

SEP 29 2025

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SUPREME COURT OF THE UNITED STATES

TRENDELL WALKER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

No. _____

MOTION FOR STAY PENDING CERTIORARI

To the Honorable Justices of the Supreme Court of the United States:

Petitioner, proceeding pro se, respectfully moves this Court pursuant to 28 U.S.C. § 2101(f), Supreme Court Rule 23, and the All Writs Act, 28 U.S.C. § 1651, to stay proceedings in the United States District Court for the Eastern District of New York (No. 2:16-cr-369) pending disposition of his Petition for Writ of Certiorari.

I. Extraordinary Jurisdiction — Not Premature

This Court has long exercised extraordinary jurisdiction where liberty is unlawfully restrained without valid judicial power: *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866); *Ex parte Quirin*, 317 U.S. 1 (1942); *Boumediene v. Bush*, 553 U.S. 723 (2008).

Here, jurisdiction never attached: forged warrants (MJ 16-527), abandonment of docket MJ 16-00535, indictments (DE 9, 22, 25) never filed in open court, and no venue established. Venue defects are jurisdictional. *Johnson v. United States*, 351 U.S. 215 (1956); *United States v. Cabrales*, 524 U.S. 1 (1998).

Where jurisdiction never attaches, there is nothing to appeal. *United States v. Cotton*, 535 U.S. 625 (2002); *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

II. Square Circuit Conflict

The Petition presents a direct split under Rule 10(a):

- *United States v. McMurtrey*, 704 F.3d 502 (7th Cir. 2013) — hearing mandatory once forgery shown.
- *United States v. Stanert*, 762 F.2d 775 (9th Cir. 1985) — hearing required once false affidavit proven.
- *United States v. Kapordelis*, 569 F.3d 1291 (11th Cir. 2009) — hearing required when forgery credibly alleged.

The Second Circuit refused to adjudicate DE 158 (Feb. 18, 2025) and denied mandamus (No. 24-1400, Sept. 18, 2025). That defies *Franks v. Delaware*, 438 U.S. 154 (1978) and conflicts with other circuits.

III. Structural Error — Not Harmless Error

This Court distinguishes ordinary error from structural error. *Arizona v. Fulminante*, 499 U.S. 279 (1991). Forged warrants, sham indictments, and un rebutted suppression motions are jurisdictional defects that void proceedings ab initio. *Cotton*, supra; *Ex parte Siebold*, 100 U.S. 371 (1879).

IV. Nken Factors

Stay factors from *Nken v. Holder*, 556 U.S. 418 (2009), are satisfied:

1. Likelihood of Success: Forged warrants, no venue, sham indictments. *Franks*, *Cabrales*, *Cotton*, *Hazel-Atlas*.
2. Irreparable Harm: Petitioner faces imminent sentencing (Oct. 2, 2025) after 9+ years custody.
3. Balance of Equities: Government suffers no prejudice; petitioner suffers unlawful detention.
4. Public Interest: Public confidence demands halting prosecutions based on forged warrants.

V. Judicial Notice

Petitioner incorporates by reference: DE 1, 9, 22, 25, 54, 80, 94, 86, 102, 112, 158; April 9, 2021 (Feuerstein death); April 12, 2021 (reassignment to Seybert); Second Circuit order (Sept. 18, 2025).

VI. Prayer for Relief

For these reasons, petitioner respectfully prays this Court stay all further proceedings, including sentencing scheduled for October 2, 2025, in the Eastern District of New York, pending disposition of the Petition for Writ of Certiorari.

Respectfully submitted,

Trendell Walker
Petitioner, Pro Se
P.O. Box 329002
Brooklyn, NY 11232
Reg. No. 89381-053

Dated: September 25, 2025
[L.S.]

Digitally Signed: Trendell Walker [L.S.]

SUPREME COURT OF THE UNITED STATES

CERTIFICATE OF SERVICE

I, Trendell Walker, certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that on **September 29, 2025**, I deposited into the custody of the United States Postal Service, by **Certified Mail – Overnight Delivery, Return Receipt Requested**, true and correct copies of the following documents for filing with the **Supreme Court of the United States**:

- Motion for Leave to Proceed In Forma Pauperis and Affidavit of Declaration
- Petition for Writ of Habeas Corpus
- Petition for Writ of Certiorari
- **Emergency Motion for Stay Pending Certiorari**

In compliance with Supreme Court Rule 29, I also served true and correct copies of the above-listed documents by **Certified Mail – Overnight Delivery** on:

D. John Sauer, Solicitor General of the United States

Office of the Solicitor General
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Certified Mail Tracking No.: EI 336 939 190 US

Respectfully submitted,

Trendell Walker
P.O. Box 329002
Brooklyn, NY 11232
Reg. No. 89381-053

Dated: September 29, 2025

Digitally signed: Trendell Walker [L.S.]

