

No. 25-7625

In the
Supreme Court of the United States

In re: STEPHEN JOHN WILLIAMS
Petitioner

**PETITION FOR WRIT OF MANDAMUS TO
THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

PETITIONER'S SUPPLEMENTAL BRIEF

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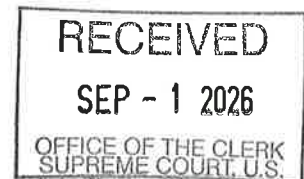


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PRELIMINARY STATEMENT

Petitioner's pending petition for writ of mandamus, No. 25-7625, argues that the panel that decided his appeals in *Williams v. Trans Union LLC*, No. 25-37, and *Williams v. Smith et al.*, No. 24-2733, was not lawfully constituted because two of its three members were statutorily disqualified under 28 U.S.C. § 455(b)(5)(i) and the resulting single-judge tribunal lacked a quorum under 28 U.S.C. § 46(d). The petition has been distributed for Conference of 28 September 2026.

Pursuant to Supreme Court Rule 15.8, Petitioner submits this supplemental brief to document developments since the petition was filed that bear on the threshold showing the petition must make: that adequate relief cannot be obtained in any other court. The petition asserted that it cannot. The developments documented below confirm that assertion. Since the petition was filed, every institutional mechanism ordinarily available to address an asserted disqualification defect has been attempted — the district court, the judiciary's disciplinary process, and the circuit court's own intake processes. None has engaged the structural argument the petition presents. Each development bears on the same question: whether any institution with authority to address that argument has done so, or remains able to do so. None has, and none is.

THE DISTRICT COURT IS STRUCTURALLY UNABLE TO CONSIDER A § 455(b)(5)(i) CHALLENGE TO THE JUDGMENT OF A CIRCUIT COURT JUDGE

The Motions for Relief from the Mandates

On 2 June 2026, Petitioner filed a motion in *Williams v. Trans Union LLC*, No. 3:24-cv-00200-SVN (D. Conn.), under Federal Rule of Civil Procedure 60(b)(4), asking the district court to recognize that the mandate issued 8 May 2026 implements a void order and to decline to give it operative effect.¹ On 9 July 2026, Petitioner filed a parallel motion in *Williams v. Smith et al.*, No. 3:22-cv-01630-SVN (D. Conn.), after the mandate in that case issued on 29 June 2026.² Both motions presented the same structural argument developed in the petition: that 28 U.S.C. § 455(b)(5)(i) withdrew from Judges Sullivan and Lee the statutory authorization to constitute the panel; that a judge lacking such authorization cannot be counted toward the quorum required by 28 U.S.C. § 46(d); and that the resulting single-judge tribunal was not a court constituted as Congress prescribed, rendering the summary orders void under *Nguyen v. United States*, 539 U.S. 69, 83 (2003). The *Williams v. Smith* motion additionally presented an independent ground under 28 U.S.C. § 455(a) and the Due Process Clause of the Fifth Amendment, including a full *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), three-factor analysis, arising from the panel's adjudication in footnote 1 of the summary order of

¹The Rule 60(b)(4) motion is attached as Exhibit A. The denial order is attached as Exhibit B. The motion for reconsideration is attached as Exhibit C. The order denying reconsideration is attached as Exhibit D.

²The Rule 60(b)(4) motion in *Williams v. Smith* and the denial order are attached as Exhibits E and F.

claims pending against the judges in *Williams v. Livingston et al.*

The Denials

Judge Nagala denied the *Trans Union* motion on 8 June 2026, before any response was filed by the defendant. She applied manufactured-recusal authorities under § 455(a) — *DiMartino v. Pulice*, No. 3:16-CV-378 (AWT), 2017 WL 958391 (D. Conn. 2017), and *United States v. Pryor*, 960 F.2d 1 (1st Cir. 1992) — to a motion grounded in § 455(b)(5)(i)’s categorical party-status prohibition, and did not address the § 46(d) quorum argument. On reconsideration, she declined to reach the significance of No. 26-193 — which establishes Judge Sullivan’s party status on the face of the circuit court’s own docket — and held that because Petitioner acknowledged § 455(a) was not at issue she need not apply *Liljeberg*’s three-factor analysis — having invoked § 455(a) authorities to deny the original motion and then declining to apply § 455(a)’s own analytical framework when Petitioner asked her to do so.

Because the court had introduced § 455(a) doctrine as the basis for the *Trans Union* denial, Petitioner developed a full § 455(a) analysis in the *Williams v. Smith* motion, including a complete *Liljeberg* three-factor showing. The *Williams v. Smith* motion also developed the § 455(b)(5)(i) party-status argument further through § 455(d)(1) and No. 26-193, and specifically noted that the § 46(d) quorum argument had not been addressed in the *Trans Union* rulings. The *Williams v. Smith* motion additionally presented a ground not available in *Trans Union*: the panel’s footnote 1 characterization of Petitioner’s claims as “baseless” is itself the adjudication of claims that are at the core of *Williams v. Livingston et al.* — the civil action in

which the deciding judges are named defendants. That adjudication, made without acknowledging the conflict on the record while the civil action was pending, is not an adverse ruling on an unrelated matter. It is the judges deciding a question directly at issue in the litigation requiring their disqualification.

Judge Nagala denied the *Williams v. Smith* motion on 11 August 2026, without affording Petitioner the opportunity to reply. On § 455(b)(5)(i), she repeated the *Trans Union* ruling's conclusion without addressing the additional arguments the *Williams v. Smith* motion presented — § 455(d)(1), No. 26-193, and the specific flagging of the § 46(d) omission. On § 455(a), she cited the objective reasonableness standard but did not perform the *Liljeberg* three-factor analysis — despite the reconsideration motion having specifically asked for that analysis in the *Trans Union* proceedings, and despite Petitioner having provided it in full in the *Williams v. Smith* motion. On footnote 1, the court mischaracterized the panel's adjudication as a routine adverse merits ruling on a matter unrelated to the judges' disqualification. In fact, the claims characterized as “baseless” concern the Second Circuit Clerk's Office's handling of Petitioner's filings — the same conduct that is the core of *Williams v. Livingston et al.*, in which the deciding judges are named individual-capacity defendants, and the same conduct briefed in the *Williams v. Smith* appeal itself. That mischaracterization is not a legal disagreement. It is the court refusing to engage the issue actually presented: whether the judges adjudicated their own cause. The § 46(d) quorum argument, despite being specifically flagged as unaddressed, was again not addressed. Section 455(d)(1) and No. 26-193 were not reached.

The Nature of the Disposition

The pattern documented above reflects a structural failure of the forum, not a series of individual errors. A district court judge within this circuit is not positioned to hold void the judgment of the circuit judges above her — not because of any personal interest, but because the institutional relationship between the district court and the court of appeals makes that determination structurally untenable regardless of the merits. The record of these proceedings is evidence of that structural failure. Each deflected rather than decided: applying the wrong framework, declining analysis when asked for it, mischaracterizing the footnote 1 adjudication as a routine adverse ruling on a matter unrelated to the judges' disqualification when *Williams v. Livingston et al.* is a live controversy and its subject matter is the conduct the panel itself addressed. The structural question the petition presents cannot be examined by any court within this system other than this one. These are not arguments that the rulings reached the wrong conclusion. They are evidence that the forum was structurally unable to reach the question at all.

THE JUDICIAL MISCONDUCT COMPLAINT PROCESS IS STRUCTURALLY DISABLED WITHIN THE SECOND CIRCUIT

The Two Complaints

On 1 May 2026, Petitioner filed a complaint of judicial misconduct pursuant to 28 U.S.C. § 351 against Circuit Judges Richard J. Sullivan and Eunice C. Lee,

based on their participation in oral argument and in the summary orders in Nos. 25-37 and 24-2733 while named defendants in *Williams v. Livingston et al.*, No. 1:26-cv-538 (LTS) (S.D.N.Y.), in violation of 28 U.S.C. § 455(b)(5)(i) and Canons 2, 3A(1), and 3A(2) of the Code of Conduct for United States Judges.³

On 2 June 2026, Petitioner filed a second complaint against Circuit Judges Richard J. Sullivan, Joseph F. Bianco, and Alison J. Nathan, based on their participation in *In re Stephen John Williams*, No. 26-193 (2d Cir.), on 21 May 2026, while named respondents in that proceeding by operation of the substantive party relationship recognized by Federal Rule of Appellate Procedure 21(a)(1). No. 26-193 arose directly from *Williams v. Livingston et al.* — the same civil action that disqualified the April panel — and is the proceeding whose facts are developed in Section III below. Judge Sullivan’s participation in No. 26-193 came three weeks after the first complaint documenting his April violation had been submitted to the Second Circuit Clerk’s Office.⁴

Both Complaints Were Returned Without Statutory Authority by a Named Defendant in the Underlying Civil Action

Under 28 U.S.C. § 351(a), a complaint filed with the clerk of the court of appeals shall be transmitted to the chief judge. The clerk’s role is transmittal. The threshold determination of what to do with a complaint belongs to the chief judge under § 352, not to the clerk.

The first complaint was received on 7 May 2026. On 30 June 2026 — after a fifty-four day delay — it was returned by the Clerk’s Office without having been

³The first complaint is attached as Exhibit G.

⁴The second complaint is attached as Exhibit H.

transmitted to the chief judge, citing local formatting requirements that have no basis in the national Rules for Judicial-Conduct and Judicial-Disability Proceedings. The second complaint was received on 16 June 2026 and was likewise returned without having been transmitted, again citing the same unsupported local requirements.

Both returns were signed on behalf of Catherine O'Hagan Wolfe, Clerk of Court. Ms. Wolfe is a named defendant in *Williams v. Livingston et al.* — the civil action from which both complaints arise — and a named respondent in *In re Stephen John Williams*, No. 26-193, by the same operation of Federal Rule of Appellate Procedure 21(a)(1) that established the panel members' respondent status in that proceeding.⁵

The institutional channel Congress created for correcting the conduct the petition identifies is controlled, at every stage of its processing chain, by actors who are parties to the civil action from which the complaints arise. The complaints have not been transmitted. The structural question the petition presents has not been examined through this channel either.

⁵The return letters are attached as Exhibit J.

A SECOND PANEL VIOLATED § 455(b)(5)(i) AFTER THE FIRST MISCONDUCT COMPLAINT WAS FILED AND WHILE THIS PETITION WAS PENDING BEFORE THIS COURT

Overview

On 21 May 2026, after the first misconduct complaint had been filed and while this petition was pending before this Court, a panel of Circuit Judges Sullivan, Bianco, and Nathan decided *In re Stephen John Williams*, No. 26-193 (2d Cir.) — a proceeding in which the Second Circuit’s own docket listed Circuit Judges Sullivan, Bianco, and Nathan as named Respondents. The ruling denied a mandamus petition as moot. The mootness determination was not a procedural inevitability — Petitioner had briefed the “capable of repetition, yet evading review” exception and contested justiciability on multiple grounds — but a substantive ruling on disputed questions.⁶

The Judges Were Parties to the Proceeding in the Appellate Court Itself

On 21 May 2026, Judges Sullivan, Bianco, and Nathan decided a proceeding in which the Second Circuit’s own ACMS docket listed them as named Respondents. No. 26-193 was a mandamus petition filed 28–29 January 2026, arising directly from *Williams v. Livingston et al.*, No. 1:26-cv-538 (LTS) (S.D.N.Y.) — the civil action in which all thirteen active circuit judges, including Sullivan, Bianco, and Nathan, are named defendants. The Second Circuit’s own docket lists all thirteen active judges among the Respondents in No. 26-193 from the date of filing — 28–29 January 2026 — nearly four months before the panel of three decided the case. The

⁶The 26-193 order is attached as Exhibit I.

2 April 2026 Notice of Pending District Court Proceeding — filed simultaneously in Nos. 25-37, 24-2733, and 26-193 — appears at DktEntry 8 of the 26-193 docket, entered 6 April 2026, forty-five days before the panel acted.

Federal Rule of Appellate Procedure 21(a)(1) provides that all parties to the district court proceeding other than the petitioner are respondents in the resulting mandamus proceeding. The defendants in *Williams v. Livingston et al.* — including Judges Sullivan, Bianco, and Nathan, named in their individual capacities — were therefore respondents in No. 26-193 from the date of filing. They are respondents not as a procedural incidental but as parties with a direct personal interest in the outcome of any proceeding arising from the case in which they are individual-capacity defendants. That interest is the source of their party status in No. 26-193. Rule 21(a)(1) recognizes it and gives it procedural effect. As § 455(d)(1) confirms, “proceeding” under § 455(b)(5)(i) encompasses “other stages of litigation” — not merely the specific docketed case — which is why the same disqualifying instrument that established respondent status in No. 26-193 equally disqualified the April panel in Nos. 25-37 and 24-2733.

Their participation in No. 26-193 violated § 455(b)(5)(i) under even the narrowest reading of the statute. They were not merely parties to a separate proceeding involving the same litigant. They were parties to the proceeding in the appellate court itself — their status as defendants in the district court proceeding from which No. 26-193 arose making them respondents in that proceeding as a matter of substantive law, on the face of their own court’s records. They chose to sit nonetheless.

No. 26-193 Documents Judge Sullivan’s Disqualification in Nos. 25-37 and 24-2733 Through the Circuit’s Own Records

From 28–29 January 2026 — before he was empaneled for Nos. 25-37 and 24-2733 in April — Judge Sullivan’s status as a defendant in *Williams v. Livingston et al.* was recognized on the face of the Second Circuit’s own docket as establishing his respondent status in No. 26-193. The *Livingston* action that put him on the 26-193 docket is the same action the petition argues disqualified him in April. His party status did not change between January and April. The disqualifying instrument is identical across all three proceedings. What changed is only the proceeding in which that relationship became operative.

Judge Sullivan sat on both the April panel (Nos. 25-37 and 24-2733) and the May panel (No. 26-193). The circuit’s own records therefore document his disqualification in the April proceedings — not through inference or argument, but through the same *Livingston* action that appears on the face of the 26-193 docket as establishing his party status in that proceeding.

No. 26-193 also bears on the statutory basis for disqualification in Nos. 25-37 and 24-2733, where the question is whether § 455(b)(5)(i) applies when the judge is a party not to the proceeding before him but to a separate pending proceeding involving the same litigant. The petition argues that § 455(b)(5)(i) applies in exactly that circumstance. Section 455(d)(1) confirms that reading: Congress defined “proceeding” to include “pretrial, trial, appellate review, or other stages of litigation” — establishing that the term was never coextensive with a single docket number, and that a mandamus proceeding arising from the same civil action is another stage

of that litigation rather than a free-standing separate case.⁷ The circuit's own docket forecloses a narrower reading here: it documents Judge Sullivan's party status in a proceeding arising from the same civil action, under the same disqualifying instrument, before he sat on the April panel.

The Institution's Response to Notice

The Second Circuit had every opportunity to address the violation identified in the petition before the May panel acted. The 2 April 2026 notice was on the dockets of Nos. 25-37, 24-2733, and 26-193 before any of those proceedings were decided. The Supreme Court mandamus application was served on the Clerk's Office and entered on the No. 24-2733 docket at DktEntry 89 — misdocketed as "an application for writ of mandamus addressed to the supreme court" filed in the Second Circuit, itself an instance of the Clerk's Office conduct challenged in *Williams v. Livingston et al.* The first misconduct complaint had been submitted to the Second Circuit Clerk's Office. No disclosure was made, no inquiry was raised, and no corrective action of any kind was taken. Three weeks after the first misconduct complaint was filed, Judge Sullivan participated in deciding a proceeding in which his party status appeared on the face of the court's own docket, without acknowledgment or inquiry.

This is not a record of an institution that failed to catch a conflict before it arose. It is a record of an institution that had every opportunity both to prevent the violation and to correct it afterward, and at each stage failed to do so. That pattern is structural evidence that no corrective mechanism exists within this circuit — confirming that the exhaustion the petition requires is not merely procedural but

⁷The petition cites Federal Judicial Center, *Judicial Disqualification: An Analysis of Federal Law* 30 (3d ed. 2012). The correct citation is (3d ed. 2020).

structural.

CONCLUSION

Supreme Court Rule 20.1 requires a petitioner seeking extraordinary relief to demonstrate that adequate relief cannot be obtained in any other court. The developments documented above establish that requirement. Each avenue is foreclosed. The district court was structurally unable to engage with the argument: across three rulings on two motions, the § 455(b)(5)(i) authorization-to-sit and § 46(d) quorum arguments were not reached, the § 455(a) framework was invoked without analysis, and the footnote 1 adjudication — in which the panel characterized as “baseless” the same Clerk’s Office conduct at the core of the litigation requiring their disqualification — was mischaracterized as a routine adverse ruling on an unrelated matter. Both judicial misconduct complaints were received by the Second Circuit Clerk’s Office and returned without being transmitted to the chief judge as the statute requires. And after the first misconduct complaint had been filed and while this petition was pending before this Court, the circuit constituted a second panel with the same defect — in a proceeding that arose from the same civil action, in which the panel members’ own names appeared on their court’s docket as Respondents — without acknowledgment or inquiry of any kind.

The three developments documented above share a common feature: in each

instance, the institutional actor with authority to engage the structural argument presented in the petition avoided doing so. The district court issued three rulings on two motions without engaging the structural arguments they presented, and mischaracterized as unrelated a ruling that directly adjudicated claims at the core of the litigation requiring the judges' disqualification. The Clerk returned the complaints without transmitting them. The circuit constituted a second panel with the same defect while the petition was pending. Whether each decision was legally correct is a question for other proceedings. The question here is whether any forum has engaged the structural argument — and none has, or is likely to do so.

Ordinarily, an asserted disqualification defect may be addressed by the trial court, through the judiciary's disciplinary process, or by the court of appeals itself. Since the filing of the petition, each of those mechanisms has been attempted. None has addressed the structural question presented.

The developments since the filing of the petition do not merely confirm exhaustion. They confirm that the structural question presented has repeatedly arisen and repeatedly been deflected. The developments documented above establish that the structural question presented will not be determined by any tribunal within the federal judiciary absent this Court's intervention. This Court is the only remaining forum with authority to act.

Respectfully submitted,

Dated: 18 August 2026

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