

Supreme Court, U.S.
FILED
JUN - 5 2026
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25A1401

June 6, 2026

The Honorable Judge Elena Kagan
Kyle R. Ratliff
Clerk of the court
Supreme Court of the United States
1 First Street N.E
Washington, D.C 20543

Re: *Petition for Writ of Certiorari*
Petitioner: *Sherif A. Philips, MD*
Respondents: *Pitt County Memorial Hospital, Inc*
David Creech, Jay Salsman, Michael Berman
And Daniel Berman

Dear Justice Kagan

*The petitioner respectfully requests an **immediate administrative stay** to preserve the status quo and prevent harm pending the disposition of the petition for a writ of certiorari.*

JURISDICTION

This Court has jurisdiction under 28 U.S.C & 1257 (a) because the petition seeks review of the final judgment and orders entered by the 9th Circuit Court of Appeals and the Court of Guam denied the Petitioner access to judicial review and continued enforcement despite unresolved jurisdictional and constitutional issues

To the extent this application seeks emergency relief pending disposition of a petition for writ of certiorari, jurisdiction also exists under 28 U.S.C. & 2101 (f) and Supreme Court Rule 23

The Petitioner seeks review of orders denying relief from pre-filing restrictions, denial of access to the courts, and continued enforcement of Allegedly void judgments procured through fraud upon the court and a lack of jurisdiction.

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FACTS

*The Petitioner respectfully submits that substantial concerns arose throughout the litigation history regarding **unequal procedural treatment and repeated procedural dismissal preventing meaningful merits** review of the Petitioner's federal and constitutional claims*

*The Petitioner respectfully maintains that numerous proceedings asserting Rule 54 objection, Rule 60, and Fraud upon the court claims, jurisdictional disputed, due process claims, Fair Debt Collection-related claims and enforcement - related challenges were repeatedly **dismissed upon threshold procedural grounds shortly after the Respondents filed Rule 12 motions or related procedural objections***

The Petitioner respectfully submits that the proceedings were repeatedly dismissed or restricted upon grounds including

- *Improper Venue*
- *Transfer-related ruling*
- *Subject Matter Jurisdiction*
- *Failure to state a claim*
- *Statute - of- limitations rulings*
- *Discovery - related dismissals*
- *Pre- filing restrictions and vexatious -related limitations*

*The petitioner is **trapped in a procedural void where no court will accept a filing and no court will rule, while enforcement of a void judgment proceeds unchecked.** This constitutes a complete denial of **Due Process and Access to the Court.***

The Petitioner respectfully maintains that the cumulative effect of these repeated procedural dismissals prevented full merit review of the substantial federal and constitutional questions arising throughout the proceedings

At the same time, the Petitioner respectfully submits that continuing Guam enforcement proceedings nevertheless remained active through extensive motion practice, continuing collection-related proceedings, escalating financial obligations, and continuing collection effort to enforce attorney-fee-related recovery allegedly approaching or exceeding \$1 million.

*The Petitioner respectfully submits that the local Guam counsel was permitted to pursue extensive enforcement -related motion practice throughout the proceedings and collection- related filing **while the Petitioner's own filing and appellate proceeding were repeatedly restricted or dismissed upon procedural grounds***

*For many years, the Petitioner had attempted to obtain judicial review of substantial jurisdictional and constitutional issues arising in North Carolina and Guam. Instead of receiving a hearing on the **merits, the Petitioner had been blocked from access to the court through a pre-filing restriction, excessive bond requirement, and rejection of filings before any judge reviewed them***

The Petitioner had been designated a vexatious litigant and subjected to filing restrictions requiring substantial bonds, including approximately \$ 500 in the Guam trial Court and approximately \$7500 in the Guam appellate court

The Petitioner respectfully submits that these restrictions were imposed without the procedural safeguards required by the law, including notice, an evidentiary basis, a specific finding and a meaningful opportunity to be heard See De Long v. Hennessey

At the same time, the opposing Guam counsel engaged in a sustained pattern of abusive litigation conduct. He filed approximately 166 motions and subpoenas, many of which lacked merit, He repeatedly requested unscheduled hearings and contempt proceedings without adequate notice, He arranged multiple show-cause hearings just aiming for harassment and humiliation rather than resolving legitimate issues

*The **Due Process Clause of the Fourteenth Amendment** guarantees meaningful access to the court and requires that legal proceedings be conducted according to the procedures established by the law See *Bounds v. Smith*, 430 U.S.817(1977)*

*This case arises from a **prolonged, procedurally irregular course of litigation spanning multiple jurisdictions**, including the State of North Carolina, the Territory of Guam, and the federal courts*

The underlying proceeding was tainted by sham peer review, improper legal fee awards, and misrepresentation across -courts

*The foundation of the Respondents's claims **rests on what was represented as a peer review proceeding**, however, the record demonstrates that this process was defective*

- The process was controlled or influenced by the litigation counsel*
- The recommendation originated from an individual outside the committee*
- Conclusions were reached without deliberation or participation*
- External actors including non-participants, contribute to the outcome*

The process was improperly dominated by a malpractice defense attorney who was neither a member of the medical staff nor a neutral participant. rather than serving in an advisory capacity.

This attorney directed the course and outcome of the proceedings, transferring what should have been an independent medical review into an adversarial litigation mechanism.

Critically, the recommendations attributed to the peer review committee were not the product of the committee's deliberations.

Instead, material conclusions originated from outside sources, including an attorney based in Scotland Neck of North Carolina who did not attend or participate in the proceeding

***This demonstrates that the outcome was externally generated and predetermined** rather than the result of impartial medical judgment.*

*The process further deviated from any legitimate peer-review **function** through the use of a private investigator retained by the same malpractice attorney.*

*The investigator conducted surveillance unrelated to clinical competence, underscoring that the proceeding was **punitive and strategic in nature** These irregularities were compounded when the **Board of Trustees overrode the Executive Committee and adopted conclusions without***

independent evaluation or procedural safeguards, effectively ratifying external manufactured finding

*Taken together, these facts established that the purported peer review was not **conducted in good faith, but** instead constituted a coordinated effort to reach a predetermined outcome through external influence and procedural manipulation.*

*Such conduct falls outside the protection of **the Health Care Quality Improvement Act** which conditions immunity on action taken;
(1) in the reasonable belief of furthering quality health care, and
(2) After adequate notice and fair procedures.*

*Courts have consistently held that **bad faith, bias, and predetermined outcomes defeat HCQIA immunity**
(*Patrick v. Burget; Poliner v. Texas Health Systems*)*

A process controlled by litigation counsel, reliant on undisclosed external recommendations, and tainted by investigative surveillance cannot satisfy the statutory requirements

*The concealment of external authorship, the undisclosed control by litigation counsel, and the misrepresentation of the proceeding as legitimate peer review constitute **Fraud upon the court**, as they corrupted the integrity of the adjudicative process.*

*The conduct described above also constitutes a violation of the **Due Process Clause of the Fourteenth Amendment**, which guarantees a fair and impartial proceeding.*

*A fundamentally fair hearing requires a neutral decision -maker and a process free from external influence
(*Marshall v. Jerrico , Inc ; Mathews v. Eldridge*)*

*Where, as here, the decision-making process is **influenced by undisclosed external actors and predetermined outcomes, the proceeding fails constitutional standards.***

*This was not peer review - It was a **litigation strategy disguised as medical oversight**, engineered to produce a predetermined outcome and shielded by misrepresentation to the courts*

This petition arose from a professional peer-reviewed dispute that resulted in the loss of the Petitioner's medical practice and subsequent civil litigation in both State and Federal Courts

*The petitioner's federal statutory and constitutional claims were dismissed **at the pleading stage following a motion to dismiss, without discovery or factual development, and without addressing their merits.***

*Earlier proceedings reached this court in **2016 through a petition for a writ of certiorari arising from the United States Court of Appeals for the Fourth Circuit which raised related jurisdictional concerns.***

*In later proceedings, a judgment in the **underlying dispute was enforced in the Guam State Court.** In 2018*

The Petitioner respectfully submits that substantial unresolved disputes remain concerning whether Guam constitutes a proper venue for the underlying federal and enforcement -related claims under the venue principle outlined in 28 U.S.C § 1391

*Under § 1391 (b), venue generally depends upon where the Petitioner resides or **where a substantial part of the events or omissions giving rise to the claims occurred***

The Petitioner respectfully maintains that substantial portions of the underlying events, litigation history, and attorney-fee-related proceedings and related federal claims arose primarily within North Carolina rather than Guam

The Petitioner further respectfully submits that Guam nevertheless became the center of continuing enforcement -related proceedings despite continuing disputes concerning personal jurisdiction, subject matter jurisdiction, venue, and removal- related proceedings

*The Petitioner sought relief in the **District Court of Guam**, asserting that **federal jurisdictional doctrines and the removal principle were misapplied**. The District Court dismissed the action*

*The petitioner appealed to the **United States Court of Appeals for the Ninth Circuit**, which affirmed the dismissal on the ground that the action constituted a “**forbidden De facto appeal**” under the **Rooker-Feldman doctrine**.*

*The petitioner attempted to seek review in this Court in **2023**. Although delivery confirmation shows that the petition was **transmitted to the Court**, it was **never docketed**.*

*This petition arises from **extraordinary circumstances** in which enforcement of a potential **void judgment** is proceeding while no court is available to hear the petitioner’s claims*

This petition presents important and recurring questions concerning the limits of federal jurisdiction and the constitutional guarantee of meaningful access to the courts

The decision below reflects the combined application of several doctrines and procedural restrictions that, taken together, prevented any Court from addressing the merits of the Petitioner’s federal claims

All the petitioner’s federal statutory and constitutional claims were dismissed at the pleading stage following motions to dismiss, without discovery or factual development.

The courts below relied on jurisdictional doctrine, including an expensive application of the Rooker-Feldman doctrine and the imposition of vexatious litigant restrictions, to prevent consideration of the merits of those claims

*The combined effect of these rulings was to foreclose any forum from addressing **Petitioner’s Federal Claims**, raising serious concerns under the **Due Process Clause**.*

The decision below illustrates continuing confusion regarding the scope of the Rooker-Feldman doctrine. This Court has repeatedly emphasized that

the doctrine is narrow and applies only to cases seeking appellate review of a state court judgment.

Here, however, Petitioner's claims raised independent federal questions concerning jurisdiction, removal, and statutory rights, yet were dismissed as a Forbidden De Facto Appeal. Clarification from this court is warranted to ensure that federal courts do not improperly expand the doctrine to bar legitimate federal claims

*Also, this petition presents a significant **jurisdiction gap**. The courts of Guam exercise authority to enforce a judgment originating from another jurisdiction, while the **Supreme Court of Guam indicated that it was not within the federal court system to review that judgment.***

At the same time, the federal courts declined to consider Petitioner's claims based on jurisdictional doctrines.

*The result is that enforcement proceeded without any Court addressing whether jurisdiction was properly established. **Such circumstances raises serious concerns under the Due Process Clause** because it effectively insulates jurisdictional determinations from judicial review*

***The application of the vexatious litigant restrictions** prevented meaningful access to the courts, the restrictions operated to prevent the Petitioner from obtaining a review of jurisdictional and federal statutory claims, further contributing to the absence of any forum in which those claims could be heard*

This petition implicates the proper limits of personal jurisdiction, Petitioner asserted that the exercise of jurisdiction was not supported by sufficient minimum contacts with the forum related to the alleged injury.

The failure of the courts below to address this jurisdictional issue, while dismissing the case on procedural grounds, underscores the need for clarification of constitutional limits on jurisdiction.

*The decision below raises an important question concerning the treatment of federal statutory claims under **the Fair Debt Collection Practices Act**. The petitioner alleged that the enforcement action constituted an independent violation of federal law. **Those claims were dismissed as***

attempts to re-litigate prior disputes without addressing the substance of the statutory protection at issue. This raises a broader question of whether federal statutory claims may be dismissed without consideration simply because they arise in the context of prior litigation

This petition also raises an important question concerning the limits on attorney's fee awards and their enforcement

The petitioner challenged the imposition of **substantial legal fees that were alleged to be disproportionate to any monetary recovery permitted by law.**

The courts below did not address the substance of these challenges, instead of dismissing the claim on procedural grounds

When significant financial obligations are imposed **without meaningful judicial review of their legal basis, serious concerns arise under the Due Process Clause.**

Clarification from this court is warranted to ensure that fee awards are subject to appropriate judicial scrutiny consistent with federal law and constitutional protection.

Taken together, these issues demonstrate a recurring and significant problem in the administration of justice. The interaction of jurisdictional doctrines and procedural barriers may operate to prevent any court from addressing substantial federal claims.

Because these questions affect the proper functioning of the federal judicial system and the constitutional guarantee of access to the courts review by this Court is warranted.

The petitioner challenges the enforcement of a 2014 judgment with serious questions regarding enforceability.

The petitioner sought relief in multiple courts

The United States District Court of Guam imposed a **pre-filing restriction without** notice or hearing and refused to file

The Petitioner respectfully further submits that the Supreme Court of Guam subsequently denied both a Petition for Writ of Mandamus and a protective Notice of Appeal upon pre-filing-related grounds and mootness determinations despite continuing disputes concerning the Guam lower court continued acting during the disputed jurisdictional periods

The Petitioner respectfully maintains that substantial disputes remain concerning whether continuing Guam enforcement-related proceedings, levy-related proceedings, escalating monthly payment obligations, and collection-related activity proceeded during periods in which federal removal jurisdiction and federal appellate proceedings remained pending and unresolved

*Once removal jurisdiction attaches state-court proceedings, generally may proceed no further unless and until a remand occurs
See Catholic Archdiocese of San Juan v. Acevedo Felliciano*

The Petitioner respectfully submits that the United States District Court of North Carolina subsequently dismissed portions of the proceedings upon-improper-venue-related ground despite substantial unresolved jurisdictional, transfer-related, Rule 54, Rule 60, and Fair Debt Collection Practice Act-related disputes arising throughout the litigation history.

The Petitioner respectfully maintains that active federal proceedings nevertheless remain pending before the United States Court of Appeals for the Fourth Circuit, including a pending Rule 8 emergency stay request and Petition of Writ of Mandamus concerning continuing enforcement -related proceedings, escalating attorney-fe-related recovery - profiling restrictions, and continuing irreparable financial and procedural harm

The Petitioner respectfully submits that, absent immediate administrative stay relief, continuing Guam-enforcement-related proceedings may result in additional levy-related proceedings, additional attorney-fee-related sanctions, compelled financial disclosures, property -related enforcement proceedings, escalating monthly payment obligations, and continuing irreparable harm before meaningful federal appellate and certiorari review may occur

*Administrative stay relief is appropriate to preserve the status quo and prevent irreparable harm pending appellate and certiorari review of substantial federal and constitutional questions
See Ken v. Holder. ; Hollingsworth v. Perry*

Accordingly, the Petitioner respectfully requests immediate administrative stay relief preserving the status quo pending disposition of the Petition for Writ of Certiorari and related federal appellate proceedings presently pending before the Fourth Circuit

Respectfully submitted



*Sherif A. Philips, MD
1406 North Marine Corps Drive
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671-689-7611
sherifap@aol.com*

Certificate of Service

I certify that on June 6, 2026, I served a true and corrected copy of the foregoing application for Administrative Stay and supporting papers upon all the Respondents by mail/ email if authorized

Service was made upon

*Harris, Creech, Ward & Blackerby, PA
325 Pollock Street
PO Drawer 1168
New Bern, N.C 28563*

*Law Office of Daniel J.Berman
Suite 801, DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910*

I declare under penalty of perjury that the foregoing is true and correct

Date June 6, 2026

A handwritten signature in black ink, appearing to read 'Sherif A. Philips', with a stylized flourish at the end.

Sherif A.Philips, MD

Appendix A

*Petition to Stay filed at the 9th Circuit Court
of Appeal*

No. [24-7813]

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U.S. COURT OF APPEALS

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
DOCKETED
DATE
INITIAL

SHERIF ANTOUN PHILIPS, M.D

Plaintiff-Appellant

v.

PITT COUNTY HOSPITAL, INC.

Defendant-Appellee

On Appeal from the United States District Court
Of Guam

No. [1:23-cv-00025]

Hon. [/s/Frances M. Tydingco-Gatewood]

Emergency Motion To Stay

Sherif A. Philips, MD
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EMERGENCY MOTION TO STAY ENFORCEMENT OF PRE-FILING ORDER and Pending the Petition for the Writ of Certiorari

Petitioner: Sherif A Philips, MD

I-INTRODUCTION

*Petitioner seeks an **emergency stay** of a pre-filing restriction imposed by The United District Court for the District of Guam, which bars the petitioner from filing and instructs the Clerk to reject all future submissions*

*The order was entered **without notice or opportunity to be heard**, in direct violation of the due process and binding **Ninth Circuit precedent***

*This case presents a significant jurisdictional gap. The courts of Guam exercise authority to enforce a judgment originating from another jurisdiction, while the **Supreme Court of Guam** indicated that it was not within the federal court system to review that judgment*

At the same time, federal courts declined to consider the petitioner's claims based on jurisdictional doctrines

The result is that enforcement proceeded without any court addressing whether the jurisdiction was properly established.

Such a circumstance raises serious concerns under the Due Process Clause because it effectively insulates jurisdictional determinations from judicial review

II-ADDITIONAL PROCEDURAL IRREGULARITIES

*The petitioner tried to file for Rule 60 (d)(3) which preserves the inherent authority of the federal court to **set aside judgments obtained through Fraud upon the court where the petitioner was blocked from prevailing***

The preceding below also reflects significant procedural irregularities that have contributed to the absence of any available forum for review

- The petitioner's motion seeks relief from a **2014 attorney's fees order** entered following litigation in **North Carolina**
- The defendant was unable to enforce it in North Carolina where the underlying litigation and alleged injury arose (if any)
- **In 2018** the defendant sought to enforce it in the **Guam state court (wrong court)**
- The petitioner properly removed the action from the state court under 28 U.S.C & 1446 (b) (c) (1). **The District Court nevertheless relied on an inapplicable statutory provision, which resulted in the dismissal of the claim**
- **In January 2019**, the Guam lower court granted the summary judgment motion to the defendants before **the Guam District Court ruling**
- The petitioner is pursuant to 28 U.S.C & 1446 (d) once the case was **removed** to the federal court. **The state court loses jurisdiction immediately and the state court cannot take any further action**
- The proceedings failed to address whether the Guam lower court possessed jurisdiction following the transfer, despite substantial question regarding the validity of that jurisdiction
- After dismissing the matter **Solo on the lack of jurisdiction** the court decline to transfer the case to an appropriate forum in North Carolina leaving the petitioner without a viable avenue to pursue the claims
- The District Court characterized the petitioner's claim as repetitive litigation arising from a previously dismissed action. The petitioner's However, included new allegations sounding in tort and harassment against a different party, which was not previously adjudicated
- This case also implicated fundamental limits on **personal jurisdiction** The petitioner asserted that the exercise of jurisdiction was inconsistent with **Due Process** because it was not based on sufficient minima contact with the forum related to the alleged injury

- *The failure of the court below to address the jurisdictional issue, while dismissing the case on procedural grounds and these jurisdictional objections were not addressed on the merits, as the claims were dismissed on procedural grounds*

- *Finally, the imposition of the pre-filing restriction **-without notice**
Or an opportunity to be heard*

Taken together, these procedural irregularities have resulted in the effective denial of any forum in which the petitioner presents his claim

III- LEGAL STANDARD

A stay is appropriate where;

- 1- Likelihood of success on the merit*
- 2- Irreparable harm;*
- 3-Balance of equities favors relief*
- 4- Public interest supports relief*

IV- ARGUMENT

A- Likelihood of Success on the Merits

The District Court violated clearly established law under (De Long v. Hennessey; Ringgold-lockhart v. County of Los Angeles)

by imposing a filing restriction :

- Without Notice***
- Without an opportunity to be heard***

This alone mandates reversal

B- Irreparable Harm

The petitioner is :

- Completely barred from accessing federal court*
- Unable to file motions or protect legal rights*

This constitutes irreparable constitutional injury

C-Jurisdictional Defect

*The district Court imposed the restriction while :
- Remanding the case to the Guam State Court*

Thus :

The court simultaneously relinquished jurisdiction while restricting access to federal court, rendering the order arbitrary and legally inconsistent

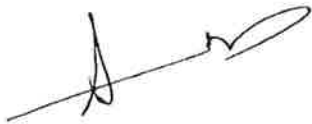
IV-Relief respectfully requests :

- 1- Immediate stay of the pre-filing restriction;*
- 2- Order directing the clerk to accept filings*
- 3- Expedited motion to stay pending the petition for Writ of Certiorari*
- 4- Any further relief deemed just and proper*

IV- CONCLUSION

The district Court's order is unconstitutional, procedurally defective, and must be stayed immediately

Date: March 23, 2026



Sherif A. Philips, MD

Appendix B

*Petition For Reconsideration at The
Western District of North Carolina*

Sherif A Philips, MD
1406 North Marine
Corps Drive
Upper Tumon, GU
96913

In The Western District Court Of North Carolina

Case No 3:26- CV-128-MEO

Sherif Antoun Philips, MD

PLAINTIFF

v.

Pitt County Memorial Hospital, Inc

David Creech, Jay Salsman, Michael Berman

and Daniel Berman

DEFENDANTS

***Motion For Reconsideration and
Renewed Motion To Stay Proceedings,
Compel Docket Review, And For
Sanctions, including Relief For Fraud
Upon The Court***

The petitioner, proceeding pro se, respectfully moves this Court for Immediate relief due to a breakdown in docket access, procedural fairness, and potential misconduct affecting the integrity of the proceedings

I-INTRODUCTION

*This matter presents a **fundamental breakdown** in the adversarial process*

The defendant continues to file motions, including repeated motions for extension of time, while the petitioner was seeking relief and the petitioner is unable to access filings, review the docket, or respond.

Such circumstances raise serious concerns not only about the Due Process Violation, but also of potential fraud upon the court.

II-BACKGROUND

The defendant has filed repeated motions for extension of time;

The petitioner cannot access those filings through PACER;

The clerk has been notified, yet access and clarification remain unresolved

III- LEGAL STANDARD

Due process requires notice and an opportunity to be heard;

- Mullane v. Central Hanover Bank & Trust Co., 339 U.S.306 (1950)

-Mathews v. Eldridge, 424 U.S.319 (1976)

The procedural breakdowns that deprive a party of participation violate constitutional protections;

- Logan v. Zimmerman Brush Co,455 U.S 422 (1982)

The Courts possess inherent authority to ensure fairness and sanction misconduct:

- Chambers v. NASCO, Inc., 501 U.S.32 (1991)

Sanctions are also authorized under the Fed. R. Civ. P. P.11.

Relief for Fraud Upon the Court is preserved under Fed.R.Civ.P. 60(d)(3)

IV-ARGUMENT

A-The Due Process is Being Violated

The petitioner is deprived of access to filings and cannot respond to motions that may affect substantive rights

This violates the requirement of a native and meaningful opportunity to be heard. Mullane, 339 U.S. at 314

B-One- Sided Litigation Cannot Be Permitted

Allowing the defendant to continue filing and seeking relief while the Petitioner lacks access, creating structural unfairness condemned in Logan v. Zimmerman Brush Co.

This is not a minor procedural issue-it is a breakdown of the adversarial system

C-Extensions Under Rule 6 (b) Must Be Denied

"Good cause" cannot exist where one party is procedurally disabled. And it was the second motion for extension ,granting extensions under these conditions compounds prejudice and delay

Further delay put the petitioner in severe Financial Distress

D-Evidence Suggests Potential Fraud Upon the Court

Fraud upon the Court includes conduct that undermines the integrity of the judicial process itself.

Here;

*The defendant continues to litigate as if no such filing exists;
The record presented to the Court may therefore be incomplete or misleading.*

Such circumstances raise serious concerns that the Court is being presented with a distorted record

Under Rule 60 (d)(3), courts retain authority to address Fraud upon the Court at any time

E-Sanctions Are Warranted

Under Rule 11 and the Court's inherent authority;

If the defendant continues to seek relief while aware that the petitioner lacks access to filings, such conduct is

- *Exploits procedural imbalance;*
- *Undermines fairness;*
- *May constitute bad faith litigation conduct.*

Sanctions are necessary to deter such behavior and protect the integrity of the proceedings

V-RELIEF REQUESTED

The petitioner respectfully requests that this Court;

- 1- *Reconsider the defendant's motion for extension of time;*
- 2- *Deny any further extensions pending restoration of docket access;*
- 3- *Stay all proceedings immediately;*
- 4- *Order the Clerk of Court to;*
 - *Conduct a full docket review;*
 - *Enter any received filings **nunc pro tunc**;*
 - *Provide a complete docket sheet and copies of all filings;*
- 5- *Consider appropriate sanctions against the defendant;*
- 6- *Investigate and address potential Fraud Upon the Court under **Rule 60(d)(3)***
- 7- *Grant any additional relief deemed just and proper*

VI- PRESERVATION OF RIGHTS

The petitioner expressly preserves all rights to appellate review based on;

- *Due process violation;*
- *Structural procedural unfairness;*
- *Fraud upon the Court*
- *Abuse of judicial process.*

VII-NOTICE OF PARALLEL PROCEEDINGS AND REQUEST FOR JUDICIAL COORDINATION

The petitioner respectfully notifies this Court that related proceedings are currently pending in the higher court, including;

- 1- An Emergency Motion to Stay filed before the United States Court Of Appeals for the Ninth Circuit;*
- 2- A petition for Writ of Certiorari filed before the UNITED States Supreme Court.*

These filings arise from the same or closely related issues, including Jurisdictional defects, enforcement of prior orders, and ongoing prejudice to the petitioner

The existence of these parallel proceedings underscores the urgency of maintaining the status quo and avoiding inconsistent rulings

Proceeding in this Court while higher courts are considering related matters risks;

- Conflicting decisions;*
- Irreparable harm to the petitioner*
- Further procedural complications.*

Accordingly, this Court should exercise its discretion to stay proceedings pending resolution or guidance from the appellate courts.

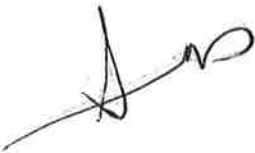
The petitioner submits copies of these filings as exhibits for the Court's Consideration.

VIII-CONCLUSION

*The Court must intervene where the integrity of its proceedings is in question **and stop the Fraudulent Collection in another Jurisdiction.***

Immediate corrective action is required to restore fairness, transparency and constitutional compliance

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Philips', written over a horizontal line.

*Sherif A.Philips, MD
Petitioner, Pro Se
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Declaration Of Sherif A.Philips,MD in Support of Motion

**I, Sherif A.Philips,MD, declare under penalty of perjury
(28 U.S.C &1746) as follow**

I- BACKGROUND

1- I am the petitioner in this matter and have personal knowledge of facts stated herein

*2- This affidavit is submitted in support of my Motion for Relief from Judgment pursuant to **Federal Rule of Civil Procedure 60 (d) (3)***

II- SUMMARY SUSPENSION OF HOSPITAL PRIVILEGES

*3- My hospital privileges were summarily suspended during peer-review proceeding conducted in **North Carolina***

4- The stated basis for suspension was not related to patient care, clinical Competence or professional misconduct affecting patient safety

*5- Instead, the allegations against me concerned administrative matters, including assertions that my primary practice site was not located within **Pitt County** and that I had not complied with certain provisions of the hospital's bylaws*

6- These issues were non-clinical in nature and did not involve any claim Of harm to patients

7- The hospital's Board of Trustees ultimately overrode the recommendations of the Executive Committee and issues corrective action Against me

III- IMPACT OF PEER-REVIEW PROCEEDINGS

8- Following the suspension ,statement were made that adversely affected my professional reputation

9- I was labeled in a manner that made it extremely difficult to obtain employment

10- The hospital refused to provide inquiries or references regarding my professional standing

11-As a result, I was forced to relocate and seek work in **Guam**, despite not maintaining domicile there

IV-LITIGATION AND PROTECTIVE ORDER

12- I initiated legal proceedings to challenge the actions taken against me

13-During the litigation, I submitted affidavit and supporting evidence addressing the peer-review process and the allegations made against me

14- Respondents filed a motion to strike all of my affidavits and the court Granted a protective order removing those materials from the evidentiary Record.

15- The exclusion of these materials prevented the court from considering Relevant facts supporting my claims

16- The issues related to the striking of my affidavits were not substantively Reviewed on appeal due to the procedural of the case

V-ATTORNEY-FEE ORDER

17- In **2011**, summary judgment was entered resolving the underlying claims without awarding attorney's fees

18-In **2014**, a separate attorney - fee order was entered several years after the final judgment

19- The fee order did not cite any statute, rule or case law authorizing such An award

20- The respondents asserted that my claim were frivolous and malicious based on the existence of peer-review immunity and privilege under the laws of **North Carolina**

21- I dispute that characterization and maintain that my claims were brought in good faith to challenge the validity of the peer-review proceedings

VI-CONTINUING HARM AND ENFORCEMENT

22- The disputed fee order has been used as the basis for enforcement and collection efforts , including proceedings in **Guam**

23- These enforcement efforts have caused substantial financial hardship and have continued for many years

24-I have been engaged in continuous litigation related to this matter since Approximately **2005** and I am now experiencing significant deletion of my Personal resources.

VII-CONCLUSION

25- I respectfully submit that the circumstances described above-including the administrative nature of the peer-review allegations, the exclusion of my evidentiary materials and the subsequent entry and enforcement of the fee order- have resulted in substantial injustice

26- I request that the court grant relief from judgment and any additional equitable relief deemed appropriate

I declare under penalty of perjury that the foregoing is true and correct

Date :



Sherif A.Philips,MD

DECLARATION OF SHERIF A.PHILIPS IN SUPPORT OF MOTION TO VACATE VOID ORDERS

I, Sherif A.Philips, MD, declare under penalty of perjury under the law of Guam :

- 1- I am the defendant in this case and make this declaration based on my personal knowledge .*
- 2- The underlying case was **removed to the United States District Court of Guam on November 20, 2023**, vested federal jurisdiction over the case.*
- 3- Despite federal jurisdiction, the Superior Court of Guam conducted a Show Cause Hearing on March 12, April 3rd, May 2nd, July 1st of 2025 and January 29.2026*
- 4- The court issued monthly payment orders at the **beginning of March 2025**,Including a \$ 5000 monthly garnishment*
- 5- The case was **remanded to the Guam Superior Court on February 6, 2026***
- 6- All show cause hearings and payment orders issued **before February 6.2026** occurred while federal jurisdiction attached Meaning the Superior Court of Guam lacks **authority to act**.*
- 7- As a result, the enforcement actions and payment orders entered during that period are **VOID AB INITIO***
- 8- I attended all the hearings and repeatedly informed the court that the case under federal jurisdiction prior to any show cause hearing*
- 9 - Even during one of the SHOW CAUSE hearings, I FOUND OUT that the defendant had garnished my dialysis dividend without either my and the dialysis company's knowledge and both of us never been severed with such an order. The defendant looted \$ 105,000 unlawfully while the case under the federal jurisdiction*

10-I have suffered financial hardship as a result of payments collected under these orders

11- I submit this declaration to support my Motion TO Vacate Void Orders Entered during federal jurisdiction

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 6, 2026 at Guam

A handwritten signature in black ink, appearing to read 'Sherif A. Philips', written over a horizontal line.

*Sherif A.Philips, MD
Defendant, Pro Se*

Appendix C

*Supplemental Memorandum
In Support of Pending
Motions*

APR 15 2026

US DISTRICT COURT
WESTERN DISTRICT OF NC

Sherif A Philips, MD
1406 North Marine
Corps Drive
Upper Tumor, GU
96913

In The Western District Court Of North Carolina

Case No 3:26- CV-128-MEO

Sherif Antoun Philips, MD

PLAINTIFF

V.

Pitt County Memorial Hospital, Inc

David Creech, Jay Salsman, Michael Berman

and Daniel Berman

DEFENDANTS

***Supplemental Memorandum
In
Support of Pending Motions***

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PENDING MOTIONS

*The Petitioner respectfully **submits** this supplemental memorandum to provide additional clarification regarding the scope of damages and ongoing harm resulting from the actions described in the pending motions.*

I -KEY FACTS

*Prior to the events at issue, the Petitioner maintained **a successful and well-established medical practice in North Carolina**, with no history of malpractice claims or patient complaints*

*The subsequent suspension of the Petitioner's hospital privileges did not arise from **legitimate clinical concerns**, but from a process that was **materially defective and misrepresented to the Court***

*As set forth above, the underlying peer review proceedings were neither independent nor **neutral**. Instead, they were influenced by external actors, lacked proper procedural safeguards, and produced outcomes not based on legitimate medical judgment.*

These defects were not disclosed and affirmatively misrepresented as a valid peer review process.

*This misrepresentation **was material***

*The nature and sequence of the actions taken against the Petitioner support a reasonable inference that the objective was not corrective, but **instead, it resulted in the displacement of the Petitioner's practice.***

Ordinarily, hospitals employ a range of graduated corrective measures, including monitoring, peer review remediation, or limited restrictions.

Here, no such measures were meaningfully pursued

*Instead, the hospital proceeded directly to summary suspension- **the most severe action**-despite the availability of less restrictive alternatives*

*The Pitt County Memorial Hospital was the only facility in the region **certified by Medicare to provide inpatient dialysis service.** As such, the hospital privileges were essential to the Petitioner's ability to treat dialysis patients.*

*Under these circumstances, the action taken was not merely **corrective- It is functional as a complete removal of the Petitioner from his practice and his patient base***

*The selection of the most **severe action, despite available alternatives, and its predictable effect on the Petitioner's practice, raises serious concerns regarding the purpose of the decision.***

The suspension of those privileges when presented as the product of a legitimate process, created the appearance of justified action when, in fact, the underlying process was fundamentally flawed

*As part of the corrective actions taken against the petitioner, his hospital privilege was subjected to a **summary suspension***

*The suspension was characterized in a manner that labeled the petitioner as an imminent or **dangerous physician.***

As a direct result:

- The Petitioner lost access to the inpatient dialysis service*
- The Petitioner lost his dialysis patient base;*
- The Petitioner's ability to continue practicing in his speciality was effectively eliminated*

***Given the structure of dialysis service in the region, the suspension of the hospital privileges effectively eliminated the Petitioner's ability to maintain his practice.** Because Pitt County Memorial Hospital was the only facility in the region certified by Medicare to provide inpatient dialysis service*

*Even the suspension of the hospital privileges eliminated access to the **Only Medicare-certified inpatient dialysis facility in the region.***

*That led to the loss of the entire dialysis patient base, the loss of the ability to provide inpatient care, and the disruption of **established medical practice.***

*The Petitioner's dialysis patients base constituted a **core component of his practice.***

Based on the standard medical practice structure, dialysis -providers typically generate consistent and recurring revenue through

- Patient management;*
- Follow- up care;*
- Ongoing treatment coordination*

The loss of this patient base represents a significant and immediate loss of income

The petitioner's practice included established patient relationships, referral networks, and professional goodwill

The loss of the hospital privilege effectively eliminated the assets, resulting in a substantial loss of the practice value

The reporting to the National Practitioner Data Bank and the characterization of the Petitioner as a high-risk physician have materially impaired the Petitioner's ability to secure employment and hospital privilege. This has resulted in a long-term reduction in earning capacity.

*It never ended there, the hospital through their malpractice lawyer refused to give an inquiry regarding the petitioner, spreading false rumors that the petitioner committed **Medicare Fraud, slandered his North Carolina Medical license, and retaining a local lawyer from Guam in bad faith and asking for over one million dollars in legal fees.***

The suspension did not merely impact the Petitioner's practice- it eliminated the infrastructure necessary for its continued existence.

Accordingly, the harm suffered by the Petitioner was not merely incidental- it was the foreseeable and direct result of a process that was misrepresented to the Court

This constitutes fraud upon the court because the integrity of the proceeding itself was compromised by false or misleading representations regarding the validity of the peer review process.

II -THE PURPORTED PEER REVIEW PROCESS FAILS TO MEET GOVERNING LEGAL STANDARDS

Hospitals are afforded limited protection for peer review activity under Health Care Quality Improvement Act (HCQIA), 42 U.S.C. §§ 11101-11152

However, the protection applies only where the review action meets specific standards of fairness and good faith

Under HCQIA, a professional review action must be taken:

- 1- In the reasonable belief that it furthers quality health care*
- 2- After a reasonable effort to obtain the fact*
- 3- After adequate notice and hearing procedures*
- 4- In the reasonable belief that the action was warranted by the known facts*

Courts recognize that failure to meet these standards defeats the presumptive immunity

(Bryan v. James E. Holmes Regional Medical Center, 33 F.3d 1318 (11th Cir.Fla.1994)

*Additionally, courts have emphasized that peer review protections do not extend to actions undertaken in **bad faith or through materially defective processes** (Patrick v. Burget 486 U.S 94 (1988)*

Here, the record reflects that purported peer review process:

- Was influenced by external actors*
- Did not follow neutral or independent procedures*
- Failed to employ available, less restrictive corrective action*
- Produced outcome not supported by a fair evaluation of facts*

*Because these deficiencies undermine the statutory requirement of fairness and reasonableness, **the peer review action cannot be presumed valid***

Also where a peer review process is materially defective or undertaken for improper purposes, it loses the protection typically afforded to such actions and supports relief from the resulting judgment

III- THE USE OF PEER REVIEW TO EXCLUDE THE PETITIONER FROM PRACTICE RAISES SERIOUS COMPETITIVE CONCERNS

Courts have recognized that peer review processes may not be used as a pretext to eliminate competition or exclude physicians from the marketplace

*The Supreme Court has held that participants in peer review are not immune from liability where it constitutes **anticompetitive behavior** (Patrick v. Burget 486 U.S.94 (1988)*

Similarly, concerted action to restrain competition may violate federal Antitrust law under the Sherman Act, 15 U.S.C & 1

Where a peer review process is used not for legitimate quality -of - Care purposes but to remove a physician from practice, such conduct may constitute an unreasonable restraint of trade

Here, the circumstances support a reasonable inference that :

- Less restrictive corrective measures were available but **not pursued***
- The most severe sanction-**summary suspension - was imposed***
- The effect of the action was to eliminate the Petitioner's ability to treat Dialysis patients*
- The action displaced the Petitioner's practice and patient base*

Given that access to inpatient dialysis services was limited to a single facility in the region, the suspension had the practical effect of excluding the Petitioner from that segment of the medical market

*The use of a defective peer review process to effect the removal of a physician from practice **raises serious concerns regarding improper purpose** and potential restraint of trade, further supporting the need for judicial scrutiny and relief*

IV- THE PETITIONER'S CLAIMS ARE NOT MALICIOUS OR FRIVOLOUS AND DO NOT SUPPORT AN AWARD OF ATTORNEY'S FEES

The Defendant characterizes the Petitioner's claims as malicious and frivolous in an effort to justify an award of attorney's fees

That characterization is incorrect

The Petitioner's claims arise from concrete and documented harm, including :

- *loss of hospital privileges*
- *Loss of the patient base and medical practice*
- *National Practitioner Data Bank reporting*
- *Ongoing financial and professional consequences*

These claims are grounded in factual allegations and supported by legal argument concerning jurisdiction, due process, and fraud upon the court

A claim is not frivolous simply because it is contested. Courts have consistently held that attorneys' fees are not warranted where a party advance a colorable claim in good faith

(Christiansburg Garment Co. v. EEOC 434 U.S 412 (1978)

Here, the Petitioner is not pursuing claims to harass or burden the defendant. Rather, the Petitioner seeks to;

- *Challenge the validity of a judgment*
- *Address a detective and the misrepresentation process*
- *Prevent ongoing enforcement causing substantial harm*

These are legitimate objectives and fall squarely within the right to seek judicial relief

The petitioner's claims are grounded in fact and law and were brought in good faith. Accordingly, they cannot be characterized as malicious or frivolous, and any request for an attorney's fee on that basis must be denied

The Petitioner's claims are not frivolous- they are a direct response to loss of his medical practice, the suspension of hospital privileges, and ongoing enforcement actions

Bringing claims to defend one's professional career and livelihood is not malicious conduct, it is the exercise of a fundamental legal right

Accordingly, the defendant's request for an attorney's fee is unsupported. Even the claims presented by the petitioner arise from the need to protect his professional career, reputation, and earning capacity.

Under these circumstances, seeking judicial relief cannot reasonably be characterized as frivolous or malicious, particularly where the claims are supported by factual allegations and ongoing harm.

V- THE UNDERLYING DISPOSITION WAS NOT ON THE MERITS

The Defendant's position improperly suggests that the underlying case was fully adjudicated on the merits

IT WAS NOT

The disposition of the prior proceeding was based on procedural and threshold grounds including issues such as :

- Alleged noncompliance with discovery*
- Statute of Limitations*
- Assertion of lack of jurisdiction*

These are not determinations on the substantive of the Petitioner's claims

*Courts consistently distinguish between procedural dismissal and adjudications on the merits. **A dismissal based on the procedural grounds does not resolve the underlying factual and legal claims***

*Because the merits were never reached, the Petitioner's current claims cannot be characterized as **attempts to relitigate issues that were previously decided.***

The absence of a merits determination further confirms that the Petitioner's claims are not frivolous and remain subject to judicial review

Additionally, the underlying case was not resolved on the merits but on procedural grounds and therefore does not preclude or diminish the Petitioner's present claims.

VI- RES JUDICATA DOES NOT BAR PETITIONER'S CLAIMS

The defendant may attempt to rely on principles of res judicata to argue that the Petitioner's claims are precluded. That argument fails.

Res judicata applies only where there is

- 1- A final judgment on the merits***
- 2- Identity of the parties or their privies***
- 3- Identity of the cause of action***
(Federated Department Stores, Inc. v. Moitie 452 U.S.394 (1981)

These elements are not satisfied here

A- NO FINAL JUDGMENT ON THE MRTITS

As set forth above, the prior disposition was on procedural and threshold grounds, including statute of limitations, discovery issues, And jurisdictional assertions

Such rulings do not constitute an adjudication on the Merits.

Without a merits determination, res judicata does not apply.

B- CLAIMS CHALLENGING JURISDICTION AND FRAUD ARE NOT PERCLUDED

Even where prior proceedings exist, claims are challenging :

- Lack of subject matter jurisdiction***
- Fraud upon the court***

Are not barred by res judicata

A void judgment has no preclusive effect and may be challenged at any time

C-THE PRESENT CLAIMS ADDRESS DEFECTS IN THE PROCEEDINGS THEMSELVES

The Petitioner's claims do not seek to relitigate the same issues previously decided

Instead, they challenge the validity of the underlying judgment and the integrity of the process by which it was obtained

These are distinct issues that fall outside the scope of claim preclusion

D- APPLICATION OF RES JUDICATA BE INEQUITABLE

Applying res judicata in this context would improperly shield a potentially void judgment from review

Courts have consistently rejected the use of preclusion doctrines to prevent examination of a jurisdictional defect or fraud affecting the integrity of judicial proceedings

A void judgment cannot create preclusion and a defective process cannot be insulated by res judicata

Because there was no jurisdiction on the merits and the present claims addressed jurisdictional defects and fraud upon the court, res judicata does not apply

The petitioner's claims remain properly before this Court.

**VII - DEFENDANT'S REQUEST FOR ATTORNEY'S FEES FAILS UNDER
RULE 54**

*The defendant's request for attorney's fees is procedurally and substantively **defective under Fed.R.Civ .P. 54 (d) (2)***

A- FEES MUST BE PROPERLY SUPPORTED AND TIMELY

*Rule 54 requires that any claim for an **attorney's fee be made by motion and supported by;***

- *Specific legal authority entitling the movant to fees*
- *A clear statement of the amount sought*
- *Supporting documentation demonstrating reasonableness*

The defendant has failed to meet these requirements

B-THERE IS NO LEGAL BASIS FOR FEES

Attorney's fees are not recoverable as a matter of course and must be authorized by statute, contract, or applicable law

The defendant has not identified a valid legal basis entitling it to fees under the circumstances presented

C-PETITIONER'S CLAIMS ARE NOT FRIVOLOUS

Even where fee-shifting may be available, fees are not appropriate unless the opposing parties' claims are frivolous, unreasonable, or brought in bad faith

(Christiansburg Garment Co v. EEOC 434 U.S.412 (1978)

As set forth above, the Petitioner's claims are grounded in fact and law and arise from substantial and ongoing harm, including loss of professional practice and enforcement of a potentially void judgment

D- FEES MUST BE REASONABLE AND PROPORTIONATE

Even if fees were available, they must be reasonable and proportionate to work performed (Hensley v. Eckerhart 461 U.S.424 (1983)

Here the defendant has engaged in excessive and unnecessary filings, which cannot serve as a basis to inflate a fee request

E- EQUITABLE CONSIDERATION WEIGHS AGAINST FEES

The equities strongly weigh against any award of fees

The underlying issues involve jurisdiction and due process

The claims are brought in good faith to address substantial harm

F- DEFENDANT FAILED TO COMPLY WITH RULE 54 TIMING REQUIREMENT

Rule 54 (d) (2) (b) requires that a motion for attorney's fees be filed within 14 days after entry of the judgment, unless otherwise provided by statute or court order

Because the rule imposes a strict filing deadline and the defendant has not established any basis for recusing this failure

The defendant has not demonstrated compliance with this requirement. Failure to timely file a motion for attorney's fees constitutes a waiver of any such claim

Accordingly, the defendant's request for attorney's fees is procedurally barred and must be denied

Awarding fees under these circumstances would be unjust. Rule 54 Does not permit attorney's fees to be used as a penalty against a party asserting good-faith claims grounded in jurisdictional and constitutional concerns

*(White v. New Hampshire Department of Employment Security
455 U.S 445 (1982)*

G-DEFENDANT'S FEE REQUEST BASED ON PUNITIVE DAMAGE IS IMPROPER

The defendant's request for an attorney's fee appears to rely, in Parton Allegations related to punitive damages. That reliance is improper

Punitive damages were never adjudicated on the merits, nor was there any determination that would support an award of fees associated with such a claim

Attorney's fees must be tied to claims that were properly presented, supported, and resolved. Where a claim has not been adjudicated, it cannot be saved as a basis for fee recovery

Moreover, punitive damages, by their nature, are not a standalone basis for an attorney's fee absent specific statutory authorization, which the defendant has not identified

To the extent the defendant seeks to rely on punitive damage allegations to justify a fee award, such reliance is misplaced and unsupported by law

A claim that was never adjudicated cannot serve as the foundation for an award of attorney's fees

CONCLUSION

The defendant's request for attorney's fees fails on multiple independent grounds, each of which is sufficient to warrant denial

First, the defendants have not identified any valid statutory, contractual, or legal basis entitling them to attorney's fees as required under Rule 54

Second, the defendant has failed to demonstrate compliance with the procedural requirements of Rule 54(d)(2), including the requirement that any fee request be timely filed and properly supported

Third, the Petitioner's claims are not frivolous, unreasonable, or brought in bad faith. To the contrary, they are grounded in substantial and ongoing harm, including the loss of the Petitioner's medical practice, professional reputation, and earning capacity

Fourth, the underlying proceedings were not resolved on the merits, but instead on procedural and threshold grounds. As such, the Petitioner's present claims cannot be characterized as relitigation or abusive conduct

Fifth, the defendant's fee request improperly relies on allegations related to punitive damages that were never adjudicated and do not provide a legal basis for fee recovery

Sixth, the defendants' own conduct - including excessive filings and procedural irregularities - undermines any claim that the requested fees are reasonable or equitable

*Finally, equitable considerations weigh strongly against any award of fees. The Petitioner is not pursuing litigation to harass or burden the defendant, but to **defend his professional career, reputation, and livelihood in the face of ongoing enforcement of a potentially void judgment.***

Even the defendant's request seeks to convert a good -faith effort to defend a professional livelihood into a basis for punishment - Rule 54 does not permit such a result

Respectfully submitted

A handwritten signature in black ink, appearing to read 'S. Philips', with a stylized flourish at the end.

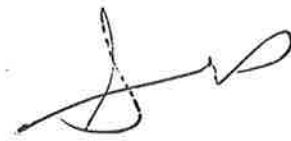
*Sherif A. Philips, MD
April 13, 2026*

CERTIFICATE OF SERVICE

I hereby certify that on Petitioner filed the foregoing with the Clerk of
The Western Division Of North Carolina

I am enclosing proof of service to the defendant's lawyer

Date: April 13, 2026

A handwritten signature in black ink, appearing to read 'Sherif A. Philips, MD'. The signature is stylized with a large initial 'S' and a long horizontal stroke.

Sherif A. Philips, MD

Petitioner

Appendix D

*Declaration In Support Of Motion To
Vacate Void Orders*

DECLARATION OF SHERIF A.PHILIPS IN SUPPORT OF MOTION TO VACATE VOID ORDERS

I, Sherif A.Philips, MD, declare under penalty of perjury under the law of Guam :

- 1- I am the defendant in this case and make this declaration based on my personal knowledge*
- 2- The underlying case was **removed to the United States District Court of Guam on November 20, 2023**, vested federal jurisdiction over the case.*
- 3- Despite federal jurisdiction, the Superior Court of Guam conducted a Show Cause Hearing on March 12, April 3rd, May 2nd, July 1st of 2025 and January 29.2026*
- 4- The court issued monthly payment orders at the **beginning of March 2025**, including a \$ 5000 monthly garnishment*
- 5- The case was **remanded to the Guam Superior Court on February 6, 2026***
- 6- All show cause hearings and payment orders issued **before February 6.2026** occurred while federal jurisdiction attached Meaning the Superior Court of Guam lacks **authority to act**.*
- 7- As a result, the enforcement actions and payment orders entered during that period are **VOID AB INITIO***
- 8- I attended all the hearings and repeatedly informed the court that the case under federal jurisdiction prior to any show cause hearing*
- 9 - Even during one of the SHOW CAUSE hearings, I FOUND OUT that the defendant had garnished my dialysis dividend without either my and the dialysis company's knowledge and both of us never been severed with such an order. The defendant looted \$ 105,000 unlawfully while the case under the federal jurisdiction*

10-I have suffered financial hardship as a result of payments collected under these orders

11- I submit this declaration to support my Motion TO Vacate Void Orders Entered during federal jurisdiction

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 6, 2026 at Guam

*Sherif A.Philips, MD
Defendant, Pro Se*

A handwritten signature in black ink, appearing to be 'S. Philips', written over a horizontal line.

AFFIDAVIT OF SHERIF A. PHILIPS, M.D.

I, Sherif A. Philips, M.D., being duly sworn declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following

is true and correct to the best of my knowledge

I. COERCIVE ENFORCEMENT ACTIONS

1. I was required to appear before the court under threat of detention.
 2. A court marshal, visibly armed, was present during proceedings and interactions with me.
 3. I was directed to proceed to the court cashier under supervision of the marshal.
 4. I was compelled to provide payment using my personal credit card in the amount of approximately \$5,000.
 5. I was informed that failure of payment, including credit card rejection, could result in incarceration.
-

II. FINANCIAL SEIZURES

6. My financial accounts were levied on multiple occasions.
 7. Funds were taken without a valid written order of contempt or final judgment establishing lawful authority.
 8. I was threatened with seizure of property located in North Carolina and Florida.
-

III. LACK OF DUE PROCESS

9. These enforcement actions occurred without a clear written order setting forth the legal basis.
 10. I was not provided a meaningful opportunity to challenge these actions before enforcement occurred.
 11. Proceedings continued despite pending federal jurisdiction and challenges to the validity of the judgment.
-

IV. IMPACT

12. These actions have caused severe financial distress.
 13. I have been placed under constant threat of further enforcement and detention.
 14. I have suffered ongoing professional and economic harm.
-

V. CONCLUSION

15. The enforcement actions taken against me were coercive and lacked lawful authority.
 16. Immediate judicial intervention is necessary to prevent further harm.
-

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Sherif A. Philips, M.D.
Plaintiff

Executed on: May 4, 2026

REPORT PHILIPS' PAYMENT HISTORY

Matter: CV0478-18 Pitt County Memorial Hospital, Incorporated v. Sherif Antoun Philips, M.D.
 Principal: \$ 457,335.70 (\$12,781.25 costs + \$444,554.45 attorney fees)
 Interest Rate: 8.00% North Carolina Judgment Rate
 Interest Date: 7/17/2014

Payment Dates	Payment Amount	Interest Accrued	Interest Balance	Principal Applied	Principal Balance
					\$ 457,335.70
6/16/2023	104,950.00	326,374.80	221,424.80	-	\$ 457,335.70
12/4/2023	2,388.69	17,140.69	236,176.80	-	\$ 457,335.70
12/4/2023	4.11	-	236,172.69	-	\$ 457,335.70
5/5/2025	115.38	51,923.26	287,980.58	-	\$ 457,335.70
5/23/2025	-	1,804.28	289,784.86	-	\$ 457,335.70
6/23/2025	14,850.00	3,107.38	278,042.24	-	\$ 457,335.70
6/30/2025	-	701.67	278,743.90	-	\$ 457,335.70
7/23/2025	7,312.50	2,305.47	273,736.88	-	\$ 457,335.70
7/23/2025	4,950.00	-	268,786.88	-	\$ 457,335.70
8/26/2025	4,950.00	3,408.09	267,244.97	-	\$ 457,335.70
9/23/2025	4,950.00	2,806.66	265,101.63	-	\$ 457,335.70
10/15/2025	4,718.88	2,205.24	262,587.99	-	\$ 457,335.70
11/5/2025	4,950.00	2,105.00	259,742.98	-	\$ 457,335.70
12/1/2025	4,950.00	2,606.19	257,399.17	-	\$ 457,335.70
12/19/2025	4,950.00	1,804.28	254,253.45	-	\$ 457,335.70
1/29/2026	-	4,109.76	258,363.21	-	\$ 457,335.70
TOTAL	164,039.56			\$ -	

Principal: \$ 457,335.70
 Accrued Interest: \$ 258,363.21 as of January 29, 2026

Total Amount Due as of 1/29/2026 \$ 715,698.91 Principal and Accrued Interest

Note 1: On June 17, 2025, Supreme Court of Guam in CVA23-010 received but has not distributed to PCMH or its counsel Philips' payment of sanctions of \$7,312.50.

Note 2: On March 10, 2025, the District Court of Guam issued a tentative sanctions order against Philips to pay \$19,375.63 subject to the resolution of appeal by Philips pending in the Ninth Circuit Court of Appeals in 24-5302.

Note 3: October 15, 2025 - net amount received from RSA-Tumon LLC

**AFFIDAVIT OF SHERIF A.PHILIPS, MD IN SUPPORT OF EMERGENCY
INJUNCTION RELIEF**

I, Sherif A.Philips, MD., being duly sworn, declare under penalty of perjury pursuant to 28 U.S.C & 1746 that the following is true and correct to the best of my knowledge as follows :

I- PENDING APPELLATE AND MANDAMUS PROCEEDINGS

1- previously filed before the Supreme Court of Guam

- **An Emergency Motion To Stay**
- **A Protective Notice of Appeal**
- **A Petition for Writ of Mandamus and Prohibition**

2- Those filling challenges, among other things

- **Denial of pre-filing relief**
 - **Continued enforcement proceedings during unresolved federal and Jurisdictional disputes**
 - **Ongoing sanctions and collection efforts**
-

II- May 8, 2016 HEARING

3- Despite the pendency of the appellate and mandamus proceedings, the Superior Court of Guam proceeded with a hearing on May 8, 2026

4- During the hearing, the lower court stated that appellate filings required prior certification and approval before filing in the Guam Supreme Court, and were required to proceed through the lower court

5- I respectfully maintain that the pending Guam Supreme Court proceedings challenge the denial of pre-filing relief and the validity of

orders entered during unresolved federal and jurisdictional proceedings

III- ESCALATING ENFORCEMENT

6- During the hearing, substantial financial disclosure material was reviewed, including my 2024 tax return and banking information

7- Additional financial disclosures were requested, including credit card statements, IRS- related forms, and additional financial documentation

8- Respondents further sought expanded enforcement measures, including requests relating to liquidation or forced sale of property located outside Guam

9- The lower court increased my monthly payment obligation from approximately \$ 5000 to approximately \$ 7500 per month during the pendency of appellate and mandamus proceedings

10- The court further scheduled an additional hearing for approximately August 2, 2026

IV - IRREPARABLE HARM

11- The continuing escalation of enforcement obligations is causing severe financial hardship

12- I currently face substantial credit-card debt and ongoing financial deterioration

13- I have liquidated or begun liquidating retirement- related assets to maintain basic living expenses and comply with the ongoing financial obligations

14- I respectfully submit that the escalating payment obligations and continuing enforcement proceedings threaten irreparable financial harm before the underlying Rule 60, appellate, and jurisdictional issues can be fully adjudicated

V- EFFECT ON APPELLATE REVIEW

15- I respectfully submit that continued enforcement proceedings during pending appellate and mandamus review risk impairing meaningful judicial review

16- I further respectfully submit that escalating sanctions and compelled financial disclosures during unresolved jurisdictional proceedings threaten to render appellate review ineffective before the substantial issues presented can be resolved

VI- DISPUTED THE VALIDITY OF THE ATTORNEY FEE- RELATED ORDER

17- I respectfully maintain that the underlying North Carolina attorney fee- related orders presently being enforced remain disputed and are the subject of pending Rule 60 and jurisdictional challenges

18- I further maintain that the substantial attorney-fees enforcement was later pursued in connection with punitive damage claims that, to the best of my understanding were never fully litigated or adjudicated on the merits

19- I respectfully submit that the continuing fee-related enforcement obligations appear disproportionate to the recovery limitation at Rule 54 principles applicable under North Carolina law

20- I further maintain that the fee- related enforcement presently exceeds the amount that I believe would have been permissible under the applicable North Carolina statutory limitations and governing fee jurisprudence

21- I respectfully submit that these issues are part of my pending Rule 60 and fraud-upon-the-court challenges, including allegations that material jurisdictional and fee-related issues were properly adjudicated before the enforcement proceeding escalated

**22- I further respectfully submitted that continued enforcement of disputed fee- related obligations during unresolved Rule 60, appellate, and jurisdictional proceedings threatens irreparable financial harm before meaningful judicial review can occur
See Hensley v. Eckerhart: Perdue v. Kenny A.**

VII- REQUEST FOR RELIEF

23- I respectfully request:

- **Immediate temporary restraining order and preliminary injunction relief**
- **Suspension of the ongoing monthly payment obligation**
- **Stay of further collection and enforcement proceedings**
- **Preservation of the status quo pending judicial review**

Executed on: May 8, 2026



Sherif A. Philips, MD.