25A736

No. 25-473

In the Supreme Court of the United States

ANGELA W. DEBOSE, PETITIONER

v.

FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPLICATION FOR STAY OF PROCEEDINGS IN UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, PENDING DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI, AND PENDING REVIEW OF A PETITION FOR REHEARING/REHEARING EN BANC IN THE ELEVENTH CIRCUIT

DIRECTED TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT.

ANGELA W. DEBOSE
Petitioner Pro Se
1107 West Kirby Street
Tampa, Florida 33604

November 15, 2025

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES..... i

TO THE HONORABLE CLARENCE THOMAS, Circuit Justice..... 1

REASONS WHY THE RELIEF SOUGHT IS NOT AVAILABLE FROM ANY OTHER COURT OR JUDGE..... 1

GROUNDS FOR A STAY..... 2

CONCLUSION..... 4

CERTIFICATE OF SERVICE..... 5

EXHIBITS..... 6

TABLE OF AUTHORITIES

Cases Page

Hollingsworth v. Perry, 558 U.S. 183 (2010)..... 2

Nken v. Holder, 556 U. S. 418 (2009)..... 2

Rules and Statutes

Federal Rule of Civil Procedure 55..... 3

Supreme Court Rule 23..... 1

28 U.S.C. § 2101(f)..... 1

TO THE HONORABLE CLARENCE THOMAS, CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT

Pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Petitioner, Angela W. DeBose, respectfully requests that Your Honor issue a stay of the proceedings in the United States District Court for the Middle District of Florida, Case No. 8:25-cv-00828, pending this Court's disposition of the Petition for a Writ of Certiorari (No. 25-473), and the Eleventh Circuit's review of the pending Petition for Rehearing/Rehearing En Banc.

The order denying relief is attached hereto as Exhibit A, and the District Court's order granting the motion for a stay is attached as Exhibit B.

REASONS WHY THE RELIEF SOUGHT IS NOT AVAILABLE FROM ANY OTHER COURT OR JUDGE

Petitioner first sought a stay of proceedings from the United States District Court for the Middle District of Florida on November 12, 2025. That motion was *granted* by order dated November 12, 2025, placing a temporary stay on the proceedings. While proceedings are currently paused, this stay is an interlocutory order subject to being modified or lifted by the district court judge at any time and does not provide permanent, secure relief pending the outcome of appellate review (Exh. B).

Petitioner previously sought a writ of mandamus from the Eleventh Circuit Court of Appeals (Case No. 25-12205). That petition was also denied on November 7, 2025, on the grounds that an adequate remedy by appeal from a final judgment exists (Exh. A). The Petitioner has a timely Petition for Rehearing/ Rehearing En Banc currently pending before the Eleventh Circuit.

Because the lower courts have offered only temporary, discretionary relief that remains insecure and a final judgment has not yet been rendered by the Eleventh Circuit, Petitioner now seeks this extraordinary relief from the Circuit Justice to ensure proceedings are stayed for the duration of the Supreme Court's review process.

GROUNDS FOR A STAY

A stay of proceedings in the Supreme Court is an extraordinary remedy granted only in extraordinary circumstances. To obtain a stay, the applicant must demonstrate:

1. A reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari. *Hollingsworth v. Perry*, 558 U.S. 183 (2010).
2. A fair prospect that a majority of the Court will conclude that the decision below was erroneous. Id.
3. A likelihood that irreparable harm will result from the denial of a stay. *Nken v. Holder*, 556 U. S. 418 (2009).

Petitioner respectfully submits that these standards are met. The core issue presented is the interpretation and mandatory application of Federal Rule of Civil Procedure 55 regarding the entry of default when a party "fails to plead or otherwise defend." The Eleventh Circuit denied mandamus relief on November 7, 2025, suggesting an adequate remedy by appeal exists, but this ruling overlooks the critical, ministerial nature of the clerk's duty to enter default upon proper showing. The Petition for Writ of Mandamus sought to reverse the District Court's denial of entry of default and/or default judgment, an issue that may conflict with how other circuits interpret Rule 55, thereby presenting a question worthy of certiorari. The existing temporary stay in the Middle District of Florida mitigates immediate harm; however, it is interlocutory and may be lifted at any time by the district court judge. Failure to grant this application for a stay with the Supreme Court could result in the district court lifting its temporary stay and proceeding with the case, potentially rendering the underlying Petition for a Writ of Certiorari moot. Irreparable harm exists because continued, potentially voided, district court proceedings would unnecessarily waste judicial resources and prejudice the Petitioner's rights while valid appellate remedies are being exhausted. This stay is necessary to preserve the status quo and the effectiveness of this Court's eventual ruling on the petition.

The existing stay in the district court mitigates immediate harm; however, it is temporary and interlocutory. Failure to grant this application for a stay with the Supreme Court could result in the district court lifting its temporary stay and proceeding with the case, potentially rendering the underlying Petition for a Writ of Certiorari moot. Irreparable harm exists because

continued, potentially voided, district court proceedings would unnecessarily waste judicial resources and prejudice the Petitioner's rights while valid appellate remedies are being exhausted. This stay is necessary to preserve the status quo and the effectiveness of this Court's eventual ruling on the petition.

CONCLUSION

For the foregoing reasons, the Petitioner respectfully requests that Your Honor grant the application for a stay of proceedings pending the final disposition of the petition for a writ of certiorari.

Respectfully submitted,

/s/ Angela DeBose

Angela DeBose

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all parties required to be served by Supreme Court Rule 29 have been served the Petition for Writ of Certiorari, including counsel of record on this 15th day of November, 2025:

NICHOLAS T. ZBRZEZNJ
Respondent Counsel of Record
290 1ST Street S.
Winter Haven, FL 33880-3271
Telephone: (863) 656-6672
Email: nick@southernatlanticlaw.com

/s/ Angela DeBose

Angela DeBose

EXHIBITS

EXHIBIT A

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12205

In re: ANGELA W. DEBOSE,
Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Middle District of Florida

D.C. Docket No. 8:25-cv-00828-WFJ-AAS

Before JORDAN, GRANT, and BRASHER, Circuit Judges.

BY THE COURT:

Order of the Court

Angela DeBose, proceeding pro se, has filed a petition for a writ of mandamus and/or prohibition, arising out of civil proceedings she filed pursuant to Title VII of the Civil Rights Act and the Florida Whistleblower Act in the U.S. District Court for the Middle District of Florida. In her petition, DeBose argues that District

Judge William Jung should have recused himself from her case because of ex parte communications he allegedly had with various other judges, as well as adverse rulings he made in the case itself. She also argues that the district court erred in denying her motion for default judgment. In connection with her petition, she alternatively filed a motion to certify a question of law concerning default judgments to the U.S. Supreme Court.

Writs of prohibition and mandamus, both authorized under 28 U.S.C. § 1651, are "two sides of the same coin with interchangeable standards." *United States v. Pleau*, 680 F.3d 1, 4, (1st Cir. 2012) (en banc). They are available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *United States v. Shalhoub*, 855 F.3d 1255, 1259 (11th Cir. 2017); *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation omitted). The petitioner has the burden of showing that she has no other avenue of relief, and that her right to relief is clear and indisputable. *See Mallard v. U.S. Dist. Ct.*, 490 U.S. 296, 309 (1989); *see also In re Wainwright*, 678 F.2d 951, 953 (11th Cir. 1982) (applying the same standard to writs of prohibition.). These writs may not be used as a substitute for appeal or to control decisions of the

district court in discretionary matters. *Jackson*, 130 F.3d at 1004; *Wainwright*, 678 F.2d at 953. When an alternative remedy exists, even if it is unlikely to provide relief, mandamus relief is not proper. *See Lifestar Ambulance Serv., Inc. v. United States*, 365 F.3d 1293, 1298 (11th Cir. 2004).

Under § 455(a), a judge must "disqualify himself in any proceeding in which his impartiality might reasonably be questioned" or in any circumstances "(w)here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." 28 U.S.C. § 455(a), (b)(1). Similarly, under § 144, a judge must recuse himself if a party to the proceeding makes a timely and sufficient showing by affidavit that the judge "has a personal bias or prejudice" against him. Id. § 144. Disqualification is only required when the alleged bias is personal in nature, that is, stemming from an extra-judicial source. *Loranger v. Stierheim*, 10 F.3d 776, 780 (11th Cir. 1994). Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. *Liteky v. United States*, 510 U.S. 540, 555 (1994). Likewise, "opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." Id. We have held that "a judge, having been assigned to a case, should not recuse himself on unsupported, irrational, or highly tenuous speculation." *In re Moody*, 755 F.3d 891, 895 (11th Cir. 2014) (quotation omitted).

A district court's pre-judgment ruling on recusal or disqualification is reviewable upon appeal after issuance of a final judgment. *Steering Comm. v. Mead Corp. (In re Corrugated Container Antitrust Litig.)*, 614 F.2d 958, 960-62 (5th Cir. 1980). Accordingly, such a ruling is not reviewable on appeal until the litigation is final, though a writ of mandamus may issue to correct such a decision in "exceptional circumstances amounting to a judicial usurpation of power." *Id.* at 960-62 & n.4 (quotation marks omitted); *see id.* at 961-62 (declining to grant mandamus relief relating to a district court judge's refusal to recuse himself where full review of the issue was available on appeal); *see also In re Moody*, 755 F.3d at 897 (explaining that review of district court judge's refusal to recuse under mandamus authority was "even more stringent" than the ordinary abuse-of-discretion standard applicable to review on appeal of recusal issue, because the drastic remedy of mandamus was available only in exceptional circumstances). Where a judge's duty to recuse himself either is debatable or non-existent, a writ of mandamus will not issue to compel recusal. *Corrugated Container*, 614 F.2d at 962.

Section 1254 of Title 28 of the U.S. Code provides that cases may be reviewed by the Supreme Court "(b)y certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy." 28 U.S.C. § 1254(2). The certification of questions to the Supreme Court is quite rare. *See United States v. Seale*, 558 U.S. 985, 985 (2009) (statement of Stevens, J.) ("The (Supreme) Court has accepted only a handful of certified cases since the 1940s

and none since 1981; it is a newsworthy event these days when a lower court even tries for certification."). Only questions of law arising in "rare instances," such as where they are identical to an issue pending before the Supreme Court, warrant "so exceptional a jurisdiction" as certification. *Wisniewski v. United States*, 353 U.S. 901, 902 (1957) (dismissing the Eighth Circuit's certification to determine the meaning of "any substance" under federal tax regulations based on its internal "doubts" regarding a prior panel decision).

Here, DeBose is not entitled to mandamus or prohibition relief. As to her arguments about Judge Jung's recusal, she has the adequate alternative remedy of raising the issue in a potential appeal from a final judgment if the court enters judgment against her. *Corrugated Container*, 614 F.2d at 960-62; *see Shalhoub*, 855 F.3d at 1259; *Jackson*, 130 F.3d at 1004. She has not shown "exceptional circumstances amounting to a judicial usurpation of power" such that review of the recusal issue through mandamus is appropriate. *Corrugated Container*, 614 F.2d at 960-62 & n.4.

As for DeBose's arguments related to the denial of her motion for default judgment, DeBose fails to support her contention that she lacks a suitable alternative remedy through direct appeal. DeBose has the adequate alternative remedy of litigating the case in the district court, and should she receive an adverse judgment, she may appeal such a judgment. *Shalhoub*, 855 F.3d at 1259; *Jackson*, 130 F.3d at 1004.

Accordingly, DeBose's petition for a writ of mandamus and/or prohibition is DENIED. DeBose's motion to certify a question to the Supreme Court is also DENIED.

EXHIBIT B

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
(TAMPA)

CASE #: 8:25-cv-00828-WFJ-AAS

ANGELA DEBOSE,

Plaintiff

v.

FLORIDA POLYTECHNIC UNIVERSITY
BOARD OF TRUSTEES,

Defendant.

Filed November 12, 2025

ENDORSED ORDER granting Motion to Stay pending certiorari review. In the interim the Clerk will administratively close this case, with any party reactivating it upon filing a motion to dissolve stay.

/s/ Judge William F. Jung

Entered: 11/12/2025

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 25-12205

In Re: ANGELA DEBOSE,

Petitioner,

Filed December 3, 2025

NO ACTION / DEFICIENCY NOTICE

Notice that no action will be taken on Motion to stay lower court proceedings (10614111-2), Motion to stay mandate (10614111-3), Motion to stay pending appeal (10614111-4) filed by Petitioner Angela W. DeBose.

Reason(s) no action being taken on filing(s): **This case is closed.**

No deadlines will be extended as a result of your deficient filing. If you refile a corrected document out of time (after its due date), it must be accompanied by an appropriate motion, i.e., a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.

CORRECTIVE ACTION

For motions for reconsideration or petitions for rehearing that are not permitted, **no corrective action is required or permitted. Your filing will not be considered.**

For mistaken filings, to have your document considered, **you must file the document in the correct court.**

For CIP deficiencies, you must file a CIP on the Court's docket, complete the web-based CIP, or both before or at the same time you refile your document.

For all other deficiencies, to have your document considered, you must refile the entire document after all the deficiencies identified above have been corrected and

you must include any required items identified above along with the refiled document. No action will be taken if you only provide the missing items without refiling your entire document.

In addition, if the corrected document is refiled out of time (after its due date), it must be accompanied by an appropriate motion, i.e., a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.