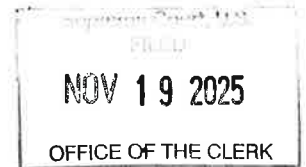


25A 722



IN THE SUPREME COURT OF THE UNITED STATES

No. ____ – IN CHAMBERS

RICHARD R. LAWLESS,

Applicant,

v.

UNITED STATES OF AMERICA, et al.,

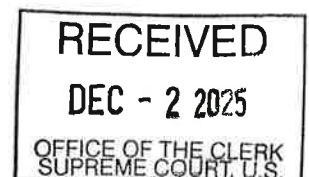
Respondents.

EMERGENCY APPLICATION FOR A STAY OF DISMISSAL

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of
the United States and Circuit Justice for the Ninth Circuit

RELIEF REQUESTED

Applicant respectfully requests an emergency stay of the Ninth Circuit's
November 19, 2025 dismissal of Appeal No. 25-5780, pending the filing and
disposition of a forthcoming petition for certiorari.



150 QUESTIONS PRESENTED

151 1. Whether a stay is warranted where the Ninth Circuit dismissed a federal
152 civil-rights appeal as “frivolous” under 28 U.S.C. § 1915(e)(2), despite the
153 record containing substantial federal evidence—including docketed filings
154 from the Southern District of New York PROMESA Title III proceedings—
155 directly relevant to the issues raised in the appeal.

156
157 2. Whether a stay is warranted to preserve Applicant’s access to appellate
158 review where the Ninth Circuit’s dismissal forecloses consideration of
159 constitutional issues, whistleblower protections, and federal statutory
160 obligations material to the underlying case.

161
162 INTRODUCTION

163 On November 19, 2025, the United States Court of Appeals for the Ninth
164 Circuit dismissed Applicant’s civil-rights appeal, Case No. 25-5780, as
165 “frivolous” under 28 U.S.C. § 1915(a), (e)(2). The order simultaneously
166 denied in forma pauperis status and directed that “no further filings will be
167 entertained,” effectively terminating appellate review.

168
169 Applicant seeks only one form of emergency relief at this time: a temporary
170 stay of the dismissal order so that he may file a petition for certiorari
171 presenting the underlying legal issues to this Court.

172
173 STATEMENT OF THE CASE AND PROCEDURAL POSTURE

174 1. Applicant filed a civil-rights action in the Central District of California,
175 Case No. 5:25-cv-00773-JWH-SP.

176 2. The district court entered judgment on September 2, 2025. Applicant
177 timely filed a notice of appeal.

178 3. The appeal was docketed in the Ninth Circuit as Case No. 25-5780 on
179 September 12, 2025.

180 4. On November 19, 2025, a Ninth Circuit panel dismissed the appeal as
181 “frivolous” and denied IFP status.

182 5. The order stated that “no further filings will be entertained,” thereby
183 precluding Applicant from filing motions for reconsideration, rehearing, or
184 relief pending appeal.

185 6. Applicant intends to file a petition for certiorari raising constitutional
186 due-process issues and addressing the Ninth Circuit’s application of §
187 1915(e)(2).

188
189 **ARGUMENT**

190 **I. A Stay Is Necessary to Preserve This Court’s Jurisdiction**

191 The Ninth Circuit’s order will soon be followed by issuance of the mandate,
192 after which Applicant will be unable to seek rehearing or further relief. The
193 dismissal will become final without opportunity for meaningful review. This
194 Court may issue interim relief to preserve its future jurisdiction.

195
196 **II. The Ninth Circuit’s Dismissal Raises Substantial Questions of Law**

197 Applicant’s appeal involves unresolved questions concerning the standard
198 for dismissing an appeal as frivolous, the denial of appellate jurisdiction to a
199 pro se civil-rights litigant, and the effect of federal-agency evidence
200 appearing in related proceedings.

202 **III. Applicant Will Suffer Irreparable Harm Without a Stay**

203 Once the mandate issues, Applicant will lose the opportunity to petition for
204 rehearing, rendering the matter effectively unreviewable.

206 **IV. The Balance of Hardships Strongly Favors a Stay**

207 A stay preserves the status quo and imposes no prejudice on Respondents.
208 Applicant would suffer permanent harm if this Court's review is foreclosed.

210 **CONCLUSION**

211 For these reasons, Applicant respectfully requests that the Honorable Elena
212 Kagan enter an order staying the Ninth Circuit's November 19, 2025
213 dismissal in Case No. 25-5780, pending the timely filing and disposition of a
214 petition for certiorari.

216 Attachment – Copy of Ninth Circuit Motion to hear En Banc **(EXHIBIT A)**

217 Copy of the Ninth Circuit Order **(EXHIBIT B)**

219 Respectfully submitted,

221 Richard R. Lawless
222 30279 Redding Avenue
223 Murrieta, CA 92563
224 Phone: 951-440-5230
225 Email: richardrlawless@gmail.com
226 Applicant, Pro Se

227

228 Dated: November 19, 2025

229 CERTIFICATE OF SERVICE

230 I certify that on November 19, 2025, a copy of this Emergency Application
231 for a Stay was served by U.S. mail and email upon:

232

233 Bilal A. Essayli

234 United States Attorney

235 Office of the U.S. Attorney

236 Central District of California

237 300 North Los Angeles Street

238 Los Angeles, CA 90012

239 Email: Bilal.Essayli@usdoj.gov

240

241 Paul B. Green

242 Assistant United States Attorney

243 Office of the U.S. Attorney

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245 300 North Los Angeles Street

246 Los Angeles, CA 90012

247 Email: Paul.Green@usdoj.gov

248

Executed on November 19, 2025.

Richard R. Lawless

EXHIBIT A

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

RICHARD R. LAWLESS,
Plaintiff–Appellant,

v.

UNITED STATES OF AMERICA, et al.,
Defendants–Appellees.

Case No. **25-5780**

PETITION FOR PANEL REHEARING AND

PETITION FOR REHEARING EN BANC

(FRAP 35 & FRAP 40; 9th Cir. Rules 35-1 & 40-1)

I. INTRODUCTION

Pursuant to **Federal Rules of Appellate Procedure 35 and 40**, Appellant respectfully petitions for **Panel Rehearing** and **Rehearing En Banc** of the Court’s November 19, 2025 Order dismissing this appeal as “frivolous” under 28 U.S.C. § 1915(a), (e)(2).

Rehearing is warranted because:

1. This appeal presents large-scale federal misconduct issues of **exceptional national importance**;

- 274 2. Another federal court has now docketed **RICO-based evidence**
275 central to this appeal;
- 276 3. Multiple independent regulatory bodies are actively evaluating
277 Appellant's submissions;
- 278 4. Appellant is a **Dodd–Frank SEC Whistleblower** whose evidence was
279 deemed “**specific, significant, and credible**” by the SEC, which
280 opened and maintains an **active investigation** based on that
281 evidence;
- 282 5. Statutory **judicial and prosecutorial disqualification** issues under **28**
283 **U.S.C. § 455** were not considered; and
- 284 6. A second related appeal (No. 25-6000) remains active before this
285 Court.

286 No reasonable jurist could characterize such an appeal as frivolous.

287

288 **II. INTERVENING FEDERAL PROCEEDINGS REQUIRE REHEARING**

289 **A. PROMESA Title III Court Docketed RICO Evidence (ECF 5924–5929)**

290 After Appellant's notice of appeal, the **S.D.N.Y. PROMESA Title III Court (17-**
291 **4780)** docketed multiple filings by Appellant:

- 292 • **ECF 5924 – Motion to Stay All Proceedings Pending Investigation of**
293 **Newly Docketed RICO Evidence**
- 294 • **ECF 5925 – Supplemental RICO Filing under 11 U.S.C. § 362(b)(4)**
- 295 • **ECF 5926 – Motion to Inform re: Related Federal Proceedings**
- 296 • **ECF 5927 – Notice under 28 U.S.C. § 586(a)(3)**
- 297 • **ECF 5928 – Motion to Disqualify Ernst & Young LLP; Request for 18**
298 **U.S.C. § 3057(a) Referral**
- 299 • **ECF 5929 – Additional filings supplementing the record**

300 Additionally, on November 6, 2025, **Ernst & Young LLP**, through **Adam**
301 **Chepenik**, filed a **Fifth Supplemental Declaration** acknowledging its
302 continuing role in PREPA financial disclosures while Chepenik authored the
303 22-page Treasury–SEC email identifying the 2013 PREPA bond issuance as
304 fraudulent.

305 A federal appellate claim cannot be “frivolous” when another Article III
306 court is actively considering the same evidence as credible and material.

307
308 **B. Appellant Is an SEC Dodd–Frank Whistleblower Deemed Credible by the**
309 **Agency**

310 Appellant is a **Dodd–Frank SEC Whistleblower** (SEC File No. PREPA-B-2949).
311 The SEC Whistleblower Office formally determined that his allegations
312 were:

313 **“Specific, significant, and credible.”**

314 This determination followed a **multi-layer review** by dozens of SEC
315 enforcement attorneys and outside experts and resulted in the SEC opening
316 an **active enforcement investigation**, which remains ongoing.

317 The SEC’s findings alone preclude any conclusion that Appellant’s
318 allegations are frivolous.

319
320 **III. MANDATORY RECUSAL ISSUES UNDER 28 U.S.C. § 455 WERE**
321 **OVERLOOKED**

322 Judicial and prosecutorial disqualification is mandatory where:

- 323 • impartiality “may reasonably be questioned” (§455(a));
- 324 • the judge has personal knowledge of disputed facts (§455(b)(1)); or
- 325 • the judge or participants may become material witnesses
326 (§455(b)(5)).

These issues are now central because:

- The **District Judge** is implicated in the RICO-related allegations docketed in the PROMESA court;
- The **U.S. Attorneys** in this appeal are the subjects of
 - a **California State Bar Complaint**,
 - a **Judicial Misconduct Committee inquiry**,
 - and IRS Criminal Division notice;
- The **Region 21 U.S. Trustee** has statutory duties under **28 U.S.C. § 586(a)(3)** to investigate and possibly refer criminal conduct arising from the docketed RICO filings.

The panel did not consider these statutory disqualification issues.

IV. MULTIPLE PROFESSIONAL AND REGULATORY BODIES CONFIRM THE NON-FRIVOLOUS NATURE OF THE APPEAL

The following bodies are independently reviewing the same evidence:

1. California State Bar

Reviewing alleged prosecutorial misconduct by U.S. Attorneys involved in this case.

2. Ninth Circuit Judicial Misconduct Committee

Reviewing allegations of judicial bias and failure to address material federal evidence.

3. IRS Criminal Investigations Division (IRS-CID)

Notified of suspected securities, tax, and false-statement violations involving the PREPA bond transactions.

4. Region 21 U.S. Trustee

Statutorily obligated to evaluate the RICO allegations and determine whether criminal referral is required.

Multiple federal and state agencies reviewing the same evidence is incompatible with a finding of frivolousness.

V. RELATED APPEAL NO. 25-6000 REMAINS ACTIVE

The issues in this appeal (25-5780) and the still-pending appeal (25-6000) are materially identical.

The Court cannot:

- accept jurisdiction in 25-6000
- while declaring identical issues in 25-5780 “frivolous.”

Rehearing is required to avoid inconsistent intra-circuit results.

VI. ISSUES OF EXCEPTIONAL NATIONAL IMPORTANCE (FRAP 35(a)(2))

This case involves:

- Federal agencies withholding material evidence of securities fraud;
- Congressional deception during PROMESA hearings;
- Conflicts involving the SEC, Treasury, DOJ, FOMB, and EY;
- A federal whistleblower who has been deemed credible by the SEC;
- Active investigations by multiple oversight bodies;
- Statutory duties triggered under PRRADA and 28 U.S.C. § 586;
- A federal court (PROMESA Title III) docketing RICO allegations and related evidence.

Few appeals present misconduct issues of this magnitude.
En banc review is necessary to maintain public confidence in the federal
judiciary.

VII. CONCLUSION

Appellant respectfully requests that the Court:

1. **Grant Panel Rehearing;**
2. **Grant Rehearing En Banc;**
3. **Vacate the November 19, 2025 dismissal order;**
4. **Reinstate Appeal No. 25-5780 for full briefing on the merits.**

Dated: **November 19, 2025**
/s/ **Richard R. Lawless**
Pro Se Appellant
30279 Redding Avenue
Murrieta, CA 92563
(951) 440-5230
richardrlawless@gmail.com

CERTIFICATE OF COMPLIANCE

This petition complies with FRAP 35, FRAP 40, and FRAP 32.
The petition contains fewer than 3,900 words.

Dated: **November 19, 2025**
/s/ **Richard R. Lawless**

CERTIFICATE OF SERVICE

I certify that on the date below, I caused this Petition for Panel Rehearing and Rehearing En Banc to be served on all parties via the Court's CM/ECF system.

Dated: **November 19, 2025**

/s/ **Richard R. Lawless**

EXHIBIT B

Case: 25-5780, 11/19/2025, DktEntry: 18.1, Page 1 of 1

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD R. LAWLESS,

Plaintiff - Appellant,

v.

No. 25-5780

D.C. No.

FILED

NOV 19 2025

MOLLY C. DWYER, CLERK

U.S. COURT OF APPEALS

5:25-cv-00773-JWH-SP

Central District of California,

Riverside

UNITED STATES OF AMERICA; et al.,

424 **Defendants - Appellees.**

425 **ORDER**

426 **Before: SILVERMAN, TALLMAN, and BUMATAY, Circuit Judges.**

427 **After considering the responses to the court's September 23, 2025 order,**
428 **we**

429 **deny the motion to proceed in forma pauperis (Docket Entry No. 3) and**
430 **dismiss this appeal as frivolous. See 28 U.S.C. § 1915(a), (e)(2).**

431 **All other pending motions are denied as moot.**

432 **No further filings will be entertained in this closed case.**

433 **DISMISSED.**