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No. -

In The
Supreme Court of the United States

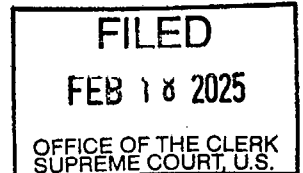
IN RE: STEPHANIE A. MYKONOS, PETITIONER

*ON PETITION FOR A WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT*

PETITION FOR A WRIT OF MANDAMUS

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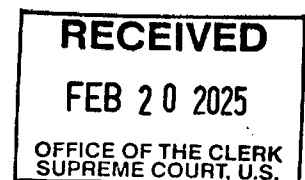
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QUESTION PRESENTED

This request might be the most basic to ever appear before the Supreme Court as a matter of 3.5-words: not-docketed timely brief.

The question presented is whether a writ of mandamus should issue directing the court of appeals to error correct Pro Se Petitioner's depository-box timely filed July 22, 2024 brief to be added to the United States Court of Appeals for the D.C. Circuit's official docket on PACER.

PARTIES TO THE PROCEEDING

Pro Se Petitioner in this Court (Plaintiff-Appellee in the Court of Appeals) is Stephanie A. Mykonos.

Respondent in this Court is the United States Court of Appeals for the District of Columbia Circuit. Respondents also include Judge Patricia A. Millet, in her official capacity as Judge of the District of Columbia Circuit, Judge Cornelia T.L. Pillard, in her official capacity as Judge of the District of Columbia Circuit; Judge Florence Y. Pan, in her official capacity as Judge of the District of Columbia Circuit, Clifton Cislack, Clerk of the Court for the District of Columbia Circuit (c. 2025), in his official capacity as Clerk of the Court for the District of Columbia Circuit.

CORPORATE DISCLOSURE STATEMENT

Stephanie A. Mykonos is a Pro Se Petitioner who is not a corporate entity.

STATEMENT OF RELATED PROCEEDINGS

The following proceedings are directly related to the case in this Court within the meaning of Rule 14.1(b)(iii): D.C. Superior Court, No. 2023-CAB-005230, *Mykonos v. Axinn, Veltrop & Harkrider, et. al.* (March 26, 2024), U.S. District Court for the District of Columbia, No. 1:23-cv-03569-UNA (December 20, 2023), U.S. Court of Appeals for the District of Columbia Circuit, No. 24-7035 (October 15, 2024), *Mykonos v. Axinn, Veltrop & Harkrider, et. al.*, Supreme Court of the United States, Application No. 24A560, *Mykonos v. Axinn, Veltrop & Harkrider, et.al.*, (December 10, 2024).

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PETITION FOR A WRIT OF MANDAMUS

Pro Se Petitioner respectfully files her petition for a writ of mandamus to the United States Court of Appeals for the District of Columbia Circuit, admittedly a fool's errand on something so basic, requesting that the District of Columbia Circuit's Clerk of the Court be directed to error-correct Pro Se Petitioner's depository-filed brief (date stamped: July 22, 2024) in this case to be retroactively added to the District of Columbia Circuit's-official PACER records as the brief was timely filed.

OPINION - PER CURIUM JUDGMENT BELOW

The D.C. Circuit's 3 judge panel filed their per curium judgment without memorandum on October 15, 2024 in *Mykonos v. Axinn, Veltrop & Harkrider, et. al.*, appears at Pet. App. 2A at Per Curium Judgment subsequently denied en banc review on November 19, 2024, that did not address Pro Se Petitioner's depository-box, timely filed July 22, 2024 brief as not included on the D.C. Circuit's docket per Federal Rule of Civil Procedure 79 (28 U.S.C. Section 79.1) which is what this writ of mandamus is solely about.

The D.C. Circuit's November 19, 2024, denial of plaintiffs' Motion for Rehearing En Banc is unpublished and appears in the Pet. App. at 3A Petition for En Banc Denied.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1651.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pro Se Petitioner notes the All Writs Act, 28 U.S.C. § 1651(a), provides: "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."

STATEMENT OF THE CASE

Pro Se Petitioner presents the most basic of Writs of Mandamus to ever appear before the Supreme Court. A fool's errand, as this is a matter of 3.5-words. The 3.5-words: Depository-filed brief not docketed.

On adherence to Appellate Rule of Civil Procedure Rule 79 and Rule 79.1 error-correct the D.C. Circuit's official docket to now include Pro Se's timely depository-filed brief (See, Pet. App. at Appendix A: July 22, 2024 Depository-Filed Brief).

There is no clearer rule in all appellate duties then to docket a timely-filed brief, regardless of "who" files the brief, in this instance, I might not be liked by the Clerk's support staff, but the brief still should have been docketed by the D.C. Circuit, their failure to do so is what happened on the July 22, 2024 filing.

Nothing more basic could have ever appeared before the Supreme Court with a simple solution to error-correct the docket on Pro Se Petitioner's on-time, depository-box filed brief onto PACER, in doing so, this Court gets to set the record straight on compliance with Rule 79 and Rule 79.1 as "for the little guy" that the most basic of things (like adding a

Pro Se Petitioner's timely-filed, depository-box dropped July 22, 2024 brief) will be honored as error-corrected onto the D.C. Circuit's docket.

Here, the only humble task requested is to remand the case to the D.C. Circuit for further proceedings consistent with this Court's enforcing the Rules of Civil Procedure on Rule 79 and Rule 79.1 to error-correct this matter and docket my July 22, 2024 brief onto PACER by the D.C. Circuit.

Because the D.C. Circuit has refused to do so, Pro Se Petitioner respectfully requests that this Court issue a writ of mandamus directing such remand.

A. Federal Rules of Civil Procedure 79

What is at the heart of this very simple matter is that Federal Rule of Civil Procedure 79 was not honored by the D.C. Circuit on the Rule 79's requirement to "(A) papers filed with the clerk" as "(1) *In General*. The clerk must keep a record known as the "Civil Docket" as "in the form and manner prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States" was a particularly difficult blunder to this Pro Se Petitioner as a former A.O. Of the U.S. Courts' worker bee under the then-Administrator Judge John Bates of the U.S. District Court for the District of Columbia, who left the A.O. shortly after Pro Se Petitioner's federal clearinghouse process – hit hard for this Pro Se Petitioner as the most basic of basics to follow Rule 79 on recordation of her brief at the D.C. Circuit did not happen on July 22, 2024 and did not happen at a later date.

B. Petitioners' Lawsuit

Pro Se Petitioner—plaintiff below, who is a Washingtonian that seeks to address that the D.C. Circuit did not docket onto PACER the on time July 22, 2024 depository-filing via the 24/7/365 deposit-filing box that rests at DC's Constitution Avenue.

Instead, the D. C. Circuit only docketed Pro Se Petitioner's July 22, 2024 appendix to the official PACER records.

This mandamus is of paramount importance to all Pro Se's and to all In Forma Pauper status as the most basic of the basics to have docketed Pro Se's July 22, 2024 brief in *Mykonos v. Axinn, Veltrop & Harkrider, et. al.*, did not get done by the D.C. Circuit, See, Appendix – 1A, Depository-Filed, July 22, 2024 Time-Stamped Brief.

C. Proceedings in the District Court

Pro Se Petitioner's matter was venue changed from the D.C. Superior Court to the United States District Court for the District of Columbia due to judicial prejudices that the D.C. Superior Court's Hon. Clerk of the Court saw with her own eyes in *Mykonos v. Axinn, Veltrop & Harkrider, et. al.* that is of no concern here for this Mandamus Petition before this Court and is strictly a procedural matter of past venue change.

D. Proceedings in the Court of Appeals

Next, Pro Se Petitioner's matter was appealed to the D.C. Circuit in *Mykonos v. Axinn,, Veltrop & Harkrider, et. al.* after a disagreement with the United States District Court for D.C. on the venue change from the D.C. Superior Court is a procedural matter.

Here too, this is of no concern to this Mandamus Petition to error-correct Pro Se Petitioner's timely-filed, July 22, 2024 depository-filed brief in the D.C. Circuit's drop box to be retroactively added to the official PACER record by the D.C. Circuit's Hon. Clerk is what is at issue here.

REASONS FOR GRANTING THE PETITION

The Court may "issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a).

A Writ of Mandamus is warranted when "(1) no other adequate means exist to attain the relief [the party] desires, (2) the party's right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances." *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004)) (internal quotation marks and alterations omitted).

A Writ of Mandamus is reserved exclusively for "exceptional circumstances amounting to a judicial 'usurpation of power.'" *Cheney*, 542 U.S. at 380 (citation omitted). Where a lower court "mistakes or misconstrues the decree of this Court" and fails to "give full effect to the mandate, its action may be controlled * * * by a writ of mandamus to execute the mandate of this Court." *Gen. Atomic Co. v. Felter*, 436 U.S. 493, 497 (1978) (per curiam) (quoting *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895)); see also *United States v. Fossatt*, 62 U.S. 445, 446 (1858) ("[W]hen a case is sent to the court below by a mandate from this court, * * * if the court does not proceed to execute the mandate, or disobeys and

mistakes its meaning, the party aggrieved may, by motion for a mandamus, at any time, bring the errors or omissions of the inferior court before this court for correction.”).

Exceptional circumstances are present here, as the D.C. Circuit failed to do the most basic thing per Rule 79 on docketing Pro Se Petitioner’s on time, July 22, 2024 depository-filed brief onto the official PACER docket.

Here, instead the D.C. Circuit only docketed Pro Se Petitioner’s appendix that was concurrently filed on July 22, 2024, via the D.C. Circuit’s 24/7/365 depository-filing box.

In doing so, the D.C. Circuit did an *in-justice to Pro Se’s everywhere by not docketing a filed on time depository-filed brief* and here this Court can fix the problem.

I. PETITIONERS’ RIGHT TO ISSUANCE OF A WRIT IS CLEAR

Pro Se Petitioner is entitled to a Writ of Mandamus directing the D.C. Circuit to error-correct this Pro Se’s not docketed, on time filed, July 22, 2024 depository-filed brief to be retroactively added to the D.C. Circuit’s official docket on PACER as a matter of principal – that is it.

As you can see, Pro Se Petitioner meets the high threshold for a Writ of Mandamus ordering the D.C. Circuit to error-correct not having added Pro Se’s filed on time July 22, 2024 depository-filed brief to the D.C. Circuit’s docket on PACER (per Rule 79 to do so) by this Court’s mandate.

II. A WRIT OF MANDAMUS IS WARRANTED GIVEN THE EXTRAORDINARY CIRCUMSTANCES OF THIS CASE

Due to the D.C. Circuit not fixing this most basic of things per Rule 79, to simply add Pro Se Petitioner's depository-filed July 22, 2024 on-time brief to the official PACER docket records, a Writ of Mandamus from this Court is the only appropriate vehicle to correct the error (*See, e.g., Ex parte Republic of Peru*, 318 U.S. 578, 583 (1943); *Fossatt*, 62 U.S. at 446) to address the distinct circumstances of this case.

This Court's intervention is particularly necessary because of the distinct circumstances of the D.C. Circuit to not have adhered to Rule 79 by an issue of not having docketed a Pro Se's timely depository-filed July 22, 2024 brief to the D.C Circuit's official PACER records (despite the D.C. Circuit doing so for the concurrently filed, on-time July 22, 2024 appendix – See, Pet. App. 4A – Depository Filed Appendix - that also went “boom! boom!” into the depository-drop box and was seen again ... as last seen 2-days later on July 24, 2024 at the D.C. Circuit's PACER docket).

III. NO OTHER ADEQUATE MEANS TO OBTAIN RELIEF EXIST

In the year 2025, no other adequate means exists to obtain Pro Se Petitioners' requested relief. “[T]he Court has indicated that mandamus is the only proper remedy available to a party who has prevailed in the Supreme Court where the lower court, in the words of *United States v. Fossatt*, 62 U.S. (21 How.) 445, 446 (1858), ‘does not proceed to execute the mandate, or disobeys and mistakes its meaning.’” Stephen M. Shapiro, et al., *Supreme Court Practice* 665 (10th ed. 2013).

CONCLUSION

For the foregoing reasons, the Court should issue a writ of mandamus directing the D.C. Circuit to error-correct their docket per Rule 79 to include Pro Se Petitioner's on-time, depository-filed July 22, 2024 brief to the official PACER record.

Respectfully submitted,

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FEBRUARY 18, 2025