

Case No: \_\_\_\_\_

**SUPREME COURT OF THE UNITED STATES**

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In re  
ELIEZER TAVERAS and VALERIA TAVERAS,  
Applicants,

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**ON APPLICATION FOR STAY OF THE MANDATE OF THE UNITED STATES COURT  
OF APPEALS FOR THE ELEVENTH CIRCUIT  
PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF  
CERTIORARI**

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EMERGENCY APPLICATION FOR STAY OF MANDATE  
DIRECTED TO THE HONORABLE CLARENCE THOMAS,  
ASSOCIATE JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR THE  
ELEVENTH CIRCUIT

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## **I. PRELIMINARY STATEMENT AND RELIEF REQUESTED**

Pursuant to 28 U.S.C. § 2101(f) and Supreme Court Rules 22 and 23, Applicants Eliezer Taveras and Valeria Taveras respectfully request an emergency stay of the mandate issued by the United States Court of Appeals for the Eleventh Circuit in *Taveras v. U.S. Bank National Association*, No. 23-13384, pending the timely filing and disposition of a Petition for Writ of Certiorari.

The Eleventh Circuit's decision raises serious and unsettled constitutional questions regarding the scope of 28 U.S.C. § 1443(1), the right of access to federal courts by pro se civil rights litigants, and the imposition of sanctions for invoking statutory protections later deemed unsuccessful. The panel opinion adopts a rigid interpretation of § 1443(1) that departs from other circuits, functionally foreclosing removal even where state courts, by judicial policy or practice, systematically deny a forum for enforcing federal rights.

The Eleventh Circuit denied a motion to stay the mandate on July 16, 2025. If the mandate issues, the decision below will become final and be used to justify escalating sanctions—including over \$13,000 in attorneys' fees now pending in the Middle District of Florida. Applicants have also suffered foreclosure of their real estate property, the imposition of a \$1.85 million deficiency judgment, and now face financial ruin without this Court's intervention. Both are U.S. citizens recently returned from Madrid following the end of overseas employment and are presently unemployed.

To preserve this Court's jurisdiction to review substantial constitutional issues, and to prevent irreparable harm, including further sanctions, reputational injury, and loss of property, Applicants respectfully request that the Honorable Clarence Thomas, as Circuit Justice, grant an immediate

stay of the Eleventh Circuit’s mandate pending disposition of their forthcoming petition for certiorari.

## **II. BACKGROUND AND PROCEDURAL HISTORY**

This case arises from a state foreclosure proceeding initiated in 2016 in the Circuit Court for Osceola County, Florida, by BSI Financial Services, on “behalf” of Christiana Trust, as trustee of the ARLP Trust 4, claiming to be successor in interest of the lender, Bank of America, N.A. (“BANA”). In 2017, U.S. Bank, National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust (“U.S. Bank”) substituted Christiana Trust as party plaintiff.

Applicants Eliezer and Valeria Taveras, husband and wife, are American citizens that were domiciled in Spain (now returning to the USA). They removed the case to the United States District Court for the Middle District of Florida on the basis of federal question and civil rights jurisdiction under 28 U.S.C. §§ 1331 and 1443(1).

The Notices of Removal and Amended Notices (Docs. 1, 15) laid out in detail that the foreclosure complaint relied on a forged promissory note (“the BSI Note”), which Applicants never signed or authorized. Applicants submitted multiple sworn declarations and expert analyses supporting the forgery claim. Despite this, the state court summarily refused to hold an evidentiary hearing on the alleged forgery, denied Applicants’ motions to strike the note as a sham pleading.

Appellees subsequently moved to remand. However, their motion did not address the Taveras’ removal under § 1443(1). Instead, it appeared to be a generic or copy-paste filing that inaccurately asserted the case had been removed on the basis of diversity jurisdiction and was therefore untimely. Appellees also moved for sanctions. The district court, without addressing or analyzing the § 1443(1) grounds raised in the removal notice, granted the motion to remand and imposed sanctions—apparently relying solely on Appellees’ framing of the case as a defective diversity removal.

The Taveras appealed to the United States Court of Appeals for the Eleventh Circuit. Notably, while the matter was pending in federal court, the state court continued prosecuting the foreclosure action. During a hearing on motion for summary judgment, the state court expressly acknowledged that the forgery allegation could be true but held that Applicants had “ratified” the forged document, making payments and trying to modify the loan (directly with BANA), thereby eliminating any opportunity to litigate the core question of contract formation or validity.

The Applicants, in their notice of removal and briefs, presented specific allegations of systemic laws, policies, and judicial conduct that they contend barred their civil rights, necessitating removal under 28 U.S.C. § 1443. Their arguments focus on demonstrating both that the rights they rely upon are “equal civil rights” (the first prong of the *Georgia v. Rachel*<sup>1</sup> test) and that they were “denied or cannot enforce” those rights in state court (the second prong, requiring a “firm prediction” of denial), as follows:

1. Core Federal Rights Allegedly Denied: The Taveras assert a denial of their fundamental civil rights, which arise under federal laws providing for racial equality. These include:
  - a. The right to make and enforce contracts, to sue, to be parties, to give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property, as enjoyed by white citizens, pursuant to the Civil Rights Act of 1866 (42 U.S.C. §§ 1981, 1982).
  - b. The right to equal protection and due process under the U.S. Constitution and federal law.
  - c. Rights under the Fair Housing Act and the Civil Rights Act of 1964.
2. Allegations of Systemic Laws, Policies, and Judicial Practices Preventing Enforcement:

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<sup>1</sup> *Georgia v. Rachel*, 384 U.S. 780 (1966).

The Taveras contend that the Florida state court system operates under pervasive and explicit policies and engages in a pattern of conduct that inevitably denies or undermines their federal civil rights, thereby satisfying the second prong of the Rachel test.

a. “Florida Policy” and “Bartram Policy”: They allege the existence of a “Florida Policy” within the state court system, which is an “ongoing pattern or practice of conduct and procedures” that “has a disproportionately negative effect on foreclosure defendants,” particularly those from minority backgrounds, and deprives them of federally guaranteed rights. This policy is argued to:

- i. Grant foreclosure plaintiffs a “litigation privilege to commit systemic fraud” and provide an “absolute defense” against defendants' pleadings and motions.
- ii. Facilitate a “hostile legal environment that denies equal protection and due process” to foreclosure defendants.
- iii. Lead to “racial disparities that are substantial and consistent” in legal outcomes.
- iv. Enable the plaintiff (U.S. Bank) to selectively choose which purported payments are owed to meet statutes of limitations and which mortgage provisions to apply or ignore, while denying the Taveras comparable rights.

b. Discriminatory State Court Orders and Rulings:

- i. The “Schreiber Injunction” explicitly limited the Taveras' ability to assert counterclaims, specifically barring actions under Fla. Stat. § 817.535(8)(a). The Taveras argue this constituted a direct “procedural hindrance” that violated their “constitutional right to sue” and their right to enforce contracts under federal law.
- ii. The subsequent “Young Order” dismissed the Taveras' counterclaim, relying on

the Schreiber Injunction, even though they argue the filing of a new amended complaint should have rendered the injunction inapplicable to compulsory counterclaims. This dismissal is characterized as “intentional misconduct” that arbitrarily and unlawfully barred their right to sue.

- iii. During the state court summary judgment hearing, the judge acknowledged the forgery of the promissory note (BSI Note) but ruled that “even if true, Defendants ratified that forgery” by their subsequent conduct (payments to Bank of America, the lender). The Taveras argue this ruling effectively denied their fundamental right to challenge the authenticity of the foundational note, which is a “threshold question” concerning contract formation that courts should decide [*Solymer Invs., Ltd. v. Banco Santander SA*, 592, 593]. They contend this decision created a “perilous precedent”.

c. Procedural Manipulations and Judicial Bias:

- i. The state court consistently denied their requests for evidentiary hearings and opportunities to present evidence or contest the authenticity of alleged forged documents.
- ii. The imposition of “excessive and onerous requirements,” such as forcing the Taveras (who are pro se and were residing in Spain) to travel monthly from Spain to Florida for case management conferences under threat of dismissal, demonstrating systemic bias.
- iii. The state court allegedly exhibited “differential treatment favoring the plaintiff,” by allowing numerous amendments to the complaint that prolonged the litigation despite standing issues that should have led to dismissal, while

denying the Taveras similar procedural flexibility.

- iv. Opposing counsel's "unequivocally derogatory, dehumanizing, and demonstrative of impermissible bias communication" (e.g., alleging the Taveras "immigrated to the United States to unjustly enrich themselves") during hearings went uncorrected by the presiding judge. This is cited as evidence of a "hostile environment" and "systemic bias," directly impacting their ability to receive a fair and impartial hearing.
- v. The Taveras allege that U.S. Bank engaged in "deceptive practices" and "misleading conduct" (e.g., strategic filing of amendments and disputed documents) to obstruct timely removal and obscure the true nature of the claims. This conduct, viewed in light of the state court's rulings, amplified the perceived bias and adversarial stance against the Taveras, solidifying their belief that the state court was an unsuitable venue.
- d. Retaliatory Actions: The Taveras argue that the state court's actions and the continued prosecution are a form of retaliation for their attempts to expose fraud and enforce their civil rights, drawing a parallel to *Conrad v. Robinson*, where a libel action was found to be retaliatory for protected activity under Title VII and the Ohio courts lacked jurisdiction over such claims. They contend that the state court's procedural barriers, such as the Schreiber and Young Orders, satisfy the "cannot be heard in state court" aspect found sufficient for removal in *Conrad*.

### **THE PANEL'S OPINION**

On May 9, 2025, the Eleventh Circuit panel issued its opinion affirming both the district court's order remanding the case to state court and the imposition of sanctions against the Taveras. The

panel subsequently denied the Taveras' petition for panel rehearing and rehearing en banc.

Here's a summary of the Panel's opinion:

1. Appellate Jurisdiction to Review the Entire Remand Order: The Panel determined it had jurisdiction to review the entirety of the district court's remand order.
2. Remand Order (28 U.S.C. § 1443 Removal): The Panel concluded that the district court properly remanded the case because the Taveras failed to satisfy the second prong of the two-part test for removal under 28 U.S.C. § 1443, as established by *Georgia v. Rachel*.
  - a. Prong One (Specific Civil Rights Stated in Terms of Racial Equality): The Panel found that the Taveras did satisfy the first prong. They invoked 42 U.S.C. §§ 1981, 1982, the Fair Housing Act, and the Civil Rights Act of 1964, all of which qualify as laws providing for specific civil rights stated in terms of racial equality.
  - b. Prong Two (Denial or Inability to Enforce Rights in State Court): The Panel concluded that the Taveras failed to satisfy the second prong because they did not demonstrate that their federal civil rights would be predictably denied by the Florida courts. The Panel stated that no cited federal civil rights law grants mortgagors a right to default on a loan, nor does any immunize them from foreclosure actions for doing so. The Taveras “cited to general federal civil rights laws and argue[d] that they are the victims of discrimination because the state courts have repeatedly ruled against them”. However, the Taveras “alleged no facts to suggest that the otherwise facially neutral foreclosure action was filed for a prohibited discriminatory purpose”. Furthermore, the Taveras “conceded that they stopped paying the mortgage according to its terms and agree that the mortgage allows for foreclosure in such a situation”. Thus, their arguments were deemed insufficient to establish the “firm prediction” of denial of rights required for §



1443 removal.

3. Sanctions Order (28 U.S.C. § 1447(c)): The Panel concluded that the district court did not abuse its discretion in taxing costs and fees to the Taveras. The standard for awarding fees under § 1447(c) “should turn on the reasonableness of the removal”. The Panel reiterated that the district court's silence on the § 1443 argument constituted an implicit denial as a matter of law. The Panel's review focused on whether the Taveras had an objectively reasonable basis for believing they could remove pursuant to § 1443, and it concluded they did not. Their decision to attempt a second removal, particularly “on the eve of a dispositive motion hearing,” was seen as implicating the type of “gamesmanship” for which the Supreme Court has explicitly endorsed awarding costs and fees under § 1447(c). The Panel implied that while sanctions help deter egregious misconduct, a claim can be weak enough not to be worth pursuing on appeal, but not so meritless as to warrant sanctions, and this situation seemed to fall into the latter. The Panel also noted that concerns about frivolous removals under § 1442 or § 1443 are addressed by other statutes and rules, such as § 1447(c) itself (permitting costs/fees) and Federal Rule of Civil Procedure 11 (sanctions for frivolous arguments), reinforcing that Congress has already provided mechanisms to address such issues.

In sum, the Panel found that while the Taveras cited appropriate federal civil rights laws, their factual allegations did not demonstrate the necessary “firm prediction” that those rights would inevitably be denied in state court proceedings, especially given the nature of the foreclosure action and their admitted default. This lack of an objectively reasonable basis for removal also justified the imposition of sanctions.

On July 7, 2025, the Taveras filed a notice of their intent to seek review by the United States

Supreme Court and moved to stay issuance of the mandate. On July 16, 2025, the Eleventh Circuit denied the motion to stay.

On July 21, 2025, opposing counsel in related federal litigation filed a new motion for sanctions against Applicants, this time seeking \$13,824.50 in fees, based on the same panel opinion that remains subject to certiorari review. Both Applicants, U.S. citizens, had been residing in Madrid due to overseas employment which ended on June 16, 2025. They are now unemployed and have returned to the United States.

Without relief from this Court, the Eleventh Circuit's non-final opinion will continue to be used by opposing parties to seek punitive sanctions in multiple forums, based on a foreclosure judgment procured through a structurally closed system that denied all opportunity to present evidence of forgery or assert statutory claims. A stay of the mandate is urgently necessary to prevent this compounding harm and preserve this Court's jurisdiction.

### **III. STATEMENT OF JURISDICTION**

This application arises from a final decision of the United States Court of Appeals for the Eleventh Circuit, entered on May 9, 2025, in *Taveras v. U.S. Bank National Association*, No. 23-13238. The Eleventh Circuit affirmed the district court's order remanding the case to state court and imposing sanctions. The court denied Applicants' petition for panel rehearing and rehearing en banc on July 07, 2025.

Applicants intend to file a timely Petition for Writ of Certiorari under Rule 13 of the Rules of the Supreme Court of the United States. This Court has jurisdiction to review the judgment of the court of appeals pursuant to 28 U.S.C. § 1254(1).

Pursuant to 28 U.S.C. § 2101(f), and consistent with Federal Rule of Appellate Procedure 41(d)(2)(A), this Application respectfully seeks a stay of the issuance of the Eleventh Circuit's mandate pending the filing and disposition of the Petition for Writ of Certiorari.

#### IV. LEGAL STANDARD

Under 28 U.S.C. § 2101(f), “[i]n any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court.” This authority may be exercised either by the court of appeals, or by an individual Justice of the Supreme Court.

The standard governing a stay under § 2101(f) mirrors the familiar criteria for injunctive relief. As articulated in *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam), a stay may be granted when:

1. There is a reasonable probability that four Justices will vote to grant certiorari;
2. There is a fair prospect that a majority of the Court will vote to reverse the judgment below; and
3. There is a likelihood that irreparable harm will result from the denial of a stay.

These factors are evaluated in light of the public interest and the equities of the case. See *Lucia v. SEC*, 138 S. Ct. 2044, 2046 (2018) (Roberts, C.J., in chambers). Additionally, courts may consider whether the legal issue presented is novel, recurring, or of exceptional importance.

#### V. ARGUMENT

The requested stay is warranted under the three-part standard set forth in *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). The Petition raises exceptionally important and recurring questions about civil rights removal under 28 U.S.C. § 1443(1), the role of structural judicial barriers in denying federal rights, and the propriety of sanctions imposed on pro se litigants who invoke statutory removal rights later deemed unsuccessful.

The Supreme Court should grant the Petition for Writ of Certiorari to resolve substantial questions concerning the scope and proper application of 28 U.S.C. § 1443(1), and to address an

entrenched circuit-level misapplication of the “second prong” of the removal standard first articulated in *Georgia v. Rachel*. This case squarely presents a recurring and consequential question of federal civil rights enforcement in state courts, particularly affecting minority defendants in foreclosure proceedings involving allegedly forged financial instruments.

**A. THE PANEL’S OPINION CONFLICTS WITH GEORGIA V. RACHEL AND OTHER CIRCUIT PRECEDENT REGARDING THE SECOND PRONG OF § 1443(1)**

The Eleventh Circuit panel misapplied the second prong of the *Rachel* test by imposing an artificially narrow reading that excludes removal even in the face of state court actions that directly obstruct a party's ability to enforce specific civil rights under federal law. While *Rachel* held that the second prong is satisfied where the denial of rights is “manifest in a formal expression of state law,” it also recognized that an “equivalent basis” could support a “firm prediction” of denial where the very act of prosecuting or proceeding against the defendant in state court itself denies the right.

Here, the Taverases presented precisely that scenario: they faced a foreclosure action premised on a promissory note they alleged was forged, supported by expert evidence. Rather than adjudicate the authenticity of the foundational instrument, the state court stated that the forgery claim would be disregarded under a theory of ratification (“even if true”). This ruling, along with multiple procedural barriers (including the Schreiber Injunction and Young Order barring counterclaims and causes of action under Fla. Stat. § 817.535(8)(a)), constitutes a judicially imposed obstacle that precludes the Taverases from enforcing their federal rights to contract and property protection under 42 U.S.C. §§ 1981 and 1982. That denial is no less severe than the bar struck down in *Rachel* itself.

**B. THE PANEL’S REASONING CONFLICTS WITH CONRAD V. ROBINSON AND OTHER CIRCUIT AUTHORITY PERMITTING**

### ***§ 1443 REMOVAL WHERE FEDERAL RIGHTS CANNOT BE ENFORCED IN STATE COURT***

In *Conrad v. Robinson*, 871 F.2d 612 (6th Cir. 1989), the Sixth Circuit held that removal under § 1443(1) was proper where the state court lacked jurisdiction to adjudicate the defendant's federal civil rights claims, effectively barring him from enforcing his rights under Title VII. The Taverases argue that the Florida state court, by invoking injunctions and procedural dismissals, barred them from asserting statutory claims available under federal law and state analogues, including fraud-based attacks on fraudulent mortgage assignments.

*Conrad's* reasoning supports the notion that judicial orders, not only statutes, may constitute a formal barrier or "equivalent basis" for a firm prediction of rights denial. By failing to even engage this critical precedent, the Eleventh Circuit created a circuit split regarding what forms of state action can render federal rights unenforceable.

### ***C. THE PANEL'S DECISION CONTRAVENES BP P.L.C. V. MAYOR OF BALTIMORE BY FAILING TO EXERCISE FULL APPELLATE REVIEW AND UPHOLD HEIGHTENED STANDARDS IN § 1443 CASES***

In *BP p.l.c. v. Mayor of Baltimore*, 141 S. Ct. 1532 (2021), the Supreme Court clarified that where § 1443 is raised as a ground for removal, the appellate court has jurisdiction to review the entire remand order, not merely the federal officer or civil rights grounds. The panel acknowledged this jurisdiction but then disregarded the standard articulated in *BP*, which emphasizes a "heightened concern for accuracy" and mandates substantive review of civil rights-based removal claims. The Eleventh Circuit dismissed the Taverases' § 1443 argument in summary fashion, failing to address the extensive factual allegations of procedural obstruction, denial of contract enforcement rights, and judicial ratification of forgery. Instead, it equated these allegations to routine adverse rulings, thus gutting the protective purpose of § 1443.

**D. THE PANEL MISINTERPRETED RACHEL, JOHNSON, AND PEACOCK BY REQUIRING IMMUNITY FROM FORECLOSURE INSTEAD OF ENFORCEABILITY OF FEDERAL RIGHTS**

The panel improperly framed the second prong of *Rachel* as requiring the federal statute to “immunize” defendants from the foreclosure proceeding, rather than recognizing that the denial of procedural access to enforce a civil right within the state system suffices. *Rachel* and *Johnson v. Mississippi*, 421 U.S. 213 (1975), support removal where state proceedings operate to punish or preclude individuals from exercising federal rights, not merely where immunity is absolute.

By insisting that no federal statute grants a “right to default,” the panel distorted the Taverases’ claim. The Taverases never claimed such a right; rather, they argued that they were being denied the opportunity to assert that the foreclosure plaintiff lacked standing and the state court lacked jurisdiction to proceed due to forgery, and to assert related rights under federal civil rights statutes. That is a procedural and substantive denial of federal rights, not a defense based on default.

**E. THE PANEL IGNORED RELEVANT FACTS SHOWING SYSTEMIC BIAS, RETALIATORY TREATMENT, AND INABILITY TO ENFORCE CIVIL RIGHTS**

The panel summarily dismissed the Taverases’ evidence of systemic judicial hostility, procedural barriers, uncorrected discriminatory remarks from opposing counsel, and repeated denial of evidentiary hearings. Such factors, when viewed cumulatively, establish the very “equivalent basis” for a firm prediction of rights denial recognized in *Rachel* and applied in *Conrad and Chestnut v. People of New York*, 370 F.2d 1 (2d Cir. 1966).

The state court’s acknowledgment that the instrument may be forged, combined with its refusal to permit discovery, amendment, or presentation of evidence on that issue, constitutes judicial ratification of forgery. This type of conduct, especially when coupled with racialized assumptions allowed into the record uncorrected, supports the view that the state forum is structurally hostile

to the enforcement of the Taverases' civil rights.

***F. THE PANEL'S FINDING OF SANCTIONABLE CONDUCT  
CONFLICTS WITH SUPREME COURT AND CIRCUIT  
STANDARDS GOVERNING OBJECTIVE REASONABLENESS  
IN REMOVAL***

The panel's imposition of sanctions under 28 U.S.C. § 1447(c), affirmed by the Eleventh Circuit, conflicts with *Martin v. Franklin Capital Corp.*, 546 U.S. 132 (2005), which holds that sanctions are only appropriate where removal lacks an "objectively reasonable basis." Given the complexity of the record, the substantial civil rights issues raised, and the constitutional protections asserted under 42 U.S.C. §§ 1981–82, the removal had more than an objectively reasonable basis. The panel's conflation of previous unsuccessful removal attempts with bad faith also contravenes the principles set forth in *BP* and *Martin*.

***G. THE PANEL'S APPROVAL OF SANCTIONS FOR § 1443(1)  
REMOVAL VIOLATES THE SUPREMACY CLAUSE AND  
CHILLS FIRST AMENDMENT RIGHTS***

The Eleventh Circuit panel's decision to uphold sanctions under 28 U.S.C. § 1447(c) against the Taverases for removing under 28 U.S.C. § 1443(1) raises a grave constitutional question. The imposition of sanctions for invoking a federal removal statute not only undermines the Supremacy Clause, U.S. Const. art. VI, cl. 2, but also threatens to chill the exercise of core First Amendment rights—specifically, the right to petition the judiciary for redress of constitutional violations.

The record is clear: removal was sought under § 1443(1), citing violations of 42 U.S.C. §§ 1981 and 1982, as well as the First and Fourteenth Amendments. The district court, however, never analyzed the § 1443(1) grounds. It instead mischaracterized the removal as based on diversity and federal question jurisdiction under § 1331. The panel affirmed that misreading, inaccurately stating that Christiana Trust held the note and characterizing years of procedural suppression in the state court as mere "unfavorable rulings."



Sanctions were imposed without any engagement with the core civil rights basis for removal. This omission violates the rule announced in *BP p.l.c. v. Mayor of Baltimore*, 141 S. Ct. 1532 (2021), which held that when removal is predicated on a statutory ground such as § 1443, the appellate court has jurisdiction to review the full remand order. The panel here failed to apply *BP*, effectively converting a facially meritorious removal attempt into sanctionable conduct.

This approach creates a dangerous precedent: one in which litigants invoking federal protections against systemic state bias are not only denied access to federal court, but punished for seeking it. That outcome directly contravenes the principle that removal statutes are to be construed liberally in favor of federal jurisdiction when civil rights are implicated. See *City of Greenwood v. Peacock*, 384 U.S. 808, 828 (1966).

Further, penalizing litigants for asserting statutory rights constitutes an impermissible restraint on their First Amendment right to petition the courts. Pro se parties—those most likely to experience judicial disregard or bias in state forums—are particularly at risk. The imposition of monetary sanctions on those seeking to vindicate rights under the Civil Rights Acts of 1866 and 1968 transforms § 1443(1) into a trap: its use becomes a liability rather than a shield.

Applicants strongly believe that the Supreme Court should grant certiorari to resolve whether the imposition of sanctions in this context violates the Supremacy Clause and the First and Fourteenth Amendments. This case presents a recurring and deeply important question: whether state courts, and the federal judiciary by silent acquiescence, may procedurally suppress federal civil rights and then penalize those who attempt to remove under § 1443(1) for that very suppression.

As currently interpreted by the panel, § 1443(1) offers no meaningful recourse to civil rights defendants. It has been reduced to a statutory illusion, formally available but functionally barred



by procedural sidestepping, factual misstatement, and retaliatory sanction. That result demands this Court's intervention.

## **VI. CONCLUSION**

This case raises urgent and unresolved constitutional questions about the scope of federal removal rights under 28 U.S.C. § 1443(1), the functional denial of civil rights through state judicial policy, and the propriety of imposing sanctions on pro se litigants who invoke a congressionally authorized removal mechanism later mischaracterized. The Eleventh Circuit's decision entrenches a narrow reading of removal jurisdiction that conflicts with this Court's precedent and with other circuits—and it is already being used to inflict irreparable harm on the Applicants before this Court has had a chance to act.

Applicants respectfully request that the Honorable Justice Clarence Thomas, as Circuit Justice for the Eleventh Circuit, issue a stay of the mandate in *Taveras v. U.S. Bank National Association*, No. 23-13238, pending the timely filing and final disposition of a Petition for Writ of Certiorari.

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of July, 2025, the foregoing Emergency Application for Stay of Mandate Pending Disposition of Petition for Writ of Certiorari was filed electronically using the CM/ECF system of the United States Court of Appeals for the Eleventh Circuit. Pursuant to Federal Rule of Appellate Procedure 25(c) and Eleventh Circuit Rule 25-3(a), service upon all counsel of record, including counsel for Appellees, is deemed completed upon electronic filing through the Court's CM/ECF portal. Additionally, a copy of the foregoing has been email to counsel for Appellee, Adam Diaz to: [ADiaz@dallegal.com](mailto:ADiaz@dallegal.com). I further certify that pursuant to Rule 22 and Rule 29.3, an original and two copies of the Application will be filed with the Clerk of the

United States Supreme Court via [overnight delivery], addressed to:

**Clerk of the Supreme Court of the United States**  
**1 First Street, NE**  
**Washington, DC 20543**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eliezer Taveras", written over a horizontal line.

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A handwritten signature in blue ink, appearing to read "Valeria Taveras", written over a horizontal line.

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