

JUL 18 2025

OFFICE OF THE CLERK

Docket No: 24-

25A90

SUPREME COURT OF THE UNITED STATES

Alan Headman,

Petitioner

vs.

Federal Bureau of Investigation, et al.

Respondents

**Application for Stay of District Court Orders
to Justice Samuel A. Alito, Jr.
Pending Resolution Through Petition for a Writ of Certiorari
to the United States Supreme Court**

APPLICATION FOR STAY OF ORDERS

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RECEIVED

JUL 22 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

REASONS WHY RELIEF SOUGHT NOT AVAILABLE FROM ANY OTHER COURT (Rule 23)

- I. The issue to for which Certiorari is being sought concerns the right of citizens, who have exercised their right to demand a trial by jury, to have the issue for which they seek protection of law heard before a jury by the court of first instance. In this case, no other court can conduct a trial by jury and excessive years of appeals should not be required just to have this right affirmed just to return to the lower court.
- II. The subject matter of this case also concerns a dispute with a Federal Agency and that agencies responsibility to investigate civil rights violations by those acting under color of law. Although the recent Supreme Court ruling in **Securities and Exchange Commission v. JARKESY, Supreme Court 2024** was clear in preserving the right to demand a trial by jury when disputing agency action, the very Federal Court that should be ensuring the right to trial by jury is guilty of denying it. Imposing a requirement to spend years in appeals just to get back to the starting line, especially considering the clear ruling by the recent Supreme Court ruling, are contrary to the principles of equal justice and the right to a speedy trial.
- III. The precedent has been set by the United States District Court for the Eastern District of Texas that they do not intend to uphold the orders of the United States Supreme Court in honoring the Constitutional Right to Trial by Jury in the court of first instance.

IDENTIFICATION OF THE JUDGEMENTS SOUGHT TO BE REVIEWED (Rule 23)

- IV. Attached to this application is Appendix A which contains a copy of the order of Judge J. Campbell Barker, United States District Judge.
- V. Attached to this application is Appendix B which contains a copy of the order of K. Nicole Mitchell, United States Magistrate Judge.

PURPOSE AND FACTS (Rule 21)

- VI. **FACT #1** – The Petitioner filed a complaint to resolve a dispute with a Federal Agency.
- VII. **FACT #2** – The Petitioner exercised his right and demanded a Trial by Jury.
- VIII. **FACT #3** – The Petitioner specifically cited **Securities and Exchange Commission v. JARKESY, Supreme Court 2024** as the basis to secure his right to trial by jury.
- IX. **FACT #4** – Judge J. Campbell Barker, United States District Judge acted in direct defiance of the Supreme Court ruling.
- X. **FACT #5** – Absent the identification of specific rulings regarding the right to trial by jury in the court of first instance, and remedies for those who acting under color of law who deny this right, the cycle of denial of this specific civil right will continue.
- XI. **PURPOSE** The purpose of this stay is to leave to file a writ of certiorari with the United States Supreme Court seeking more definition on the stage at which the denial of trial by jury becomes a violation of civil rights by those acting under color of law. Obtaining such definition will allow for the restoration of justice in this case, set precedent for future cases, and will provide definitive guidance for the administration of justice.

REASONS WHY A STAY IS JUSTIFIED (Rule 23)

- XII. The Petitioner has already spent the better part of 8 years in pursuit of receiving his constitutional right to trial by jury to no avail. The intent of the **Securities and Exchange Commission v. JARKEY, Supreme Court 2024** ("SEC v. Jarskey") ruling was clear but the practice of denying the right to trial by jury continues on as if no ruling had been made. The Supreme Court needs to issue clarification over a Citizen's right to trial by jury by the court of first instance and set forth the legal rights for redress by those who have been denied this right. Sending a Citizen back into another 5-10 year legal loop under the false promise that this right will be preserved is absurd.

LEGAL ARGUMENT (Rule 21)

- XIII. The Supreme Court has made rulings that on their textual face are designed to preserve the rights of citizens. The intent of such rulings, in this case **SEC v. Jarskey** is to ensure the rights of citizens do not get set aside by agency actions that constructively remove rights without accountability or checks of power.
- XIV. The right to trial by jury is a critical check on power designed to protect individuals from tyrannical acts intended to meet an unconstitutional agenda. This check on power not only protects a citizen from agency action but must also be readily available for affirming facts and making conclusions of law which are contrary to agendas held by members of the Judiciary Branch of Government.
- XV. Although Courts may be hesitant to implement checks on their own power when they feel they are exercising their roles having the civil rights of the citizens as their

goal, it is important to set a clear precedent to protect the power of the people from future exercises of tyrannical power.

- XVI. Traditional practices tend to erode over time and require periodic correction. **SEC v. Jarskey** represents the starting point for the correction to the right to trial by jury but the correction requires more refinement.
- XVII. Before this case proceeds, the failed policy of viewing trial by jury as optional in the court of first instance must be addressed and the correction of such be adopted and applied with teeth from the United State Supreme Court.
- XVIII. This stay pending an appeal to the United States Supreme Court is necessary to prevent an abuse of process which is denying the constitutional right to trial by jury for the Petitioner.

LIST OF PARTIES TO PROCEEDING NOT ON COVER

The following represents a listing of the counsel associated with the Respondent:

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CITATIONS OF OFFICIAL AND UNOFFICIAL OPINIONS AND ORDERS

ALAN HEADMAN V. FEDERAL BUREAU OF INVESTIGATION, ET AL. 6:24-cv-33

Denial of Preliminary Injunction over Denial of Trial by Jury by Magistrate Judge July 24, 2024

The Magistrate Judge in this case refused to issue a preliminary injunction requiring the Respondent to perform a simple investigation into color of law violations concerning the denial of the Petitioners right to Trial by Jury by those acting under color of law.

ALAN HEADMAN V. FEDERAL BUREAU OF INVESTIGATION, ET AL. 6:24-cv-33

Denial of Preliminary Injunction over Denial of Trial by Jury by District Court Judge August 24, 2024

The District Court Judge in this case ignored the demand for trial by jury and affirmed the refusal to issue a preliminary injunction requiring the Respondent to perform a simple investigation into color of law violations concerning the denial of the Petitioners right to Trial by Jury by those acting under color of law.

SUPREME COURT JURISDICTION

Jurisdiction under Supreme Court Rule 10(a)

The Supreme Court of this land is the proper jurisdiction for ensuring the protections guaranteed by the Supreme Law of the Land are being uniformly preserved. State and Federal lower courts have “so far departed from the accepted and usual course of judicial proceedings”, by denying trial by jury, declaratory judgments, and other measures of due process, “as to call for an exercise of this Court’s supervisory power” as provided in Supreme Court Rule 10 Considerations Governing Review on Certiorari (a). This is the proper forum to correct the judicial departures which violate the Supreme Law of the Land. “In declaring what shall be the supreme law of the land, the constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the constitution” and it is the “duty of the judicial department to say what the law is” Marbury v. Madison, 5 US 137 - Supreme Court 1803 and correct departures from it.

Jurisdiction through Supreme Court Rule 10(c)

In light of the recent **SEC v. Jarskey** decision the Petitioner will seek SCOTUS to “decide an important federal question of federal law that has not been, but should be, settled by this Court”. The federal question surrounds the right of Citizens to have a jury decide when a temporary injunction should be placed before a jury and whether a speedy Jury, as a representation of power intended by the constitution to be instilled in the people, must be assembled when demanded to protect other powers intended to reserved to the people’s election.

CONSTITUTIONAL PROVISIONS STATUTES AND REGULATIONS

The Fourteenth Amendment to the United States Constitution

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

The Seventh Amendment to the United States Constitution

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law"

Article Six of the United States Constitution

The Constitution "shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding" and "all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; ..."

The Right to Trial by jury is a secured right of power by the people and should not be set aside by any branch that seeks to claim power to turn this right on and off when it does not meet that branch's agenda nor should it be confined to only the final stages of an action.

RELIEF REQUESTED

The Petitioner seeks **Justice Samuel A. Alito, Jr.** to Order a Stay of the Proceedings of District Court case 6:24-cv-33 to allow the Petitioner to receive clarification from the United States Supreme Court over the method and stage of proceedings his right to trial by jury must be accommodated.

Respectfully Submitted,



/s/ Alan Headman

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APPENDIX A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00033

Alan Headman,
Plaintiff,

v.

Federal Bureau of Investigations, et al.,
Defendants.

ORDER

Plaintiff Alan Headman filed this action seeking declaratory and injunctive relief to require the Federal Bureau of Investigation to conduct an investigation and declare that he has been denied a right to jury trial in a state-court matter. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell.


The magistrate judge identified deficiencies in the complaint and afforded plaintiff an opportunity to amend the pleadings. Doc. 9. Plaintiff filed an amended complaint re-asserting his claims against the Federal Bureau of Investigation and United States. Doc. 11. The magistrate judge then issued a report finding that plaintiff did not state a viable claim for relief. Doc. 13. In response, plaintiff filed written objections and asserted that he has claims against individual defendants not named in the previous pleadings. Doc. 16. As a result, the magistrate judge withdrew the report and again ordered plaintiff to amend his pleadings. Doc. 26.

Plaintiff filed an appeal of the order to amend. Doc. 27. A party objecting to an order must show that the magistrate judge's order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A). Plaintiff asserts that the magistrate judge is denying his right to have an impartial jury decide his case. He complains that he has not received discovery, briefing, or a jury trial.

Plaintiff improperly faults the magistrate judge for providing a final opportunity to amend the pleadings instead of proceeding on a recommendation of dismissal. The court overrules the objection to

the order to amend because plaintiff has not shown that the magistrate judge's order was clearly erroneous or contrary to law.

So ordered by the court on August 16, 2024.



J. CAMPBELL BARKER
United States District Judge

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ALAN HEADMAN

vs.

FEDERAL BUREAU OF
INVESTIGATIONS, ET AL.

§
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§

CIVIL ACTION NO. 6:24-cv-33-JCB

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER

Before the Court is Plaintiff's Motion for Emergency Preliminary Injunctive Relief (ECF 2), Motion for Speedy Hearing (ECF 7), and Motion for Hearing on Motion for Emergency Preliminary Injunctive Relief (ECF 18). Having considered the pleadings, the motion for speedy hearing and motion for hearing are **DENIED**. The Court also recommends that the motion for preliminary injunction be **DENIED**.

BACKGROUND

Plaintiff Alan Headman, proceeding *pro se*, filed the above-styled lawsuit on January 26, 2024. The case is referred in accordance with 28 U.S.C. § 636. The original pleading, filed the same date as Plaintiff's motion for a preliminary injunction, stated that Plaintiff is suing the Federal Bureau of Investigation ("FBI") and United States pursuant to 42 U.S.C. § 1983. Plaintiff stated that he filed an online request for an investigation on the FBI's website. The investigation request concerned a lawsuit Plaintiff states that he filed in Upshur County, Texas, to appeal a final order from the Texas Workforce Commission. Plaintiff alleged that the county judge assigned to his case refused to give him a jury trial and required him to provide security in the amount of \$50,000

for the case to proceed. Plaintiff requested declaratory relief affirming his right to a jury trial and injunctive relief requiring the FBI to respond and perform a “deep dive review” of his allegations.

The original pleading did not allege facts sufficient to state a claim. The Court entered an Order identifying the deficiencies in the original complaint and affording Plaintiff an opportunity to address those deficiencies in an amended pleading (ECF 9). Plaintiff filed his amended complaint on March 21, 2024 (ECF 11).

The amended complaint re-asserts Plaintiff’s previous allegations and continues to identify only two named defendants—FBI and United States. Plaintiff states that he is not seeking to overturn the state court action. Instead, he “seeks injunctive relief ordering the Federal Bureau of Investigation[] to conduct the requested ‘deep dive’ investigation” into the alleged denial of his constitutional rights.”¹ Plaintiff submits that he is entitled to an investigation and that the FBI is obligated to investigate his allegations.

The Court issued a Report and Recommendation recommending dismissal for failure to state a claim upon which relief can be granted. The Report concluded that *Bivens* action claims against the FBI and United States—the only named defendants in Plaintiff’s original and amended pleading—are not actionable. The Report additionally determined that Plaintiff has not stated actionable claims pursuant to 18 U.S.C. §§ 241 and 242 or state law. In response, Plaintiff filed written objections. Among other things, Plaintiff asserted that he wants to amend the complaint again to add individual defendants. As a result, the Court entered an Order (ECF 26) withdrawing the Report and affording Plaintiff one more opportunity to amend the pleadings to cure the identified deficiencies. To date, Plaintiff has not filed his amended pleading.

¹ Amended Complaint for Declaratory and Injunctive Relief, ECF 11, at *2.

In his motion seeking a preliminary injunction, Plaintiff asserts the same allegations that are asserted in his original complaint. Plaintiff seeks an immediate investigation by the FBI and a declaration that his right to a trial by jury was violated by the state court judge.

APPLICABLE LAW

The prerequisites for a temporary restraining order and a preliminary injunction are: (1) a substantial likelihood of success on the merits; (2) a substantial threat that the movant will suffer irreparable injury if the injunction is not granted; (3) that the threatened injury to the movant outweighs any damage that the injunction may cause for the nonmovant; and (4) that the injunction will not disserve the public interest. *Affiliated Prof'l Home Health Care Agency v. Shalala*, 164 F.3d 282, 285 (5th Cir. 1999); *see also Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987). Since a temporary restraining order or a preliminary injunction is such an extraordinary, and perhaps drastic remedy, one is not granted unless the movant clearly carries the onerous burden of persuasion as to all of the elements. *United States v. Jefferson County*, 720 F.2d 1511, 1519 (5th Cir. 1983). In other words, the movant has a cumulative burden to prove each of the four enumerated elements. *Mississippi Power & Light Co.*, 760 F.2d 618, 621 (5th Cir. 1985); *Clark v. Prichard*, 812 F.2d at 993. A preliminary injunction “may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 24, 129 S.Ct. 365, 172 L.Ed2d 249 (2008). The decision of whether to grant or deny a temporary restraining order or a preliminary injunction is left to the sound discretion of the trial court. *Mississippi Power & Light Co.*, 760 F.2d at 621.

DISCUSSION AND ANALYSIS

Plaintiff's motion does not identify, much less establish, the prerequisites for a preliminary injunction. “The denial of a preliminary injunction or temporary restraining order will be upheld

where the movant has failed to sufficiently establish *any one* of the four criteria.” *Black Fire Fighters Ass’n v. City of Dallas, Tex.*, 905 F.2d 63, 65 (5th Cir. 1990).

As explained above, the Court repeatedly addressed deficiencies in Plaintiff’s pleadings. To date, he has not put forth a pleading that states a viable claim for relief. As a result, he has not established a likelihood of success on the merits. Similarly, he has not shown irreparable harm. In his motion, Plaintiff includes a conclusory statement that “[d]ue to the nature of the Plaintiff’s land being threatened,” irreparable harm will occur if immediate action is not taken.² To establish irreparable injury, a movant must show “that if the district court denied the grant of a preliminary injunction, irreparable harm would result.” *Janvey v. Alguire*, 628 F.3d 164, 175 (5th Cir. 2010). Injuries are irreparable only when they “cannot be undone through monetary remedies.” *Paulsson Geophysical Servs., Inc. v. Sigmar*, 529 F.3d 303, 312 (5th Cir. 2008) (citation omitted). Unsupported conclusory statements are insufficient to demonstrate an entitlement to the extraordinary relief provided by a TRO or a preliminary injunction. *See, e.g., Hunt v. Bankers Trust Co.*, 646 F.Supp. 59, 66 (N.D.Tex. Aug. 27, 1986).

Plaintiff’s motion wholly fails to address the third and fourth elements, which require a showing that the threatened injury outweighs any damage that an injunction might cause and that an injunction will not disserve the public interest. Plaintiff failed to meet his burden to prove each of the four prerequisites as required to establish that a preliminary injunction is appropriate. The motion for injunctive relief should be denied.

RECOMMENDATION

It is accordingly recommended that Plaintiff’s Motion for Emergency Preliminary Injunctive Relief (ECF 2) be **DENIED**. It is further

² Plaintiff’s Motion for Emergency Preliminary Injunctive Relief, ECF 2, at *4.

ORDERED that Plaintiff's Motion for Speedy Hearing (ECF 7), and Motion for Hearing on Motion for Emergency Preliminary Injunctive Relief (ECF 18) are **DENIED**.

Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636(b). Written objections shall not exceed five pages. Local Rule CV-72(b).

A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Assn.*, 79 F.3d 1415, 1430 (5th Cir.1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1).

So ORDERED and SIGNED this 24th day of July, 2024.


K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE

APPENDIX C

United States Court of Appeals
for the Fifth Circuit

No. 25-40151

United States Court of Appeals
Fifth Circuit

FILED

June 16, 2025

Lyle W. Cayce
Clerk

ALAN HEADMAN,

Plaintiff—Appellant,

versus

FEDERAL BUREAU OF INVESTIGATION; UNITED STATES OF
AMERICA; JERALD DEAN FOWLER, II, *Judge*; TERESA WELCH,
Judge,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:24-CV-33

UNPUBLISHED ORDER

Before SMITH, GRAVES, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that the motion of Appellee Jerald Dean Fowler,
II, to dismiss the appeal as frivolous is GRANTED.



Certified as a true copy and issued
as the mandate on Jul 15, 2025

Attest:

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

APPENDIX D

United States Court of Appeals
for the Fifth Circuit

No. 25-40151

United States Court of Appeals
Fifth Circuit

FILED

July 14, 2025

Lyle W. Cayce
Clerk

ALAN HEADMAN,

Plaintiff—Appellant,

versus

FEDERAL BUREAU OF INVESTIGATION; UNITED STATES OF
AMERICA; JERALD DEAN FOWLER, II, *Judge*; TERESA WELCH,
Judge,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:24-CV-33

ORDER:

The Appellant's motion to stay the mandate pending petition for writ
of certiorari is DENIED.



KURT D. ENGELHARDT
United States Circuit Judge

APPENDIX E

Jurisdictional Grounds

Statutes

The federal statute preserving the right to a trial by jury in civil cases is the Seventh Amendment to the Constitution. This Statute requires the right to trial by jury be preserved by all judicial officers who have taken an oath to uphold the constitution.

The Fourteenth Amendment states “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”

Rules

Federal Rule of Civil Procedure 38 states,” (a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate.”

Supreme Court Role

The Supreme Court’s role is to protect the rights of citizens. The protection of the right to trial by jury is a key role of the Supreme Court and trial by jury protection applies both to Federal actions as well as State actions. The purpose of preserving the right to trial by jury lies with the Supreme Court as the lower State or Federal

Courts should not be trusted to limit their own power. The only proper jurisdiction for preventing the denial of trial by jury is the Supreme Court.

Stare Decisis Not Adequate

Recent Supreme Court Rulings such as **SEC v. Jarkesy (2024)** would appear to have set the record straight yet, in the process of this case, the Federal District and Appeal Courts do not appear to have any respect for trial by jury precedent. What is required is direct intervention and declaration stating that once the right to trial by jury has been demanded no avoidance tactics can interfere with the preservation of this right and establish consequences for denying it.

It is time for the Supreme Court to establish serious consequences for color-of-law actors, who rely on constitutional avoidance as a free pass, that deny the constitutional rights of the citizens. The right to trial by jury serves as a power of the people to check judicial overreach by placing the power to affirm facts and make conclusions with the “people”. Avoidance for addressing constitutional questions over environmental, copy right or commerce related issues is one thing but avoidance used as a tool to remove the right to trial by jury is an entirely different matter.

The highest judicial office jurisdiction for preserving the rights to be instilled in the people is the Supreme Court. This case seeks the Supreme Court to restore the right to trial by jury and to let color-of-law actors who violate this right to feel the consequences and be accountable to the victims for the damage they inflict.

No Ambiguity Over “Preserving” the Right to Trial by Jury

The responsibility to preserve the right to trial by jury is not vague within the Constitution, statutes or rules of procedure. The strength of the language guaranteeing this right was never intended to be over-ruled through the exercise of avoidance tactics. As a Supreme Court Justice you are the gatekeeper who, when the meaning of a statute's terms are plain, can require lower courts to rely on the law as it is written. The Constitution is that law and you are the gatekeeper charged with preserving that law. May you uphold this responsibility.