SUPREME COURT OF THE UNITED STATES

JULIANA SLOTO

Respondent – Appellant

v.

CHRISTIAN KARVELID

Petitioner – Appellee

EMERGENCY APPLICATION TO JUSTICE JACKSON FOR STAY OF RETURN ORDER PENDING APPEAL

Applicant, Juliana Sloto, respectfully applies to Justice Jackson, as Circuit Justice for the First Circuit, for an emergency stay of the U.S. District Court for the District of Massachusetts's order (Sept. 25, 2025) requiring the immediate return of her minor daughter to Sweden.

I. URGENCY

Removal is imminent. Appellee has scheduled the minor child's departure from Boston on Thursday, October 16, 2025, at 4:50 PM ET. If removal occurs, Applicant's appeal in the First Circuit will be irreparably undermined, and the harm to the child will be irreversible.

II. PROCEDURAL HISTORY

- Sept. 25, 2025: District court ordered return of the child to Sweden.
- Oct. 9, 2025: Applicant filed Notice of Appeal in the First Circuit.
- Oct. 13, 2025: First Circuit denied stay without prejudice, directing application to district court.
- Oct. 14, 2025: District court denied stay.
- Oct. 14, 2025: First Circuit denied renewed emergency motion.
- Child's Scheduled Departure: Thursday, Oct. 16, 2025, at 4:50 PM..

III. LEGAL STANDARD

When evaluating a motion to stay the return of a child in a Hague Convention proceeding, The Supreme Court considers: "(1) whether the stay application has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of a stay will substantially injure other parties interested in the proceeding; and (4) where the public interest lies." *Chafin v. Chafin*, 568 U.S. 165, 179 (2013). The First Circuit has a demonstrated history of granting motions to stay pending appeal in Hague Convention proceedings. *See, e.g.*, *Danaipour v. McLarey*, 286 F. 3d 1, 11 (1st Cir. 2002); *Charalambous v. Charalambous*, 627 F.3d 462, 465 (1st Cir. 2010).

IV. ARGUMENT

A. Appellant's Appeal of the Order is Likely to Succeed on the Merits.

Where an appeal is likely to succeed on the merits, the Supreme Court has stated that granting a stay of an order pending the outcome of an appeal is the preferred outcome. The district court concluded Sweden remained the child's habitual residence by August 2024, but failed to weigh undisputed evidence. On August 18, 2024, Applicant notified Appellee of the child's acceptance into a Boston school. Appellee thereafter signed official withdrawal papers removing the child from Swedish school so she could attend Boston school through December 2024. The Hague petition was not filed until nearly a year later. Under *Monasky v. Taglieri*, 589 U.S. 68 (2020), habitual residence turns on both acclimatization and shared parental intent. Appellee's own actions demonstrate affirmative parental intent to prolong U.S. residence. Instead of recognizing this evidence, the district court supplied a theory that Applicant "tricked" Appellee—an argument he never made—thus improperly substituting judicial speculation for petitioner's proof. This was legal error, not a credibility call.

The Hague Convention and ICARA place the burden on the petitioner. Yet the district court drew inferences to cure Appellee's deficiencies as a pro se litigant, effectively acting as his advocate. The First Circuit has cautioned against this exact error. *See Danaipour v. McLarey*, 286 F.3d 1, 14 (1st Cir. 2002). Such burden-shifting is a reviewable legal error that makes success on appeal likely.

The Child will suffer irreparable harm if she is required to return to Sweden during the pendency of this appeal. The purpose of the Hague Convention is to protect children from the harm and disruption of their wrongful removal to another country. Removal will cause the child immediate and profound harm, including abrupt separation from her mother. Unrebutted expert testimony (Dr. B.J. Cling) established that forced separation from Applicant would cause serious psychological harm. The school counselor and teacher corroborated this risk. Swedish legal memoranda confirmed Applicant would face detention upon return, rendering separation "immediate and inevitable." The district court discounted this as "hypothetical" harm, in direct conflict with *Walsh v. Walsh*, 221 F.3d 204, 218 (1st Cir. 2000), which recognizes grave risk where professional evidence establishes substantial danger.

Together, these errors raise serious, substantial questions of law and fact. Applicant's appeal is not only colorable—it is strong.

B. <u>The Child Will Be Irreparably Harmed in the Absence of a Stay.</u>

If removal occurs Thursday, the First Circuit appeal becomes effectively moot. The child faces abrupt, potentially permanent separation from her primary caregiver and community, causing immediate trauma. Such harm cannot be undone by a later appellate ruling.

C. Appellee Would Not Be Substantially Harmed If a Stay of the Order Were to Be Granted.

Appellee delayed nearly a year before filing his Hague petition. A brief stay during expedited appellate review will not prejudice him. By contrast, Applicant and child face permanent harm if the stay is denied.

D. The Public Interest Strongly Weighs in Favor of Issuing a Stay.

The fundamental purpose of the Hague Convention is to protect children. Preventing certain psychological harm to the Child while this appeal proceeds comports with this purpose. A brief stay maintains stability while appellate review proceeds and is squarely in the public interest. *See Walsh v. Walsh*, 221 F.3d 204, 218 (1st. Cir 2000).

V. RELIEF REQUESTED

Applicant respectfully requests:

1. A temporary administrative stay pending full consideration of this application.
2. A stay of the district court's Sept. 25, 2025 return order until final resolution of the appeal in the First Circuit.
3. In the alternative, Applicant respectfully requests referral of this application to the full Court.

Dated: October 15, 2025

Respectfully submitted,
JULIANA SLOTO, Pro Se

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Juliana Sloto