

No. 25A1116

**IN THE
SUPREME COURT OF THE UNITED STATES**

FREDERICK PIÑA,
Applicant,

v.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,**
Respondent.

**EMERGENCY APPLICATION TO THE HONORABLE
ASSOCIATE JUSTICE ELENA KAGAN
CIRCUIT JUSTICE FOR THE NINTH CIRCUIT
FOR AN EMERGENCY STAY, INJUNCTIVE RELIEF, AND
SUCH FURTHER EXTRAORDINARY RELIEF AS JUSTICE
REQUIRES**

*Pursuant to the All Writs Act, 28 U.S.C. § 1651(a);
Supreme Court Rule 22 (Applications to Individual Justices);
Supreme Court Rule 23 (Stays); and
the Inherent Constitutional Authority of This Court*

On Appeal from the United States Court of Appeals for the Ninth Circuit

Case No. 25-7616

D.C. No. 2:25-cv-08920-MCS-SK

(United States District Court for the Central District of California)

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QUESTIONS PRESENTED

Pursuant to Supreme Court Rule 14.1(a), the following questions are presented for review:

I. Whether the Fifth Amendment’s guarantee of due process of law is violated when two coordinate panels of the same Circuit Court of Appeals, reviewing the same Applicant’s claims against the same Respondent arising from the same operative facts, issue irreconcilably contradictory orders—one expressly finding the claims “**non-frivolous**” and the other dismissing them as “**frivolous**”—without identifying any intervening change in law or distinguishing factual basis for the contradiction.

II. Whether the Due Process Clause of the Fifth Amendment and the guarantees of Article III, Section 1 of the Constitution are violated when federal district courts engage in a systematic pattern of transferring a litigant’s case from court to court without ever adjudicating the merits of his claims or ruling upon his duly filed motions for entry of default under Federal Rule of Civil Procedure 55(a), thereby effecting an unconstitutional deprivation of his right of access to the courts.

III. Whether a Respondent's counsel commits fraud upon the court, cognizable under this Court's inherent supervisory authority, when counsel removes a case to a federal forum and within eight days seeks transfer out of that same forum as an improper venue, while simultaneously characterizing the Applicant as a "vexatious litigant" in a judicial communication that is adopted without adversarial proceedings.

LIST OF ALL DIRECTLY RELATED PROCEEDINGS

Pursuant to Supreme Court Rule 14.1(b)(iii)

1. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 25-7616 (9th Cir.)—Order dismissing appeal as frivolous, entered March 20, 2026.

2. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 23-55614 (9th Cir.)—Order finding “non-frivolous issues” and granting IFP status, entered September 27, 2023.

3. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 2:25-cv-08920-MCS-SK (C.D. Cal.)—District court proceedings below.

4. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 25-cv-04716-NCM-LKE (E.D.N.Y.)—Transfer Order entered September 12, 2025.

5. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 25-cv-01203-NCM-LKE (E.D.N.Y.)—Transfer Order entered March 7, 2025.

6. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 2:25-cv-02136-MCS-SK (C.D. Cal.)—Order dismissing complaint with prejudice, entered July 18, 2025.

7. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 25-cv-06589-LTS
(S.D.N.Y.)—Transfer Order entered August 11, 2025.

8. *Piña v. State Farm Mut. Auto. Ins. Co.*, No. 2:23-cv-02672-MCS-SK
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**CONSTITUTIONAL AND
STATUTORY PROVISIONS INVOLVED**

Pursuant to Supreme Court Rule 14.1(f)

The Fifth Amendment to the Constitution of the United States provides, in pertinent part:

“No person shall be . . . deprived of life, liberty, or property, without due process of law.”

Article III, Section 1 of the Constitution of the United States provides, in pertinent part:

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”

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.”

28 U.S.C. § 1254(1) provides:

“Cases in the courts of appeals may be reviewed by the Supreme Court . . . [b]y writ of certiorari . . . upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.”

28 U.S.C. § 1915(e)(2) provides, in pertinent part:

“Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous or malicious.”

Federal Rule of Civil Procedure 55(a) provides:

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

OPINIONS AND ORDERS BELOW

Pursuant to Supreme Court Rule 14.1(d)

The opinions and orders material to this Emergency Application, identified pursuant to Supreme Court Rule 14.1(d), are as follows:

1. The Order of the United States Court of Appeals for the Ninth Circuit, No. 25-7616 (Owens, Miller, and Bumatay, JJ.), filed March 20, 2026, denying Applicant’s motion to proceed *in forma pauperis* and dismissing the appeal as frivolous pursuant to 28 U.S.C. § 1915(a) and (e)(2). The panel further ordered that “**[n]o further filings will be entertained in this closed case.**” This order is not reported.

2. The Order of the United States Court of Appeals for the Ninth Circuit, No. 23-55614 (Bade, Lee, and VanDyke, JJ.), filed September 27, 2023, expressly finding that Applicant’s appeal “**involves non-frivolous issues,**” granting *in forma pauperis* status under 28 U.S.C. § 1915(a), discharging the order to show cause, and noting that “**there is no appearance by appellee.**” This order is not reported.

3. The Transfer Order of the Honorable Natasha C. Merle, United States District Judge, Eastern District of New York, Case No. 25-cv-04716-NCM-LKE, dated September 12, 2025, transferring the action to the Central District of California without adjudicating Applicant's pending motion for entry of default under Federal Rule of Civil Procedure 55(a), and certifying under 28 U.S.C. § 1915(a)(3) that **“any appeal would not be taken in good faith.”**

4. The Order of the United States District Court for the Central District of California, Case No. 2:25-cv-02136-MCS-SK, dated July 18, 2025, dismissing Applicant's complaint with prejudice and without leave to amend under 28 U.S.C. § 1915(e)(2)(B), holding that **“it is absolutely clear that no set of facts could be pleaded”** to support a claim.

STATEMENT OF JURISDICTION

Pursuant to Supreme Court Rule 14.1(e)

(i) Date of the Judgment Sought to Be Reviewed. The order of the United States Court of Appeals for the Ninth Circuit, No. 25-7616, dismissing Applicant's appeal as frivolous, was entered on March 20, 2026. See Sup. Ct. R. 14.1(e)(i).

(ii) Statutory Basis for Jurisdiction. This Court possesses jurisdiction under 28 U.S.C. § 1254(1), which provides that cases in the courts of appeals may be reviewed by this Court by writ of certiorari. See Sup. Ct. R. 14.1(e)(iv).

Authority of the Circuit Justice. The Honorable Associate Justice Elena Kagan is allotted to the Ninth Circuit pursuant to 28 U.S.C. § 42 and the order of allotment effective September 28, 2022. Pursuant to Supreme Court Rule 22.3, this Application is addressed to Justice Kagan as the Justice allotted to the Circuit from which this case arises. Pursuant to Supreme Court Rule 22.1, this Application is filed with the Clerk, who shall transmit it promptly to Justice Kagan. Pursuant to Supreme Court Rule 23.1, a stay may be granted by a Justice

as permitted by law. Pursuant to 28 U.S.C. § 2101(f), a Justice may stay the enforcement of a judgment sought to be reviewed.

The All Writs Act. Independent of the certiorari jurisdiction, this Court possesses authority under the All Writs Act, 28 U.S.C. § 1651(a), to issue all writs “necessary or appropriate in aid of [its] jurisdiction and agreeable to the usages and principles of law.” The extraordinary circumstances presented herein—including irreconcilably contradictory orders from the same Circuit, the systematic deprivation of Applicant’s constitutional right of access to the courts, and fraud upon the court by Respondent’s counsel—constitute precisely the type of case for which the All Writs Act provides an essential safeguard of this Court’s appellate jurisdiction.

In Forma Pauperis Status. Applicant respectfully seeks leave to proceed *in forma pauperis* in this Court pursuant to Supreme Court Rule 39. Applicant’s financial inability to prepay costs and fees has been previously established and recognized by the Ninth Circuit in Case No. 23-55614, where IFP status was granted. A motion for leave to proceed *in forma pauperis* accompanied by a declaration in compliance with 28

U.S.C. § 1746 is filed herewith, as required by Supreme Court Rules 39.1 and 39.2.

This Application does not seek review of any state court judgment, and the *Rooker–Feldman* doctrine, see *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), is therefore inapplicable. Applicant challenges the unconstitutional conduct of the federal judiciary itself.

STATEMENT OF THE CASE

Pursuant to Supreme Court Rule 14.1(g)

The facts material to the constitutional questions presented, stated in the light most favorable to Applicant as the party deprived of adjudication on the merits, are as follows.

A. The Contractual Agreement and State Farm's Default.

In 2012, Applicant sustained personal injuries in a motor vehicle accident in Los Angeles, California, caused by an insured of Respondent State Farm Mutual Automobile Insurance Company ("State Farm"). The resulting tort action was settled and dismissed under duress. Thereafter, Applicant commenced litigation against State Farm in California state court. On September 25, 2024, State Farm's counsel transmitted an email to Applicant representing that counsel had **"authority from State Farm to waive proper service"** and to **"respond to [the] lawsuit by October 25, 2024."** Applicant accepted this waiver and extension on the same date, constituting a binding contractual agreement between the parties.

State Farm did not file any responsive pleading by October 25, 2024. Instead, on October 24, 2024—one day before the contractually agreed deadline—State Farm filed a fraudulent motion to improperly declare Applicant a vexatious litigant. The California trial court granted that motion and dismissed the case, without addressing whether State Farm’s failure to file a responsive pleading as contractually promised constituted a procedural default entitling Applicant to entry of default under the applicable rules.

B. The Eastern District of New York:

Judge Merle’s Transfer Orders Without Adjudication.

On February 26, 2025, Applicant filed a breach of contract action in the Eastern District of New York, Case No. 25-cv-01203-NCM-LKE. Without affording State Farm notice or opportunity to respond—and without ruling upon Applicant’s entitlement to entry of default under Federal Rule of Civil Procedure 55(a)—Judge Natasha C. Merle *sua sponte* transferred the action to the Central District of California on March 7, 2025.

On July 18, 2025, the Central District of California dismissed the transferred complaint with prejudice and without leave to amend under 28 U.S.C. § 1915(e)(2)(B).

On August 4, 2025, Applicant filed a new action in the Supreme Court of the State of New York, Richmond County, Index No. 151947/2025. State Farm removed this action to the Eastern District of New York on August 25, 2025 (Case No. 25-cv-04716-NCM-LKE), asserting that EDNY possessed diversity jurisdiction under 28 U.S.C. § 1332. Eight days later, on September 2, 2025, State Farm’s counsel, Michael A. Troisi of Rivkin Radler LLP, wrote to Judge Merle characterizing Applicant as **“a vexatious litigant who continues to pursue frivolous claims”** and requesting either dismissal on res judicata grounds or transfer to California—a position irreconcilable with the premise of removal.

On September 12, 2025, Judge Merle again transferred the case to California under 28 U.S.C. § 1404(a), without adjudicating Applicant’s duly filed motion for entry of default under Rule 55(a). Judge Merle further certified under 28 U.S.C. § 1915(a)(3) that **“any appeal would**

not be taken in good faith,” and waived the seven-day delay required under Local Rule 83.1.

C. The Ninth Circuit’s Irreconcilably Contradictory Orders.

In the earlier appeal, No. 23-55614, a Ninth Circuit panel comprising Judges Bade, Lee, and VanDyke issued an order on September 27, 2023, after reviewing Applicant’s opening brief and the response to an order to show cause. The panel made an express substantive determination that Applicant’s appeal **“involves non-frivolous issues.”** The panel thereupon granted *in forma pauperis* status under 28 U.S.C. § 1915(a), discharged the order to show cause, and further noted that **“there is no appearance by appellee”**—confirming State Farm was barred by the court from participating in the appellate proceedings.

In the present appeal, No. 25-7616, a different panel comprising Judges Owens, Miller, and Bumatay issued an order on this very date—March 20, 2026—reaching the diametrically opposite conclusion. After considering the responses to the court’s February 10, 2026 order and the opening brief, the panel denied Applicant’s motion to proceed *in forma*

pauperis and dismissed the appeal as “**frivolous.**” The panel further decreed that “[n]o further filings will be entertained in this closed case,” thereby barring Applicant from all further recourse in the Ninth Circuit.

These two orders, entered by coordinate panels of the same court, involving the same Applicant, the same Respondent, and claims arising from the same underlying contractual dispute and pattern of procedural default, are logically irreconcilable. No intervening change of law, no newly discovered evidence, and no distinguishing factual development has been identified to account for this contradiction.

**WHY THE RELIEF SOUGHT IS NOT AVAILABLE
FROM ANY OTHER COURT OR JUDGE**

Pursuant to Supreme Court Rule 23.3

Supreme Court Rule 23.3 requires that an application for a stay **“set out with particularity why the relief sought is not available from any other court or judge”** and mandates that, **“[e]xcept in the most extraordinary circumstances, an application for a stay will not be entertained unless the relief requested was first sought in the appropriate court or courts below or from a judge or judges thereof.”**

Applicant satisfies this requirement. Applicant has exhausted all available remedies:

First, the Ninth Circuit’s order of March 20, 2026, expressly states that **“[n]o further filings will be entertained in this closed case.”** Applicant filed a Motion to Stay Mandate on the same date (Dkt. 41), but the panel’s prohibition on further filings effectively forecloses any relief from the Ninth Circuit.

Second, the Central District of California dismissed Applicant's claims with prejudice. No motion for reconsideration or other post-judgment relief remains available in that court.

Third, the Eastern District of New York transferred the case and marked it closed. Judge Merle no longer has jurisdiction over any aspect of this matter.

No court below retains jurisdiction to grant the relief Applicant seeks. This Application to the Circuit Justice is the sole remaining avenue for constitutional redress.

ARGUMENT

Pursuant to Supreme Court Rule 14.1(h)

I.

THE NINTH CIRCUIT'S INTERNALLY CONTRADICTORY ORDERS CONSTITUTE A DEPARTURE FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS WARRANTING THIS COURT'S SUPERVISORY INTERVENTION UNDER RULE 10(a)

Supreme Court Rule 10 enumerates the considerations governing review on certiorari. Rule 10(a) provides that review may be warranted when **“a United States court of appeals . . . has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court’s supervisory power.”** The Ninth Circuit’s issuance of two irreconcilably contradictory orders regarding the same dispute between the same parties constitutes precisely such a departure.

The constitutional dimension of this departure cannot be overstated. The Due Process Clause of the Fifth Amendment guarantees that no person shall be deprived of property without due process of law.

This guarantee encompasses the fundamental right to rational and consistent adjudication—the right to know that the legal system will apply its rules in a principled and non-arbitrary manner. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (due process requires fundamental fairness in governmental proceedings depriving persons of protected interests).

In Case No. 23-55614, the Ninth Circuit made a deliberate, substantive judicial determination that Applicant’s claims against State Farm **“involve non-frivolous issues.”** This was not a clerical notation or a pro forma procedural entry. The panel reviewed Applicant’s opening brief and the response to an order to show cause and concluded, upon that review, that the appeal merited full consideration. The panel granted *in forma pauperis* status—a determination that, under 28 U.S.C. § 1915(a) and this Court’s own Rule 39.8, requires a threshold finding that the proceeding is not frivolous.

In Case No. 25-7616, a different panel of the same court, reviewing the same Applicant’s claims against the same Respondent, arising from the same contractual dispute and the same pattern of procedural default,

reached the opposite conclusion: that the claims are “**frivolous**” and that Applicant is not entitled to proceed *in forma pauperis*. The panel offered no analysis, identified no intervening change of law, and distinguished no factual development that would explain this reversal.

The law cannot simultaneously declare the same claim both meritorious and meritless. The judicial system cannot, consistently with the Constitution, tell a litigant that his claims warrant appellate attention on one occasion and that they deserve no consideration whatsoever on another—absent any rational basis for the change. This is not a difference of opinion on a close question. It is a logical impossibility that strikes at the foundation of the rule of law.

As this Court observed in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803), “[t]he very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.” A judicial system that simultaneously affirms and denies the existence of a litigant’s claim does not afford protection of the laws; *it denies it*.

II.

THE LOWER COURTS' SYSTEMATIC REFUSAL TO ADJUDICATE APPLICANT'S DULY FILED MOTIONS CONSTITUTES A DENIAL OF DUE PROCESS UNDER THE FIFTH AMENDMENT

The Ninth Circuit's contradictory orders did not arise in a vacuum. They are the terminal product of a systematic failure of the lower courts to discharge their constitutional obligation under Article III, Section 1 to adjudicate the cases and controversies properly presented before them.

In both Case No. 25-cv-01203 and Case No. 25-cv-04716, Applicant filed timely motions for entry of default pursuant to Federal Rule of Civil Procedure 55(a), contending that State Farm had failed to file a responsive pleading within the time prescribed by Federal Rule 81(c)(2)(C) following removal. Rule 55(a) is mandatory in its terms: when a party **“has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.”** (emphasis added). The Rule imposes an obligation, not a discretionary power.

In both instances, Judge Merle transferred the cases to the Central District of California without ruling upon these motions. A transfer order under 28 U.S.C. § 1404(a) does not—and constitutionally cannot—obviate the obligation of the transferor court to adjudicate motions that are ripe for decision and that may be dispositive of the entire action. When a court transfers a case while a motion for default is pending, it deprives the movant of any judicial determination on a threshold procedural question—namely, whether the opposing party has defaulted—and delegates that question to a transferee court that lacks the contextual foundation to resolve it.

This Court has recognized, in *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43–44 (1991), that the federal courts possess inherent authority to manage their proceedings, vindicate their authority, and effectuate their decrees. That authority necessarily encompasses the duty to rule upon properly filed motions. The systemic failure to do so—when combined with the affirmative act of transferring the case to another jurisdiction—constitutes a constructive denial of Applicant’s motion and a deprivation of his constitutionally protected property interest without due process of law.

The New York Court of Appeals has recognized that willful defaults carry severe consequences for non-compliant parties. In *CDR Créances SAS v. Cohen*, 23 N.Y.3d 307, 311 (2014), the court held that sanctions including striking pleadings and entering default judgment are appropriate where a party engages in conduct constituting fraud on the court. In *Wilson v. Galicia Contracting & Restoration Corp.*, 10 N.Y.3d 827, 829–830 (2008), the court upheld the striking of a defendant’s answer and entry of default based on a prolonged pattern of noncompliance with court orders, holding that such a party **“was deemed to admit all traversable allegations in the complaint, including the basic allegation of liability.”**

State Farm’s failure to file a responsive pleading within the time required by its own contractual commitment and by the Federal Rules constitutes exactly the type of willful default that these authorities recognize as warranting the entry of default. Yet no court has ever adjudicated whether that default occurred.

III.

RESPONDENT'S COUNSEL COMMITTED FRAUD UPON THE COURT THROUGH CONTRADICTORY REPRESENTATIONS AND STRATEGIC BAD FAITH

The constitutional injuries described above were facilitated by a pattern of contradictory representations and strategic bad faith on the part of Respondent's counsel that constitutes fraud upon the court cognizable under this Court's inherent supervisory authority.

A. The September 25, 2024 Contractual Commitment. State Farm's counsel represented by email that he possessed **"authority from State Farm to waive proper service"** and to **"respond to [the] lawsuit by October 25, 2024."** Applicant accepted this representation and relied upon it. Rather than honoring this commitment, State Farm filed a fraudulent motion to declare Applicant a vexatious litigant on October 24, 2024, in the underlying, predicate case at the Los Angeles Superior Court – Burbank Courthouse—one day before the contractually promised deadline. This cynical bait-and-switch tactic induced Applicant's reliance on a promise that was never intended to be kept.

B. The Remove-Then-Transfer Contradiction. On August 25, 2025, Respondent’s counsel removed Applicant’s Richmond County action to the Eastern District of New York, necessarily representing that EDNY was a proper federal forum possessing diversity jurisdiction over the dispute. Eight days later, on September 2, 2025, the same counsel wrote to Judge Merle requesting that the case be transferred to California or dismissed—arguing, in effect, that the very forum to which counsel had removed the case was an improper venue.

The doctrine of judicial estoppel prohibits a party from assuming a position in a legal proceeding inconsistent with a position successfully maintained in an earlier proceeding. See *New Hampshire v. Maine*, 532 U.S. 742, 749 (2001). Here, State Farm’s counsel occupied two irreconcilable positions within the same proceeding—removal to EDNY (asserting propriety of that forum) followed immediately by a request for transfer out of EDNY (asserting impropriety of that forum). This conduct warrants the most exacting judicial scrutiny.

C. The “Vexatious Litigant” Characterization. In the September 2, 2025 letter to Judge Merle, Respondent’s counsel

characterized Applicant as **“a vexatious litigant who continues to pursue frivolous claims.”** This characterization was presented in an *ex parte* communication to the presiding judge and was adopted without adversarial proceedings. The prejudicial effect of this characterization upon subsequent judicial determinations—including Judge Merle’s transfer order and the ultimate Ninth Circuit dismissal as **“frivolous”**—cannot be underestimated.

The certification by Judge Merle under 28 U.S.C. § 1915(a)(3) that **“any appeal would not be taken in good faith”**—a certification entered without adversarial briefing, without a hearing, and in the shadow of Respondent’s counsel’s *ex parte* **“vexatious litigant”** characterization—compounded the constitutional injury by effectively foreclosing appellate review. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (discussing the significance of good-faith certifications under § 1915).

IV.

THE FOUR-FACTOR STANDARD FOR EMERGENCY

RELIEF IS SATISFIED

This Court has identified four factors governing the issuance of a stay or injunctive relief by an individual Justice: (1) whether the applicant has made a strong showing of likelihood of success on the merits; (2) whether the applicant will be irreparably injured absent relief; (3) whether issuance of the stay will substantially injure other parties; and (4) where the public interest lies. *Nken v. Holder*, 556 U.S. 418, 434 (2009); *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010); see also *Lucas v. Townsend*, 486 U.S. 1301, 1304 (1988) (Kennedy, J., in chambers).

A. Likelihood of Success on the Merits. Applicant has made a strong showing of likelihood of success on the merits. The Ninth Circuit’s own prior judicial determination—that Applicant’s claims **“involve non-frivolous issues”**—constitutes a binding finding by a court of coordinate jurisdiction that the underlying legal theories possess sufficient merit to warrant appellate consideration. The internal contradiction between that finding and the panel’s March 20, 2026 dismissal as **“frivolous,”** standing alone, establishes a departure from the accepted course of

judicial proceedings of constitutional magnitude. The additional facts—that no court has ever adjudicated Applicant’s Rule 55(a) motion, that Respondent’s counsel engaged in contradictory forum manipulation, and that Judge Merle certified bad faith without adversarial proceedings—strengthen the merits to a degree that compels this Court’s intervention.

B. Irreparable Injury. Applicant will suffer irreparable injury absent emergency relief. The Ninth Circuit’s order of March 20, 2026, decrees that “[n]o further filings will be entertained in this closed case.” This order permanently bars Applicant from pursuing his constitutional claims in the Ninth Circuit. The loss of a constitutional right—including the right of access to the courts and the right to due process of law—constitutes irreparable injury *per se*. No monetary damages can compensate for the deprivation of the fundamental right to have one’s claims heard by an impartial tribunal.

C. No Substantial Injury to Respondent. A stay of the Ninth Circuit’s order will cause no cognizable injury to State Farm. Respondent has demonstrated, throughout this litigation, a pattern of non-appearance and non-response. In Case No. 23-55614, the Ninth Circuit

itself noted that **“there is no appearance by appellee.”** State Farm made no appearance in the Ninth Circuit in the present appeal until February 20, 2026—more than four months after the appeal was docketed—and only then to file a reply in opposition to Applicant’s response to the court’s show-cause order. A party that consistently declines to participate in judicial proceedings cannot credibly claim prejudice from the maintenance of the status quo.

D. The Public Interest. The public interest powerfully favors granting emergency relief. The integrity and consistency of the federal judiciary are matters of the highest public concern. When two coordinate panels of the same Circuit reach irreconcilably contradictory conclusions on the same threshold question between the same parties, the public’s confidence in the administration of justice is compromised. This Court’s supervisory authority under Rule 10(a) exists precisely to address such departures from the accepted course of proceedings. The public interest demands that the contradiction be resolved, that Applicant’s constitutional rights be vindicated, and that the rule of law be upheld.

CONCLUSION AND PRAYER FOR RELIEF

Pursuant to Supreme Court Rules 14.1(h) and 24.1(j)

For the foregoing reasons, and upon the authority of the Constitution of the United States, the All Writs Act, 28 U.S.C. § 1651(a), Supreme Court Rules 22 and 23, and such further authority as may be applicable, Applicant Frederick Piña most respectfully prays that the Honorable Associate Justice Elena Kagan, as Circuit Justice for the Ninth Circuit, grant the following relief:

1. An emergency stay of the order of the United States Court of Appeals for the Ninth Circuit, No. 25-7616, entered March 20, 2026, pending the filing and disposition of a petition for a writ of certiorari, pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f);
2. An order vacating the Ninth Circuit's March 20, 2026 order as constitutionally infirm, or in the alternative, directing the Ninth Circuit to reconcile its contradictory determinations regarding the frivolousness of Applicant's claims in Case No. 25-7616 and Case No. 23-55614, pursuant to this Court's supervisory authority under Rule 10(a);

3. An order directing the United States District Court for the Central District of California to adjudicate, on the merits, Applicant's motion for entry of default under Federal Rule of Civil Procedure 55(a), pursuant to 28 U.S.C. § 1651(a);
4. Leave to proceed *in forma pauperis* in this Court, pursuant to Supreme Court Rule 39; and
5. Such other and further relief as this Court, in its constitutional wisdom, deems just, equitable, and proper.

Respectfully submitted this 21st day of March, 2026,



A handwritten signature in blue ink, appearing to read 'Frederick Piña', is written over a horizontal line. The signature is stylized and cursive.

FREDERICK PIÑA, Applicant, Appearing Pro Se

90 Vreeland Street, #4
Staten Island, New York 10302

VERIFICATION

Under 28 U.S.C. § 1746

I, Frederick Piña, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am the Applicant in this matter and am competent to testify to the facts stated herein.

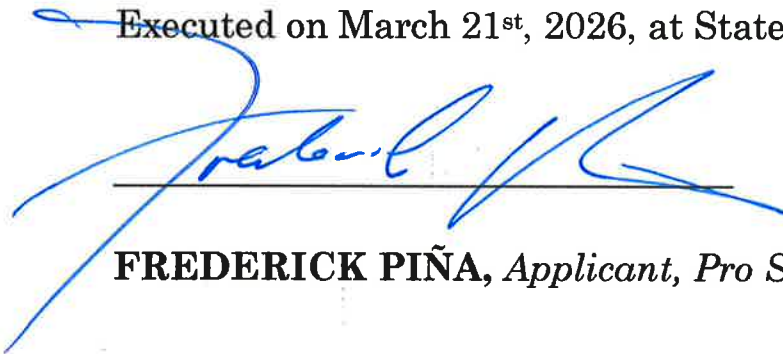
2. The foregoing Emergency Application is true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry.

3. This Application is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

4. The factual contentions herein have evidentiary support, including the orders of the Ninth Circuit and the district courts described herein, which are appended to this Application or are publicly available on the electronic docketing systems of the respective courts.

5. I further declare that leave to proceed *in forma pauperis* was previously sought in the United States Court of Appeals for the Ninth Circuit in Case No. 25-7616 and was denied, and was previously sought and granted in Case No. 23-55614, as required to be disclosed by Supreme Court Rule 39.1.

Executed on March 21st, 2026, at Staten Island, New York.

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FREDERICK PIÑA, *Applicant, Pro Se*

PROOF OF SERVICE

Pursuant to Supreme Court Rules 29.3 and 29.5

I, Frederick Piña, do hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that on this 21st day of March, 2026, I caused a true and correct copy of the foregoing Emergency Application to the Honorable Associate Justice Elena Kagan, together with all accompanying papers, to be served upon the following parties and courts by first-class United States Mail, postage prepaid, and by electronic transmission where available, in compliance with Supreme Court Rule 29:

Clerk of Court

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

Michael A. Troisi, Esq.

Rivkin Radler LLP
926 RXR Plaza
Uniondale, New York 11556
Telephone: (516) 357-3000
michael.troisi@rivkin.com

Counsel for Respondent State Farm Mutual Automobile Insurance Company

Tod M. Castronovo, Esq.

(Counsel of record for Respondent in Ninth Circuit Case No. 25-7616)

Clerk of Court

United States Court of Appeals for the Ninth Circuit

95 Seventh Street

San Francisco, California 94103

Clerk of Court

United States District Court for the Central District of California

350 West 1st Street

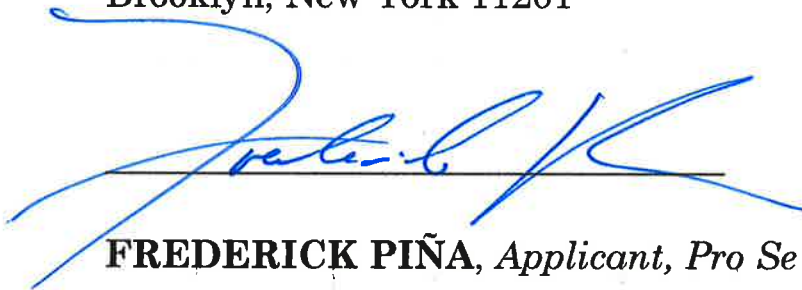
Los Angeles, California 90012

Clerk of Court

United States District Court for the Eastern District of New York

225 Cadman Plaza East

Brooklyn, New York 11201

A handwritten signature in blue ink, appearing to read 'Frederick Piña', is written over a horizontal line. The signature is stylized and fluid.

FREDERICK PIÑA, Applicant, Pro Se

**Additional material
from this filing is
available in the
Clerk's Office.**