25A 918

No. 25-6639

IN THE SUPREME COURT OF THE UNITED STATES

IN RE: DEON D. COLVIN —PETITIONER

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EMERGENCY APPLICATION FOR A STAY OF THE MANDATE AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY FOR D.C. COURT CIRCUIT COURT OF APPEALS CASE NO. 24-7016 PENDING DISPOSITION OF APPLICANT'S PENDING PETITION FOR A WRIT OF MANDAMUS & THE FILING AND DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI

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DIRECTED TO THE HONORABLE JOHN ROBERTS, CHIEF JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR THE D.C. CIRCUIT PURSUANT TO RULE 23

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DEON D. COLVIN
Pro Se Applicant
(Non-Attorney)

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REQUEST FOR IMMEDIATE TEMPORARY RELIEF

Applicant requests an immediate administrative stay that will maintain the status quo while Your Honor considers this Application. Without an immediate administrative stay, the D.C. Circuit will issue the mandate by February 18, 2026, which will return the case to the district court and potentially moot Applicant's pending petition for writ of mandamus.

Thus, the administrative stay is necessary to preserve this Court's jurisdiction and the status quo while Your Honor considers this Application. Conversely, allowing the mandate to issue would create a procedural emergency that would interfere with the Supreme Court's active review of Applicant's pending petition for writ of mandamus.

Applicant, having made the above emergency request for the temporary relief of an immediate administrative stay, now proceeds with his Application for a stay.

APPLICATION FOR A STAY OF THE MANDATE FOR D.C. CIRCUIT CASE NO. 24-7016[1]

To the Honorable John Roberts, Chief Justice of the Supreme Court and Circuit Justice for the District of Columbia Circuit:

Under this Court's Rules 20, 22, 23, 28 U.S.C. § 1651, 28 U.S.C. § 2101 (f), and 28 U.S.C. § 1254, Applicant Deon D. Colvin ("Applicant") respectfully requests an order staying the D.C. Circuit's issuance of the mandate for case no. 24-7016, pending the Supreme Court's disposition of Applicant's pending petition for writ of mandamus, and in the event

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[1] Petitioner is *pro se*. The pleadings of *pro se* litigants are provided liberal construction by the Court. *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972) ("allegations of the *pro se* complaint...we hold to less stringent standards than formal pleadings drafted by lawyers"); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)("A document filed *pro se is* to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers"); *Hall v. Bellmon*, 935 F. 2d 1106, 1110, n.3 (10th Cir. 1991)("The *Haines* Rule applies to all proceedings involving a *pro se* litigant.").

of its denial, the filing and disposition of a petition for writ of certiorari.

The parties to the proceeding are the following: (1) Deon D. Colvin, Applicant, (2) District of Columbia Court of Appeals et al., Respondent, and (3) United States Circuit Court of Appeals for the District of Columbia ("D.C. Circuit"), Respondent.

The relief sought—a stay of issuance of the mandate by the D.C. Circuit until this Court can issue a ruling on Applicant's pending Petition for Writ of Mandamus, and if denied, until Applicant can file a petition for writ of certiorari—is not available from any other Court because the D.C. Circuit is the highest federal court in the District of Columbia, and it has denied Applicant's motion to stay the mandate, *see* App. 1, Applicant's motion for a stay of proceedings pending the filing and disposition of a Petition for Writ of Mandamus, *see* App. 2, and Applicant's motion for reconsideration en banc of the Special Panel's November 26th Order of dismissal, *see* App. 3, so only this Court can issue the requested stay of the mandate.

The judgment sought reviewed is the Special Panel of the D.C. Circuit Court of Appeals' November 26, 2025 Order to dismiss Applicant's case. *See* App. 4. On December 3, 2025, Applicant filed a motion for extension of time to respond to the ruling by February 10, 2026, but the motion was denied with the mandate that Applicant must file a petition for rehearing by December 26, 2025. *See* App. 5. On December 29, 2025, Applicant filed a motion to stay proceedings pending the filing and disposition of a petition for writ of mandamus with the Supreme Court, and a motion for rehearing en banc of the Special Panel's November 26, 2025 Order.[2] On January 19, 2026, Applicant filed a petition for writ of mandamus with the Supreme Court (case no. 25-6693), requesting the Court to issue the writ to the D.C. Circuit to send the case back to the district court for further proceedings since the district court failed

[2] December 26, 2025 was a federal holiday for the judiciary, so Applicant's motion was due the next business day which was December 29, 2025.

to docket and rule on Applicant's three filed Rule 59 (e) motions, and thus has not issued a final judgment in the matter.

On January 23, 2026, the D.C. Circuit denied Applicant's motion to stay and motion for en banc rehearing. On January 29, 2026, Applicant filed a motion to stay the mandate 90 days pending disposition of Applicant's petition for writ of mandamus, and if denied, pending the filing and disposition of a petition for writ of certiorari. On February 11, 2026, the D.C. Circuit denied the motion, including a request for an administrative stay. *See* App. 1.

REASONS WHY A STAY OF THE MANDATE IS JUSTIFIED: PART 1—FACTUAL & PROCEDURAL REASONS SUPPORTING A STAY

A stay of the mandate is justified for the following reasons:

1. On November 20, 2023, Applicant filed a complaint against the District of Columbia Court of Appeals et al. in the U.S. District Court for the District of Columbia (case no. 1:23-cv-03485).
2. On January 16, 2024, the district court entered an order dismissing the complaint with prejudice.
3. On February 5, 2024, Applicant filed a motion to alter or amend judgment and a notice of appeal.
4. On February 8th, February 12th, February 16th, and March 28th, 2024, Applicant filed amended Rule 59 (e) motions to alter or amend the judgment.
5. Upon receipt of the notice of appeal, the D.C. Circuit court opened the subject case (case no. 24-7016). Applicant filed motion for reconsideration, claiming that he had rule 59 (e) motions that had not been ruled upon. The D.C. Circuit ordered the case be put in abeyance until the District Court rule on the Rule 59 (e) motions.

6. On May 6, 2024, the District Court entered a ruling that did not include Applicant's Feb. 12th and March 28th Rule 59 (e) motions, and noticed the D.C. Circuit court, and the D.C. Circuit promptly re-opened its appeal case.
7. On June 3, 2024, Applicant filed a Rule 59 (e) motion to alter or amend the judgment on the ground that the district court's May 6th ruling did not include his Feb. 12th and March 28th Rule 59 (e) motions to alter or amend judgment.
8. On June 5, 2024, Applicant filed a second notice of appeal.
9. On July 26th, 2024, the D.C. Circuit sent a copy of the docket to the circuit court that did not include Applicant's motions to alter or amend judgment filed on Feb. 12th, March 28th, and June 3rd, 2024.
10. Applicant's case was erroneously sent to the D.C. Circuit Court of Appeals by the District Court on or about May 6, 2024.
11. This is so because the District Court did not rule on all Rule 59 (e) motions before forwarding Applicant's case to the D.C. Circuit Court of Appeals.
12. Furthermore, not only did the District Court not rule on all Applicant's Rule 59 (e) motions, but it did not include them in the case record it sent to the D.C. Circuit.
13. Applicant motioned the D.C. Circuit that there was a difference in the record in what occurred in the District Court and what was listed in the case record, and, pursuant to Federal Rule of Civil Procedure 60 (a), Federal Rule of Appellate Procedure 10 (e)(1), and Handbook of Practice and Internal Procedures, United States Court of Appeals for the District of Columbia Circuit (2025) at 21, *see* App. 6, any difference in the record *must first* be submitted to the District Court and the case record reconciled accordingly. Applicant included as exhibits his Rule 59 (e) motions filed on Feb. 12,

March 28th, and June 3, 2024. *See* App. 7, 8, 9.

14. In the same motion, Applicant informed the Court that, pursuant to Federal Rule of Appellate Procedure 4 (a)(4)(B)(i), it did not have jurisdiction because the District Court had not ruled of all Applicant's Rule 59 (e) motions.

15. Instead of granting Applicant's motion for leave, a Special Panel of the D.C. Circuit ruled that Applicant should submit an appellate brief with explanation.

16. After several motions to the Special Panel requesting motion for leave to to correct the record be granted were denied, Applicant filed a motion for rehearing en banc with the D.C. Circuit Court, explaining that the Court did not have jurisdiction and requesting his motion for leave be granted.

17. The D.C. Circuit Court ruled that Applicant had not presented circumstances that merited en banc consideration, and ruled that he submit an appellant brief explaining any problems he had with the District Court record along with any appellant argument Applicant wanted to make on the merits.

18. Applicant filed a motion for clarification asking the Court how he did not present circumstances that merited en banc consideration, and for the Court to provide the legal basis (case law, statute court rules, etc.) for its decision that he should submit an appellant brief when the Circuit Court rules and Internal Procedures say all differences in the record *must first* be settled by the District Court, and that the Court of Appeals does not have jurisdiction because the District Court has not ruled on all Applicant's Rule 59 (e) motions.

19. While Applicant was waiting on a response from the en banc court on his motion for clarification, the Special Panel motioned and ruled Applicant's case be dismissed on the ground of D.C. Cir. Rule 38 that the motion was repetitive and Applicant failed to file a

brief, *see* App. 4, when Applicant's motion was not repetitive, and Applicant was waiting on the en banc Court's answer to his motion for clarification. *See* App. 10.

20. Applicant filed a motion for extension of time to February 10, 2026 to respond to the ruling, stating to the Panel that he wanted to file motions for rehearing and other responses.

21. The Special Panel denied Applicant's motion and ruled he must file a motion for rehearing on its dismissal by December 26, 2025.[3]

22. Applicant filed a motion to stay proceedings pending filing and disposition of a petition for writ of mandamus with the Supreme Court, and a motion for rehearing en banc on the Special Panel's November 26th Order dismissing the case.

23. The D.C. Circuit denied the motions. *See* App. 2 and 3.

24. Applicant filed a motion to stay the mandate for 90 days pending disposition of his pending petition for writ of mandamus and, if denied, a petition for writ of certiorari.

25. The D.C. Circuit denied Applicant's motion to stay the mandate. *See* App.1.

26. A stay of the mandate is justified because the D.C. Circuit's Special Panel wrongly dismissed the case, claiming repetitious submissions and failure to file an appellant brief when Applicant's submissions were not repetitious, the Special Panel did not have jurisdiction to dismiss a matter that was before the en banc Court, and the D.C. Circuit Court does not have subject matter jurisdiction over the matter, so there was no legal basis for dismissing for failure to prosecute a matter the D.C. Circuit does not have subject matter jurisdiction over.

27. A stay of the mandate is necessary to protect my Fifth Amendment right to procedural due process on my complaint, and to have my complaint heard on the merits, which

[3] The Special Panel issued the order December 12, 2025. The Clerk mailed the order on December 15th. Applicant received the order on December 18, 2025.

includes rulings on my filed but not docketed or adjudicated Rule 59 (e) motions.

28. A stay of the mandate is necessary so that the Court can consider Applicant's pending petition for a writ of mandamus and issue the writ, which is appropriate in this case.

29. A stay of the mandate is necessary to allow Applicant to file a petition for writ of certiorari in the event this Court declines to issue the writ.

. REASONS WHY A STAY IS JUSTIFIED—PART II: LEGAL ARGUMENT IN SUPPORT OF A STAY OF MANDATE PENDING DISPOSITON ON THE PETITION FOR WRIT OF MANDAMUS

"To obtain a stay pending the filing and disposition of a petition for a writ of mandamus, an applicant must show a fair prospect that a majority of the Court will vote to grant mandamus and a likelihood that irreparable harm will result from the denial of a stay. Before a writ of mandamus may issue, a party must establish that (1) "no other adequate means [exist] to attain the relief he desires," (2) the party's "right to issuance of the writ is 'clear and indisputable" and (3) "the writ is appropriate under the circumstances." Hollingsworth v. Perry, 558. US. 183, 190 (2010); 130 S. Ct. 705, 710 (2010).

I. THERE IS A FAIR PROSPECT THAT A MAJORITY OF THE COURT WILL VOTE TO GRANT MANDAMUS

There is a fair prospect that a majority of the court will vote to grant mandamus because the mandamus involves a clear instance where a citizen's Fifth Amendment right to procedural due process is being violated. Specifically, there is a fair prospect because the majority of the Court will see that the D.C. Circuit is not following its rules, internal procedures, and relevant case law regarding how differences in the case record are to be handled, and how it currently does not have jurisdiction to judge the case, and find that mandamus is appropriate.

II. THERE IS A LIKELIHOOD THAT IRREPARABLE HARM WILL

RESULT FROM THE DENIAL OF A STAY

There is strong likelihood that irreparable harm will result from denial of a stay. Applicant is facing dismissal of his case without ever having his Rule 59 (e) motions ruled upon or having his case decided on the merits. The underlying matter involves his complaint[4] that the D.C. Court of Appeals and its judges erroneously classified him as counsel during his appeal, thus denying him due process—*i.e.*, the more liberal treatment provided to *non-lawyer, pro se* litigants with respect to Court Rules, pleadings, etc. that he was due—during appeal proceedings. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007)("A document filed *pro se is* to be liberally construed."); Farmer-Celey v. State Farm Ins. Co., 163 A. 3d 761, 766 (D.C. 2017)("The liberal application of rules of procedure and construction of pleadings is particularly apt in litigation pursued by a party without legal representation. On matters involving pleadings, timeliness of filings, and service of process "pro se litigant are not always held to the same standards as are applied to lawyers." (citation omitted)). Dismissal of Applicant's case, which will be final without a stay from this Court, would cause irreparable harm to Applicant's right to due process, *i.e.*, to have his day in Court or to have the merits of his complaint considered by an impartial federal judge (or judges in the event of an appeal).

III. NO OTHER ADEQUATE MEANS TO ATTAIN THE RELIEF DESIRED

Applicant meets this criterion because there is no other way that he can attain the relief desired, which is to be able to approach the District Court with the differences he has with the case record and have his outstanding Rule 59 (e) motions that were filed, but not ruled on, considered and adjudicated. Only a writ of mandamus directing the D.C. Circuit Court send

[4] Amended versions of Applicant's complaint are attached to his Rule 59 (e) motions that were filed, but not docketed.

the case back to the District Court for rulings on Applicant's Rule 59 (e) motions will ensure that the differences in the case record are addressed by the District Court and Applicant's Rule 59 (e) motions are ruled on before any further proceedings in the case.

IV. THE PARTIES RIGHT TO THE ISSUANCE OF THE WRIT IS CLEAR AND INDISPUTABLE

Applicant's right to the issuance of the writ is clear and indisputable. Applicant has Rule 59 (e) motions that were filed in the District Court that were never ruled upon. Federal Appellate Rule 4 (a)(4)(B)(i) states that Applicant's Notices of Appeal is not effective until the last remaining Rule 59 (e) motion has been ruled on. Thus, the D.C. Circuit Court does not have jurisdiction over the matter that is before it as case no. 24-7016. It is unlawful for the Court to dismiss a case that it does not have jurisdiction over. Further, Applicant has a Fifth Amendment right to procedural due process on his complaint. In this instance, that means the right to due process on his properly filed Rule 59 (e) motions. It also means a case record that completely discloses what occurred in the District Court. Thus, Applicant's right to issuance of the writ directing the D.C. Circuit Court to send the case back to the District Court for rulings on Applicant's Rule 59 (e) motions is clear and indisputable.

V. THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES

Applicant has a constitutional right to due process on his complaint. Rulings on his Rule 59 (e) motions *before* any appellate proceedings, and a case record that reflects what occurred in the District Court are essential for due process to occur in this case. The D.C. Circuit Court has refused Applicant's attempts at these objectives, and in so doing, violates Applicant's Fifth Amendment right to procedural due process. Thus, the writ is appropriate under the circumstances.

VI. REASONS WHY A STAY IS JUSTIFIED—PART III: LEGAL ARGUMENT

IN SUPPORT OF A STAY OF THE MANDATE PENDING FILING & DISPOSITION ON THE PETITION FOR WRIT OF CERTIORARI

"To obtain a stay pending the filing and disposition of a petition for a writ of certiorari, an applicant must show (1) a reasonable probability that four justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below, and (3) a likelihood that irreparable harm will result from the denial of the stay. In close cases the Circuit Justice or the Court will balance the equities and weigh the relative harms to the applicant and to the respondent." Hollingsworth v. Perry, 558 U.S.183, 190 (2010); 130 S. Ct.705, 710 (2010).

VII. THERE IS A REASONABLE PROBABILITY THAT FOUR JUSTICES WILL CONSIDER THE ISSUE SUFFICIENTLY MERITORIUS TO GRANT CERTIORARI

There is a fair reasonable probability that four justices will consider the issue sufficiently meritorious to grant certiorari because the case involves a clear instance where a citizen's Fifth Amendment right to procedural due process is being violated. Specifically, there is a reasonable probability because four justices of the Court will see that the D.C. Circuit is not following its rules, internal procedures regarding how differences in the case record are to be handled, and how it currently does not have jurisdiction to judge the case per Supreme Court and D.C. Circuit Court case law on Rule 59 (e) motions[5], and find the issue sufficiently meritorious and grant certiorari.

VIII. THERE IS FAIR PROSPECT THAT A MAJORITY OF THE COURT WILL

[5] See *Bannister v. Davis*, 140 S. Ct. 1698, 1700 (2020)("A timely filed motion suspends the finality of the original judgment for purposes of appeal, and only the district court's disposition of the motion restores finality and starts the 30-day appeal clock.") *Cobell v. Jewell*, 802 F.3d 12, 19 (D.C. Cir. 2015)("...a rule 59 (e) motion stops the appeals Clock until the motion is decided").

VOTE TO REVERSE THE JUDGMENT BELOW

There is fair prospect that a majority of the Court will vote to reverse the judgment below Because it is clear that the district court clerk failed to docket Applicant's filed Rule 59 (e) motions, and thus the district court did not rule on all Applicant's Rule 59 (e) motions, and that at least two of the Rule 59 (e) motions were filed within 28 days of the district court judgment, as required per Rule 59 (e), there is a fair prospect that a majority of the Court will see that the District Court still has jurisdiction of case, and will vote to reverse the D.C. Circuit's judgement to dismiss for Applicant's failure to file an appellant brief, *i.e.*, for want of prosecution.

IX. THERE IS A LIKELIHOOD IRREPARABLE HARM WILL RESULT FROM THE DENIAL OF STAY

If a stay is denied, the D.C. Circuit will issue the mandate and the case will be dismissed without Applicant ever having his Rule 59 (e) motions ruled upon or having his case decided on the merits. The underlying matter involves Applicant's complaint[6] that the D.C. Court of Appeals and its judges erroneously classified him as counsel during the appeal, thus denying Applicant's Fifth Amendment right to procedural due process—*i.e.*, the more liberal treatment provided to *non-lawyer, pro se* litigants with respect to Court Rules, pleadings, etc. that he was due—during appeal proceedings. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007)("A document filed *pro se is* to be liberally construed."); Farmer-Celey v. State Farm Ins. Co., 163 A. 3d 761, 766 (D.C. 2017)("The liberal application of rules of procedure and construction of pleadings is particularly apt in litigation pursued by a party without legal representation. On matters involving pleadings, timeliness of filings, and service of process "pro se litigants are not always held to the same standards as are applied to lawyers" (citation omitted)). If Applicant's case is

[6] Amended versions of Applicant's complaint are attached to his Rule 59 (e) motions that were filed, but not docketed.

dismissed, which will occur without a stay, it causes irreparable harm to his right to due process, *i.e.*, to have his day in Court and to have the merits of his complaint considered by an impartial federal judge (or judges in the event of an appeal).

X. A PETITION WILL PRESENT SUBSTANTIAL QUESTIONS & GOOD CAUSE FOR A STAY

A petition will present at least five substantial questions. *First*, does the D.C. Circuit have subject matter jurisdiction of the case when the district court has not ruled on all of Appellant's Rule 59 (e) motions? According to Federal Rule of Appellate Procedure 10, the record on appeal includes the original papers filed in the district court. Applicant demonstrated in motions to the D.C. Circuit that he filed timely Rule 59 (e) motions on February 12 and June 3, 2024 that have not been ruled upon. Supreme Court case law, D.C. Circuit case law, and Federal Rules of Appellate procedure on Rule 59 (e) motions is clear that a timely Rule 59 (e) motion stops the appeals clock until the disposition of the last such remaining motion. Fed. R. App. P. 4, *Bannister v. Davis*, 140 S. Ct. 1698, 1700 (2020)("A timely filed motion suspends the finality of the original judgment for purposes of appeal, and only the district court's disposition of the motion restores finality and starts the 30-day appeal clock.") *Cobell v. Jewell*, 802 F.3d 12, 19 (D.C. Cir. 2015)("...a rule 59 (e) motion stops the appeals Clock until the motion is decided"). Thus, whether the D.C. Circuit has subject matter jurisdiction of the case is a substantial question.

Second, did the Special Panel have the authority to dismiss the case? The en banc court was considering Applicant's motion for clarification on its denial of Applicant's motion for rehearing en banc. The D.C. Circuit's internal rules and procedures give no authority to the Special Panel once a motion for consideration has been filed for en banc consideration of its ruling; at that point, jurisdiction lies with the en banc Court. D.C.

Circuit Handbook of Practice and Internal Procedures 32 (2025)("If a party disagrees with the special panel's disposition of a non-dispositive motion, it may move for reconsideration by the same panel or by the full Court. The Court rarely grants such motions."). *See* App.6. Hence, whether the Special Panel had the authority to dismiss the matter is a substantial question.

Third, is the D.C. Circuit's dismissal of the case a usurpation of power from the district court? The district court has jurisdiction of the case until all properly filed Rule 59 (e) motions have been ruled on. Thus, whether the D.C. Circuit's dismissal for failure to prosecute usurped power from the district court to decide a case in its jurisdiction is a substantial question for the Supreme Court to consider.

Fourth, is the D.C. Circuit's dismissal a violation of Applicant's Fifth Amendment right to due process on his complaint? Applicant has a Fifth Amendment right to procedural due process on his complaint filed in the district court, which includes adjudication of his properly filed Rule 59 (e) motions, and a case docket that reflects what occurred in the district court. The D.C. Circuit's dismissal of Applicant's case without these occurring calls into question whether Applicant received due process on his complaint, and makes this a substantial question for the Supreme Court to consider.

Fifth, was the en banc Court's failure to rule on Applicant's motion for clarification a denial of Applicant's Fifth Amendment right to procedural due process on that motion? Applicant's motion for clarification was never ruled on, thus whether this violated Applicant's right to due process is a substantial question.

There is Good Cause For A Stay. There is good cause for a stay because Applicant currently has a petition for writ of mandamus pending in this Court, which requests the Court answer

the first three questions. Thus, there is good cause for a stay because it would be premature and inefficient for the D.C. Circuit's mandate to issue when it there is a substantial possibility it could be reversed by the Supreme Court upon the granting of said petition or a petition for writ of certiorari.

XI. PRAYER FOR RELIEF

Applicant prays for the following: (1) an immediate administrative stay of the D.C. Circuit's mandate, currently scheduled to issue by February 18, 2026, in order to preserve the status quo pending Your Honor's consideration of this Application; (2) a stay pending disposition of Applicant's pending petition for writ of mandamus; and (3) a stay pending filing and disposition of a petition for a writ of certiorari.

XII. CONCLUSION

A stay of the mandate in the D.C. Circuit pending disposition of Applicant's pending petition for writ of mandamus, and if denied, the filing and disposition of a petition for writ of certiorari should be **GRANTED**.

Respectfully Submitted Date

Deon D. Colvin 2-11-26

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APPENDIX 1

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016 **September Term, 2025**

1:23-cv-03485-UNA

Filed On: February 11, 2026

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Henderson, Wilkins, and Pan, Circuit Judges

ORDER

Upon consideration of appellant's motion to stay the mandate for 90 days or until disposition of a petition for writ of certiorari, or, in the alternative, to administratively stay the mandate for 14 days, it is

ORDERED that the motion be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

APPENDIX 2

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016 **September Term, 2025**

1:23-cv-03485-UNA

Filed On: January 23, 2026

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Henderson, Wilkins, and Pan, Circuit Judges

ORDER

Upon consideration of appellant's motion for stay of proceedings pending the filing and disposition of a petition for writ of mandamus with the Supreme Court, it is

ORDERED that the motion be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

APPENDIX 3

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016 **September Term, 2025**

1:23-cv-03485-UNA

Filed On: January 23, 2026

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Srinivasan, Chief Judge; Henderson, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, the errata thereto, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

APPENDIX 4

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016 **September Term, 2025**

1:23-cv-03485-UNA

Filed On: November 26, 2025

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Henderson, Wilkins, and Pan, Circuit Judges

ORDER

Upon consideration of the motion to clarify the court's July 17, 2025 order and the errata thereto, it is

ORDERED, on the court's own motion, that this case be dismissed. See D.C. Cir. Rule 38. Appellant was cautioned that repetitious submissions or failure to comply with the court's orders and rules may result in sanctions, potentially including but not limited to dismissal of the appeal. Appellant's motion to clarify repeats his prior arguments concerning the accuracy of the district court record, despite being directed to raise those arguments in his brief. To date, appellant has not filed a brief and instead continues to file repetitious submissions.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Selena R. Gancasz
Deputy Clerk

APPENDIX 5

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016 **September Term, 2025**

1:23-cv-03485-UNA

Filed On: December 12, 2025

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Henderson, Wilkins, and Pan, Circuit Judges

ORDER

Upon consideration of appellant's motion for extension of time to file a petition for panel rehearing and rehearing en banc, styled as a motion for extension of time to respond to the November 26, 2025, order, it is

ORDERED that the motion be denied. Any petition for rehearing is due by December 26, 2025. See Fed. Cir. Rule 40(a).

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

APPENDIX 6

HANDBOOK OF PRACTICE

and

INTERNAL PROCEDURES

UNITED STATES COURT OF APPEALS

for the

DISTRICT OF COLUMBIA CIRCUIT

As Amended Through December 4, 2025

IV. DOCKETING THE APPEAL

A. CASES FROM THE DISTRICT COURT AND THE TAX COURT

1. *Preliminary Record on Appeal and Preparation of Transcripts*
(*See* Fed. R. App. P. 10.)

The preliminary record on appeal, prepared in the district court Clerk's Office or the Tax Court Clerk's Office, consists of the notice of appeal and the district court docket entries. Upon receipt of the preliminary record, a case administrator in this Court's Clerk's Office dockets the appeal, assigns it a number, and gives notice of the filing to all parties by issuing an order scheduling certain submissions. In addition, a case administrator checks to see that the docketing fee has been paid and issues an appropriate order if it has not.

The documents and exhibits filed in the district court; the transcript of proceedings, if any; and the docket entries prepared by the Clerk of the district court, constitute the record on appeal. The parties may correct errors or omissions in the record by stipulation. In the event of a dispute, this Court has the power to require that the record be corrected or amplified, but disputes about the accuracy of the record must first be submitted to the district court.

Within 14 days of filing the notice of appeal in a civil case, or entry of an order disposing of the last timely remaining motion as specified in Federal Rule of Appellate Procedure 4(a)(4)(A), appellants must order from the court reporter a transcript of such parts of the proceedings not already on file that they consider necessary to dispose of the appeal.

Counsel has the responsibility for assuring expeditious preparation of the transcript in a criminal appeal. If any unusual problems arise with the court reporter, they should be brought to this Court's attention immediately. Where the defendant proceeded *in forma pauperis* in the district court, that court, by local practice, requires appointed counsel to order the transcript at the same time as filing the notice of appeal.

Unless the entire transcript is ordered, the appellant must file and serve on the appellee a designation of the parts of the transcript ordered, and a statement of the issues to be presented on appeal. The appellee has 14 days to file and serve a cross-designation of additional parts of the transcript. If the appellant refuses to order the additional portions, appellee should do so, or ask the district court to compel the appellant to comply.

When, as is often the case, a complete transcript has been made during the trial, and it is filed with the Clerk, no designation need be made. The parties, however, must include in the appendix to the briefs only those portions of the transcript that are pertinent to the appeal. Awards of costs and sanctions may be imposed where a party has included unnecessary material in the appendix. *See infra* Part IX.B.

If no transcript is available, the appellant may prepare and file with the district court a statement of the evidence or proceedings based on the best available means, including recollection, and serve it on the appellee. The appellee has 14 days to serve objections or proposed amendments in response. The district court then approves the statement as submitted or amended, and certifies it to this Court as the record on appeal.

As with transcript designations, the parties are encouraged to agree on what exhibits are necessary to resolve the appeal, but in the absence of an agreement they may cross-designate exhibits.

34(j), and emergency matters, presented by the Legal Division. *See infra* Part VIII and Part XI.C.2. The special panel members also are engaged in their regular merits sittings while they serve on the special panel.

The Legal Division circulates to the panel the necessary papers and the recommendations of the staff attorneys regarding the motions that will be presented. The panel may adopt or reject the staff attorney's recommendation, request more research, take the matter under advisement, or refer the motion for disposition to the panel ultimately assigned to hear the case on the merits.

The Court does not publish or disclose in advance the names of the judges on the special panel, nor does it notify counsel or the public of the date on which a particular motion will be considered. The panel does not hear oral argument on motions, except, very rarely, in emergency matters or for extraordinary cause.

Orders of the special panel disposing of motions are usually not published, although in some cases the panel may decide that a published *per curiam* opinion will be useful to establish the law of the Circuit on a particular issue. The unpublished orders reflect the names of the panel members beneath the case caption. The order, or a separate memorandum accompanying the order, will explain the basis for the Court's disposition of the motion.

If a party disagrees with the special panel's disposition of a non-dispositive motion, it may move for reconsideration by the same panel or by the full Court. The Court rarely grants these motions. Petitions for rehearing of orders deciding dispositive motions are addressed in Part XIII.B, *infra*.

E. Disposition by a Merits Panel

Once a case is assigned to a merits panel, everything relating to the case comes under the exclusive control of the panel. All motions filed in the case are submitted to the panel.

When a motion is filed, it is transmitted to the panel with the motions papers, any supporting material, and any memorandum prepared by the Legal Division recommending a disposition. Once the panel members vote on the disposition of the motion, an order is prepared disposing of the motion. The order usually shows the names of the panel members.

F. Distribution of Orders

The Clerk's Office files and distributes all orders. When an order or judgment is entered in a case assigned to the Court's electronic filing system, the Clerk's Office electronically transmits a Notice of Docket Activity to all parties who have consented to electronic service, and mails notice and a copy of any opinion or judgment to parties who are not electronic filers. *See* D.C. Cir. Rules 36(b), 45(d). The Clerk's Office maintains a record of all persons to whom copies of an order are sent.

VIII. SPECIFIC MOTIONS

A. Motions for Stay or Emergency Relief

(*See* Fed. R. App. P. 8, 18; D.C. Cir. Rules 8, 18, 27(e).)

Filing a notice of appeal, or obtaining permission to appeal, generally does not automatically stay the operation of the judgment or order under review. Except in cases involving money judgments against the United States or the District of Columbia, or where the appellant posts a bond or other security in accordance with Federal Rule of Civil Procedure 62(d), the losing party must move to obtain a stay or injunction

APPENDIX 7

United States District Court of the District of Columbia
CIVIL DIVISION

DEON D. COLVIN *
*
Plaintiff, *
*
vs. * **Civil Action No: 23-03485 (UNA)**
*
DISTRICT OF COLUMBIA COURT OF APPEALS, et. al. *
*
Defendant. *

PLAINTIFF'S SECOND *AMENDED*[1] MOTION TO ALTER OR AMEND JUDGMENT & FOR LEAVE OF COURT TO AMEND COMPLAINT

Deon D. Colvin ("Plaintiff" or "I"), *in propria persona*, pursuant to Fed R. Civ. P. 5(a)(1)(D), 7(b), and Rule 59 (e) respectfully moves this court under Rule 59 (e) of the Federal Rules of Civil Procedure to alter or amend its judgment entered on January 8, 2024, and for leave to amend complaint, pursuant to Rule 15(a). In support of these motions, Plaintiff states the following:

I. Motion to Alter of Amend Judgment

FIRST PRELIMINARY STATEMENT

First. Plaintiff assumes that the Court has identified all the problems that it sees with his complaint in its Memorandum Opinion, and that if it were not for these issues Plaintiff's complaint would go forward. Thus Plaintiff will address the issues the Court identified in the present motion and explain why the Court is in error, or why the Court's reason for dismissal does not apply to Plaintiff's First Amended Complaint.

[1] Plaintiff amends to: (1) correct grammatical, quotation, and formatting errors; (2) to attach Plaintiff's First Amended Complaint.

APPENDIX 8

United States District Court of the District of Columbia
CIVIL DIVISION

DEON D. COLVIN	*	
	*	
Plaintiff,	*	
	*	
vs.	*	**Civil Action No: 23-03485 (UNA)**
	*	
DISTRICT OF COLUMBIA COURT OF APPEALS, et. al.	*	
	*	
Defendant.	*	

PLAINTIFF'S FOURTH *AMENDED*[1] MOTION TO ALTER OR AMEND JUDGMENT & FOR LEAVE OF COURT TO AMEND COMPLAINT

Deon D. Colvin ("Plaintiff" or "I"), *in propria persona*, pursuant to Fed R. Civ. P. 5(a)(1)(D), 7(b), and Rule 59 (e) respectfully moves this court under Rule 59 (e) of the Federal Rules of Civil Procedure to alter or amend its judgment entered on January 8, 2024, and for leave to amend complaint, pursuant to Rule 15(a). In support of these motions, Plaintiff states the following:

I. Motion to Alter of Amend Judgment

FIRST PRELIMINARY STATEMENT

First. Plaintiff assumes that the Court has identified all the problems that it sees with his complaint in its Memorandum Opinion, and that if it were not for these issues Plaintiff's complaint would go forward. Thus Plaintiff will address the issues the Court identified in the present motion and explain why the Court is in error, or why the Court's reason for dismissal does not apply to Plaintiff's First Amended Complaint.

[1] Plaintiff amends to address unforeseen (1) grammatical errors, word omissions, and other errors; (2) to attach Plaintiff's First Amended Complaint; (3) to make slight modifications that align with my First Amended Complaint; (4) to make additional requests to the Court.

APPENDIX 9

United States District Court of the District of Columbia
CIVIL DIVISION

DEON D. COLVIN

Plaintiff,

vs.

DISTRICT OF COLUMBIA COURT OF APPEALS, et. al.

Defendant.

Civil Action No: 23-03485 (UNA)

PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENTS & FOR LEAVE OF COURT TO AMEND COMPLAINT[1]

Deon D. Colvin ("Plaintiff" or "I"), *in propria persona*, pursuant to Fed R. Civ. P. 5(a)(1)(D), 7(b), respectfully moves this court under Rule 59 (e) of the Federal Rules of Civil Procedure to alter or amend its orders of January 8, 2024 ("Order I") and April 25th, 2024 ("Order II")(collectively "the Judgment") and for leave to amend complaint, pursuant to Rule 15(a). Specifically, Plaintiff moves the Court to vacate the orders and allow Plaintiff to file the attached Amended Complaint. In support of these motions, Plaintiff states the following:

I. Plaintiff Can identify A Basis to Vacate The Court's Dismissal

The Court states that in my motions, Plaintiff has failed to identify a basis to vacate the dismissal of this matter. Plaintiff disagrees and argues that the Court's January 8th order

[1] Plaintiff is *pro se*. Pleadings of *pro se* litigants are provided liberal construction by the Court. Erickson v. Pardus, 55 F. Supp. 2d 7, 11 (2007)(The pleadings of *pro se* parties "[are] to be taken liberally, however inartfully pleaded, and must be held to less stringent standards than formal pleadings drafted by lawyers"); Lemon v. Kramer, 279 F. Supp. 3d 125, 141 (D.D.C. 2017)("Further, a *pro se* Plaintiff's pleadings must be "considered *in toto*" to determine whether they set out allegations sufficient to survive dismissal").

APPENDIX 10

United States Court of Appeals for the District of Columbia Circuit
CIVIL DIVISION

Deon D. Colvin	*	
v.	*	**USCA No: 24-7016**
District of Columbia Court of Appeals et. al.	*	CASE BEING CONSIDERED FOR TREATMENT PURSUANT TO RULE 34(j) OF THE COURT'S RULES

APPELLANT'S MOTION FOR CLARIFICATION OF THE COURT'S JULY 17TH ORDER[1]

Deon D. Colvin ("Appellant", "I", or "My"), *in propria persona*, pursuant to Fed R. App. P. 27 and the inherent equitable authority of the Court,

---

[1] Petitioner is *pro se*. The pleadings of *pro se* litigants are provided liberal construction by the Court. *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972) ("allegations of the *pro se* complaint...we hold to less stringent standards than formal pleadings drafted by lawyers"); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)("A document filed *pro se is* to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers"); *Hall v. Bellmon*, 935 F. 2d 1106, 1110, n.3 (10th Cir. 1991)("The *Haines* Rule applies to all proceedings involving a *pro se* litigant").

*Appellant has included star images (*) on his Exhibit-designating pages so that these pages can be detected by the Court's software and are not omitted during the docketing process, which occurred with a previous motion.

respectfully submits this Appellant's Motion for Clarification of the Court's July 17th Order. In support thereof, Appellant states the following:

1. On May 12, 2025, Appellant filed Petition for Rehearing En Banc On The Court's January 8th Order. *See* Exhibit 1.[2]
2. On July 17th, 2025, the Court issued an order disposing of the Petition. *See* Exhibit 2.
3. The Court ordered that my petition is properly construed as a motion for reconsideration en banc "of a special panel's disposition of a non-dispositive motion." *Id.* at 1.
4. The Court directed me to see D.C. Circuit Handbook of Practice and Internal Procedures 32 (2024).
5. The Court further ordered my motion for reconsideration en banc is denied, reasoning "Appellant has not demonstrated that reconsideration is warranted." Appellant may include arguments concerning this court's jurisdiction or the accuracy of the district court record in his brief." *Id.*
6. Plaintiff seeks clarification of the Court's order.

[2] The Appendices are not included in the Exhibit.

7. Specifically, what does the court mean when it says I have not "demonstrated" that reconsideration en banc is warranted.

8. **The page that the Court directs me to, *i.e.*, D.C. Circuit Handbook of Practice and Internal Procedures 32 (2024), does not state that a motion for reconsideration of a special panel decision must demonstrate that reconsideration en banc is warranted.**

9. Rather, the page 32 states" If a party disagrees with the special panel's disposition of a non-dispositive motion, it may move for reconsideration by the same panel or the full Court. The Court rarely grants these motions."

10. I request clarification because the instant page describes a process where a party that disagrees with a special panel's disposition moves for reconsideration by the panel or by the whole Court and it is granted or denied. Whatever the result, the motion receives reconsideration from the body requested.

11. In my case, the Court stated that I did not "demonstrate that reconsideration is warranted."

12. Thus, from what I comprehend of the Court's ruling, the full Court did take my motion into reconsideration because it did not feel that I had demonstrated that reconsideration en banc was warranted.

13. Thus, I request the court to clarify what it means when it says I did not "demonstrate that reconsideration is warranted," when (1) the Court does not explain what constitutes "demonstration" and why my motion did not meet the criteria, (2) "demonstration that reconsideration is warranted" is not a stated requisite for the Court's review of a motion for reconsideration en banc of a special panel's decision in the D.C. Circuit Handbook of Practice and Internal Procedures that was cited by the Court, and (3) the Court does not establish that "demonstration that reconsideration is warranted" is necessary for en banc review of my motion for reconsideration via case law, statute, or Rules of the Court.

14. In legal parlance, demonstrate means "to show." It can be applied to an object, device, procedure, or example.[3] Demonstrate

[3] See https://thelawdictionary.org/demonstrate/, accessed July 30, 2025.

also means "to provide information through an explanation, a methodology, provision of examples or past work."[4]

15. Based on the above definitions, I demonstrated ("showed," provided through an explanation") that the special panel decision continuing proceedings and ordering me to file a brief when there are unadjudicated Rule 59 (e) motions in the District Court conflicts with prior decisions and observations of the Supreme Court and this court on the 'finality suspending effect" of Rule 59 (e) motions. *See* Petition at 11-13.

16. I demonstrated ("showed," provided through an explanation") that I presented to the special panel that a difference had arisen about whether the district court's record truly discloses what occurred there, and that this difference is to be reconciled by the District Court prior to my filing of a brief with this court, per Federal Rule of Appellant Procedure 10 (e)(1) and the D.C. Circuit Handbook of Practice and Procedures 21 (2024) ("this Court has the power to require that the record be corrected or amplified, but disputes about

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[4] See https://www.lawinsider.com/dictionary/demonstrate, accessed July 30, 2025.

the accuracy of the record *must first* be submitted to the district court")(emphasis added). *See* Petition at 6-8.

17. I demonstrated ("showed," provided through an explanation") that the Special Panel erred when it averred that there were no Rule 59 (e) motions pending in the District Court. *See* Petition at n. 7.

18. Thus, I request clarification via case law, statute, Rules, etc. of what the Court means by "demonstrate" and why it does not feel, with all the arguments that I make in my Petition, that I have *not* demonstrated that the Court should reconsider the panel's erroneous and illegal January 8th decision en banc and grant Appellant's Motion for Reconsideration & For Leave of Court to Correct the Record, Appellant's Motion for Reconsideration of the Court's July 10th Order, and Appellant's Motion for Leave of Court to Correct the Record.

19. In short, please clarify how, based on the arguments that I present, that I have *not* demonstrated that statute (28 U.S.C. § 1291), the Court's Rules, the D.C. Circuit Handbook of Practice and Procedures, and relevant case law requires I *must* be given leave of

court to correct the record at the District Court *before* I submit a brief to this Court.

20. Appellant thanks the court for its time in considering this motion.

Date: August 1, 2025

Respectfully Submitted,

DEON D. COLVIN

Deon D. Colvin

Appellant (*Pro Se*)
743 Fairmont Street, N.W. #211
Washington, D.C. 20001
T: 216-396-8512
E-mail: DeonColvin@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of August 2025 that Appellant presented the foregoing **APPELLANT'S MOTION FOR CLARIFICATION OF THE COURT'S JULY 17TH ORDER (26 page document)** in person and filed it with the Court's Clerk via drop box at:

United States Court of Appeals, District of
Columbia Circuit
E. Barrett Prettyman Courthouse
333 Constitution Avenue, N.W.
Washington, DC 20001

Deon D Colvin

Deon D. Colvin –Appellant (*Pro Se*)