

Supreme Court, U.S.
FILED
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No. 25A1205

SUPREME COURT OF THE UNITED STATES

STEVEN CREAR, SR., AND STEVEN CREAR, JR.,
Applicants,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR
REGISTERED HOLDERS OF LONG BEACH MORTGAGE LOAN TRUST 2005-WL2,
ASSET-BACKED CERTIFICATES, SERIES 2005-WL2,
Respondent.

On Petition for a Writ of Certiorari
to the Fifth District Court of Appeals

**EMERGENCY APPLICATION FOR AN ADMINISTRATIVE STAY AND STAY
OF ENFORCEMENT OF THE FEBRUARY 19, 2026 JUDGMENT PENDING
DISPOSITION OF THE APPEAL IN THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT**

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SUPREME COURT, U.S.

/s/ Steven Crear, Sr.
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Pro Se Applicant

/s/ Steven Crear, Jr.
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Applicants Steven Crear, Sr. and Steven Crear, Jr., proceeding pro se, respectfully apply under Rules 22 and 23 of the Rules of this Court for an immediate administrative stay, and for a stay of enforcement of the district court's February 19, 2026 judgment and any writ or process enforcing possession of the property located at 1617 Gillarel Springs Lane, Dallas, Texas 75241, pending disposition of Applicants' appeal in the United States Court of Appeals for the Fifth Circuit, No. 26-10183.

1. Relief sought and emergency basis

This application seeks to preserve the status quo and prevent Applicants' imminent removal from their home before the court of appeals can decide their appeal on the merits. The district court entered final judgment declaring Respondent the owner of the property and entitled to immediate possession. Deutsche Bank then filed an Application for Writ of Assistance requesting that the Clerk issue process directing the U.S. Marshal to remove Applicants and any other occupants, by force if necessary, and place Deutsche Bank in possession. The stay analysis requires consideration of whether issuance of a stay will substantially injure other parties interested in the proceeding. *Ohio v. EPA*, 603 U.S. 279

Absent temporary relief, Applicants face eviction from their residence before appellate review is completed. That harm cannot be undone later. Applicant Steven Crear, Sr. also presented medical evidence below that he is disabled, homebound, requires home-health services and assistance leaving home, and had a knee procedure scheduled for April 2026.

2. Relief was first sought below

Applicants first sought a stay in the district court. Steven Crear, Sr. filed an Emergency Motion to Stay Execution and Possession Pending Appeal on February 24, 2026. The magistrate judge recommended denial, and the district court did not afford effective relief before Applicants sought relief in the court of appeals. Applicants then filed an emergency stay motion in the Fifth Circuit. On April 16, 2026, the Fifth Circuit denied the stay. One member of the panel, Judge Haynes, would have granted a temporary stay and carried it with the appeal for the receiving panel to decide whether to keep or lift it.

No further relief is available below in time to prevent eviction. Immediate intervention is therefore necessary.

3. Proceedings below

Respondent filed this diversity action in the Northern District of Texas concerning the same Dallas property. The magistrate judge recommended summary judgment for Respondent on January 14, 2026. Applicants filed objections on January 23, 2026, arguing among other things that material fact disputes existed and that summary judgment had been entered without meaningful discovery because they had not received certain discovery requests and had not received responses to their own discovery. Those objections attached USPS tracking information reflecting that the discovery packet Respondent said it mailed had not been delivered.

The district court entered final judgment on February 19, 2026, awarding Respondent ownership and immediate possession. Respondent later sought a writ of

assistance under Rule 70 to have U.S. Marshals remove Applicants and all other occupants.

4. Reasons a stay should issue

Irreparable injury is a critical factor in the stay analysis. *Ohio v. EPA*, 603 U.S. 279, *Bucklew v. Precythe*, 587 U.S. 119.

A stay is warranted because Applicants have presented substantial questions on appeal, the harm from immediate eviction is irreparable, the balance of equities favors temporary preservation of the status quo, and the public interest favors appellate review before forcible displacement from a home.

A. Applicants have at least a substantial case on the merits, especially on the discovery issue

The central procedural problem is that summary judgment was entered over Applicants' repeated contention that they never received the discovery requests Respondent relied on and did not receive responses to their own interrogatories and requests for admission. In their objections to the magistrate judge's summary-judgment recommendation, Applicants expressly argued that "The Crears NEVER received discovery requests," attached the certificate of service, and included USPS tracking information showing the mailing remained "moving through network" rather than delivered. In their emergency stay papers in the Fifth Circuit, Applicants again asserted that they did not receive discovery responses, that they did not receive certain discovery requests from Respondent, and that this lack of discovery prevented them from adequately presenting their defenses at summary judgment.

That issue matters. Summary judgment should not be used to end a case when the nonmovants were denied a fair chance to obtain and present evidence essential to opposition. Applicants preserved that point in their objections and stay filings. At a minimum, the appeal presents a serious question whether the district court should have ensured meaningful discovery participation before entering a final merits judgment and immediate-possession order.

Applicants also argued below that the record contained documentary evidence they believed showed payoff or satisfaction of the loan, and that genuine factual disputes existed about default, title, and the validity of the foreclosure. The Court need not resolve those issues now. For present purposes, it is enough that Applicants present a substantial appellate issue on a record they contend was developed without basic discovery fairness.

The fact that Judge Haynes would have granted a temporary stay and carried it with the appeal further confirms that Applicants' position is not frivolous and that preserving the status quo is a reasonable course while the merits are reviewed.

B. Irreparable harm is immediate and severe

If enforcement proceeds now, Applicants will lose possession of their home before the Fifth Circuit decides the appeal. Respondent's writ-of-assistance application expressly asks for process directing the U.S. Marshal to remove Applicants and any other occupants, by force if necessary. Once that occurs, the harm is not meaningfully repairable by later appellate relief.

The harm is especially grave for Steven Crear, Sr. Applicants' stay filings

included a physician referral for home-health services stating that he is homebound and requires services including physical therapy and home-health aide assistance, and also included documentation of a knee procedure scheduled for April 2026. The loss of stable housing and home-based care while appellate review is ongoing would create immediate medical and practical harm beyond ordinary litigation burden.

C. The balance of equities favors a temporary stay

A short stay preserving the status quo during the appeal will not materially prejudice Respondent in a way comparable to the harm Applicants face from immediate dispossession. Respondent has already litigated title and possession and can be protected while the appeal proceeds. By contrast, Applicants face immediate homelessness, dislocation, and medical disruption if the judgment is enforced now. Where the threatened injury is eviction before appellate review, temporary preservation of possession is the equitable course.

D. The public interest favors orderly appellate review before forcible displacement

The public interest favors confidence that a final merits judgment—especially one ending in removal from a home—was entered on a fair record after meaningful opportunity for discovery. It also favors orderly appellate review rather than irreversible enforcement first and merits review later. That concern is particularly strong where the judgment is being enforced through a writ of assistance and physical removal by federal officers.

5. Administrative stay requested

Because enforcement may occur before this application can be fully considered, Applicants respectfully request an immediate administrative stay while the Court reviews this application.

6. Bond

Applicants respectfully request that any bond requirement be waived or set at a nominal amount. Applicants represented below that Steven Crear, Sr.'s sole income is Social Security disability benefits and that he lacks practical means to post a meaningful supersedeas bond. A substantial bond would effectively deny any stay at all.

Conclusion

Applicants respectfully request that the Circuit Justice:

1. enter an immediate administrative stay;
2. stay enforcement of the February 19, 2026 judgment, including any writ of assistance or other process for possession, pending disposition of the appeal in the Fifth Circuit; and waive bond or set only a nominal bond.

Respectfully submitted,

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Dated: April 22, 2026

Proof of service

I certify that on April 22, 2026, I served this Emergency Application for an Administrative Stay and Stay of Enforcement on counsel for Respondent by [hand delivery / overnight delivery / certified mail / email, if agreed], at the following addresses:

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