

No. 25A213

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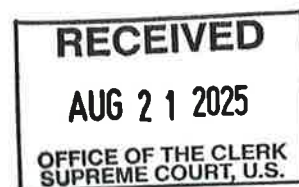
In The  
Supreme Court of the United States

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IN RE GAVIN B. DAVIS,  
Applicant,

◆  
\_\_\_\_\_  
On Petition for a Writ of Mandamus to the  
United States Court of Appeals,  
Fifth Circuit

◆  
\_\_\_\_\_  
RULE 23 APPLICATION FOR STAY

◆  
\_\_\_\_\_  
GAVIN B. DAVIS, Pro Per  
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## QUESTIONS PRESENTED

If a criminal defendant is *forced* against their will to proceed in *propria persona* absent a bona fide unequivocal *Faretta* waiver, while timely and diligently requesting counsel as to that which is guaranteed under the Sixth Amendment, does such survive the *Cohen* test and allow for timely appellate review prior to a full adjudication of the trial proceeding?

When do the rights to the assistance of counsel under the Sixth Amendment attach in a criminal proceeding? and under what circumstances can they be entirely disgorged, presumptively, in all cases, causing prejudice, harm and injury while transforming a tribunal into mere pageantry?

If the complete denial of counsel is always unjust and grounds for reversal, when is the appropriate time to seek appellate review and how?

Can a trial court force a defendant to choose between two alternate scenarios: A, moving in *propria persona* with high conflict standby counsel who refuses (and/or is entirely prohibited by the court, itself) to assist the defendant in any capacity, but for their own choosing, or B, relinquishing total and absolute control of their defense, including the defense presented to the jury?

## PARTIES TO THE PROCEEDING

Pursuant to Rule 14.1(b)(i), the Parties are as follow:

**Applicant**, Mr. Gavin B. Davis, is an individual that is presently a citizen of the United States of America and resident of the State of Texas. He holds a Bachelor of Science degree from Cornell University. Mr. Davis was detained on May 10, 2022 for allegedly causing three of his fraternity brethren “substantial emotional distress”<sup>1</sup> and held (unlawfully)<sup>2</sup> in custody for twenty-eight (28) months.

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<sup>1</sup> “Applicant was detained on May 10, 2022 [in USDC WD TX, 22-219-FB] and charged with: (a) three (3) counts of 18 U.S.C. §§ 2261 (A)(2)(B) (Cyberstalking) which indicate that the Applicant caused three (3) of his fraternity brothers “substantial emotional distress” [(22-219, Dkt. 3)]; and, (b) one (1) count of 18 U.S.C. § 875 (c) (Interstate communication threat to injure; stemming from one brief phone call on Dec. 24, 2020, or twenty-nine months prior to being charged). Applicant was miscategorized upon his original detention, which has been, due to his own diligence and movement in propria persona, partially corrected, and whereby according to U.S. Pretrial Services Risk Assessment Tool (PTRA), is categorized as LOW RISK. The three (3) alleged victim witnesses live thousands of miles away from the [Applicant] (California, Colorado and Utah). There is no mandatory minimum sentence for the criminal allegations (Counts 1-4); which is indicative that such crimes are not so serious as to deny pretrial liberty.[] These are not crimes were an accused is normally denied their Constitutional right to pretrial liberty. (“Courts should rarely detain Applicants charged with non-capital offenses; doubts regarding propriety of release should be resolved in favor of the defendant. (*U.S. v. Townsend*, 897 F. 2d. 989 (9<sup>th</sup> Cir. 1990)) [ ]” (*Davis v. U.S.*, S. Ct. 24A239, Rule 22 Application, pg. 10, ¶ 12, Aug. 29, 2024; den’d Sep. 20, 2024 (ALITO)) (also, “the information related to Count 5 from Jan. 14, 2021[ ] was (i) known; and, separately, (ii) readily available to the prosecution when it brought the four count indictment on May 4, 2022 (dkt. 3).[ ] The prosecution is unable to prove that the increase in charge was justified by any objective change in circumstances or in the state of evidence that (legitimately) influenced the original charging process. (see e.g. *U.S. v. Leach*, 613 F. 3d 1295, 1980 U.S. App. LEXIS 19588 (5<sup>th</sup> Cir. 1980); bad faith on part of government in bringing superseding indictment). The addition of Count 5, therefore, also fails the 30-day maximum for indicting (18 U.S.C. § 3162 (a)(1)) on this charge (see also e.g. *United States v. Cobb*, 975 F.2d 152 (5<sup>th</sup> Cir. 1992), cert. denied, 507 U.S. 965, 113 S. Ct. 1397 (1993). *United States v. Pikus*, 39 F.4th 39 (2d Cir., 2022)” (5CCA 25-50142, Brief, ECF 10, Mar. 7, 2025; citing from 22-219, Dkt. 396, Feb. 5, 2025; 25-50142, summarily den’d, jurisdiction, ECF 40, Jul. 31, 2025) (at the same time as the prosecution brought superseding indictment adding Ct. 5 in May 2024, it offered the Applicant a written plea agreement of Time Served (24 months) and Supervised Release (36 months), as indicative. Further, such offer was renewed by the prosecution on Jun. 2, 2025, and memorialized via a *Lafler* hearing on Jun. 10, 2025) (with the extremely latent addition of Ct. 5, Applicant has also alleged that the prosecution “improperly utilized the Grand Jury to prepare potential sentencing (e.g. if under plea, see e.g. FRCrP 11, 32) (see e.g., as persuasive, *State v. Francis*, 897 A.2d 388 (N.J. Super 2006), it is improper to use the grand jury to prepare for the penalty phase of a case; also, *Bishop v. Caudill*, 87 S.W.3d 1 (Ky. 2002), appellate court

U.S.S.G. range for the allegations is fifteen-to-twenty-one (15-21) months<sup>3</sup>. Applicant spent approximately thirty-three (33) months in pretrial detention (aka “overdetention”). Applicant has been *forced*<sup>4</sup> to proceed in *propria persona* in his defense in violation of his Sixth Amendment rights.

**Respondent**, United States of America, with service of process on the Solicitor General of the United States at Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington D.C. 20530-0001. T: 202-514-2217. Email: [supremectbriefs@usdoj.gov](mailto:supremectbriefs@usdoj.gov) (Rule 29.4(a))

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remanded case for hearing to determine dominant purpose of grand jury inquiry; see also, e.g. Dkt. 641, 643, 644” (22-219, Dkt. 647, Jul. 31, 2025 at ¶ 4; summarily den’d, Dkt. 650, Aug. 1, 2025; now 5CCA 25-50625) (separately, Applicant continues to timely seek Grand Jury Information at the pretrial stage, see e.g. 5CCA 25-50619; whereby, there is a Circuit Court split regarding evidencing a ‘particularized need’, in *United States v. Mechanik*, 475 U.S. 66, 106 S.Ct. 938 (1986), there is an implicit requirement that all issues involving use of the grand jury process be resolved prior to trial.)

<sup>2</sup> “The Supreme Court has said, ‘In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.’ “Congressional intent [of the Bail Reform Act is] to give courts the power to deny release to “a small identifiable group of particularly dangerous defendants” (S. Rep. No. 225, 98th Cong. 1st Sess. (1983))” (*Id.*, pg. 7, ¶ 4; see also e.g. fn. 7, 10). (also, Applicant, presently having been stripped (unlawfully) of nearly all of his civil rights (see e.g. First Amendment violations in 5CCA 25-50507 (ECF 13, 19); 25-50558 (ECF 5, 6); Fourth Amendment violations in 5CCA 25-50528 (ECF 1), 25-50538 (ECF 1), has been diligently and timely seeking redress for to avoid McCarthyism style labeling advanced in an Orwellian Authoritarian capacity. (Applicant is entitled to pretrial release under 18 U.S.C. § 3142 (b); or, in the alternative, 18 U.S.C. § 3142 (c)(1)(B), where §§ 3142 (c)(1)(A) and (c)(1)(B)(v) are sufficient deterrents. Given that that is a -- that that interest in ensuring that the witnesses are in no way, shape or form intimidated, harassed, interfered with or otherwise obstructed, must be balanced against the defendant's ability to present his case at trial as well as his First Amendment rights. **I don't take any position that his contacting any individual needs to be restricted.** I do think that the defendant likely should be admonished, and I think he probably has been admonished at this point, that forms of contact that are harassing, intimidating or otherwise obstructing, which the defendant is alleged to have a very, very, very long history of conducting, is likely to result in new charges.” Testimony of prosecutor B. Parsons (Jun. 10, 2025, Transcript, Dkt. 579, pg. 18, ln 9-20, evidentiary) (emphasis added)

<sup>3</sup> Opinion of Respondent Richardson via email to prior counsel to Applicant, and former AUSA of twenty-five (25) years, Mr. Thomas P. Moore (TSBN # 14378320), on May 28, 2024

<sup>4</sup> See 22-219 Oct. 22, 2024 Transcript, Dkt. 330, pg. 7, ln 2-21. No valid unequivocal *Faretta* waiver / Sixth Amendment waiver exists, *prima facie*.

**Respondent**, United States of America, with service of process<sup>5</sup> on Assistant U.S. Attorney, Bettina J. Richardson, 601 NW Loop 410, Suite 600, San Antonio, TX 78206. T: 210.384.7152. F: 210.384.7118. Email: bettina.richardson@usdoj.gov.

**PROCEEDINGS DIRECTLY RELATED (Rule 14.1(b)(iii))**

*U.S. v. Davis*, No. 22-cr-219-FB, U.S. District Court for the Western District of Texas. Decision of Oct. 22, 2024 terminating prior counsel and member of this Court, Mr. John F. Carroll's, representation. Also, Order of Jan. 24, 2024 (text order), denying Applicant's Motion to Appoint Counsel (Dkt. 345; entered Jan. 2, 2025; executed nunc pro tunc on Dec. 16, 2024) (Applicant also requested the appointment of counsel orally on Jun. 10, 2025<sup>6</sup>)

*U.S. v. Davis*, No. 25-50050 / 25-50151, U.S. Court of Appeals for the Fifth Circuit, 28 U.S.C. § 1291 interlocutory appeals from WD TX 22-219, timely seeking the appointment of trial counsel. Applicant filed his Brief on Feb. 13, 2025 (ECF 15). On Jun. 3, 2025, Applicant filed a Motion requesting that the Circuit Court (ECF 58) accept such Brief. On Jun. 9, 2025, the Circuit Court via CLERK ORDER denied (ECF 62) Applicant's Motion and dismissed the appeal pursuant to 5<sup>th</sup> Cir. R. 42, for failure to file a brief (ECF 63). On Jun. 9, 2025, Applicant filed a Motion for Reconsideration and Reinstatement of the appeal (ECF 66). On Jul. 3, 2025, the Circuit Court denied reconsideration (ECF 76).

*U.S. v. Davis*, No. 25-50537 / 25-50542, U.S. Court of Appeals for the Fifth Circuit, 28 U.S.C. § 1291 interlocutory appeals from WD TX 22-219, timely seeking the appointment of trial counsel. Given the procedural default in 25-50050, Applicant renewed his request for counsel in 22-219 on Jul. 1, 2025 (Dkt. 598; summarily den'd, Dkt. 600, Jul. 3, 2025) On Jul. 10, 2025, Applicant submitted his Brief (ECF 5) and a Motion to Expedite (ECF 7). On Jul. 21, 2025, Respondent

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<sup>5</sup> On October 22, 2024, Asst. U.S. Attorney, Bettina Richardson, on behalf of the Department of Justice, Western District of Texas, San Antonio, requested not to be contacted by the Applicant, who orally stipulated to such (Transcript, Dkt. 330, pg. 63-64, ln 22-3). Note:

<sup>6</sup> 22-219, Transcript, Dkt. 579, pg. 19, ln 7-14

Opposed the Motion to Expedite and requested dismissal (ECF 9) and Applicant promptly replied (ECF 10). On Aug. 1, 2025, the Circuit Court consolidated 25-50542<sup>7</sup> related to Standby Counsel. On Aug. 4, 2025, the Circuit Court summarily denied Applicant's Motion to Expedite and dismissed the Appeal (ECF 30).

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<sup>7</sup> “[I]ssues with Standby Counsel are, in fact, insurmountable according to Mr. Switzer’s own Motion to Withdraw in 22-219 (Dkt. 412) on Feb. 12, 2025. [Applicant] made extremely diligent and reasonable efforts to work with Mr. Switzer, and Noted to him, in part: A priori, [Applicant] is seeking Counsel (see e.g. NOA to 5CCA of Jan. 25, 2025 in 22-219 regarding denial of Dkt. 345, Motion to Appoint Counsel), as guaranteed under the Sixth Amendment. There is no ambiguity to [Applicant’s] desire and movement; such is and remains unequivocal. Previously, [Applicant] moved in *propria persona* given significant issues with prior counsel – and – did so in order to preserve his liberty as best as possible. (“A defendant may have counsel, or waive counsel, at different stages of a proceeding (e.g. arraignment, voir dire, trial, sentencing or any other critical stage of a criminal proceeding)” (see also e.g., *Beto v. Martin*, [22-219] Dkt. 84, Aug. 24, 2023 at ¶ 8; see also e.g., Dkt. 89) (see also Dkt. 91 and 134))” (Letter of Jan. 26, 2025; [lodged] in 22-219, Dkt. 373, at pg. 2). Part of the job of standby counsel is to be ready to take over the defense of the case if the defendant withdraws a request to proceed [in *propria persona*], or if the court terminated the defendant’s right to proceed *pro [per]*. (note, sometimes this is done with formality: see e.g. *U.S. v. Hagen*, 468 F. App’x 373, 388-390 (4th Cir. 2012); appointing standby counsel attorney who had been representing defendant and ordering counsel “to continue preparing for trial as if he were trying the case” and to “assist defendant if and when and to the extent called upon by the defendant.” Also, if standby counsel’s role is elevated to counsel for the defendant, it is not error for the district court to deny motion to continue after court replaces the *pro se* defendant with his standby counsel on short time periods (*U.S. v. West*, 877 F. 2d 281, 286-87 (4th Cir. 1989)) – this underscores the vital importance and necessity of standby counsel diligently preparing for trial at the outset of appointment, as hereby DEMANDED. (also conjunctively with [Applicant’s] desire for counsel (see e.g. Dkt. 345) (in priority), prudence dictates your role as standby counsel as acting in a nearly identical manner to that of counsel) (*Id.*). Switzer vehemently disagreed with [Applicant] on what his role as Standby Counsel was / is; and, [Applicant] reasonably and timely sought to clarify the Role of Standby Counsel with the District Court (see e.g. 22-219, Dkt. 372, 373 on Jan. 27, 2025) based on a presentation entitled, “*Your Role as Standby Counsel*,” by Mr. Paul K. Sun, Jr. of Ellis & Winters LLP (Raleigh, NC). Mr. Sun, one of the founding partners of Ellis & Winters, is a trial lawyer focused primarily on business litigation, employment litigation and appeals; though, also having substantial experience as a criminal defense attorney. Mr. Sun serves on the Criminal Justice Act (CJA) Panels for each of the Eastern District of North Carolina and the Fourth Circuit Court of Appeals, representing indigent criminal defendants at trial and on appeal.” (5CCA 25-50542, Brief, ECF 8, Jul. 29, 2025, ¶ 5) “As clear evidence thereof, see e.g., 22-219, Dkt. 410 at ¶¶ 4 (a) – (c); especially, at ¶ 4 (c)(iii), extremely organized and reasonably requested basic tasks to assist the [Applicant] (as attached to 5CCA 25-50050, ECF 15, Feb. 13, 2025, at pg. 23-25)” (*Id.* fn. 1)

Applicant requested Reconsideration (ECF 32) on Aug. 4, 2025 and filed a Motion to Appoint Counsel for Certiorari on Aug. 11, 2025 (ECF 38)<sup>8</sup>

*In re Gavin B. Davis II*, No. 25-50476, U.S. Court of Appeals for the Fifth Circuit, a Petition for a Writ of Mandamus and Other Relief under the All Writs Act (28 U.S.C. § 1651), seeking equitable redress and comity, for the Circuit Court to timely appoint counsel for the Applicant. Applicant filed a Motion for a Stay of 22-219 (ECF 10) on Jun. 17, 2025. Applicant submitted a Motion to Expedite on Jun. 28, 2025 (ECF 25). On Aug. 12, 2025, in an unpublished opinion (Graves, Ho, Douglas), the Circuit Court denied the Petition and therefore denied the Motion to Stay (ECF 51). On Aug. 13, 2025, Applicant submitted a FRAP 27b Motion for Rehearing (ECF 54), drawing clear distinction from elemental minutia and secondary review of ineffective assistance of counsel claims properly reserved for direct appeal or habeas; and the instant case: i.e. the complete outright denial of the assistance of counsel and being *forced* to proceed in propria persona absent a bona fide unequivocal *Faretta* waiver in violation of the Constitutional guarantees of the Sixth Amendment.

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<sup>8</sup> see e.g. *United States v. James*, 990 F.2d 804, 1993 U.S. App. LEXIS 9992 (5th Cir. 1993), cert. denied, 511 U.S. 1034, 114 S. Ct. 1546, 128 L. Ed. 2d 197, 1994 U.S. LEXIS 2932 (1994), remanded, 103 F.3d 125, 1996 U.S. App. LEXIS 35316 (5th Cir. 1996)” Counsel’s duty to file writ of certiorari. Despite counsel’s desire not to file petition for writ of certiorari which has no reasonable chance of success, Plan adopted by the Fifth Circuit Court of Appeals, pursuant to Criminal Justice Act, requires that counsel do so when requested in writing by client.

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## INTRODUCTION

Applicant, Mr. Gavin B. Davis, brings this Rule 23 Application to the Circuit Justice for the Fifth Circuit Court of Appeals, the HON. SAMUEL A. ALITO JR.<sup>9</sup>, respectfully requesting a stay of USDC WD TX, 22-cr-219-FB; as, Applicant has been *forced*<sup>10</sup> to proceed in propia persona in 22-219 in violation of his Sixth Amendment rights, (a) over his express objections<sup>11</sup>; and, (b)(i) despite movement before the District Court to timely appoint counsel, including most recently, orally on Jun. 10, 2024 (as den'd); and, also (ii) having diligently and expediently sought review and relief from the Circuit Court, first in 25-50050<sup>12</sup>; and, recently in 25-50476 (as highly pertinent, Applicant's movement in 22-219 has clearly been qualified by the authority held in *Beto v. Martin*, 396 F.2d 432 (5th Cir. 1968)) (also, as no unequivocal *Faretta* waiver exists, Applicant, seeking, generally, to protect and/or restore his liberty interests, Constitutional, civil and fundamental rights, no tacit consent is to be inferred) (prior attorneys were discharged for cause<sup>13</sup> and Applicant should not be punished for their failures) (Deficiencies in representation

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<sup>9</sup> Or, in the alternative, pursuant to Rule 23.5, to the Court, for determination.

<sup>10</sup> 5CCA 25-50476, Motion for Reconsideration of Disposition, submitted Aug. 13, 2025, pg. 8, citing from 25-50050, ECF 15, as executed Dec. 16, 2024, at pg. 14, ¶ 16 therein, “[i]t is important for a court to consider whether a defendant is proceeding in propia persona because “he [or she] had no choice” and thus does not constitute an effective Sixth Amendment waiver (see e.g. *U.S. ex rel. Higgins v. Fay* 364 F. 2d 219 (2d Cir. 1966); also, *U.S. v. Curtiss*, 330 F. 2d 278 (2d Cir. 1964) [(emphasis added).] It is important for a court to consider: is a defendant willing proceeding alone.” In the instant case, clearly the Applicant is not willing proceeding alone; nor should tacit consent be construed from movement at the trial court merely seeking to protect Applicant's liberty interests; while, as compelling, contemporaneously, diligently and expediently seeking the appointment of counsel and a stay of the trial proceeding.

<sup>11</sup> See Oct. 22, 2024 Transcript, Dkt. 330, pg. 7, ln 2-21. No valid unequivocal *Faretta* waiver / Sixth Amendment waiver exists, prima facie.

<sup>12</sup> Procedurally defaulted without reasonable opportunity to cure. Relief sought, i.e. the timely appointment of counsel under the Sixth Amendment, renewed at the District Court (22-219, Dkt. 598, Jul. 1, 2025; summarily den'd, Dkt. 600, Jul. 3, 2025) and Circuit Court, 5CCA 25-50537, as summarily den'd, Aug. 4, 2025, ECF 30, pending reconsideration, ECF 32, Aug. 4, 2025.

<sup>13</sup> As put forth and substantiated in 5CCA 25-50050, ECF 15, Feb. 13, 2025; also, as renewed in 25-50537, summarily den'd.

may be addressed by an appellate court sua sponte. *Massaro v. U.S.*, 538 U.S. 500 (2003))

Exceptional circumstances warrant the Court exercising its discretionary supervisory powers – this is one of the only cases in the history of the United States federal cannon where an accused has been *forced* to proceed in propria persona. Timely redress is necessary to prevent: further injustice; the compounding of per se prejudice, harm and injury; and additional structural error in the proceeding, prima facie. Absent timely granting a stay, as sought, the Applicant will suffer irreparable harm; and the prospect of the wielding of judicial power in the future, in violation of Constitutionally protected rights, rises dramatically. Applicant respectfully requests that the Court act with urgency.

#### JURISDICTION (Rule 14.1(e))

Applicant's Petition for a Writ of Mandamus regarding the appointment of counsel was denied by the Fifth Circuit Court, in case no. 25-50476, on Aug. 12, 2025 and with it, his Motion to Stay the trial proceeding. At present, no other court but this Court can expediently grant the relief sought and appropriately halt the compounding of harm, injury and per se prejudice suffered by the Applicant. In its outright denial of counsel for the Applicant, as guaranteed under the Sixth Amendment, the lower courts have far departed from the accepted and usual course of judicial proceedings and violated a sacred Constitutional right. (see Rule 10(a))

Jurisdiction is properly conferred via 28 U.S.C. § 1292, 28 U.S.C. § 1651 and as an appellate court over the circuit courts.<sup>14</sup>

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<sup>14</sup> Also, under the All Writs Act, the Court's Rules, and its inherent powers, including those of FRAP 2, it may treat this Application as a Petition for a Writ of Certiorari (or Mandamus), if so inclined; see e.g. *Harrington v. Purdue Pharma L.P.*, 144 S. Ct. 44 (2023) (also note, that movement under Rule 20 is authorized by 28 U.S.C. § 1651(a), The All Writs Act; which, is purposefully broad in scope to allow the Supreme Court to issue a wide variety of types of writ (see e.g. *Adams v. U.S.*, 317 U.S. 269, 63 S. Ct. 236, 87 L. Ed. 268, 1942 U.S. LEXIS 1 (1942), reh'g denied, 317 U.S. 713, 87 L. Ed. 568 (1943); this Court may avail itself of *all* auxiliary writs as aids in performance of its duties when use of such aids is calculated in its sound judgment to achieve the ends of justice entrusted to it.) Also, the word "necessary" in 28 U.S.C. § 1651(a) is not given narrow interpretation (*Whittel v. Roche*,

### PRIMARY FEDERAL PROVISIONS INVOLVED (Rule 14.1(f))

The primary constitutional provisions, treaties, statutes, ordinances, and regulations involved in this case are; a priori, the Sixth Amendment; and secondarily, the Due Process clause of the Fifth Amendment. Also, in denying the Applicant the assistance of counsel, as patently unusual (literally unheard of), and undeniably cruel, such also constitutes a violation of the Eighth Amendment.

### STATEMENT OF CASE (Rule 14.1(g))

Applicant has been *forced*<sup>15</sup> to proceed in *propia persona* in his defense without the assistance of counsel in violation of his Sixth Amendment rights resulting in structural error in the trial proceeding, at the pretrial stage, and substantive due process violations. In the entirety of the federal cannon, never has a defendant been left without the assistance of counsel without a bona fide unequivocal *Faretta* waiver. The trial court's denial of counsel to the Applicant is cruel and unusual; and, has and will compound harm, injury and per se prejudice, *prima facie*, now manifest.

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88 F. 2d 366, 1937 U.S. App. LEXIS 3128 (9<sup>th</sup> Cir. 1937)) Also, under 28 U.S.C. § 1651(a), Supreme Court has authority to grant interim relief in order to preserve jurisdiction of full court to consider [Applicant's] claim(s) on the merits. (*Kimble v. Swackhamer*, 439 U.S. 1385, 99 S. Ct. 51, 58 L. Ed. 2d 225, 1978 U.S. LEXIS 4309 (1978))

<sup>15</sup> For authority and argument, see e.g. 25-50476, ECF 2 at pg. 16, attaching 25-50050, ECF 15, and citation to *McCoy*; also, 25-50476, ECF 2 at pg. 25 citing from 25-50050, ECF 8, to *MacKenna v. Ellis*, 280 F. 2d 492 (5<sup>th</sup> Cir. 1960); *Wiggins v. Procunier*, 753 F. 2d 1318, 1320 (5<sup>th</sup> Cir. 1985); *Henderson v. Morgan*, 426 U.S. v. 637, 96 S. Ct. 2253, 49 L. Ed. 2d 108, 4 U.S.L.W. 4910, 4912 (1976); *U.S. v. Rosenthal*, 470 F. 2d 837, 844-845 (2d Cir. 1972); *Townes v. U.S.*, 371 F. 2d 930, 934 (4<sup>th</sup> Cir. 1966); also, 25-50476, ECF 2, pg. 26-27, citing from 25-50050, ECF 8 at ¶¶ 6-16; “[i]t is important for a court to consider whether a defendant is proceeding in *propia persona* because “he [or she] had no choice” and thus does not constitute an effective Sixth Amendment waiver (see e.g. *U.S. ex rel. Higgins v. Fay* 364 F. 2d 219 (2d Cir. 1966); also, *U.S. v. Curtiss*, 330 F. 2d 278 (2d Cir. 1964) [(emphasis added).] It is important for a court to consider: is a defendant willing proceeding alone.” (*Id.* at ¶ 16). Also, [Applicant's] movement in underlying USDC WD TX, 22-219-FB-1, has clearly been qualified by the authority held in *Beto v. Martin*, 396 F.2d 432 (5th Cir. 1968).

## REASONS FOR TIMELY GRANTING RELIEF (Rule 14.1(h))

**I. WHETHER INTERLOCUTORY UNDER 28 U.S.C. § 1291 AND COLLATERAL ORDER DOCTRINE OR IN THE RARE INSTANCE VIA THE ALL WRITS ACT, THE COMPLETE DENIAL OF THE SIXTH AMENDMENT RIGHT TO THE ASSISTANCE OF COUNSEL VIS-À-VIS INEFFECTIVENESS OF COUNSEL CLAIMS IS RIPE FOR TIMELY APPELLATE REVIEW AND REDRESS PRIOR TO DETERMINATION OF THE DIRECT TRIAL PROCEEDING.**

[T]he *Cohen* test is strictly applied, particularly in criminal cases, *id.*, where “an interlocutory order is appealable only where it affects a ‘right not to be tried.’” *United States v. Samueli*, 582 F.3d 988, 992 (9th Cir. 2009) “The collateral order doctrine, [ ], permits appellate review of those decisions which are “‘too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.’ ” *Id.* at 835-36” *United States v. Beltran Valdez*, 663 F.3d 1056, 1058-59 (9th Cir. 2011). The complete denial of the appointment of counsel is not a right to be tried – it is a pillar upon which the notion of a fair tribunal rests. Deficiencies in representation may be addressed by an appellate court sua sponte. *Massaro v. U.S.*, 538 U.S. 500 (2003)

**II. THE COMPLETE DENIAL OF THE ASSISTANCE OF COUNSEL IS NEVER HARMLESS, RESULTS IN STRUCTURAL ERROR IN THE PROCEEDING, IS UNFAIR, AND ALWAYS RESULTS IN PREJUDICE AND REVERSAL.**

“The Sixth Amendment to the Constitution guarantees that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.” In *United States v. Morrison*, 449 U. S. 361, 449 U. S. 364 (1981), we observed that this right was designed to assure fairness in the adversary criminal process. Realizing that an unaided layman may have little skill in arguing the law or in coping with an intricate procedural system, *Powell v. Alabama*, 287 U.

S. 45, 287 U. S. 69 (1932)” (*Wheat v. United States*, 486 U.S. 153 (1988)) “Our statements on [counsel of choice] stem largely from an appreciation that a primary purpose of the Sixth Amendment is to grant a criminal defendant effective control over the conduct of his defense. As this Court previously has stated, the Sixth Amendment “grants to the accused personally the right to make his defense,” because “it is he who suffers the consequences if the defense fails.” *Faretta v. California*, 422 U. S. 806, 422 U. S. 819-820 (1975). An obviously critical aspect of making a defense is choosing a person to serve as an assistant and representative. In addition, lodging the selection of counsel with the defendant generally will promote the fairness and integrity of criminal trials.” (*Id.*, MARSHALL and BRENNAN)

“[O]ur recognition of the right to effective counsel within the Sixth Amendment was a consequence of our perception that representation by counsel “is critical to the ability of the adversarial system to produce just results.” *Strickland*, *supra*, at 685.” (*United States v. Gonzalez-Lopez*, 548 U.S. 140 (2006))

The right to counsel exists at every critical stage of a proceeding (*Mempa v. Rhay*, 389 U.S. 128, 134, 88 S. Ct. 254, 257, 19 L. Ed 2d 336 (1967)) (Fed. R. Crim. P. 44 makes clear that a defendant’s Sixth Amendment right to (the effective assistance) of counsel includes “every stage of the proceedings” including appeals (*Doherty v. U.S.*, 404 U.S. 28 (1971)) (also, the services of a lawyer will for virtually every layman be necessary to present an appeal in a form suitable for appellate consideration on the merits (*Evitts v. Lucey*, 469 U.S. 387 (1985))

“[T]he complete denial of the right to counsel ... are [Constitutional] errors that ‘necessarily render a [criminal prosecution] fundamentally unfair.’” (*Rose v. Clar*, 478 U.S. 570, 577, 106 S. Ct. 3101, 3106, 92 L. Ed. 2d 460 (1986); see also e.g., *Satterwhite v. Texas*, 486 U.S. 249, 256, 108 S. Ct. 1792, 100 L. Ed. 2d 284 (1988)). “[T]here is a great difference between having a bad lawyer and having no lawyer: if the lawyering is merely ineffective, then the decision to grant relief turns on the decree of incompetence and prejudice to the defendant; if the defendant has no lawyer, prejudice is legally presumed in every case and the defendant is entitled to

relief in every case.” (*Woodward v. Collins*, 898 F. 2d 1027, 1028 (5th Cir. 1990)) (in *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674 (1984), prejudice is presumed when counsel is denied completely, either actually or constructively.”)

“The purpose of the structural error doctrine is to ensure insistence on certain basic, constitutional guarantees that should define the framework of any criminal trial. Thus, the defining feature of a structural error is that it “affect[s] the framework within which the trial proceeds,” rather than being “simply an error in the trial process itself.” *Id.*, at 310. For the same reason, a structural error “def[ies] analysis by harmless error standards.” *Id.*, at 309 (internal quotation marks omitted)” (*Weaver v. Massachusetts*, 582 U.S. \_\_\_\_ (2017)) “[A]n error has been deemed structural if the error always results in fundamental unfairness. For example, if an indigent defendant is denied an attorney or if the judge fails to give a reasonable-doubt instruction, the resulting trial is always a fundamentally unfair one. See *Gideon v. Wainwright*, 372 U. S. 335 –345 (1963) (right to an attorney);” (*Id.*)

### **III. WHILE A CONVICTION MAY BE OVERTURNABLE ON DIRECT APPEAL (OR HABEAS), THE HARM AND INJURY TO A PERSON SUFFERING A CONVICTION CANNOT BE PROPERLY OR TIMELY RECTIFIED – BUT ONE REASON THE ASSISTANCE OF COUNSEL IS GUARANTEED UNDER THE SIXTH AMENDMENT TO BEGIN WITH.**

In a reversal of a conviction<sup>16</sup>, a court is unable to return a defendant to the status quo ante – with the instant case and that of the complete denial of the assistance of counsel, forcing the Applicant to proceed in propria persona without a

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<sup>16</sup> Although, the right to counsel may be fully retroactive (see e.g. *Michigan v. Payne*, 412 U.S. 47, 52, fn. 6 (1973); *Ashe v. Swenson*, 397 U.S. 436, 437, fn. 1 (1970); *Teague v. Lane*, 489 U.S. 288, 313-314, (1989)), there is far greater cost to forcefully advancing a tribunal against a defendant sans counsel than there is in merely appointing counsel, as Constitutionally guaranteed – in effect, such advancement is patently unusual and undeniably cruel, serving a punitive function.

bona fide unequivocal *Faretta* waiver, is patently different than ineffective assistance of counsel claims and matters tried in the proceeding.


### CONCLUSION

For the reasons stated herein, and in the interests of justice, the Court should grant a Stay of the trial proceeding and allow the Applicant through counsel (as ironic as that is), a priori; or, in the alternative, moving in propria persona, to file a Petition for a Writ of Mandamus from Fifth Circuit 25-50476; and/or as the remedy is rather simple: the appointment of counsel as guaranteed under the Sixth Amendment, to treat this Application as a Petition for Mandamus or Certiorari. Applicant also respectfully requests any other relief that the Court deems appropriate.

Applicant notes, with prejudice, when viewed inversely proportional, there is no harm or injury to the prosecution, or the public, in granting a stay, as the Applicant has already served well in excess of the U.S.S.G. range; while the prosecution has now twice formally offered the Applicant Time Served in writ.

Applicant provides his blanket consent for Amicus in support of either or neither party in (i) his request for a Stay, brought herein; and/or, separately, (ii) the appointment of counsel in the trial proceeding and applicable related matters under the Criminal Justice Act; and (iii) any other matters that may be discussed in regard to this matter heretofore.

Respectfully submitted, on this day, Aug. 15, 2025, nunc pro tunc to the earliest possible time.



/s/ Gavin B. Davis

GAVIN B. DAVIS, PRO PER  
APPLICANT

No. \_\_\_\_\_

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In The  
Supreme Court of the United States



IN RE GAVIN B. DAVIS,  
Applicant,



CERTIFICATE OF COMPLIANCE



As required by Supreme Court Rule 33.1 (h), I certify that the Rule 23 Application for a Stay contains 7,559 qualified words, excluding the parts of the document that are exempted by Rule 33.1 (d). The aforementioned is declared under penalty of perjury as true and correct pursuant to 28 U.S.C. § 1746. Executed on August 5, 2025.

A handwritten signature in blue ink, appearing to be 'Gavin B. Davis'.

*/s/ Gavin B. Davis*  
GAVIN B. DAVIS, Pro Per  
*Applicant*

No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

---

**IN RE GAVIN B. DAVIS,**

**Applicant,**

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**On Petition for a Writ of Mandamus to the  
United States Court of Appeals, Fifth Circuit**

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**CERTIFICATE OF SERVICE**

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As required by Supreme Court Rule 39.2, 22.2, 29.5 (c), Proof of Service, I certify that one (1) copy of the Rule 23 Application was completed via U.S. Mail to Respondent, United States of America, Solicitor General of the United States at Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington D.C. 20530-0001. AUSA B. Richardson (San Antonio TX) waived service of process of all legal correspondence on October 22, 2024. The aforementioned is declared under penalty of perjury as true and correct pursuant to 28 U.S.C. § 1746. Executed on August 6, 2025.

  
GAVIN B. DAVIS, Pro Per  
Applicant

**United States Court of Appeals  
for the Fifth Circuit**

United States Court of Appeals  
Fifth Circuit

**FILED**

August 12, 2025

Lyle W. Cayce  
Clerk

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No. 25-50476

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IN RE GAVIN BLAKE DAVIS,

*Petitioner.*

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Petition for Writ of Mandamus to the  
United States District Court  
for the Western District of Texas  
USDC No. 5:22-CR-219-1

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**UNPUBLISHED ORDER**

Before GRAVES, HO, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

Gavin Blake Davis, a criminal defendant awaiting trial on three counts of cyberstalking in violation of 18 U.S.C. § 2261A(2)(B), one count of making a threatening communication in violation of 18 U.S.C. § 875(c), and one count of threatening to murder a federal law enforcement officer with the intent to interfere with the officer's duties in violation of 18 U.S.C. § 115(a)(1)(B), has filed in this court (i) a pro se petition for a writ of mandamus; (ii) a motion requesting leave to file his mandamus petition in forma pauperis (IFP); (iii) a motion to stay his underlying criminal proceeding; (iv) a motion for the termination of his current standby counsel and for the appointment of new counsel; (v) a motion to disqualify the district

No. 25-50476

court judge; and (vi) motion for an expedited ruling. The motion for leave to proceed IFP is GRANTED.

In his mandamus petition, Davis contends that the district court in his underlying criminal proceeding is erroneously refusing to appoint him counsel and, thus, denying him his Sixth Amendment right to counsel. He requests that we issue an order that appoints him counsel in his criminal proceeding and that includes a finding that the district court's grant "of substitute attorneys on a Pro Hac Vice basis . . . be provided pursuant to the Criminal Justice Act."

"Mandamus is an extraordinary remedy that should be granted only in the clearest and most compelling cases." *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987). A party seeking mandamus relief must show both that he has no other adequate means to obtain the requested relief and that he has a "clear and indisputable" right to the writ. *Id.* (internal quotation marks and citation omitted). Mandamus is not a substitute for appeal. *Id.* Particularly in criminal cases, "appellate review should be postponed, except in certain narrowly defined circumstances, until after final judgment has been rendered by the trial court." *Will v. United States*, 389 U.S. 90, 96 (1967).

Davis has not shown that his challenge to the district court's purported denial of his right to counsel under the Sixth Amendment cannot be raised on direct appeal after a final judgment is entered. *See Campanioni v. Barr*, 962 F.2d 461, 464 (5th Cir. 1992) ("Where an interest can be vindicated through direct appeal after a final judgment, this court will ordinarily not grant a writ of mandamus."); *see also, e.g., United States v. Pollani*, 146 F.3d 269, 272–74 (5th Cir. 1998) (addressing on direct appeal defendant's claim that he was deprived of his right to counsel in his criminal proceedings). As to his request for a finding that an unnamed attorney be admitted pro hac vice under the Criminal Justice Act, he has not

No. 25-50476

demonstrated a “clear and indisputable” right to the writ. *In re Willy*, 831 F.2d at 549 (internal quotation marks and citation omitted).

Further, to the extent that Davis seeks our review of the district court’s January 27, 2025 and February 21, 2025 orders denying his motions for recusal, he may do so by way of a mandamus petition. *See In re Chevron U.S.A., Inc.*, 121 F.3d 163, 165 (5th Cir. 1997); *In re Corrugated Container Antitrust Litig. Steering Comm. v. Mead Corp.*, 614 F.2d 958, 961 n.4 (5th Cir. 1980). However, under the statutes governing recusal, 28 U.S.C. § 144 and § 455, bias warranting disqualification must be personal, rather than judicial. *United States v. Scroggins*, 485 F.3d 824, 829–30 & n.19 (5th Cir. 2007). Davis fails to point to rulings that “reveal an opinion based on an extrajudicial source” or “demonstrate such a high degree of antagonism as to make fair judgment impossible.” *Id.* at 830. As such, he has not provided support for any allegations of judicial bias or demonstrated a “clear and indisputable right” to a writ of mandamus compelling recusal or the reassignment of his pending lawsuits to a different judge. *In re Willy*, 831 F.2d at 849 (internal quotation marks and citation omitted).

The petition for a writ of mandamus is DENIED. Davis’s remaining motions are likewise DENIED.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

August 12, 2025

Mr. Philip Devlin  
Western District of Texas, San Antonio  
United States District Court  
262 W. Nueva Street  
Suite G65  
San Antonio, TX 78207

No. 25-50476 In re: Gavin Davis  
USDC No. 5:22-CR-219-1

Dear Mr. Devlin,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Lisa E. Ferrara*

By: \_\_\_\_\_  
Lisa E. Ferrara, Deputy Clerk  
504-310-7675

**General Docket**  
**United States Court of Appeals for the Fifth Circuit**

**Court of Appeals Docket #:** 25-50476**Docketed:** 06/16/2025

In re: Gavin Davis

**Termed:** 08/12/2025**Appeal From:** Western District of Texas, San Antonio**Fee Status:** In Forma Pauperis**Case Type Information:**

- 1) Original Proceeding
- 2) NP Mandamus
- 3)

**Originating Court Information:****District:** 0542-5 : 5:22-CR-219-1**Originating Judge:** Samuel Fred Biery, Jr., U.S. District Judge**Date Rec'd COA:**

06/16/2025

**Panel Assignment:** Not available

In re: Gavin Blake Davis  
Petitioner

Gavin Blake Davis  
[NTC Pro Se]  
6245 Waldon Walk  
San Antonio, TX 78261

In re Gavin Blake Davis,

Petitioner

06/16/2025	<input type="checkbox"/> <u>1</u>	ORIGINAL PROCEEDING CASE docketed. [25-50476] (CAG) [Entered: 06/16/2025 08:53 AM]
06/16/2025	<input type="checkbox"/> <u>2</u> 193 pg, 18.22 MB	PETITION filed by Petitioner Mr. Gavin Blake Davis for writ of mandamus [2]. Date received in 5th Circuit: 06/16/2025. [25-50476] (CAG) [Entered: 06/16/2025 08:54 AM]
06/16/2025	<input type="checkbox"/> <u>3</u> 0 pg, 0 KB	MOTION to proceed in forma pauperis [3] with incorporated financial affidavit. [25-50476] (CAG) [Entered: 06/16/2025 08:58 AM]
06/16/2025	<input type="checkbox"/> <u>4</u>	JURISDICTIONAL REVIEW COMPLETE. [25-50476] (CAG) [Entered: 06/16/2025 09:00 AM]
06/16/2025	<input type="checkbox"/> <u>8</u> 39 pg, 3.99 MB	EXHIBITS IN SUPPORT of Petition for writ of mandamus [2] filed by Petitioner Mr. Gavin Blake Davis Date of Service: 06/16/2025 [25-50476] (LEF) [Entered: 06/18/2025 08:32 AM]
06/17/2025	<input type="checkbox"/> <u>10</u> 11 pg, 235.29 KB	MOTION filed by Petitioner Mr. Gavin Blake Davis to stay district court proceedings [10]. Date of service: 06/17/2025 [25-50476] (LEF) [Entered: 06/18/2025 08:36 AM]
06/18/2025	<input type="checkbox"/> <u>14</u> 12 pg, 1.14 MB	MEMO IN SUPPORT of Petition for writ of mandamus [2] filed by Petitioner Mr. Gavin Blake Davis [25-50476] (CAG) [Entered: 06/19/2025 01:00 PM]
06/23/2025	<input type="checkbox"/> <u>18</u> 6 pg, 649.64 KB	MOTION filed by Petitioner Mr. Gavin Blake Davis to appoint counsel [18]. [25-50476] (CAG) [Entered: 06/23/2025 08:57 AM]
06/25/2025	<input type="checkbox"/> <u>21</u> 14 pg, 375.85 KB	MOTION filed by Petitioner Mr. Gavin Blake Davis to disqualify District Court Judge Samuel Fred Biery, Jr. from the case [21]. Date of service: 06/25/2025 [25-50476] (LEF) [Entered: 06/30/2025 10:19 AM]
06/25/2025	<input type="checkbox"/> <u>22</u> 5 pg, 211.27 KB	Notice of Errata filed by Petitioner Mr. Gavin Blake Davis referencing Motion to disqualify district court judge filed by Petitioner Mr. Gavin Blake Davis in 25-50476 [21]. [25-50476] (LEF) [Entered: 06/30/2025 10:21 AM]
06/28/2025	<input type="checkbox"/> <u>25</u> 7 pg, 225.49 KB	MOTION filed by Petitioner Mr. Gavin Blake Davis for expedited ruling on Petition for writ of mandamus [2]. Motion to stay district court proceedings [10] [25]. Date of service: 06/28/2025 [25-50476] (LEF) [Entered: 07/03/2025 10:00 AM]
06/28/2025	<input type="checkbox"/> <u>26</u> 3 pg, 162.51 KB	Notice of Errata filed by Petitioner Mr. Gavin Blake Davis referencing Motion for expedited ruling on motion filed by Petitioner Mr. Gavin Blake Davis in 25-50476 [25]. [25-50476] (LEF) [Entered: 07/03/2025 10:02 AM]
06/29/2025	<input type="checkbox"/> <u>27</u> 4 pg, 164.9 KB	LETTER filed by Petitioner Mr. Gavin Blake Davis Correspondence Rule 23 Application to Stay - SCOTUS Shelf Filing. [25-50476] (LEF) [Entered: 07/03/2025 10:04 AM]
06/30/2025	<input type="checkbox"/> <u>28</u> 1 pg, 46.44 KB	DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the financial affidavit received from Petitioner Mr. Gavin Blake Davis because it is unnecessary. A financial affidavit is already filed. [25-50476] (LEF) [Entered: 07/03/2025 10:08 AM]
07/01/2025	<input type="checkbox"/> <u>32</u> 7 pg, 186.75 KB	LETTER filed by Petitioner Mr. Gavin Blake Davis concerning stand by counsel. [25-50476] (LEF) [Entered: 07/08/2025 04:11 PM]
07/02/2025	<input type="checkbox"/> <u>29</u> 5 pg, 171.78 KB	LETTER filed by Petitioner Mr. Gavin Blake Davis referencing Motion for expedited ruling on motion filed by Petitioner Mr. Gavin Blake Davis in 25-50476 [25]. [25-50476] (LEF) [Entered: 07/03/2025 10:19 AM]
07/03/2025	<input type="checkbox"/> <u>33</u> 17 pg, 605.93 KB	DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the application to Supreme Court received from Petitioner Mr. Gavin Blake Davis because we do not accept copies of filings in other courts [25-50476] (LEF) [Entered: 07/08/2025 04:28 PM]
07/08/2025	<input type="checkbox"/> <u>34</u> 7 pg, 1.71 MB	LETTER filed by Petitioner Mr. Gavin Blake Davis Correspondence Rule 23 Application to SCOTUS update. [25-50476] (LEF) [Entered: 07/08/2025 04:37 PM]
07/17/2025	<input type="checkbox"/> <u>35</u> 5 pg, 251.11 KB	LETTER filed by Petitioner Mr. Gavin Blake Davis Correspondence 5CCA Interlocutory Status. [25-50476] (LEF) [Entered: 07/18/2025 04:15 PM]
07/18/2025	<input type="checkbox"/> <u>36</u> 4 pg, 164.61 KB	LETTER filed by Petitioner Mr. Gavin Blake Davis Correspondence SCOTUS Rule 23 Application to Stay and Motion to Stay. [25-50476] (LEF) [Entered: 07/18/2025 04:19 PM]
07/23/2025	<input type="checkbox"/> <u>37</u> 4 pg, 168 KB	LETTER filed by Petitioner Mr. Gavin Blake Davis Correspondence regarding 25-50537. [25-50476] (LEF) [Entered: 07/23/2025 02:32 PM]
08/12/2025	<input type="checkbox"/> <u>51</u> 4 pg, 135.07 KB	COURT ORDER denying Petition for writ of mandamus filed by Petitioner Mr. Gavin Blake Davis [2]; granting Motion to proceed IFP [3]; denying Motion to stay his underlying criminal proceeding filed by Petitioner Mr. Gavin Blake Davis [10]; denying Motion for termination of his current standby counsel and for appointment of new counsel filed by Petitioner Mr. Gavin Blake Davis [18]; denying Motion to disqualify district court judge filed by Petitioner Mr. Gavin Blake Davis [21]; denying Motion for expedited ruling filed by Petitioner Mr. Gavin Blake Davis [25]. [25-50476] (LEF) [Entered: 08/12/2025 08:53 AM]
08/12/2025	<input type="checkbox"/> <u>53</u> 15 pg, 310.15 KB	DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the petition for panel rehearing received from Petitioner Mr. Gavin Blake Davis because a petition for panel rehearing is not allowed on a dispositive administrative order ruling on a mandamus. A motion for reconsideration and/or a petition for rehearing en banc are allowed. [25-50476] (LEF) [Entered: 08/13/2025 09:41 AM]

08/13/2025



54

14 pg, 256.16 KB

MOTION filed by Petitioner Mr. Gavin Blake Davis for reconsideration of the 08/12/2025 court order denying Motion for termination of his current standby counsel and for appointment of new counsel filed by Petitioner Mr. Gavin Blake Davis in 25-50476 [18] [54]. Date of service: 08/13/2025 [25-50476] (LEF) [Entered: 08/14/2025 10:34 AM]

☒ **Documents and Docket Summary**☐ **Documents Only**☐ **Include Page Numbers****Selected Pages: 0      Selected Size: 0 KB      (Max: 20 MB)****Totals reflect accessible documents only and do not include unauthorized restricted documents.**

PACER Service Center			
Transaction Receipt			
5th Circuit - Appellate - 08/14/2025 21:02:00			
PACER Login:	gavinbdavis	Client Code:	
Description:	Docket Report (filtered)	Search Criteria:	25-50476
Billable Pages:	2	Cost:	0.20