictional in nature, involve misapplication of both the federal venue and securities laws, and the unconstitutional confiscations of billions of dollars." *Id.* Plainly, Stanford's arguments concern subject matter jurisdiction, venue, and due process. The orders appealed from in no way involve the SEC's review of a statute or regulation. *See* Pet. Appx. at 3-26. Thus, the cases cited by Stanford do not provide any basis to defer deciding his pending petition for writ of certiorari.

Stanford has already asked for (without notice to Respondents) and received a 90-day extension to file his petition. Again without notice to Respondents, Stanford has now

filed his application to hold his petition in abeyance, which, if granted, will result in still further delays of the payment of significant settlement sums to the victims of Stanford's own crimes. This Court should deny Stanford's motion and deny his petition for writ of certiorari without delay.

CONCLUSION

Petitioner's application to hold his petition for a writ of certiorari in abeyance should be denied.

Dated: March 1, 2024

Respectfully submitted,

By: /s/ Kevin M. Sadler

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