



No. 25A803

IN THE SUPREME COURT OF THE UNITED STATES

HENRY WADE,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

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

TO JUSTICE THOMAS
MOTION FOR STAY OF SENTENCING PENDING CERTIORARI

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Pro Se Petitioner



APPLICATION FOR STAY OF SENTENCING

Pending Disposition of Petition for Writ of Certiorari Before Judgment

(Supreme Court Rules 11, 21; 28 U.S.C. §§ 1651(a), 2101(e))

I. Relief Requested

Applicant respectfully requests a stay of all further proceedings in the United States District Court for the Middle District of Florida, including sentencing, pending this Court's disposition of the Petition for a Writ of Certiorari Before Judgment.

Absent a stay, Applicant faces imminent sentencing that will automatically suspend or revoke seventeen (17) active, state-issued professional construction and contracting licenses, permanently destroying his livelihood and professional standing before this Court can consider the grave constitutional questions presented.

II. Jurisdiction and Procedural Posture

This Court has jurisdiction under 28 U.S.C. § 1254(1) and Supreme Court Rule 11. Applicant sought a stay below pursuant to Federal Rule of Appellate Procedure 8; that request was denied. App. I-2.

Applicant's appeal is pending in the United States Court of Appeals for the Eleventh Circuit, No. 25-12697-C. No briefing schedule has issued. No final judgment has been entered. Sentencing is imminent.

III. Standard for a Stay

A stay pending certiorari is warranted where the applicant demonstrates:

1. a reasonable probability that certiorari will be granted;
2. a fair prospect that the applicant will prevail on the merits;
3. irreparable harm absent a stay; and
4. that the balance of equities and the public interest favor relief.

***Nken v. Holder*, 556 U.S. 418, 426 (2009).**

All four factors are satisfied here.

IV. Likelihood of Certiorari and Success on the Merits

The Petition presents multiple preserved structural constitutional questions of exceptional national importance, including:

- constructive amendment of an indictment in violation of *Stirone v. United States* and *Ex parte Bain*;
- removal of essential elements from the jury under *United States v. Gaudin* and *Sullivan v. Louisiana*;
- an indictment obtained through materially inaccurate grand-jury information contrary to *Mooney v. Holohan*, *Napue v. Illinois*, and *Bank of Nova Scotia v. United States*;
- suppression and rolling disclosure of attribution-critical evidence in violation of *Brady v. Maryland*, *Giglio v. United States*, and *Kyles v. Whitley*; and
- systemic breakdowns in digital-authorship prosecutions documented by federal oversight bodies.

These are pure questions of law, fully preserved, record-complete, and recurring nationwide. The Petition satisfies Supreme Court Rules 10(a), 10(c), and 11, establishing a reasonable probability of certiorari and a fair prospect of success on the merits.

V. Irreparable Harm (Independent and Compounding)

A. Sentencing Under a Structurally Tainted Prosecution Is Irreparable

Once sentencing occurs, Applicant will suffer:

- immediate incarceration exposure;
- irreversible collateral legal consequences;
- permanent reputational and professional harm; and
- loss of meaningful appellate posture.

Structural constitutional errors “infect the entire framework within which the trial proceeds” and are not cured by later review. *Sullivan v. Louisiana*, 508 U.S. 275, 281 (1993).

B. Independent Irreparable Harm: Automatic Loss of Professional Licensure

Sentencing will trigger the automatic suspension or revocation of seventeen (17) active, state-issued professional construction and contracting licenses held by Applicant.

That loss will:

- **permanently terminate Applicant’s ability to work in his trained profession;**
- **destroy existing business relationships, bonding, and insurance eligibility;**
- **foreclose future licensure reinstatement, which is discretionary and uncertain; and**
- **impose cascading regulatory and economic consequences that cannot be undone even if certiorari is later granted and the conviction vacated.**

Loss of professional licensure constitutes classic irreparable harm. No later appellate relief can restore licenses forfeited by operation of law following sentencing. This harm is concrete, non-speculative, independent of the merits, and alone warrants a stay.

C. Independent Irreparable Harm: Prosecutorial Conflict of Interest

Appendix I-1 establishes that the Assistant United States Attorney prosecuting Applicant simultaneously served as a material witness adverse to Applicant in an unrelated civil proceeding.

This dual role creates:

- an appearance of partiality incompatible with prosecutorial neutrality;
- a direct conflict between sovereign obligations and personal adversarial interests; and
- a structural integrity defect under *Young v. United States ex rel. Vuitton*.

Allowing sentencing to proceed under a prosecution infected by an unresolved conflict causes irreparable harm. No later vacatur can restore the legitimacy of a sentence imposed by a conflicted sovereign advocate. This harm exists independently of the merits and independently warrants a stay.

D. Digital-Evidence Degradation and ADA-Based Barriers

The record reflects missing, overwritten, or non-preserved SBA identity-verification metadata. Delay permanently degrades any ability to reconstruct authorship evidence central to the case.

Applicant's severe visual impairment, combined with the Government's failure to provide ADA-compliant access to electronic records, further magnifies irreparable harm absent a stay. Time only worsens both evidentiary loss and disability-based barriers.

VI. Balance of Equities

The equities overwhelmingly favor a stay:

- the Government suffers no prejudice from a temporary pause;
- Applicant faces permanent, irreversible consequences if sentencing

proceeds; and

- the requested relief preserves the status quo while this Court considers threshold constitutional questions.

VII. Public Interest

The public interest favors:

- integrity of federal criminal prosecutions;
- enforcement of prosecutorial neutrality and conflict-free advocacy;
- uniform constitutional standards governing digital-evidence prosecutions; and
- avoiding sentencing under a cloud of unresolved structural constitutional error.

Proceeding to sentencing despite documented structural violations and an unresolved prosecutorial conflict would undermine public confidence in the criminal justice system.

VIII. Conclusion

This is precisely the circumstance for which Supreme Court Rules 11 and 21 exist.

The Petition raises grave constitutional questions of national importance. Sentencing would impose irreparable harm, entrench structural violations, and compromise public confidence.

The stay should be granted.

ORDER REQUESTED

Applicant respectfully requests that this Court:

1. stay all further proceedings in the district court, including sentencing;
2. grant expedited consideration; and
3. award such other relief as justice requires.

**Henry Wade
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(843) 735-4409**

December 31, 2025

I declare under penalty of perjury a copy of the foregoing has been served upon the Solicitor General of the United States via First Class Mail, postage prepaid on this 31st day of December, 2025.

/s/ Henry Wade