No. _____

Supreme Court of the United States

1 First Street, NE Washington, DC 20543

Directed to Honorable Justice Kagan

Originates in Oregon Bankruptcy Court

16-3114

In re: Peter Szanto,

Appellant

vs

Victor Szanto, et al,

Appellees

Appealed in Oregon District Court

3:19-cv-2043

Appealed in 9th Circuit Court of Appeals

No. 22-35744

Appellant's Application to Extend Time to File Petition For Certiorari Review

EXHIBITS follow text of petition after pg. 13

Proof of Service is on page 13

Appellant is not an attorney and is appearing *in propria persona*:

Peter Szanto *949-887-2369*

4484 Dunn Place
Oceanside CA 92057

1. Introduction

May it please this most Honorable Supreme Court of the United States.

To the Appellees, the Oregon Bankruptcy Court where this matter originated, the reviewing District Court in Oregon and the appellate panel of the 9th Circuit, please take notice.

Comes now Appellant under this Courts's Rule 13.5 regarding extending time to seek review:

> **For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days**

Appellant seeks extension of time for himself alone.

2. Jurisdictional Basis for Relief in this Court

Ability to proceed in this Court is jurisdictionally correct based on 28 U.S.C. § 1254:

> **Cases in the courts of appeals may be reviewed by the Supreme Court by the following method(s):**
>
> **By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree**

The 9th Circuit's decision seeking review is at [EXHIBIT A].

3. Fixing Due Dates of Certiorari Petition and Within Petition to Extend

(Evidence of Appeals Court Decision and Petition for Rehearing)

The 9th Circuit Court of Appeals sustained the trial court's decision on July 30, 2025 [EXHIBIT A]. Thereafter, Rehearing was denied on October 14, 2025 [EXHIBIT B].

This Court's Rule 13.3 explains the limits of the 90 day period to file for certiorari:

> **the time to file the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of rehearing**

Omitting October 14, 2025, then adding 90 days. petition to seek Certiorari review extends until January 12, 2026.

a. Due Date of this Petition for Extension

Thereby, the within petition for extending time is timely when filed by January 2, 2026.

b. New, Extended Certiorari Petition Due Date Requested

Then, pursuant to this Courts's Rule 13.5:

> **For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days**

The new, calculated extended due date is March 13, 2026.

3. Justifications and Good Causes for Extending Time

The procedures for seeking extension to Petition for Certiorari are also set forth in this Court's rule 13.5:

> **An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified.**
> **The application must be fled with the Clerk at least 10 days before the date the petition is due, except in extraordinary circumstances. The application must clearly identify each party for whom an extension is being sought, as any extension that might be granted would apply solely to the party or parties named in the application.**

On the pages which follow Appellant explains and analyzes some of the good causes justifying delay in the preparation of his Petition for Certiorari.

a. 1st Good Cause – Complexity of the Issues

The issues in this appeal before are complex, legally challenging and lengthy. The need for Appellant to communicate clearly increases the time needed for proper briefing completion, because crafting each argument requires extensive thought and precision.

One measure of good cause is to project matters to be presented in light of the complexity of the issues. Such reasoning is a proper way in which the facts and law of a case can be fully developed, assessed and logically applied to one-another. *Kifafi v. Hilton Hotels Retirement Plan* (2011) 826 F.Supp. 2nd 55, 58.

Much of the within appeal arises from Appellant's argument that *Liteky v. United States* (1994) 510 US 540 was decided incorrectly. And that in application, as in the within appeal, trial court and appeals court's reasoning impermissibly relies on unconscionable, harmful and pernicious bias. Thereby plainly and clearly erring through reliance on prejudice rather than fact or law.

Here, Appellant contends that it is good cause for an extension of time to file his Writ Petition because he seeks fully to elaborate all of the complex issues of clear and plain error of the appeal herein with the purpose of setting aside the instant appealed. matter as well as the *Liteky* decision.

Appellant's preliminary analysis for reversal of *Liteky* is contained in his request to the Circuit court to recall mandate [EXHIBIT C]. The [EXHIBIT C] analysis is preliminary and merely an overview: initial thoughts about a complex legal determination.

Thereupon, Appellant asks extension, properly to perfect his certiorari writ petition.

b. Decision on Merits Rather than Technicalities is Good Cause for Extension

This Court has directed Federal Courts to decide cases on their merits, not constraining technicalities. *Foman v Davis* (1962) 371 U.S. 178, 182 accord *Conley v. Gibson,* (1957) 355 U.S. 41,47.

The standard of the 9th Circuit Court of Appeals' procedure for weighing merits versus technicalities has been expressed as:

> **Every court has "a duty to ensure that pro se litigants do not lose their right to a hearing on the merits of their claim due to ignorance of technical procedural requirements."**

Balistreri v. Pacifica Police Department (1990) 901 F.2nd 696, 699

Here, the most onerous constraining technicality is time. Everyone works at a different pace. And with the writing of briefs, sometimes thoughts and their expression do not coalesce at the quickest desired pace. That is what has happened. Appellant has worked steadily and diligently, but unfortunately has been unsuccessful in completion of his certiorari petition.

c. Good Cause: Appellant's Constrained Access to Research Material

Appellant's wife recently died. Leaving Appellant with a mountain of debt for his spouse's medical care and hospitalizations.

Prior to massive expenditures for his wife's final illness, Appellant was able to afford the online research offered by WESTLAW.

However, with the demands of medical care for his wife, Appellant was forced to cancel his WESTLAW access.

Appellant's access to research materials is thereby severely limited because the San Diego County Law library is only open during business hours on weekdays.

These time and location impediments require Appellant to lose time from work ---- compounded by the 55 mile drive (each way) to the county law library.

These limitations add a further level of difficulty to briefing completion, which remains a continuing challenge to Appellant. And dramatically increases Appellant's time to finish research and analysis necessary for proper and efficient briefing.

d. 4th Good Cause – Need to Comply with Intricateness of This Court's Rules

As Appellant prepared the within petition he found this Court's 10 page, July 2019, Memorandum entitled:

> **MEMORANDUM TO THOSE INTENDING TO PREPARE A PETITION FOR A WRIT OF CERTIORARI IN BOOKLET FORMAT AND PAY THE $300 DOCKET FEE.**

The nature and level of complexity of preparing a certiorari petition for this Court is daunting. Appellant also prays additional time to complete his certiorari petition so that he is able fully to follow and to comply with all of this Court's very many and extensive rules for the preparation and presentation of a certiorari petition.

4. Conclusion

Based upon these four very good causes (and many others not specifically stated) which constrain Appellant's resources and time, extension of the deadline to file Petition for Certiorari is prayed.

Extension of time to Petition for a Writ of Certiorari is prayed until and through March 13, 2026.

Respectfully,

Dated 29 December 2025 _____Peter Szanto

As required by Supreme Court Rule 33.1(h), I certify that the petition to extend time to seek writ of certiorari contains **1594** words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury, under the laws of the United States that the foregoing is true and correct. Executed on 12-29, 2025.

_____Peter Szanto

Proof of service on next page

PROOF of SERVICE

My name is Maquisha Reynolds, I am over 21 years of age and not a party to the within action. My business address is 4484 Dulin Pl., Oceanside CA 92057 On the date indicated below, I personally served the within:

Petition to Extend Time to File Petition for Certiorari

on the following by placing copies of the within document in postage pre-paid envelopes and mailing same to:

1) Nicholas J. Henderson
Appellee Counsel
Elevate Law Group
6000 Meadows Road, Suite 450
Lake Oswego, OR 97035

2) 9th Circuit Court of Appeals
Browning Courthouse
95 7th St.
San Francisco, CA 94103

3) U.S. Solicitor General
Dept. of Justice # 5616
950 Pennsylvania Ave. N. W.
Washington, DC 20530

4) US District Court in Oregon
Mark O. Hatfield U.S. Courthouse
1000 Southwest Third Avenue
Portland, Oregon 97204

5) US Bankruptcy Court in Oregon
1050 SW 6th Ave #700
Portland, OR 97204

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed at Oceanside CA.

Dated 29 December 2025 Maquisha Reynolds M. Reynolds

NOT FOR PUBLICATION

FILED

JUL 30 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PETER SZANTO,

Appellant,

v.

EVYE GELLER SZANTO; VICTOR SZANTO; NICOLE SZANTO; KIMBERLEY SZANTO; MARIETTE SZANTO; ANTHONY SZANTO; AUSTIN BELL; BARBARA SZANTO ALEXANDER; STEPHEN P. ARNOT, Trustee,

Appellees.

No. 22-35744

D.C. No. 3:19-cv-02043-SI

MEMORANDUM*

EXHIBIT A

Appeal from the United States District Court
for the District of Oregon
Michael H. Simon, District Judge, Presiding

Submitted July 30, 2025**

Before: O'SCANNLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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Peter Szanto ("Szanto") appeals pro se from the district court's partial affirmance of the bankruptcy court's judgment after a bench trial in favor of Evye Szanto, Victor Szanto, Nicole Szanto, Kimberley Szanto, Mariette Szanto, Anthony Szanto, Austin Bell, and Barbara Szanto Alexander ("Appellees") on the counterclaims they filed against Szanto in an adversarial proceeding arising out of Szanto's Chapter 7 action. We review de novo whether a plaintiff in a bankruptcy case is entitled to a jury trial. *See Northbay Wellness Grp., Inc. v. Beyries*, 789 F.3d 956, 959 (9th Cir. 2015). We review for abuse of discretion a bankruptcy court's denial of a motion for continuance and a motion for recusal. *See F.T.C. v. Gill*, 265 F.3d 944, 955 (9th Cir. 2001) (stating the standard of review for the denial of a motion for a continuance); *In re Marshall*, 721 F.3d 1032,1039 (9th Cir. 2013) (stating the standard of review for the denial of a motion for recusal). We affirm.

The district court did not err in holding that the bankruptcy court properly denied Szanto's request for a jury trial because Szanto expressly consented in a pre-trial hearing to final adjudication by the bankruptcy court and litigated the case in bankruptcy court for more than a year before seeking to withdraw his consent. *See Langenkamp v. Culp*, 498 U.S. 42, 44 (1990) (explaining that when a party subjects himself to a bankruptcy court's equitable power, there is no right to a jury trial); *Stern v. Marshall*, 564 U.S. 462, 481 (2011) (refusing a party's attempt to

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withdraw his consent to be bound by the bankruptcy court because litigating the case in that court constituted waiver of the issue).

The district court properly held that the bankruptcy court did not abuse its discretion by denying Szanto's request for a continuance of trial because Szanto failed to produce credible evidence that his poor health warranted the continuance despite the bankruptcy court's repeated instructions to do so. *See Hawaiian Rock Prods. Corp. v. A.E. Lopez Enters., Ltd.*, 74 F.3d 972, 976 (9th Cir.1996) (explaining that a showing of abuse of discretion in the denial of a continuance depends on the facts of each case).

The district court properly held that the bankruptcy court did not abuse its discretion by denying Szanto's motion to recuse the bankruptcy judge because Szanto showed neither the judge's bias nor the judge's appearance of bias. 28 U.S.C. § 455; *see Liteky v. United States*, 510 U.S. 540, 555 (1994) (Judicial "rulings alone almost never constitute a valid basis for a bias or partiality motion."); *United States v. Holland*, 519 F.3d 909, 913–14 (9th Cir. 2008) (A "judge's conduct during the proceedings should not, except in the rarest of circumstances form the sole basis for recusal under § 455(a).").

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Szanto's motion to file his Reply Brief is granted. (Docket Entry 57).

Szanto's various motions for miscellaneous relief are denied. (Docket Entry Nos. 9, 38, 45, 49, and 53).

AFFIRMED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PETER SZANTO, Appellant, v. EVYE GELLER SZANTO; et al., Appellees.	No. 22-35744 D.C. No. 3:19-cv-02043-SI District of Oregon, Portland ORDER

EXHIBIT B

Before: O'SCANNLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges.

The panel unanimously voted to deny the petition for panel rehearing and to recommend denying the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 40.

The petition for panel rehearing and the petition for rehearing en banc are therefore DENIED.

B

EXHIBIT C

United States Court of Appeals

in and for the 9th Judicial Circuit

Exhibit A to this recall mandate request is at pp 15-17 of this EXHIBIT C--

No. 22-35744

From Oregon Bankruptcy Court 16-3114-pcm

Approved by Oregon District Court
3:19-cv-2043-SI

In re: Peter Szanto,

Appellant

vs

Victor Szanto, et al,

Appellees

Appellant's Application to Recall Mandate and Appellant's Request for Certification of Question of Immense National Interest to United States Supreme Court

Appellant:

Peter Szanto *949-887-2369*

4484 Dulin Place
Oceanside CA 92057

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May it please this most Honorable Court of Appeals.

Comes now Appellant requesting that this Court immediately recall its previously issued mandate in this appeal. The recall is requested pending Appellant's filing of his Petition for Certiorari to the United States Supreme Court (if this endeavor by Appellant creates laughs, chuckles or giggles from this Appeals Court: please know, Appellant has previously prevailed in two very distinct matters which he himself wrote, petitioned and presented, by himself alone, to California's Supreme Court.).

In this Appeal, the issue of grave public, essential legal thought and national importance arises from this Court and the trial courts' **intentional misunderstanding**, misapplication, incorrect statement and mistaken use of facts, law and events relating to the U.S. Supreme Court's decision in *Liteky v. United States* (1994) 510 US 540.

Appellant contends *Liteky* was erroneously decided by the U.S. Supreme Court. Being now ripe for reversal. In essential substance *Liteky* **fails** because it does not take into consideration **that a judge's vile and repugnant hatreds of a litigant, as well as a litigant's appearance can be, are, and have been easily covered-up – by many pretenses, fantasies and whispers to fairness. Thought that hatred and rage are substantive matters learned during the course of proceedings --- thereby happily blessed with fairy dust and exempted by *Liteky* is clearly erroneous thinking!!**

Rather, a judge's hatred and animosity towards a litigant -- founded also on appearance, necessarily require immediate and absolute disqualification; rather than absurd *Liteky* exoneration. Mixing and mincing connotations about hate, intolerance and prejudice can make any type of personal revulsion, prejudice or bias --- just fine and OK.

Second necessity for United States Supreme Court Review is this Court's planned, intentional hexing and jinxing of Appellant's **entire** Bankruptcy by the issuance of an ORDER of restraint from this Court's case #17-80195.

That decision, without due process of law, without leave or ability of Appellant

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to call witnesses, without any hearing, lacking all opportunity to be heard plus other clear depravations of fundamental justice and procedure was an **abomination of law**. A clear affront to United States principles of justice. Sadly epitomizing one person, Appellant – **alone** -- being singled out for what are wholly improper and unnecessary punishments – most likely, as in *Liteky*, also focused on Appellant's appearance, affiliations and faith.

1. Mandate Need Be Recalled Pending Presentation of Bases for Reversal and Revaluation of *Liteky* to the United States Supreme Court

The United States Supreme Court has mandated that due process "requires a 'fair trial in a fair tribunal' before a judge **with no actual bias** against the defendant nor interest in the outcome of his particular case." *Bracy v. Gramley,* (1997) 520 U.S. 899, 904, accord *Withrow v. Larkin,* (1975) 421 U.S. 35, 46 accord *Aetna Life Ins. Co. v. Lavoie,* (1986) 475 U.S. 813, 821–22 accord *Tumey v. Ohio,* (1927) 273 U.S. 510, 523.

In the underlying Bankruptcy from which the instant appealed adversary proceeding arises, both of which commenced in 2016, there have been nothing other than constant demonstrations of bias, rage and impermissible prejudice by the trial judge. The mere fact the case has protracted 10 years readily demonstrates that the trial judge is "managing" this case as personal sport, his own amusement and just plain fun.

Eventually, principles of fairness, justice and equanimity (and indeed the U.S. *Constitution* itself) cannot be defeated and be vanquished by *Liteky's* absurdity that if a Judge's hatred and animosity arise from the case itself, that's just fine, keen, peachy.

Shockingly, this Court and the trial judge perceive *Liteky* as a paean -- or even an advertisement--venerating hatred and making loathing a judge's **endowment**.

One essential reason *Liteky* need be overruled and vacated is impairment of this court and the trial courts' abilities "to perform its high function in the best way [to achieve] justice [and the imperative to] satisfy the appearance of justice" *Schweiker v.*

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McClure, (1982) 456 U.S. 188, 196 accord. *J.E.B. v. Alabama,* (1994) 511 U.S. 127, 161 ("Wise observers have long understood that the appearance of justice is as important as its reality."). Here, however, **for 10 years now**, the truth in the trial court has been fury, animosity and non-stop attacks on Appellant's appearance. Form of face is a fact of birth and genetics over which Appellant does not now, nor has ever, had control!

Reality, not *Liteky*, is that "a biased tribunal (or even single judge) always deprives the accused of a substantial right." *Bracy v. Gramley,* (1997) 520 U.S. 899, 905 accord *Gomez v. United States,* (1989) 490 U.S. 858, 876.

Similarly, whether or not derived from the proceeding itself, the Supreme Court has held: rulings by a biased judge are errors which are 'structural,' and thus subject to automatic reversal...." *Neder v. United States,*(1999) 527 U.S. 1, 8 accord *Tumey v. Ohio,*(1927) 273 U.S. 510, 523 accord *Johnson v. United States,* (1997) 520 U.S. 461, 468–69 (holding that a proceeding's "lack of an impartial trial judge" is clearly a structural error).

Indeed, *Liteky* itself states "A favorable or unfavorable predisposition can ... deserve to be characterized as 'bias' or 'prejudice' because, even though it springs from the facts adduced or the events occurring at trial, it is so extreme as to display clear inability to render fair judgment." *Liteky* at 551.

And that is the absolute tragedy of the underlying Bankruptcy and instant appealed from adversarial proceeding: an unfair judge fawning his own bias. As though intentionally adjudicating erroneously were promises of godliness or holy writ. These biases step-up to this Court, wherein it is painfully obvious that Appellant's briefing, if read at all, was done by an intern who summarized to the panel judges: "nothing of interest here".

The catastrophe of this case is that the moment the trial judge first saw Appellant in 2016, the Bankruptcy and this case were decided. That is the *Liteky* bogey: decision based on **what a litigant brings to court:** his looks and aspect of presence.

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Furthermore, the Supreme Court "has recognized 'presumptive bias' as the one type of judicial bias other than actual bias that requires recusal under the Due Process Clause." *Richardson v. Quarterman,* (2008) 537 F.3d 466, 475 accord *Buntion v. Quarterman,* (2008) 524 F.3d 664, 672. Presumptive bias occurs when a judge may not actually be biased, but has the appearance of bias such that "the probability of actual bias ... is too high to be constitutionally tolerable." *Withrow v. Larkin* (1975) 421 U.S. 35.

Proving such presumptive bias is easy: protracting the within Bankruptcy for 10 years without any valid jurisdiction; there are no similar cases or fact patterns.

To prevail on *certiorari* Appellant will demonstrate judicial bias by the thousands of instances of intentionally inaccurate, clear and plain errors in the trial court Proving the fact that Appellant has not received either any fair hearing nor any trial "by an unbiased and impartial judge." *Ungar v. Sarafite,* (1964) 376 U.S. 575, 584.

a. ***This Appeals Court Cleared the Way for the Trial Judge to Adopt Bias, Hate and Intentionally Erroneous Decisions – By Its 2017 ORDER Demonstrating and Approving that Prejudice and Hate Against Appellant Were Just Fine --- and Were Blessed, Allowed and Approved By this Court***

As matters of fact and law, the final decision in this Appeal was actually made in 2017, when this Court commenced its attack on Appellant in proceeding # 17-80195. By that proceeding empowering the trial judge also to rule adversely against Appellant – knowing Szanto's Bankruptcy and its companion adversarial proceedings would be constrained to appeal.

This Court's17-80195 proceeding was intentionally designed as an effort to deprive Appellant of future appeal's rights (and validate in advance any bogus ruling by the trial judge) by constraining those rights based on previous action in this Court.

The most clear evidence that Appeal's right restriction was arrived at

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intentionally to constrain trial court proceedings is that the due process right to adequate notice to engage counsel and the lack of a hearing were not afforded to Appellant in the 2017 attack on Appellant.

A Circuit Court of Appeals panel pre-empting an Appellant's future.

The trial court's 10 years of humiliating and denigrating a litigant's appearance.

Together these acts have meant that since 2017 Appellant could be sure that every one of his papers, appeals and all his efforts would be crushed, defeated, and mocked. And that he would be defeated at each and every instance – no matter what issue, principle or circumstance of law was at stake. The trial judge, then Appeals court judges deciding cases with **ALL** outcomes pre-ordained, as adverse to Appellant, is the only "principle of law" at work in Szanto's Oregon series of cases.

The measure of prejudice in that #17-80195 case was that because a large number of previous appeals by Appellant had been dismissed or affirmed, right to appeal by Appellant needed to be constrained.

This theory was absurd *ab initio*.

An Appeals court judge can make any case come out as he pleases. If Szanto's rights were not constrained, this Court could nevertheless have made certain that all of Szanto's work was decided adversely.

This fact was well demonstrated in this appeal's memorandum. Where this Court did not even bother to read Appellant's lengthy jurisdictional analysis.

Likewise, this Court had no concern that during trial of the within matter Appellant was forced to proceed defending himself even though the post-surgery pain he was enduring required hourly injections of pain easing morphine. (Contrary to the error

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in the Memorandum that Appellant did nor produce medical evidence; Appellant brought three separate physicians to the trial court to testify about his illness, surgery and frailty.)

This Court's memorandum also "skipped" Appellant's briefing regarding Nevada state Judge Glasson (dear, close, personal friend and neighbor of Appellees) asserting jurisdiction over the entire of the matters appealed herein. (Thereby making the entire of the matter appealed necessarily a Nevada state court proceeding – and void *ab initio* when refiled in the Oregon Bankruptcy court.)

Plus many other aspects of Appellant's briefing were **purposefully disregarded** so as to make this Appeal come out adverse to Appellant – as already foreordained by this Court in 2017!!!!

This Court's intentional prejudice emanates from two sources in that #17-80195 case, thereby purposefully infecting the entire Bankruptcy and this Appeal:

First – there is no Appellate standard scorecard as to how many appeals a litigant (meaning a party or attorney) can have adverse result warranting listing as a constrained and crippled Appellant.

Managing such a fantasy list would, does, and did assure total depravation of Appellate rights, because it constrains a litigant's opportunity fully to be heard. (As the within Appeal very well demonstrates, where Appellant's briefing was not even read, much less not even considered; and was likely mocked.)

Whether the number of appeals Appellant lost was more than some 'secret, never specified standard' is unstated in case #17-80195. After all, having a stated standard would require adherence to a rule. Thereby impairing the arbitrary rulings by *fiat* rather than guess or intuition.

Indeed, this Court is likely well aware of many frequent filing

attorneys who file an appeal simply to appease their client or to bleed another payday from a client **KNOWING WELL THEY HAVE NO CHANCE OF SUCCESS BEFORE THIS COURT !!!** These persons are never intentionally castigated like Appellant.

Second – by checking the docket of Appellant's underlying Bankruptcy, this Court easily saw that in October 2017 Appellant was in the midst of his deepest and hardest preparation defending the Motion to Dismiss the underlying Bankruptcy of this Appeal.

At the time of the filing of case #17-80195, it is Appellant's position that the #17-80195, action was merely another aspect of this Court's bias to vex Appellant's Bankruptcy efforts with NO legitimate or defined metric regarding losing appeals. Matters for which other litigants or attorneys are never held accountable. The true #17-80195 goal was merely to 'help out' the trial judge's purposeful vexing of Appellant's efforts to reorganize Appellant's financial life.

Thereby additional prejudice necessitating Supreme Court review arises from this Court's clear efforts to ensure frustration of Appellant's trial court labors by tackling, blocking and intimidation actions **not based** on any defined rule of how many appeals' defeats or failures are too many. And warrant pre-emptive preventive vexation?

Ultimately, this Court's 2017 participation in creating stress, worry and clear frustration for Appellant during the trial court phase of the underlying Bankruptcy and the within adversarial proceeding were timed to coincide with the most difficult portion of the Bankruptcy process (preventing dismissal), making the litigation process even more difficult. Especially when bankrupt Appellant simply could not afford to engage counsel.

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2. Appeal's Law Regarding Recall of Mandate

Federal Rule of Appellate Procedure (FRAP) 41 provides that upon motion a party may stay mandate pending a Petition for Certiorari. Recalling the mandate is a necessary initial step to the stay required while Appellant prepares his petition for Supreme Court review.

Appellant is now preparing his certiorari petition. And so asks this Court for the recall of the issued mandate. Never has the power of this Court to recall a mandate ever been questioned. As explained in 16 Charles A. Wright, Arthur R. Miller, Edward H. Cooper & Eugene Gressman, *Federal Practice and Procedure* § 3938 (1977). The recall mandate power "apparently originated in the inherent power of all federal courts to set aside any judgment during the term of court at which it was entered." (*ibid* 276). Power to recall Mandate "exists as part of the court's power to protect the integrity of its own processes," *Zipfel v. Halliburton Co.,* (9th Cir.1988) 861 F.2d 565, 567 and is analogous to the power conferred on district courts by Federal Rule of Civil Procedure 60(b).

3. Lack of Veracity and Reality in the Liteky Decision

The essence of the *Liteky* decision is that it deals with real people, in a real courtroom and real situations which, ironically almost, parallel the instant case in both the trial court, the trial judge and this Appeals courts' shocking biases.

Of importance is that the origin of the *Liteky* case was the courtroom of the Honorable James Robert Elliott. A Wikipedia article [EXHIBIT A] comments on Judge Elliott being the worst judge in the 11th Circuit. And comments that even in the 1990's

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Judge Elliott remained a segregationist with "deep rooted prejudices against blacks". Also in the 1990's Elliott "was reprimanded by the United States Court of Appeals for the Eleventh Circuit."

Hating blacks, Judge Elliot likewise probably hated persons with Hispanic surnames, immigrants and likely jews too (like Appellant).

Judge Elliott was a devout son of a Methodist Minister.

One of the *Liteky* defendants was Father Roy Lawrence Bourgeois a priest and Catholic Rector - wearing a clerical collar to Judge Elliott's court. (A holy vestment never found in the Methodist liturgy).[1]

Father Bourgeois' clerical collar: an extrajudicial source -- on display as part of the in-courtroom presentation. Plainly before Judge Elliot - well familiar to a Methodist Minister's son. That is, minister's son, Judge Elliott, was, without doubt well taught that Catholic doctrines regarding papal primacy, church authority, blood sacraments, saints and wearing frontal collars were not Bible based. Thereby contrary pronouncements and abominations to the proper 'METHOD' of the Methodist reverential theology.

Analyzing the notion that thoughts, events and emotions during the course of a legal proceeding can be divorced and separated from pre-proceeding extrajudicial knowledge -- that speculative truth and certainty are merely preconceptions -- life-experiences and inherent prejudices brought to court (bias towards Catholics or other prejudices towards jews, Hispanics and immigrants) do nevertheless affect the judicial outcomes, because the extra-judicial can never be excised from a judge's inherent intellectual decision making processes.

That is, pre-trial knowledge will never leave a judge's trial court decision making process.

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1. *Liteky acts available to Appellant from the original trial court case file.*

When Judge Elliott saw Father Bourgeois's collar the case was over.

This is precisely true and identical to the within Appeal's trial judge's biases and hatreds against Peter Szanto. Appellant, an immigrant with an Hispanic surname, not the same faith as the trial judge, and most particularly the unending incessant – 10 years of vicious attacks on Szanto's appearance – never had a prayer for success in the trial court!!!

What the trial judge brought to Szanto's Bankruptcy and the appealed matter herein were that judge's personal perceptions, life-experiences and faith based notions which "plugged into" that judge's inherent biases based on observations of matters obtained from life's extra-judicial sources. All this extraneous baggage happily reflexed onto the erroneous trial court decision which cannot become ordained as holy or sealed by *Liteky*.

At *Liteky* (555) the Supreme Court states:

> **It is enough for present purposes to say the following: First, judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . In and of themselves (i.e., apart from surrounding comments or accompanying opinion), they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required (as discussed below) when no extrajudicial source is involved.**

In the Supreme Court, Appellant will elaborate "judicial rulings" come intrinsically from judicial perceptions of litigants and counsel. Many pre-conceptions now in this Court came to this Court's judges long before this case ever began. Thise same biases fomenting during the progress of this Appeal -- never mitigated by any judge's methodology of applying the facts to the law or thinking objectively of the events and litigants.

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As well stated by Supreme Court Justice Benjamin Cardozo:

> **There is in each of us a stream of tendency, whether you choose to call it philosophy or not, which gives coherence and direction to thought and action. Judges cannot escape that current any more than other mortals.**

Cardozo, *The Nature of the Judicial Process* (1921) p.68

Specifically, whatever new information arises in the case at hand, the judicial perceptions, analysis and outcomes rely on material already known, before the case even began. Knowledge then utilized to parse the matters in any specific, present, case. Thereby, what is learned, perceived, in the case must -- AND DOES -- necessarily rely on every judges' total, entire and complete thought processes brought to that case. Years of experiences and interactions with judicial acts applied to the present.

Without the experienced analytic skills from years of education and thousands of cases, every new decision would be founded on observations in a void.

When there is prejudice against Szanto because of his appearance in 2016, that bias continues and foments to discriminate intolerantly against Szanto no matter what the facts or law in 2025. (As also demonstrated by this Court failing even to read and asses Szanto's briefing in this Appeal.)

And these are the reasons that *Liteky* was wrongly decided and not properly applied to the within appealed from cause: the decision relied on knowledge of the facts which were nevertheless analyzed by what was already in the trial judge's information and intelligence base. Those factors ingrained in the trial court's knowledge.

The inherent trial court bias motivated the decision in the same way that vocabulary accumulated over years allows one to express oneself now.

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Therefore, instead of allowing the trial judge to mitigate his bias by the fantasy that he embraced and relied on only prejudice in the current case, this Court should have analyzed hate, bias and injustice for what it is: intentional, improper narrow-minded unfairness conjured solely to vex Szanto.

4. Certification to Supreme Court

Pursuant to Supreme Court Rule 19, Appellant requests this Court to certify the following question for review in anticipation of overruling the *Liteky* decision: can a judge's inherent biases, bases of learning and experiences ever be separated from the new facts learned from a case at bar seeking decision?

In other words, is decision-making so compartmentalized that a ruling today stands separate and alone from previous determinations – as though every new ruling were naturally independent and separable from all previous decisions?

Specifically, when a judge encounters new facts in a case, can that judge's thinking and analysis ever be disconnected from previously learned methods of thinking, interpretation and analysis?

5. Conclusion

Recall of mandate is requested while petition for Supreme Court certiorari is perfected.

Respectfully,

Dated 15 December 2025 /s/ *signed electronically* Peter Szanto

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PROOF of SERVICE

My name is Maquisha Reynolds, I am over 21 years of age and not a party to the within action. My business address is 4484 Dulin Pl., Oceanside CA 92057
On the date indicated below, I personally served the within:

Petition to Recall Mandate

on the following by placing copies of the within document in postage pre-paid envelopes and mailing same to:

Nicholas J. Henderson
Elevate Law Group
6000 Meadows Road, Suite 450
Lake Oswego, OR 97035

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed at Irvine CA.

Dated 15 December 2025 /s/ *signed electronically* M. Reynolds

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WIKIPEDIA
The Free Encyclopedia

J. Robert Elliott

EXHIBIT A

James Robert Elliott (January 1, 1910 – June 27, 2006) was a United States district judge of the United States District Court for the Middle District of Georgia.

Education and career

Born in Gainesville, Georgia, to Thomas M. Elliott, a Methodist minister, and Mamie Glenn Elliot,[1] Elliott received a Bachelor of Philosophy degree from Emory University in 1930. He taught school to earn money for his legal education.[1] He received a Bachelor of Laws from Emory University School of Law in 1934. He entered private practice of law in Columbus, Georgia from 1934 to 1943. He was a member of the Georgia House of Representatives from 1937 to 1943. He was in the United States Navy as a Lieutenant from 1943 to 1946, serving in the Pacific.[1] He returned to private practice in Columbus from 1946 to 1962. He was again a member of the Georgia House of Representatives from 1947 to 1949, where he served as a floor leader for Herman Talmadge in the three governors controversy.[2] He was also a delegate to the Democratic National Convention in 1948 and 1952.[1]

J. Robert Elliott

Chief Judge of the United States District Court for the Middle District of Georgia

In office
1972–1980

Preceded by	William Augustus Bootle
Succeeded by	Wilbur Dawson Owens Jr.

Judge of the United States District Court for the Middle District of Georgia

In office
February 17, 1962 – December 31, 2000

Appointed by	John F. Kennedy
Preceded by	Thomas Hoyt Davis
Succeeded by	Clay D. Land

Personal details

Born	James Robert Elliott January 1, 1910 Gainesville, Georgia
Died	June 27, 2006 (aged 96) Columbus, Georgia
Resting place	Columbus, Georgia
Political party	Democratic
Education	Emory University (Ph.B.) Emory University School of Law (LL.B.)

Federal judicial service

Elliott was nominated by President John F. Kennedy on January 23, 1962, to a seat on the United States District Court for the Middle District of Georgia vacated by Judge Thomas Hoyt Davis. He was confirmed by the United States Senate on February 7, 1962, and received his commission on February 17, 1962. He served as Chief Judge from 1972 to 1980. His service was terminated on December 31, 2000, due to his retirement; he did not take senior status. He was the last federal court judge in active service to have been appointed to his position by President Kennedy.[a] He died on June 27, 2006, in Columbus,[3][4] where he is buried.[5]

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Notable cases

In his first year on the bench, Elliott issued an order halting a civil rights demonstration led by the Martin Luther King Jr. in Albany, Georgia. He later said that the decision – subsequently overturned on appeal – was made due to a threat of violence against King and his supporters. Nevertheless, King biographer Taylor Branch wrote that Judge Elliott was a "strident segregationist."[6] In 1983, *The American Lawyer* would rank Elliott as the worst federal judge in the newly created Eleventh Circuit, describing him as:

> an old-line segregationist who flaunts his deep-rooted prejudices against blacks, unions, and criminal defendants[7]

In 1974, Elliott gained notoriety for overturning the conviction of Army Lt. William Calley for killing 22 people during the 1968 My Lai massacre, a decision later overruled by the appeals court.[8][9]

In 1996 and 1997, Elliott was reprimanded by the United States Court of Appeals for the Eleventh Circuit for his evidentiary rulings in cases involving DuPont and Mazda. Elliott had fined DuPont $115 million for withholding evidence in a suit over Benlate fungicide, and had ruled that Mazda forfeited the right to trial when it failed to comply with his order to turn evidence over to the plaintiffs. The 11th Circuit reversed both rulings, and in the Mazda case found that Elliott had abused his power and "effectively abdicat[ed his] responsibility to manage a case."[10]

Notes

a. Reynaldo Guerra Garza, appointed by Kennedy to the Southern District of Texas, would be appointed by Jimmy Carter to the Fifth Circuit in 1979 and remain in active service until his death on September 14, 2004, nearly four years after Elliott retired.

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