

25A211

Supreme Court, U.S.  
FILED  
AUG 19 2025  
OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

TAMIKA D. PLESS, Applicant,  
v.  
STATE EMPLOYEES' CREDIT UNION, et al., Respondents.

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EMERGENCY APPLICATION FOR STAY PENDING APPEAL  
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Submitted to the Honorable John G. Roberts, Jr.,  
Chief Justice of the United States and Circuit Justice  
for the Fourth Circuit

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Tamika D. Pless (Pro Se)  
1695 E. Hudson Blvd.  
Gastonia, NC 28054  
(704) 689-7369  
PlessFamilyTrust@Outlook.com

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SUPREME COURT, U.S.

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APPLICATION FOR EMERGENCY STAY PENDING APPEAL

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To the Honorable John G. Roberts, Jr.,  
Chief Justice of the United States  
and Circuit Justice for the Fourth Circuit:

EMERGENCY APPLICATION FOR STAY PENDING APPEAL

(With Request for Immediate Administrative Stay – Eviction Scheduled August 20,  
2025)

Applicant:

Tamika D. Pless, Pro Se

1695 E. Hudson Blvd.

Gastonia, NC 28054

(704) 689-7369

PlessFamilyTrust@Outlook.com

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I. RELIEF REQUESTED

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Pursuant to 28 U.S.C. § 1651, Supreme Court Rule 23, and Fed. R. App. P. 8, Applicant respectfully seeks an immediate stay of eviction and utility disconnection pending appeal from the United States District Court for the Western District of North Carolina's August 14, 2025 dismissal order (Doc. 8) and denial of Temporary Restraining Order.

Without this Court's intervention, Applicant and her minor children will be locked out of their home at 10:00 a.m. on August 20, 2025, under a Writ of Possession issued in related state proceedings.

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## II. JURISDICTION

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The Chief Justice has jurisdiction as Circuit Justice for the Fourth Circuit under 28 U.S.C. § 1651 and Supreme Court Rule 22. This Application follows the denial/inaction of emergency relief by the U.S. District Court and pending action in the U.S. Court of Appeals for the Fourth Circuit. (Case No. 25-1960)

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## III. FACTUAL BACKGROUND

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1. Applicant resides at Georgetowne Woods, Gastonia, NC, with minor children who have documented medical needs.
2. On August 12, 2025, Applicant filed a Verified Complaint in federal district court alleging violations of the Fair Housing Act (42 U.S.C. § 3617) and 42 U.S.C. § 1983 arising from retaliatory eviction and interference with housing rights.
3. On August 14, 2025, the district court dismissed the case without prejudice, denied emergency injunctive relief, and entered judgment (Doc. 8, Doc. 9).
4. Later the same day, the Gaston County Sheriff posted a writ scheduling eviction for August 20, 2025.

5. On August 15, 2025, Applicant filed an amended complaint and renewed request for emergency relief.

6. Applicant filed an Emergency Motion for Stay Pending Appeal in the Fourth Circuit (pending).

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#### IV. GROUNDS FOR EMERGENCY RELIEF

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**\*\*Likelihood of Success on the Merits\*\***

- The Amended Verified Complaint asserts recognized federal causes of action under FHA § 3617 and § 1983, addressing the deficiencies cited by the district court.

**\*\*Irreparable Harm\*\***

- Eviction will cause immediate homelessness, disruption to schooling, loss of utilities, and severe health risks to minor children.

- No monetary remedy could cure these harms.

**\*\*Balance of Equities\*\***

- Temporary preservation of the status quo imposes minimal burden on Appellees compared to the devastating impact on Applicant's family.

**\*\*Public Interest\*\***

- Preventing unlawful eviction and protecting families with children aligns with federal housing policy and public welfare.

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V. REQUESTED RELIEF

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Applicant respectfully requests that the Circuit Justice:

1. Issue an immediate administrative stay halting execution of the Writ of Possession and preventing eviction/utility disconnection.
2. Maintain the stay pending resolution of the appeal in the Fourth Circuit.
3. Grant such other relief as is just and proper.

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Respectfully submitted,

Dated: August 18<sup>th</sup>, 2025

Signature: 

Tamika D. Pless

Pro Se

1695 E. Hudson Blvd.

Gastonia, NC 28054

(704) 689-7369

PlessFamilyTrust@Outlook.com

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CERTIFICATE OF SERVICE

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I certify that on August 18, 2025, I served this Emergency Application and all attached exhibits by email and U.S. Mail on:

Ben Barco, Esq., Crawford & von Keller, PLLC

c/o Cynthia Smith

Email: eleeson@crowfordvk.com

Signature: 

Tamika D. Pless

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ATTACHMENTS

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Exhibit A – District Court Order (Doc. 8)

Exhibit B – Clerk’s Judgment (Doc. 9)

Exhibit C – Sheriff’s Eviction Notice

Exhibit D – Declaration of Irreparable Harm ( signed & dated)

Exhibit E – Summary of Amended Verified Complaint ( 1 page)

Exhibit F – Fourth Circuit Case Opening Notice (Case No. 25-1960)

# Exhibit Index — Emergency Application for Stay Pending Appeal

**Case No.:** *25-1960*

**From:** WDNC Case No. **3:25-cv-00528-KDB-SCR**

**Appellant:** **Tamika D. Pless**

<b>Exhibit</b>	<b>Description</b>
<b>A</b>	District Court Order of Dismissal (Doc. 8)
<b>B</b>	Clerk's Judgment (Doc. 9)
<b>C</b>	Sheriff's Eviction Notice (posted Aug. 14, 2025)
<b>D</b>	Declaration of Irreparable Harm (signed & dated)
<b>E</b>	<b>Summary of Amended Verified Complaint (1 page)</b>
<b>F</b>	Fourth Circuit Case Opening Notice (Case No. 25-1960)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:25-CV-00528-KDB-SCR

TAMIKA D. PLESS,

Plaintiff,

v.

STATE EMPLOYEES' CREDIT  
UNION, ET AL.,

Defendants.

ORDER

**THIS MATTER** is before the Court on Plaintiff's Motion to Proceed In Forma Pauperis ("IFP") (Doc. No. 5). For the reasons discussed below, the Court will **GRANT** the Motion for the limited purpose of conducting an initial review but **DISMISS** Plaintiff's Complaint without prejudice after conducting that review. Further, based on this ruling, the Court does not reach and will **DENY** without prejudice Plaintiff's Motion for a Temporary Restraining Order. (Doc. No. 6).

**I. Plaintiff's Motion to Proceed IFP**

"The federal in forma pauperis statute, enacted in 1892 and presently codified as 28 U.S.C. § 1915, is designed to ensure that indigent litigants have meaningful access to the federal courts." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (quoting *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342-43 (1948)). To achieve its goal, the IFP statute "allows a litigant to commence a civil or criminal action in federal court in forma pauperis by filing in good faith an affidavit stating ... that [s]he is unable to pay the costs of a lawsuit." *Id.* In her IFP motion, Plaintiff states that she has no income or support other than food stamps and does not have assets that would allow her to pay for these proceedings. *See* Doc. No. 5.

Based on these representations, the Court will conditionally grant the motion and permit Plaintiff to proceed IFP solely for the limited purposes of this initial review.

## **II. Initial Review**

Because Plaintiff is proceeding IFP, the Court must review the Complaint to determine whether it is subject to dismissal on the grounds that it is “frivolous or malicious [or] fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2). In its frivolity review, this Court must determine whether the Complaint raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions, such as fantastic or delusional scenarios. *Neitzke*, 490 U.S. at 327-28. Furthermore, a pro se complaint must be construed liberally. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). However, the liberal construction requirement will not permit a district court to ignore a clear failure to allege facts in the Complaint which set forth a claim that is cognizable under federal law. *Weller v. Dep’t of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990).

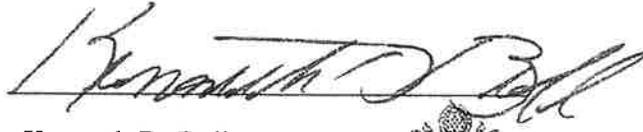
Here, Plaintiff has sued a financial institution, private real estate entities, a utility and a publicly funded housing agency because they would not accept various alleged “trust-backed instruments” (rather than actual legal tender) in payment of her debts. She seeks over \$12,000,000 in damages. While Ms. Pless may be (understandably) unhappy with her financial hardships, potential eviction, etc., that does not entitle her to pursue a “federal question” or “civil rights” lawsuit in this Court based on fanciful and incorrect legal theories related to “trust instruments.” Therefore, the Court finds that Plaintiff’s Complaint fails a frivolity review and must be dismissed. Having determined that this action must be dismissed, the Court does not reach the merits of Plaintiff’s Motion for a Temporary Restraining Order, which will be denied without prejudice.

**NOW THEREFORE IT IS ORDERED THAT:**

1. Plaintiff's IFP motion (Doc. No. 5) is **GRANTED** for purposes of this Order;
2. Plaintiff's Complaint is **DISMISSED** without prejudice;
3. Plaintiff's Motion for a Temporary Restraining Order (Doc. No. 6) is **DENIED** without prejudice; and
4. The Clerk is directed to close this matter in accordance with this Order.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: August 14, 2025



Kenneth D. Bell  
United States District Judge



# Exhibit B

**United States District Court  
Western District of North Carolina  
Charlotte Division**

Tamika D. Pless,

Plaintiff(s),

vs.

State Employees' Credit Union  
ML Property Group  
NES Water Company  
Georgetowne Woods Apartments  
Holdings #1 LLC  
Enbridge Gas North Carolina  
Gaston Housing Authority,

Defendant(s).

JUDGMENT IN CASE

3:25-cv-00528-KDB-SCR

DECISION BY COURT. This action having come before the Court and a decision having been rendered:

IT IS ORDERED AND ADJUDGED that Judgment is hereby entered in accordance with the Court's August 14, 2025 Order.

August 14, 2025



Katherine Ford Simons, Clerk  
United States District Court





Exhibit C

Sheriff  
Chad Hawkins  
Gaston County



Gaston County Sheriff's Office  
425 Dr. Martin Luther King Jr. Way  
Gastonia, NC 28052  
Telephone: 704-869-6800 Opt 5 Fax:  
704-862-6633

Civil Process Section

NOTICE OF EVICTION

ML PROPERTY GROUP

File Number: 25CVD2615

Plaintiff

-VS-

TAMIKA DE'SHAUN PLESS

Defendant

1695 E HUDSON BLVD, GASTONIA, NC 28054

Address

TO THE TENANT:

This office has received a Writ of Possession ordering the Sheriff's Office to remove (evict) you from the premises listed above. You should move from the premises immediately. If you have not moved yourself and all of your property by

10:00 AM ON Wednesday, August 20, 2025  
Time Date

a Deputy from this Sheriff's Office will come on the above date and time to remove you from the premises or at the request of the landlord, will padlock the premises.

You must request the landlord to return any of your property left on the premises within seven days after the Sheriff's Office carries out the writ. If you fail to request possession of your property within seven days, the landlord may throw away, dispose of or sell the property.

TO THE LANDLORD OR AGENT:

You are required to be present on the time and date indicated above with the materials necessary to secure the premises. Failure to do this will force our office to return the Writ of Ejectment unserved with reason indicated on the return.

August 13, 2025

Date Notice Given

SOUTH TOWNSHIP

Township/Deputy Handling Writ  
Chad Hawkins Sheriff of Gaston County, North Carolina

### Need assistance?

- **GOACE food pantry**  
To request delivery you must call (704) 922-8677  
\*Based on availability of staff members\*
- **Gaston Low Cost Spay and Neuter Clinic**  
425 W Franklin Blvd, Gastonia, NC 28052  
(704) 888-4673
- **Red Rover** - you may qualify for financial assistance  
Visit [RedRover.org/relief](http://RedRover.org/relief) to see if you are eligible
- **Friends of Feral Felines**  
(704) 848-1378
- **Cat Smart Coalition**  
[Admin@cat-smartcoalition.org](mailto:Admin@cat-smartcoalition.org)

### Owner surrender

- Owner surrenders are by appointment only  
You must be a Gaston County resident and provide a photo ID
- Please contact (704) 922-8677 to make your appointment  
\*Leave all information on the voicemail including your first and last name, cell back number, and information about pets\*
- During this wait period use as many of the resources above that you can
  - Appointments can always be cancelled if you have found other resources!
- We do not take owner surrenders in the field

### Abandonment of animals

North Carolina General statute 14-381.1 Abandonment of animals

Any person being the owner or possessor, or having charge or custody of an animal, who willfully and without justifiable excuse abandons the animal is guilty of a class 2 misdemeanor

### Rehoming resources

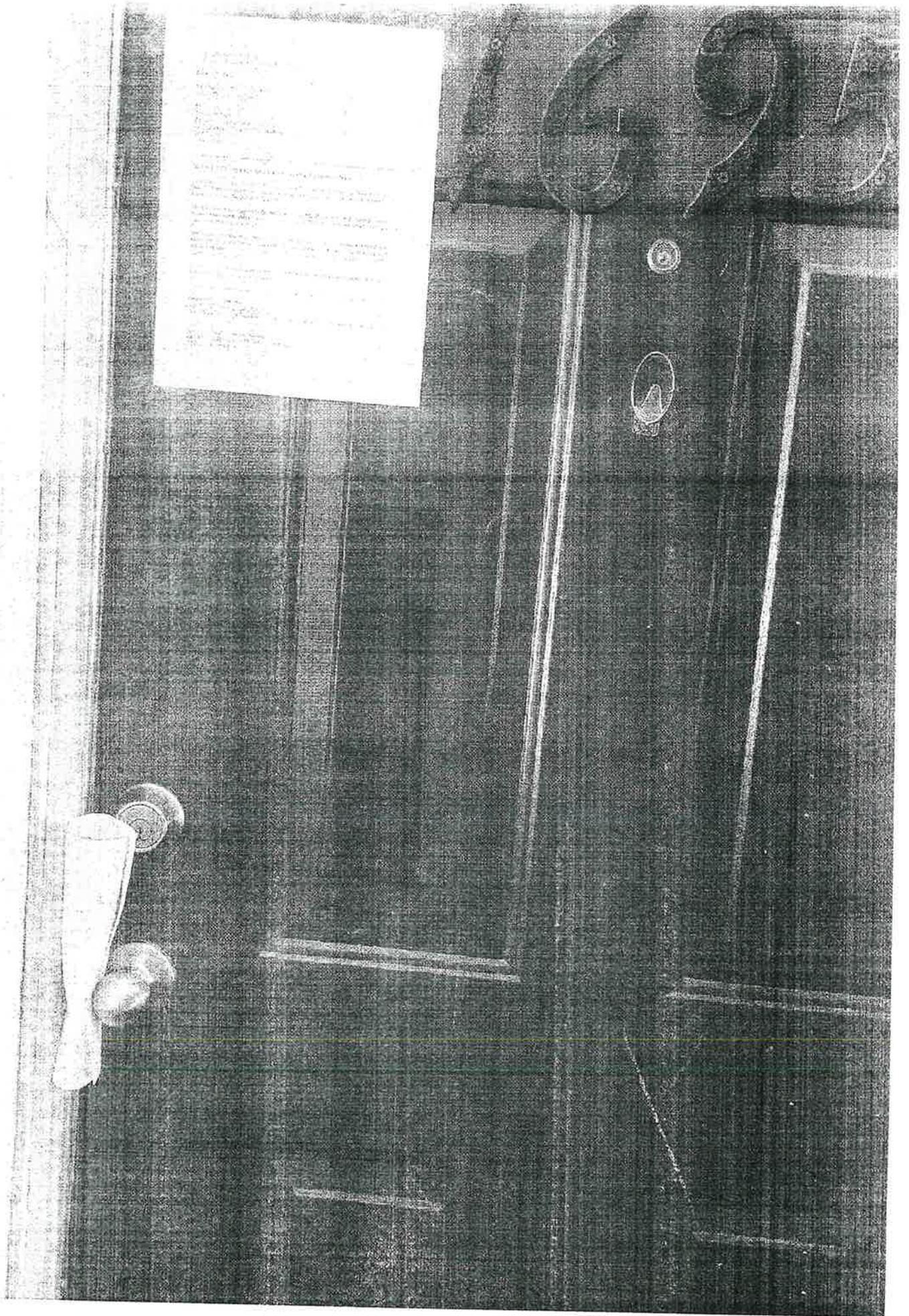
- [911fosterpets.com](http://911fosterpets.com) - post your pet and find a temporary foster in your area
- [Away.org/temporary-pet-guardians](http://Away.org/temporary-pet-guardians)  
(another temporary foster resource)
- Foster/Adopt North Carolina on Facebook - post your pet for rehoming
- A list of rescue groups in your area - [dogloversdoggast.com/north-carolina-rescue-shelters-and-organizations/](http://dogloversdoggast.com/north-carolina-rescue-shelters-and-organizations/)
- [Petfinder.com](http://Petfinder.com) - post your pet for rehoming
- [Adoptapet.com](http://Adoptapet.com) - post your pet for rehoming
- Housing database for restricted breeds:  
[myplbullafamily.org/housing](http://myplbullafamily.org/housing)

### Found a stray?

- You must report to Gaston County Animal Care and Enforcement:
  - An enforcement officer will need to scan the animal for a microchip
  - The animal can be held for 7 business days while actively looking for the owner
- To help reunite the animal with the owner use sites:
  - [nextdoor.com](http://nextdoor.com)
  - Gaston County Lost and Found Pets on Facebook
  - Creating a listing on [gastongov.com](http://gastongov.com) by e-mailing a photo, location found, and any additional info to [webmaster@gastongov.com](mailto:webmaster@gastongov.com)



Officer \_\_\_\_\_  
Date/time \_\_\_\_\_  
Re-check date \_\_\_\_\_



# Exhibit D

I, Tamika D. Pless, declare as follows:

**1. Identity and Case Status**

I am the Plaintiff–Appellant in this case. I submit this declaration in support of my Emergency Motion for Stay Pending Appeal before the United States Court of Appeals for the Fourth Circuit.

**2. Timeline of Relevant Events**

- **August 14, 2025** – The United States District Court for the Western District of North Carolina dismissed my case.
- **August 15, 2025** – I filed in the district court a Motion to Reconsider and Vacate Dismissal, along with an updated Temporary Restraining Order (TRO) request.
- The Gaston County Sheriff has scheduled my eviction for **August 20, 2025 at 10:00 a.m.**, pursuant to a Writ of Possession issued in related state proceedings.
- The federal district court has not yet ruled on my pending Motion to Reconsider or TRO.

**3. Efforts to Obtain Relief in Lower Courts**

I have sought relief in both state and federal courts, including:

- An Emergency Motion to Stay in the North Carolina Court of Appeals.
  - A TRO and stay request in federal district court.
- No stay has been granted to date.

**4. Irreparable Harm Without a Stay**

If the eviction proceeds, I and my minor children will lose our home and access to utilities. We will suffer immediate and irreparable harm, including displacement, loss of property, and serious health risks to my children, who have documented medical conditions. No monetary damages could adequately remedy these harms.

**5. Good Faith and Diligence**

I have acted promptly and in good faith at every stage, filing necessary motions and providing timely notice to opposing counsel.

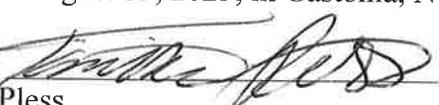
I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2025, in Gastonia, North Carolina.

**Signature:**

Tamika D. Pless

Plaintiff–Appellant, Pro Se



# Exhibit B

## SUMMARY OF AMENDED VERIFIED COMPLAINT (WDNC 3:25-cv-00528-KDB-SCR)

Filed/Proffered: **August 15, 2025** (pending below)

### 1. What's changed:

- Removed any reliance on tender/UCC discharge theories the district court viewed as frivolous.
- Added a clear, dated chronology and clarified each defendant's role.
- Pleads only **recognized federal claims** and ties **irreparable harm** directly to the lock-out and loss of utilities.

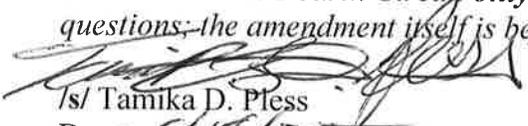
### 2. Claims pleaded (recognized federal causes):

- **Count 1 – FHA Retaliation/Interference (42 U.S.C. § 3617):** Against **ML Property Group / Georgetowne Woods Holdings #1 LLC** (landlord) and **Gastonia Housing Authority (GHA)** for retaliatory push toward eviction after protected complaints/requests.
- **Count 2 – Procedural Due Process (42 U.S.C. § 1983):** Against **GHA** (state actor) for deprivation of a meaningful opportunity to be heard before loss of housing/essential services.
- **Count 3 – FHA Failure to Accommodate (42 U.S.C. § 3604(f))** (if applicable): Refusal to reasonably accommodate household medical needs (heat/hot water for children's health).

### 3. Relief sought below:

- **Emergency & preliminary injunction** halting eviction/lock-out and shutoffs during the case.
- Damages/fees as allowed by FHA and § 1983.

*Submitted to the Fourth Circuit **only** to show the appeal raises substantial, non-frivolous federal questions; the amendment itself is before the district court.*

  
/s/ Tamika D. Pless

Date: 8/15/25

Exhibit F

FILED: August 18, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 25-1960  
(3:25-cv-00528-KDB-SCR)

TAMIKA D. PLESS, Agent and Durable Power of Attorney

Plaintiff - Appellant

v.

STATE EMPLOYEES' CREDIT UNION (SECU); ML PROPERTY GROUP;  
GEORGETOWNE WOODS APARTMENTS HOLDINGS #1 LLC; GASTON  
HOUSING AUTHORITY; NES WATER COMPANY; ENBRIDGE GAS  
NORTH CAROLINA

Defendants - Appellees

This case has been opened on appeal.

Originating Court	United States District Court for the Western District of North Carolina at Charlotte
Originating Case Number	3:25-cv-00528-KDB-SCR
Date notice of appeal filed in originating court:	08/18/2025
Appellant(s)	Tamika D. Pless
Appellate Case Number	25-1960
Case Manager	Karen Stump 804-916-2702

CERTIFICATE OF SERVICE

I hereby certify that on 8/19/2025 I served a copy of the foregoing Emergency Application for Stay Pending Appeal, with all exhibits, on all counsel of record by email and U.S. Mail, addressed to:

Ben Barco, Esq., Crawford & von Keller, PLLC

c/o Cynthia Smith

Email: eleeson@crowfordvk.com

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tamika D. Pless", written over a horizontal line.

Tamika D. Pless

Pro Se Applicant