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In the
Supreme Court of the United States

CHURCH OF THE GARDENS, et al.,

Applicants,

v.

QUALITY LOAN SERVICES CORP. OF WASHINGTON, et al.,

Respondents.

**APPLICATION FOR AN ADMINISTRATIVE STAY OR INJUNCTION
PENDING NINTH CIRCUIT APPEAL (No. 26-93)**

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PARTIES TO THE PROCEEDING

Applicants (plaintiffs-appellants below) are Church of the Gardens, a faith-based Christian Association, and Alvin White, a church member, in his individual capacity.

Respondents (defendants-appellees below) are Quality Loan Services Corporation of Washington, MTC Financial Inc. (d/b/a Trustee Corps.), Deutsche Bank National Trust Company, and the State of Washington.

RELATED PROCEEDINGS

- *Church of the Gardens v. Quality Loan Services Corp. of Washington, et al.*, No. 26-93, United States Court of Appeals for the Ninth Circuit. Appeal docketed Jan. 6, 2026.
- *Church of the Gardens, et al., v. Quality Loan Services Corp. of Washington*, No. 3:23-cv-06193-TMC, United States District Court for the Western District of Washington. Judgment entered Dec. 8, 2025.
- *Church of the Gardens v. Quality Loan Services Corp. of Washington, et al.*, No. 23-2-11864-8, Pierce County Superior Court, Washington. Order of Remand entered Dec. 8, 2025.

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

Applicants Church of the Gardens (Church) and property owner Alvin White respectfully apply for an administrative stay, or alternatively an injunction pending appeal, to preserve the status quo while unresolved constitutional and jurisdictional questions are reviewed.

This Application does not seek a merits determination. It seeks only to prevent irreversible loss of property and mootness of appellate review while serious Article III and removal-jurisdiction issues remain unresolved.

The urgency of this Application is compelled by the fact that enforcement consequences with regard to possession of these two properties are scheduled to

occur on or about January 26, 2026, creating a risk of irreversible harm before appellate review can occur.

Once possession is lost, appellate review becomes functionally meaningless.

I. AUTHORITY

A Circuit Justice has authority under 28 U.S.C. §§ 1651(a) and 2101(f), and Supreme Court Rule 22, to issue interim relief necessary to preserve the Court's prospective jurisdiction and to prevent irreparable harm that would defeat meaningful appellate review. *See Scripps-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 9–10 (1942); *FTC v. Dean Foods Co.*, 384 U.S. 597, 603 (1966); *Nken v. Holder*, 556 U.S. 418, 426 (2009). That authority is properly invoked where, as here, appellate jurisdiction has attached, and irreparable harm is likely to occur before the Court of Appeals can provide effective relief. Here, irreparable harm is scheduled to occur on or about January 26, 2026, well before the Court of Appeals can provide meaningful review, thereby invoking this Court's emergency authority to preserve its prospective jurisdiction.

II. PROCEDURAL POSTURE

The case below was filed in the Superior Court of Pierce County, Washington, to restrain a Washington State trustee's non-judicial sale and threatened dispossession of five real-estate parcels located in Washington State owned by White. Two of these real properties had been scheduled for sale by a Washington State trustee on January 5, 2024.

The case below was filed in state court on December 13, 2023, by White and his church, Church of the Gardens. Their lawsuit also sought to restrain a different Washington State trustee from selling three additional properties arising from the same financing arrangements.

White and the Church commenced their judicial action in Washington state court pursuant to RCW 61.24.130, which provides, in pertinent part:

- (1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. ...
- (2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days' notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. ...

The lawsuit was filed in state court in sufficient time to permit the timely adjudication of a motion to restrain the trustee's sale on multiple legal and constitutional grounds. Among many other things, White alleged that Washington State's practice of allowing purported beneficiaries, such as Deutsche Bank National Trust Company ("Deutsche Bank"), to hire and direct Washington State trustees to decide contested legal issues in involuntary foreclosure proceedings violates both the structure and provisions of the United States Constitution and the Washington State Constitution. *See* App. GG at Paras. 3.17 and 3.99 D (State Court Complaint).

White asserted throughout the litigation that this arrangement permitted private financial entities to exercise adjudicative power over property rights without

the involvement of an independent and neutral judicial officer, thereby undermining the fundamental requirement that deprivations of property occur only through lawful adjudication. *See e.g.* App. X, Y, Z, AA, BB, and S.

On December 28, 2023, Deutsche Bank, the entity claiming to be a beneficiary of the deed of trust and having standing to enforce the promissory note under Washington law¹, removed the action filed by White and Church of the Gardens, from Pierce County Superior Court to the United States District Court for the Western District of Washington. App. FF. Pursuant to that court's institutional practices, the case was assigned to a magistrate judge. *See* Apps. W, CC, BB *see also* Stafne's Declaration.

On January 4, 2024 White and the Church of the Gardens filed a presentation denominated as "Plaintiffs' Notice and Objection to Assignment of Magistrate Judge" which stated:

Church of the Gardens (hereafter "Church") and Alvin White (hereafter "Property Owner") plaintiffs in the Washington State court proceeding which has been removed to this United States District Court, by and through their attorney Scott E. Stafne, hereby object to this case having been assigned to a magistrate judge. Church of the Gardens and White demand this case be adjudicated by a judicial officer who is a judge within the meaning of Article III. *See e.g. Wellness Int'l Network, Ltd. v. Sharif*, 575 U.S. 665 (2015); *Nguyen v. United States*, 539 U.S. 69 (2003); *Gomez v. United States*, 490 U.S. 858 (1989); *Commodity Futures Trading Com v. Schor*, 478 U.S. 833 (1986).

If an appropriate Article III judicial judge, i.e. a judicial officer that holds the office of judge during behaviour is not assigned to this case within seven days Plaintiffs Church and Property Owner will file a motion to remand and also seek whatever other judicial relief as may be appropriate against this Court and its judicial officers for their oft

¹ *See Bain v. Metro. Mortg. Grp., Inc.*, 175 Wash. 2d 83, 285 P.3d 34 (2012)

repeated violations of litigants' personal rights under the Constitution to have cases and controversies adjudicated by Article III judges.

App EE.

While this “case” and Plaintiffs’ objection to it were pending before the District Court being operated as “Chambers” by a magistrate judge, Deutsche Bank paid for Washington State trustee sold both of White’s properties without litigating any of the judicial inquiries presented in the operative complaint. App. A, Stafne Declaration, ¶¶ 6-10. The District court, then purporting to act as “Chambers,” rather than the district court as defined by 28 U.S.C. §§ 128(b), 132 (a) & (b) then purported to strike Plaintiffs’ constitutional objection to these case proceedings from the record. And plaintiffs were required to file a motion with the actual District Court, *see* 28 U.S.C 132 (b), to restore the record. *Id.* That motion was granted only after a district judge, within the meaning of 28 U.S.C. § 132, was assigned to the case. App. W. That district judge granted Plaintiffs’ motion to restore the record on February 15, 2024. *Id.*

III. WHITE AND HIS CHURCH PRESENTED NUMEROUS JUDICIAL INQUIRIES ASSERTING THE DISTRICT COURT LACKED SUBJECT MATTER JURISDICTION OVER THE REMOVED CASE

After the record was restored, Plaintiffs prosecuted a series of dispositive motions in which they repeatedly presented standing, neutrality, and structural judicial inquiries. The District Court never adjudicated Plaintiffs’ challenges to its removal jurisdiction. *See* Stafne Declaration.

A. Lack of Jurisdiction Asserted in Cross-Motion Responding to the State of Washington’s Motion to Dismiss

The State of Washington moved to dismiss the case on January 11, 2024. White and Church of the Gardens filed a cross-motion asserting, among other things, that Washington’s statutory foreclosure framework permitted state-sanctioned trustees to exercise adjudicative authority while being financially dependent upon the very beneficiaries whose rights they were purportedly adjudicating. App. X, Z, AA. Plaintiffs further asserted that Deutsche Bank lacked standing under Washington law to enforce the promissory note obligations as a holder. *Id.*, and App Y.

The District Court granted the State’s motion to dismiss and declined to adjudicate Plaintiffs’ standing and judicial-neutrality arguments. App. U.

B. Lack of Jurisdiction Asserted in Cross-Motion Opposing Trustee MTC Financial’s Motion for Non-Monetary Status

On January 23, 2025, a different Washington State trustee—MTC Financial—purportedly hired by Deutsche Bank to sell three additional White properties, filed a motion to determine the validity of its claimed non-monetary status. The motion sought to insulate the trustee from any economic liability arising from its conduct as trustee.

Plaintiffs filed a cross-motion for summary judgment, asserting pursuant to their complaint that they were entitled to declaratory relief that Washington State trustees act as adjudicators when determining whether reasonable grounds exist to restrain trustee sales under RCW 61.24.130, and that due process forbids such adjudication when the trustee is financially compensated by one of the adverse parties. App. S.

The District Court did not adjudicate this judicial inquiry. Instead, it dismissed MTC Financial from the declaratory judgment action originally filed against the trustee in state court pursuant to RCW 61.24.130. App. R.

C. Order Striking Trial Date and Requiring Supplemental Briefing While Jurisdictional Challenges Remained Unadjudicated

On June 25, 2025, the District Court struck the trial date and ordered supplemental briefing. App. O. In doing so, the court expressly acknowledged that neither side had addressed Plaintiffs’ constitutional challenges to the Deed of Trust Act, declaratory relief, and equitable relief. *Id.*

Rather than adjudicating those constitutional claims as presented by the parties, the District Court deferred them and reorganized the case procedurally. That reorganization occurred while Plaintiffs’ jurisdictional and structural challenges to the Court’s authority remained unresolved.

Plaintiffs respectfully submit that a reasonable observer, fully informed of the procedural history, could conclude that the District Court’s continued management of the case—without first resolving its own jurisdiction and neutrality—created an appearance that the Court, as an institution, had an interest in directing the outcome of the litigation. *See* App. M (Order Denying Motion for Recusal); App. EE (“If an appropriate Article III judge ... is not assigned to this case ... Plaintiffs Church and Property Owner will ... seek whatever judicial relief as may be appropriate against this Court and its judicial officers for their oft repeated violations of litigants’ personal rights under the Constitution to have cases and controversies adjudicated by Article III judges.”)

D. Lack of Jurisdiction Asserted in Cross-Motions for Summary Judgment Against Deutsche Bank

White and Church of the Gardens thereafter filed another motion for summary judgment against Deutsche Bank, supported by extensive declarations and judicial-notice materials. App P, Q. That motion and supporting declaration established that Deutsche Bank had not alleged or proved contractual, statutory, or Article III standing to enforce the promissory notes, and further demonstrated multiple factual disputes regarding endorsement, fabrication, and destruction of the notes.

Among other things, Plaintiffs presented sworn testimony from the purported endorser that he had never endorsed the notes for Long Beach Mortgage Company in blank, thus making them not enforceable. App. Q, at ¶¶ 48-55.

Deutsche Bank did not even attempt to allege standing in its removal papers. App. FF. Nor has Deutsche Bank ever attempted to prove it had standing as a purported successor in interest in the mortgage to enforce the payment terms of the promissory note under Washington State law. *Bain v. Metro. Mortg. Grp., Inc.*, 175 Wash. 2d 83, 285 P.3d 34 (2012)

E. Final Summary Judgment Order Entered Without Jurisdictional Determination

On September 2, 2025, the District Court granted Deutsche Bank summary judgment and denied Plaintiffs' motions without adjudicating Plaintiffs' standing challenges, instead declaring that Deutsche Bank's standing was "moot." App. L..

In that order, the court:

1. Shifted to Plaintiffs the burden of proving Deutsche Bank's standing to remove the case to the District Court to invoke its subject matter jurisdiction;
2. Declined to adjudicate the statutory prerequisites required to enforce the promissory notes as a holder under Washington law;
3. Reduced Plaintiffs' multiple standing and neutrality challenges to a single "core" merits issue concerning possession of the original notes; and
4. Treated jurisdiction as party-specific rather than case-specific.

Id.

The court thus exercised Article III judicial power while declining to adjudicate whether it possessed constitutional jurisdiction over the removed case itself.

F. Motion for Post-Judgment Relief Reasserting Lack of Subject Matter Jurisdiction

Plaintiffs thereafter moved for post-judgment relief pursuant to Rules 59 and 60, asserting, among other things, that:

- Deutsche Bank had never alleged or proved standing to remove;
- The District Court had improperly shifted the burden of establishing jurisdiction onto Plaintiffs;
- The District Court adjudicated the merits before determining jurisdiction; and
- The District Court had ruled on reconstructed versions of Plaintiffs' arguments rather than on the judicial inquiries actually presented.

See App. K.

On December 8, 2025, the District Court granted in part and denied in part Plaintiffs’ motion for post-judgment relief. Rather than adjudicating Plaintiffs’ contention that Deutsche Bank lacked standing to invoke the subject-matter jurisdiction of the District Court, the court concluded that it lacked subject-matter jurisdiction over Church of the Gardens and therefore remanded the Church’s claims to state court. *Id.*

Plaintiffs respectfully submit that the District Court lacked constitutional authority to fragment jurisdiction in this manner. Under Article III and the principles of jurisdiction incorporated into the organic law of the United States, subject-matter jurisdiction attaches to cases, not to individual parties. A federal court cannot decline jurisdiction over a removed case based solely upon a determination that one plaintiff lacks standing, while simultaneously retaining and exercising jurisdiction over the remainder of the same case.

Imposing this party-based conception of jurisdiction upon these state court plaintiffs permitted the District Court to avoid adjudicating Plaintiffs’ threshold jurisdictional challenges to removal—even though the removing defendant lacked standing—while nonetheless proceeding to resolve the merits. Plaintiffs respectfully submit that in doing so, the District Court inappropriately exercised Article III judicial power without first establishing its constitutional authority to do so.

Plaintiffs further submit that this party-based conception of jurisdiction permitted the District Court to avoid adjudicating Plaintiffs’ threshold judicial inquiries challenging the court’s subject-matter jurisdiction over the removed action

itself because the party invoking removal jurisdiction did not have standing, while nevertheless proceeding to resolve the merits in violation of both organic and international law. In doing so, Plaintiffs respectfully submit that the District Court inappropriately exercised judicial power under Article III without first establishing its constitutional authority to do so.

**G. Plaintiffs' Appeal Reasserts That the District Court, as an Institution,
Exercised Judicial Power in Defiance of Constitutional Limits**

Plaintiffs filed their notice of appeal to the Ninth Circuit with the District Court on Friday, January 2, 2026. App. I. This was well before they were required to do so. The United States Court of Appeals for the Ninth Circuit thereafter docketed the appeal as Case No. 26-93 and issued its scheduling order on January 6, 2026. App. H. Accordingly, appellate jurisdiction has formally attached, and this Application is submitted in aid of this Court's prospective and existing appellate jurisdiction under 28 U.S.C. §§ 1651(a) and 2101(f) and Supreme Court Rule 22.

Because of the unusual jurisdictional nature of this case, Plaintiff's declined to use either of the forms the District Court or the Court of Appeals has developed for this purpose in cases involving merits rulings. *See* Stafne Declaration.

Plaintiffs' notice of appeal states in pertinent part:

This appeal is taken on the following institutional and constitutional grounds:

1. Lack of Authority to Act.

Appellant contends that the District Court assumed and exercised jurisdiction during the removal process which that Court as an institution of government did not possess, thereby acting without constitutional authority to adjudicate the judicial inquiries presented. The appeal challenges the court's authority

to proceed at all, independent of the merits of any underlying claims.

2. Structural Disqualification and Lack of Judicial Neutrality.

In the alternative, and only to the extent the District Court is deemed to have had authority to consider Appellant's supplemental complaint concerning the sale of property asserted to be a res of the court, Appellant contends that the same judicial officers charged with preserving that res were structurally disqualified from adjudicating whether the court's own conduct in permitting the sale was constitutionally or legally proper. A judge responsible for preserving a res may not serve as the neutral adjudicator of challenges to that court's own handling of the res.

App. I.

Plaintiffs next contacted the Court of Appeals on January 5, 2026, to obtain a case number for purposes of filing their motion for a stay. Plaintiffs' representative was informed by an unidentified clerk that the Court could not do so because the District Court had not yet docketed the appeal. *See* App. D, E, F, G, H, I. Because of the urgency presented by the threatened imminent loss of White's possession of his property based on the District Court's adjudication of the merits of White's case, Plaintiffs filed their motion for a stay addressed to the Court of Appeals with the District Court, so that it could be transmitted to the Circuit court of Appeals once docketing occurred. *Id.*, *see also* Stafne Declaration, ¶¶13-34 and Exhibit 1 (demonstrating the urgency of restoring the status quo until the issue of the District Court's subject matter jurisdiction to adjudicate this removed case "case" is adjudicated by an independent court operated through a neutral judge).

Deutsche Bank objected that the noting date for the motion was inconsistent with District Court's local procedural rules. Plaintiffs responded that they did not

seek adjudication of the motion by the District Court. App. F Among the reasons for that position, the most significant in a constitutional sense was Plaintiffs' belief that the District Court could not serve as an independent and neutral tribunal with respect to challenges to its own jurisdictional authority and conduct with regards to the use of magistrate judges in situations like this. *See also*, App. EE, stating that Plaintiffs would "seek whatever other judicial relief as may be appropriate against this Court and its judicial officers for their oft repeated violations of litigants' personal rights under the Constitution to have cases and controversies adjudicated by Article III judges."

Consistent with that position, Plaintiffs' Notice of Appeal further stated that "a purpose of this Notice of Appeal is to assert that the District Court's conduct constitutes 'treason to the Constitution.'" App. I. Plaintiffs invoked that term not rhetorically, but in the constitutional sense articulated by Chief Justice Marshall in *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 404 (1821), to describe judicial action that knowingly departs from constitutional limits on judicial authority. Plaintiffs respectfully submit that constitutional government cannot endure if courts claim the power to disregard or redefine the very charter from which their authority is derived.

Plaintiffs make this assertion not in a spirit of hostility toward the judiciary, but in fidelity to the Constitution itself, and in obedience to the moral duty to speak truthfully where constitutional boundaries appear to have been transgressed.

H. Emergency Motion for Stay to Prevent Continued Adjudication Without Established Article III Jurisdiction

On January 6, 2026, White and the Church were notified by the Court of Appeals that they could file an emergency motion for a stay with the Court of Appeals. App. H. Applicants did so. *See* App. C (Motion for Emergency Stay.)

A few hours later, they received an order from the Clerk of the Court of Appeals which stated:

Although “a dismissal that precedes [a] remand [for lack of subject matter jurisdiction] may be reviewed” on appeal, “a district court’s final determination that it lacks subject matter jurisdiction is unreviewable” under 28 U.S.C. § 1447(d). *See Gallea v. United States*, 779 F.2d 1403, 1404 (9th Cir. 1986); *see also Powerex Corp. v. Reliant Energy Servs., Inc.*, 551 U.S. 224, 236 (2007) (Supreme Court precedent “does not permit an appeal when there is no order separate from the unreviewable remand order”). Because the district court remanded appellant Church of the Gardens’ claims based on a conclusion that it lacked subject matter jurisdiction over them, the parties must address whether this court has jurisdiction over this appeal as to Church of the Gardens. *See* 28 U.S.C. § 1447(d). The existing briefing schedule remains in effect.

App. B.

It is the Church’s and White’s position in support of this application for an emergency stay that this Court, acting through Justice Kagan pursuant to statute and rule, should review and reverse the Clerk’s jurisdictional ruling because:

- (1) it misapplies controlling precedent;
- (2) it rests upon a party-based conception of jurisdiction contrary to Article III;
- (3) it was not entered by a circuit judge or panel authorized to exercise Article III judicial power; and
- (4) on the face of the record, Applicants satisfy the traditional requirements for a stay.

IV. ARGUMENT

A. The Clerk's Order Misapplies Controlling Supreme Court Precedent

The Clerk's order rests upon the premise that 28 U.S.C. § 1447(d) bars appellate review whenever a district court states that it lacks subject-matter jurisdiction. That premise is incorrect under controlling Supreme Court precedent.

Section 1447(d) precludes review only of a *proper* remand for lack of subject-matter jurisdiction. It does not bar review of a district court's antecedent exercise of judicial power without first establishing jurisdiction. *See Powerex Corp. v. Reliant Energy Servs., Inc.*, 551 U.S. 224, 234–36 (2007); *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 351 (1976), abrogated in part on other grounds.

Here, the District Court adjudicated dispositive merits issues, shifted jurisdictional burdens, and entered summary judgment before later declaring that it lacked subject-matter jurisdiction over one of the plaintiffs. That procedural posture is not contemplated by § 1447(d). The statute does not, and cannot, permit a federal court to exercise Article III power first and disclaim jurisdiction later.

Because Applicants do not seek review of a remand order, but of the District Court's exercise of judicial power without constitutional authority, the Clerk's reliance on § 1447(d) is misplaced. Indeed, this Court has repeatedly held that federal courts must establish jurisdiction as a threshold matter before proceeding to the merits. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998); *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999). The Clerk's order permits precisely what those cases forbid.

**B. The Clerk's Order Rests on a Party-Based Conception of Jurisdiction
Contrary to Article III**

A removed case either falls within federal jurisdiction or it does not. Federal courts operate under a presumption against subject-matter jurisdiction, which must be rebutted before any adjudication on the merits can occur. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998). Jurisdiction under Article III attaches to cases, ***not to individual parties***. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 570–71 (2004). Accordingly, a district court may not retain jurisdiction over part of a removed case while disclaiming jurisdiction over another part based solely on its view of one party's standing. *See International Primate Protection League v. Tulane Educ. Fund*, 500 U.S. 72, 87 (1991); *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 559 (2005); *Powerex Corp. v. Reliant Energy Servs., Inc.*, 551 U.S. 224, 234–36 (2007).

Yet that is precisely what occurred here. The District Court concluded that it lacked subject-matter jurisdiction over Church of the Gardens, while simultaneously retaining and exercising jurisdiction over the same removed case as to Mr. White. That fragmentation of jurisdiction is unknown to Article III and the district court should have appreciated this as an institutional matter controlled by United States organic law.

By accepting the premise that the District Court can fragment jurisdiction, the Court of Appeal's order announced by its Clerk perpetuates a conception of jurisdiction that allows federal courts to avoid threshold jurisdictional review of

removal while continuing to exercise judicial power. That approach undermines the structural limits Article III was designed to enforce.

C. The Clerk's Order Was Not Entered by a Judicial Officer Authorized to Exercise Article III Judicial Power for the Circuit Court of the Ninth Circuit

The Clerk's order purports to adjudicate a jurisdictional question that determines whether Article III judicial power may be exercised at all. That authority belongs to circuit judges appointed under Article III and authorized under 28 U.S.C. §§ 44 and 46. Clerks perform essential administrative functions, but they do not exercise judicial power. Jurisdictional determinations that affect constitutional authority cannot be made by non-judicial officers in removal cases without violating both the separation of powers and federalism structures of the constitution, as well as the mandates of Article III and the Supremacy Clause.

Because the Clerk's order resolved a jurisdictional question central to Article III authority, it exceeded the proper scope of clerical power and cannot be treated as a binding judicial determination.

This Court has consistently emphasized that the exercise of judicial power must be performed by constitutionally authorized judicial officers as established by Congress for inferior Article III courts. *See Nguyen v. United States*, 539 U.S. 69, 83–84 (2003).

D. Applicants Satisfy the Traditional Requirements for a Stay

As is demonstrated in their motion for an emergency stay which was rejected by the Court of Appeal's Clerk, Applicants satisfy all four factors governing issuance of a stay. Indeed, so far no one has disputed this.

1. Likelihood of Success on the Merits

Applicants have demonstrated a substantial likelihood of success on their jurisdictional claims. The District Court exercised judicial power before establishing removal jurisdiction, shifted the burden of jurisdiction to Plaintiffs, and fragmented jurisdiction contrary to Article III.

These errors are structural, not discretionary.

2. Irreparable Harm

Applicants' real property was sold while there was a presumption against the District Court having subject matter jurisdiction over this case and before any attempt to rebut that presumption was adjudicated. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Turner v. Bank of N. Am.*, 4 U.S. (4 Dall.) 8, 11 (1799); *McNutt v. Gen. Motors Acceptance Corp.*, 298 U.S. 178, 189 (1936). Notwithstanding Plaintiffs numerous challenges to this District Court's subject matter jurisdiction over this case based on the removing defendants' lack of standing, the District Court failed to follow the Constitution institutional design thus subjecting Mr. White to injury and benefitting Deutsche Bank, which was never required to prove its standing. Continued proceedings risk further irreversible deprivation of property and continued adjudication by the District Court for the Western District of Washington, a court which presently appears not to recognize those limits which organic law imposes on the exercise of its judicial power.

The threatened harm is not speculative. Absent immediate relief, Applicants and Mr. White's tenants face loss of possession and further enforcement consequences beginning on or about January 26, 2026. Because that harm will occur before the Court of Appeals can adjudicate jurisdiction, failure to grant interim relief will effectively moot appellate review.

No later appeal can restore lost possession of property or undo adjudication by a court lacking jurisdiction.

3. Balance of Equities

The equities favor preserving the status quo. Deutsche Bank suffers no comparable harm from delay, while Applicants face permanent loss of property and constitutional injury.

4. Public Interest

The public interest is served by ensuring that federal courts act only within constitutional bounds. The legitimacy of judicial authority depends upon faithful adherence to Article III limits.

E. This Court Has Authority to Preserve Its Prospective Jurisdiction

This Court possesses inherent authority to preserve its prospective jurisdiction and prevent irreparable constitutional injury. 28 U.S.C. §§ 1651(a), 2101(f); *Scripps-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 9–10 (1942); *FTC v. Dean Foods Co.*, 384 U.S. 597, 603 (1966).

Without interim relief, this Court's ability to review the jurisdictional issues presented may be effectively defeated.

V. CONCLUSION

Applicants do not seek special treatment. They seek only the enforcement of Article III's structural command: that federal courts act only when they possess constitutional authority to do so. The Clerk's order permits the exercise of judicial power without that authority. This Court should not permit such a result to stand.

Respectfully submitted this 14th day of January 2026 at Arlington, Washington.

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