

APPENDIX

App-1

APPENDIX A

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

RYAN P. GIVEY	:
Petitioner, Pro Se	: CIVIL ACTION
	:
v.	:
	:
PAMELA BONDI ET AL	: NO. 25-0943
Respondents,	:

NITZA I. QUINONES ALEJANDRO

DECEMBER 30, 2025

MEMORANDUM OPINION

Ryan P. Givey ("Petitioner"), proceeding *pro see*, filed a petition for a writ of *mandamus* ("Petition") on February 21, 2025, requesting that this Court "compel the Attorney General, Pam Bondi, Acting United States Attorney Nelson Thayer, Jr.[,] and FBI Director Kashyap Patel (collectively, "Respondents") to take a criminal complaint from [Petitioner] and to review the evidence of federal crimes brought forth by [Petitioner] or, in the alternative . . . assign a special prosecutor or convene a grand jury to investigate these crimes." (ECF 1 at ¶ 2). Petitioner also requests "the Federal District Court for the Eastern District of Pennsylvania to

App-2

provide [Petitioner] and his family witness protection.” (ECF 1 at ¶ 2).

Before the Court are Respondents’ motion to dismiss, (ECF 16), and Petitioner’s response in opposition, (ECF 18). In their motion, Respondents argue that the complaint be dismissed for (a) lack of subject matter jurisdiction under Federal Rule of Civil Procedure (“Rule”) 12(b)(1); (b) failure to state a claim under Rule 12(b)(6), and (c) *res judicata*, consistent with a prior ruling in another similar case involving the same Petitioner and the same grievances. (ECF 16-1 at 4-15). In his opposition, Petitioner argues that he has a “Constitutional Right to make a criminal complaint,” and is being denied that right, (*see e.g.*, ECF 18 at ¶¶ 7, 16, 22, 23, 29, 32, 34, 40, 47), and because “[s]ometimes Courts reach the wrong conclusion.” (*Id.* at ¶ 59). For the reasons set forth herein, Petitioner is mistaken. Because no error was previously made and Petitioner has not brought a cognizable claim for which this Court has subject matter jurisdiction, Petitioner’s complaint is dismissed pursuant to Rule 12(b)(1).¹

BACKGROUND

When ruling on a motion to dismiss under Rule 12(b)(1), a court must accept as true all well-pleaded facts in the petition. *Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009); *see also Alvarez v. Raufer*, 2020 WL 1233565, at *4 (E.D. Pa. Mar. 12, 2020) (applying the

App-3

same standard a motion to dismiss petition to a writ of *mandamus*).

The relevant facts, as best discerned from the Petition, are summarized as follows:

In his Petition, Petitioner details an elaborate criminal conspiracy theory, essentially alleging that the Department of Justice, the Federal Bureau of Investigation, law enforcement officers, attorneys involved in various lawsuits related to Petitioner, and members of organized criminal syndicates are targeting Petitioner and his family. (*See, e.g.*, ECF ¶¶ 13-164). Specifically, Petitioner believes that he is being targeted by a group of bad actors who have “broken into” his home, “tampered” and drugged his and his family’s food, (*id.* at ¶ 19), and conducted other unlawful acts against him. Petitioner avers that his “claims of the FBI and DOJ protecting allies and large donors to the Democratic party from criminal investigation and being attacked as a whistleblower is not a ‘bizarre conspiracy theory’, as stated by the Obama-appointed judge in District Court who dismissed [Petitioner’s] previous case on summary judgement but, instead, the subject of Congressional Hearings and a matter of public concern and federal controversy.” ² (*Id.* at ¶ 21).

As of the date of this Order, Petitioner has brought eight (8) “emergency” motions; five of these motions seek disqualification of Respondents’ attorneys, (ECF 23, 24, 25, 27, 28), and three of these motions seek an

App-4

expedited decisions to place Petitioner and his family in witness protection, (ECF 19, 20, 21). Petitioner has also filed a notice of appeal, (ECF 29), despite the fact that this Court has yet to issue a decision on his petition.

Petitioner appears to be referring to this Court's decision in one of Petitioner's prior cases in which he brought very similar conspiratorial claims. *See Givey v. Dep't of Just., E. Dist. of PA*, No. CV 22-0298, 2023 WL 4551569, at *2 (E.D. Pa. July 14, 2023), *aff'd sub nom. Givey v. United States Dep't of Just.*, No. 23-2330, 2023 WL 8889553 (3d Cir. Dec. 26, 2023), *cert. denied sub nom. Givey v. Dep't of Just.*, 145 S. Ct. 179 (2024).

Petitioner contends that he has not yet received any response to the Petition, and fears for his and his family's safety as a result of the alleged criminal conspiracy against him. Consequently, Petitioner filed the underlying *mandamus* Petition, asking this Court to (1) compel the Attorney General of the United States ("Attorney General") and others to "take a criminal complaint from [Petitioner] and review evidence of federal crimes brought forth by [Petitioner]" or, alternatively, assign a special prosecutor or convene a grand jury to investigate Petitioner's alleged crimes; and (2) place Petitioner and his family in witness protection. (*Id.* ¶ 2).

LEGAL STANDARD

Standard of Review under Rule 12(b)(1)

A motion to dismiss under Rule 12(b)(1) challenges a federal court's subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1). Federal courts are courts of limited jurisdiction, and without jurisdiction conferred by either the Constitution or by statute, courts lack the power to adjudicate claims. United State Const. Art. III, § 2. A case is properly dismissed for lack of subject matter jurisdiction when the court does not have either the statutory or the constitutional power to adjudicate the case. *See id.* In evaluating a Rule 12(b)(1) motion, a court must first determine whether the movant presents a facial or factual attack. *Const. Party of Pa. v. Aichele*, 757 F.3d 347, 357 (3d Cir. 2014); *Mortensen v. First Fed. Sav. & Loan Ass'n*, 549 F.2d 884, 891 (3d Cir. 1977). A facial attack "concerns 'an alleged pleading deficiency' whereas a factual attack concerns 'the actual failure of [a plaintiff's] claims to comport [factually] with the jurisdictional prerequisites.'" *CNA v. United States*, 535 F.3d 132, 139 (3d Cir. 2008) (citations omitted). In other words, a facial challenge attacks the sufficiency of the pleading on its face without contesting its alleged facts. When a Rule 12(b)(1) motion is filed prior to an answer, as in this case, the motion will be considered a facial challenge to jurisdiction. *Const. Party*, 757 F.3d at 358. In reviewing a facial challenge, "the court must only consider the allegations of the [petition] and documents referenced therein and attached thereto, in the light most favorable to the plaintiff."

App-6

Gould Elec. Inc. v. United States, 220 F.3d 169, 176 (3d Cir. 2000). The burden of establishing the court's subject matter jurisdiction rests with the party asserting its existence — here, Petitioner. *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n.3 (2006).

Some claims are “so insubstantial, implausible, . . . or otherwise completely devoid of merit as not to involve a federal controversy.” *Oneida Indian Nation of N.Y. v. Oneida Cnty.*, 414 U.S. 661, 666 (1974). Federal courts lack power to entertain such claims. A claim meets the standard for dismissal if it is “obviously without merit” or its unsoundness so clearly results from previous Supreme Court decisions “as to foreclose the subject.” *Cal. Water Serv. Co. v. City of Redding*, 304 U.S. 252, 255 (1938) (*per curiam*); see also *Davis v. Wells Fargo*, 824 F.3d 333, 350 (3d Cir. 2016) (explaining 12(b)(1) may apply to dismiss claims “for lack of jurisdiction due to merits-related defects” in narrow circumstances, including when a claim is “wholly insubstantial and frivolous”) (internal quotation marks and citation omitted).

“[C]ourts must accord special care to *pro se* claimants.” *In re Energy Future Holdings Corp.*, 949 F.3d 806, 824 (3d Cir. 2020) (internal quotation marks and citation omitted). The Court must liberally construe *pro se* filings, holding them to “less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)

App-7

(citing *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Nonetheless, “even where, as here, a *pro se* plaintiff has paid the full filing fee, the Court may still dismiss a complaint that lacks merit or is plainly frivolous, for lack of subject matter jurisdiction under Rule 12(b)(1).” See *DeGrazia v. FBI*, 316 F. App’x 172, 173 (3d Cir. 2009) (citing *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974)); see also *Kehr Packages, Inc. v. Fidelcor, Inc.*, 926 F.2d 1406, 1408–09 (3d Cir. 1991); *Gould Electronics, Inc. v. United States*, 220 F.3d 169, 178 (3d Cir. 2000).

Standard of Review under Rule 12(b)(6)

When considering a motion to dismiss for failure to state a claim under Rule 12(b)(6), the court “must accept all of the complaint’s well-pleaded facts as true but may disregard any legal conclusions.” *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210–11 (3d Cir. 2009). The court must determine “whether the facts alleged in the complaint are sufficient to show that the plaintiff has a ‘plausible claim for relief.’” *Id.* at 211 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)). The complaint must do more than merely allege the plaintiff’s entitlement to relief; it must “show such an entitlement with its facts.” *Id.* (citations omitted). “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct the complaint has alleged — but it has not ‘show[n]’ — ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting Fed. R. Civ. P. 8(a)) (alterations in original). “A claim

has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice.” *Id.* To survive a motion to dismiss under Rule 12(b)(6), “a plaintiff must allege facts sufficient to ‘nudge [his] claims across the line from conceivable to plausible.’” *Phillips v. Cty. of Allegheny*, 515 F.3d 224, 234 (3d Cir. 2008) (quoting *Twombly*, 550 U.S. at 570).

Standard of Review under the doctrine of Res Judicata

“The doctrine of *res judicata* “protect[s] litigants from the burden of relitigating an identical issue with the same party or his privy and . . . promot[es] judicial economy by preventing needless litigation.” *Stolarick v. Keycorp*, 2017 WL 4642312, at *3 (E.D. Pa. Oct. 17, 2017) (quoting *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 327 (1979)). “For the doctrine of *res judicata* to apply, the following three requirements must be met: ‘(1) a final judgment on the merits in a prior suit involving (2) the same parties or their privies and (3) a subsequent suit based on the same cause of action.’” *Id.* (quoting *Lubrizol Corp. v. Exxon Corp.*, 929 F.2d 960, 963 (3d Cir. 1991)).

DISCUSSION

A party may seek *mandamus* relief from a federal court pursuant to 28 U.S.C. § 1361, to “compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” *McDonald v. Kassisi*, 2023 WL 1784749, at *2 (E.D. Pa. Feb. 3, 2023) (citing *Elansari v. Pennsylvania*, No. 21-1200, 2022 WL 58539, at *2 (3d Cir. Jan. 6, 2022)). However, the remedy of *mandamus* is a drastic measure “to be invoked only in extraordinary situations.” *Erving v. Ebbert*, 2013 WL 393371, at *3 (M.D. Pa. Jan. 31, 2013) (citing *Stehney v. Perry*, 101 F. 3d 925, 935 (3d Cir. 1996)). Thus, the party seeking the issuance of a writ of *mandamus* must show that the right to the issuance of a writ is “clear and indisputable” by demonstrating that said party is owed “a legal duty which is a specific, plain ministerial act devoid of the exercise of judgment or discretion.” *Id.* (quoting *Volcy v. United States*, 469 F. App’x 82, 83–84 (3d Cir. 2012)).

As noted, Petitioner’s petition for writ of *mandamus* seeks this Court to “compel the Attorney General, Pam Bondi, Acting United States Attorney Nelson, Thayer, Jr. and FBI Director Kashyap Patel to take a criminal complaint from [Petitioner] and review evidence of federal crimes brought forth by [Petitioner] or, in the alternative . . . assign a special prosecutor or convene a grand jury to investigate these crimes.” (ECF 1 at ¶ 2). As in his prior action, this Court notes that Petitioner’s allegations against Respondents describes an elaborate criminal

App-10

conspiracy against him. While this Court must accept Petitioner's allegations as true, at this stage of the litigation, the Petition is, however, replete with conclusory allegations of wrongdoing that lack any factual substance from which to discern any viable claims against Respondents.

Even construing Petitioner's allegations liberally, as this Court must because of his *pro se* status, Petitioner's allegations of the existence of a vast intricate conspiracy that includes, *inter alia*, secret societies, the mob, and the government, "make[] no sense" and cannot withstand Respondents' challenge to subject-matter jurisdiction. *See Lewis v. Pennsylvania*, 2020 WL 1158713, at *1 (E.D. Pa. Mar. 10, 2020). Importantly, it is difficult to discern from Petitioner's allegations how Respondents are related to the alleged criminal conspiracy, how the conspiracy functioned, and how the relief Petitioner seeks—even if this Court had the authority to grant it—would redress the apparent harms claimed. This Court again cannot find any viable federal action in the Petition that would entitle Petitioner to the *mandamus* relief he seeks. As such, this Court does not possess jurisdiction nor the authority to provide the relief Petitioner seeks. Petitioner's "[c]laims [are] grounded in 'bizarre conspiracy theories, government manipulations of the mind, or supernatural intervention' [are] prime candidates for jurisdictional dismissals." *Mina v. Chester Cnty.*, 2015 WL 6550543, at *8 (E.D. Pa. Oct. 29, 2015), *aff'd*, 679 F.

App-11

App'x 192 (3d Cir. 2017) (quoting *Weisser v. Obama*, 2013 WL 4525319, at *1 (D.D.C. Aug. 27, 2013)).

Petitioner also seeks witness protection for him and his family. This Court has no authority to order the witness protection relief Petitioner seeks. The authority to provide witness protection “for the health, safety, and welfare of Government witnesses and their families” properly belongs with the United States Marshals Service, not the Court. 28 C.F.R. § 0.111(c). *Givey v. Dep't of Just., E. Dist. of PA*, 2023 WL 4551569, at *3 (E.D. Pa. July 14, 2023), *aff'd sub nom. Givey v. United States Dep't of Just.*, 2023 WL 8889553 (3d Cir. Dec. 26, 2023), *cert. denied sub nom. Givey v. Dep't of Just.*, 145 S. Ct. 179 (2024).

Lastly, Petitioner is espousing the same or similar conspiracy theories he espoused in his prior complaint which was dismissed for a lack of subject matter jurisdiction, *see Givey v. Dep't of Just., E. Dist. of PA*, 2023 WL 4551569, at *1 (E.D. Pa. July 14, 2023). That dismissal was affirmed by the Third Circuit Court of Appeals (“Third Circuit”), *Givey v. United States Dep't of Just.*, No. 23-2330, 2023 WL 8889553, at *1 (3d Cir. Dec. 26, 2023), *cert. denied sub nom. Givey v. Dep't of Just.*, 145 S. Ct. 179 (2024). Much of the Third Circuit’s reasoning therein is applicable to this case and motion and will be incorporated herein:

“Givey has undoubtedly had many struggles over the last [decade] involving, among other things, his

doctoral program, his family, his job, his application for disability benefits, his attorneys, and his rental properties. But given his efforts to weave these allegations into a vast conspiracy against him, as well as the outlandish nature of some of his claims (such as a secret society spending eight years hiring Givey's friends and family in order to turn those people against him), we agree that his petition was so insubstantial as not to present a federal case or controversy. Thus, the District Court lacked subject matter jurisdiction and therefore lacked the power to adjudicate Givey's *mandamus* petition.

Givey, 2023 WL 8889553, at *2. As with Petitioner's prior case, here, it is difficult to discern from Petitioner's allegations how any named party is related to the alleged criminal conspiracy, how the conspiracy functioned, and how the relief Petitioner seeks — even if this Court had the authority to grant it — would redress the harms claimed. As with his prior case, this Court is unable to unearth any viable federal cause of action in the Petition that would entitle Petitioner to relief.³

³ The Court need not reach the issues of *res judicata* or Respondents' claim for dismissal under Rule 12(b)(6) as it finds it lacks subject matter jurisdiction under Rule 12(b)(1) and otherwise lacks the power to grant Petitioner the relief he seeks.

CONCLUSION

App-13

For the reasons set forth, Respondents' motion to dismiss is granted and the Petition for a writ of mandamus is dismissed in its entirety for lack of subject matter jurisdiction. An Order consistent with this Memorandum Opinion follows

NITZA I. QUINONES ALEJANDRO, J.

App-14

APPENDIX B

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

RYAN P. GIVEY	:
Petitioner, Pro Se	: CIVIL ACTION
	:
v.	:
	:
PAMELA BONDI ET AL	: NO. 25-0943
Respondents,	:

ORDER

AND NOW, this 30th day of December 2025, upon consideration of the Attorney General, Pam Bondi, Acting United States Attorney Nelson Thayer, Jr, and FBI Director Kashyap Patel's (collectively, "Respondents") *motion to dismiss*, (ECF 16), Petitioner Ryan P. Givey's ("Petitioner") response in opposition, (ECF 18), and the Petition for a writ of *mandamus*. (the "Petition"), (ECF 1), it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion, Respondents' motion to dismiss is **GRANTED**. Accordingly, the Petition is **DISMISSED**, in its entirety, pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction.

App-15

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUINONES ALEJANDRO
Judge, United States District Court

App-16

APPENDIX C

Case: 26-1067 Document: 28-1 Page: 1
Date Filed: 06/11/2026

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1067

RYAN P. GIVEY,
Appellant
v.

PAMELA BONDI;
KASH PATEL;
DAVID METCALF

On Appeal from the United States District Court for
the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-00943)
District Judge:
Honorable Nitza I. Quiñones Alejandro

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 15, 2026
Before: MATEY, MONTGOMERY-REEVES, and
NYGAARD, *Circuit Judges*

App-17

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on May 15, 2026.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered December 30, 2025, be and the same is hereby affirmed. Costs taxed against the Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: June 11, 2026

App-18

APPENDIX D

Case: 26-1067 Document: 27 Page: 1
Date Filed: 06/11/2026

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1067

RYAN P. GIVEY,
Appellant
v.

PAMELA BONDI;
KASH PATEL;
DAVID METCALF

On Appeal from the United States District Court for
the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-00943)
District Judge:
Honorable Nitza I. Quinones Alejandro

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 15, 2026
Before: MATEY, MONTGOMERY-REEVES, and
NYGAARD, *Circuit Judges*

App-19

(Opinion filed: June 11, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Dr. Ryan P. Givey appeals the District Court's dismissal of his mandamus petition. We will affirm the District Court's judgment.

Givey filed a petition for a writ of mandamus in the United States District Court for the Eastern District of Pennsylvania. He sought an order compelling the U.S. Attorney General, U.S. Attorney for the Eastern District of Pennsylvania, and FBI Director to accept his criminal complaint against various individuals and review evidence of alleged federal crimes. In the alternative, he requested that the District Court assign a special prosecutor or convene a grand jury to investigate the crimes. He also requested that the District Court place him and his family in witness protection. On the respondents' motion, the District Court dismissed the mandamus petition. Givey timely appealed.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the District Court's

order dismissing Givey's mandamus petition. *See Harmon Cove Condo. Ass'n, Inc. v. Marsh*, 815 F.2d 949, 951 (3d Cir. 1987); *GBForefront, L.P. v. Forefront Mgmt. Grp., LLC*, 888 F.3d 29, 34 n.5 (3d Cir. 2018); *In re Fin. Oversight & Mgmt. Bd. for P.R.*, 985 F.3d 122, 127 (1st Cir. 2021). We may affirm the District Court's judgment for any reason supported by the record. *Laurel Gardens, LLC v. Mckenna*, 948 F.3d 105, 116 (3d Cir. 2020).

Givey did not establish his entitlement to mandamus relief. Although a district court may issue a writ of mandamus under 28 U.S.C. § 1361 to compel "an officer or employee of the United States . . . to perform a duty owed to the plaintiff," it may only do so if the duty owed is "a clear nondiscretionary duty." *Heckler v. Ringer*, 466 U.S. 602, 616 (1984). An executive branch official's decision to prosecute an individual is purely discretionary; therefore, mandamus could not lie under § 1361 to compel prosecution. *See United States v. Berrigan*, 482 F.2d 171, 180 & n.14 (3d Cir. 1973); *see also Inmates of Attica Corr. Facility v. Rockefeller*, 477 F.2d 375, 379 (2d Cir. 1973) (stating that "federal courts have traditionally and, to our knowledge, uniformly refrained from overturning, at the instance of a private person, discretionary decisions of federal prosecuting authorities not to prosecute persons regarding whom a complaint of criminal conduct is made.").¹ Nor could Givey compel his placement into the witness protection program. *See Abbott v.*

Petrovsky, 717 F.2d 1191, 1193 (8th Cir. 1983) (per curiam) (explaining that whether a witness will be protected under the Witness Protection Program “is entirely within the Attorney General’s discretion”); *see also Garcia v. United States*, 666 F.2d 960, 962 (5th Cir. 1982) (“One cannot receive [witness] protection simply on demand.”).

Thus, Givey did not establish his entitlement to the requested writ. *See Stehney v. Perry*, 101 F.3d 925, 934 & n.6 (3d Cir. 1996). We will affirm the District Court’s judgment.²

¹ While Givey has a First Amendment right to petition the Government for redress of grievances, this right does not require the Government to act regarding the relief demanded. *See Rodriguez v. Newsom*, 974 F.3d 998, 1010 (9th Cir. 2020) (citing *Smith v. Ark. State Highway Emps., Loc. 1315*, 441 U.S. 463, 465 (1979)).

² Givey’s motions to disqualify Judges Porter and Restrepo are denied as moot without prejudice to his submitting a renewed request in the event that he seeks rehearing of this decision.

App-22

APPENDIX E

Case: 26-1067 Document: 30 Page: 1
Date Filed: 07/08/2026

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1067

RYAN P. GIVEY,
Appellant
v.

PAMELA BONDI;
KASH PATEL;
DAVID METCALF

(E.D. Pa. No. 2:25-cv-00943)

SUR PETITION FOR REHEARING

Present: CHARGAS, Chief Judge; HARDIMAN,
SWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER,
MATEY, PHIPPS, FREEMAN, MONTGOMERY-
REEVES, CHUNG, BOVE, MASCOTT and
NYGAARD¹, Circuit Judges

¹Judge Nygaard's vote is limited to panel rehearing.

App-23

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for a rehearing, and the majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Tamika R. Montgomery-Reeves
Circuit Judge

Dated: July 8, 2026
PDB/cc: Ryan P. Givey
All Counsel of Record

App-24

APPENDIX F-1

FIRST AMENDMENT
OF THE UNITED STATES CONSTITUTION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

App-25

APPENDIX F-2

FOURTEENTH AMENDMENT
OF THE UNITED STATES CONSTITUTION

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

App-26

APPENDIX F-3

18 U.S.C. § 3332(a)
POWERS AND DUTIES

(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.

(b) Whenever the district court determines that the volume of business of the special grand jury exceeds the capacity of the grand jury to discharge its obligations, the district court may order an additional special grand jury for that district to be impaneled.

APPENDIX F-4

TITLE 23 Pa Code § 5424 TEMPORARY
EMERGENCY JURISDICTION

(a) General rule.--A court of this Commonwealth has temporary emergency jurisdiction if the child is present in this Commonwealth and the child has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.

(b) No previous custody determination or proceeding.--If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 5421 (relating to initial child custody jurisdiction) through 5423 (relating to jurisdiction to modify determination), a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 5421 through 5423. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 5421 through 5423, a child custody determination made under this section becomes a final determination if it so provides and this Commonwealth becomes the home state of the child.

(c) Previous custody determination or proceeding.--If there is a previous child custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 5421 through 5423, any order issued by a court of this Commonwealth under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 5421 through 5423. The order issued in this Commonwealth remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) Mandatory communication between courts.--A court of this Commonwealth which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in or a child custody determination has been made by a court of a state having jurisdiction under sections 5421 through 5423, shall immediately communicate with the other court. A court of this Commonwealth which is exercising jurisdiction pursuant to sections 5421 through 5423, upon being informed that a child custody proceeding has been commenced in or a child custody determination has been made by a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of

App-29

the parties and the child and determine a period for
the duration of the temporary order

App-30

APPENDIX F-5

42 Pa.C.S. § 5944

CONFIDENTIAL COMMUNICATIONS
TO PSYCHIATRIST OR LICENSED
PSYCHOLOGISTS

No psychiatrist or person who has been licensed under the act of March 23, 1972 (P.L.136, No.52), to practice psychology shall be, without the written consent of his client, examined in any civil or criminal matter as to any information acquired in the course of his professional services in behalf of such client. The confidential relations and communications between a psychologist or psychiatrist and his client shall be on the same basis as those provided or prescribed by law between an attorney and client.

APPENDIX F-6

Title 210 Pa Code Rule § 2521. Entry of Judgment or Other Order.

(a) *General Rule.* Subject to the provisions of Rule 108 (date of entry of orders), the notation of a judgment or other order of an appellate court in the docket constitutes entry of the judgment or other order. The prothonotary of the appellate court shall prepare, sign and enter the judgment following receipt of the opinion of the court unless the opinion is accompanied by an order signed by the court, or unless the opinion directs settlement of the form of the judgment, in which event the prothonotary shall prepare, sign and enter the judgment following settlement by the court. If a judgment is rendered without an opinion or an order signed by the court, the prothonotary shall prepare, sign and enter the judgment following instruction from the court. The prothonotary shall, on the date a judgment or other order is entered, send by first class mail to all parties a copy of the opinion, if any, or of the judgment or other order if no opinion was written, and notice of the date of entry of the judgment or other order.

(b) *Notice in Death Penalty Cases.* Pursuant to Pa.R.Crim.P. 900(B), in all death penalty cases upon the Supreme Court's affirmance of the judgment of a death sentence, the prothonotary shall include in the mailing required by subdivision (a) of this Rule the following information concerning the Post Conviction Relief Act and the procedures under Chapter 9 of the

App-32

Rules of Criminal Procedure. For the purposes of this notice, the term "parties" in subdivision (a) shall include the defendant, the defendant's counsel, and the attorney for the Commonwealth.

(1) A petition for post-conviction collateral relief must be filed within one year of the date the judgment becomes final, except as otherwise provided by statute.

(2) As provided in 42 Pa.C.S. § 9545(b)(3), a judgment becomes final at the conclusion of direct review, which includes discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.

(3) (A) If the defendant fails to file a petition within the one-year limit, the action may be barred. See 42 Pa.C.S. § 9545(b).

(B) Any issues that could have been raised in the post-conviction proceeding, but were not, may be waived. See 42 Pa.C.S. § 9544(b).

(4) Pursuant to Rule 904 (Appointment of Counsel; In Forma Pauperis), the trial judge will appoint new counsel for the purpose of post-conviction collateral review, unless:

(A) the defendant has elected to proceed pro se or waive post-conviction collateral proceedings, and the judge finds, after a colloquy on the record, that the defendant is competent and the defendant's election is knowing, intelligent and voluntary;

App-33

(B) the defendant requests continued representation by original trial counsel or direct appeal counsel, and the judge finds, after a colloquy on the record, that the petitioner's election constitutes a knowing, intelligent and voluntary waiver of a claim that counsel was ineffective; or

(C) the judge finds, after a colloquy on the record, that the defendant has engaged counsel who has entered, or will promptly enter, an appearance for the collateral review proceedings.

Official Note:

See Pa.R.Crim.P. 900(B), which also includes the identical requirement in death penalty cases that notice of the information concerning the statutory time limitations for filing petitions for post-conviction collateral relief and the right to counsel enumerated in subdivision (b) of this rule be sent by the prothonotary with the order or opinion sent pursuant to subdivision (a) of this rule. Because of the importance of this notice requirement to judges, attorneys and defendants, the requirement that the Supreme Court Prothonotary mail the aforesaid notice has been included in both the Rules of Criminal Procedure and the Rules of Appellate Procedure.

Source

The provisions of this Rule 2521 amended December 11, 1978, effective December 30, 1978, 8 Pa.B. 3802; amended March 26, 2002, effective July

App-34

1, 2002, 32 Pa.B. 1839. Immediately preceding text appears at serial page (274554).

APPENDIX F-7

TITLE 231 Pa. CODE RULE 1915.8
PHYSICAL AND MENTAL
EXAMINATION OF PERSONS

(a) The court may order the child(ren) and/or any party to submit to and fully participate in an evaluation by an appropriate expert or experts. The order, which shall be substantially in the form set forth in Rule 1915.18, may be made upon the court's own motion, upon the motion of a party with reasonable notice to the person to be examined, or by agreement of the parties. The order shall specify the place, manner, conditions and scope of the examination and the person or persons by whom it shall be made and to whom distributed. In entering an order directing an evaluation pursuant to this rule, the court shall consider all appropriate factors including the following, if applicable:

(1) the allocation of the costs, including insurance coverage, if any, attendant to the undertaking of the evaluation and preparation of the resultant report and court testimony of any appointed expert;

(2) the execution of appropriate authorizations and/or consents to facilitate the examination;

(3) any deadlines imposed regarding the completion of the examination and payment of costs;

(4) the production of any report and of underlying data to counsel and/or any unrepresented party upon the completion of the examination; and

(5) any additional safeguards that are deemed appropriate as a result of the alleged presence of domestic violence and/or child abuse.

(b) Unless otherwise directed by the court, the expert shall deliver to the court, to the attorneys of record for the parties, to any unrepresented party, and to the guardian ad litem and/or counsel for the child, if any, copies of any reports arising from the evaluation setting out the findings, results of all tests made, diagnosis and conclusions. No reports shall be filed of record or considered evidence unless and until admitted by the court. Any report which is prepared at the request of a party, with or without a court order, and which a party intends to introduce at trial, must be delivered to the court and the other party at least thirty days before trial. If the report or any information from the evaluator is provided to the court, the evaluator shall be subject to cross-examination by all counsel and any unrepresented party without regard to who obtains or pays for the evaluation.

(c) If a party refuses to obey an order of court made under subdivision (a) of this rule, the court may make an order refusing to allow the disobedient party to support or oppose designated claims or defenses, prohibiting the party from introducing in evidence designated documents, things or testimony, prohibiting the party from introducing evidence of

App-37

physical or mental condition, or making such other order as is just. The willful failure or refusal of a party to comply with an order entered pursuant to this rule may also give rise to a finding of contempt and the imposition of such sanctions as may be deemed appropriate by the court, including, but not limited to, an adverse inference against the non-complying party.

(d) A petition for contempt alleging failure to comply with an order entered pursuant to subdivision (a) of this rule shall be treated in an expedited manner.

APPENDIX F-8

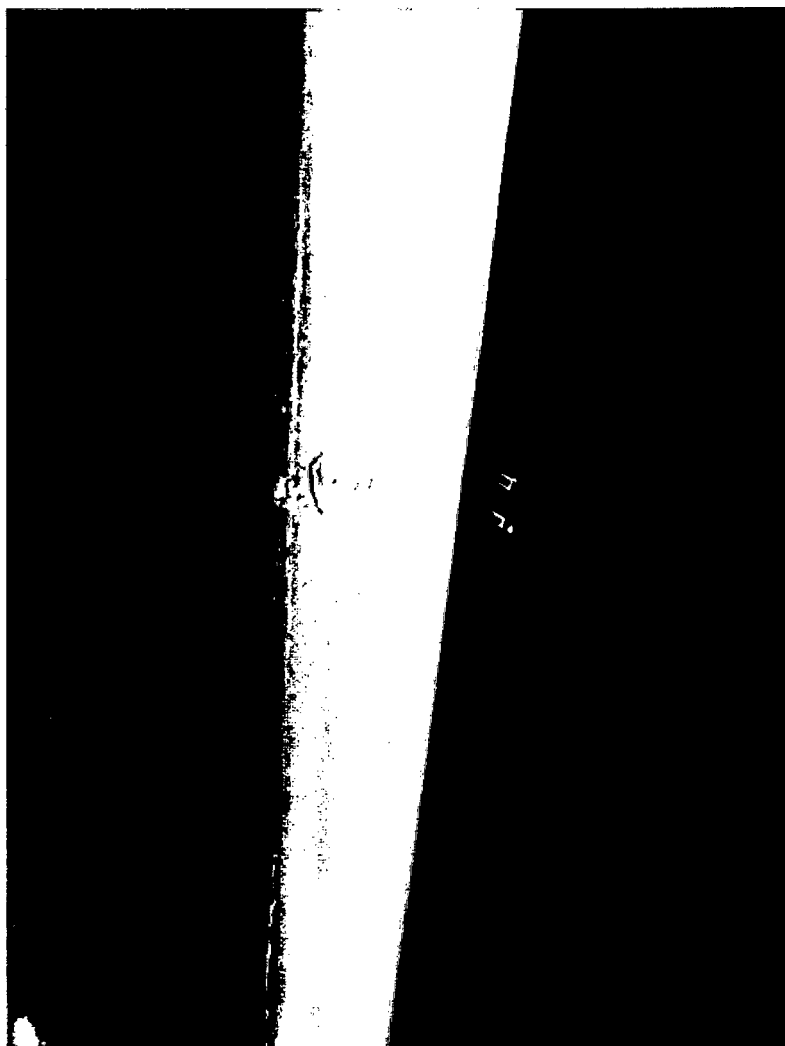
CHESTER COUNTY LOCAL CIVIL RULE 200 A
INDIVIDUAL ASSIGNMENT OF CASES

For matters set forth in categories A, B and C, when the case is commenced it shall be assigned for trial and pre-trial proceedings to a designated judge. The designated judge shall be responsible for the matter from the time of initial filing until final disposition, unless otherwise directed by the President Judge of the Court of Common Pleas of Chester County. The assignment of the case shall be made by the prothonotary in accordance with regulations promulgated by the president judge. The assignment regulations shall create a blind rotation system which balances *the case loads among the judges*. The sequence of assignment shall be kept secret and all steps shall be taken to prevent any person from being able to ascertain the name of the judge to whom any case may assigned before the assignment. When an action is commenced (whether by writ, complaint or otherwise) the papers filed with the prothonotary must be accompanied by a cover sheet in the form provided by the prothonotary and designed to assist the prothonotary in the assignment of each case.

App- 39

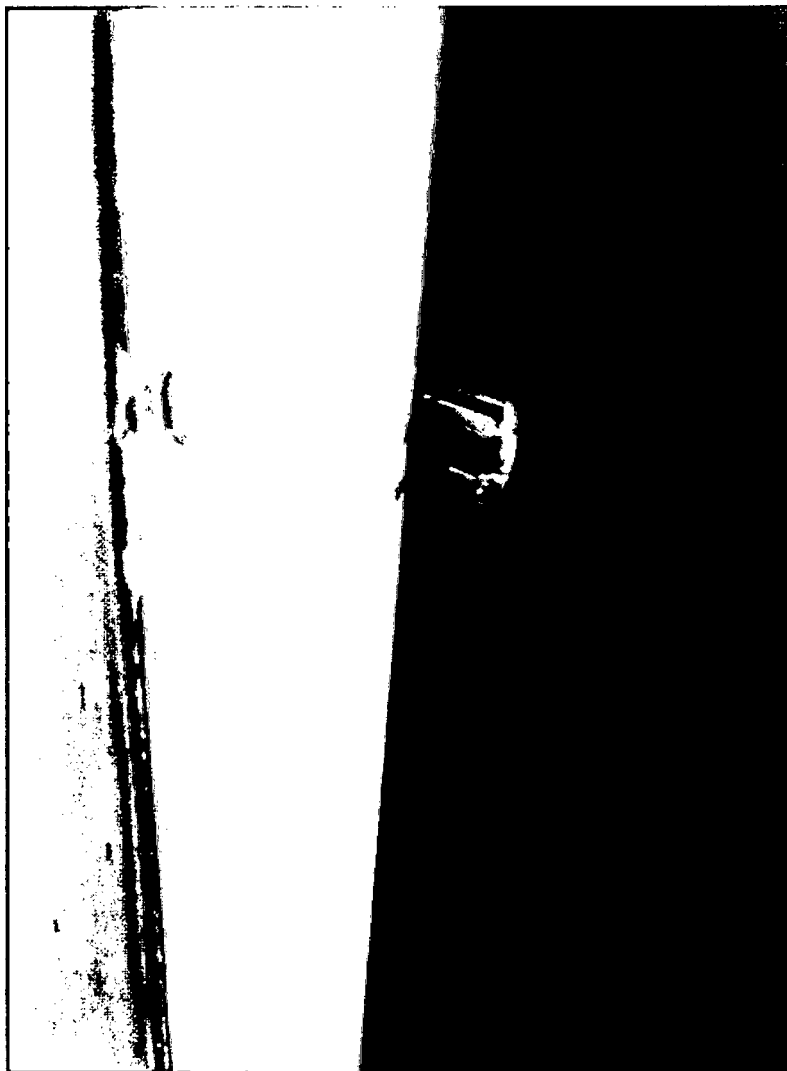
APPENDIX G

Winter 2024



App-40

December 2025



APPENDIX H

**IN THE COMMONWEALTH COURT
OF PENNSYLVANIA**

Ryan Givey,	:
Petitioner	:
	:
v.	:
	:
Michelle A. Henry,	:
Respondent	: No. 486 M.D. 2024

PER CURIAM

ORDER

NOW, November 7, 2024, upon review of Ryan P. Givey's (Petitioner) October 11, 2024 "Temporary Emergency Injunction [sic] To Provide Witness Protection" (Petition), the Petition shall be treated as a petition for review addressed to the Court's original jurisdiction under Chapter 15 of the Pennsylvania Rules of Appellate Procedure and governed thereby.¹

Petitioner's October 28, 2024 "Application for Emergency Relief" (Emergency Application), seeking "an emergency injunction for witness protection," is DENIED. Petitioner's Petition does not comply with the pleading rules of the Pennsylvania Rules of Appellate Procedure and the Pennsylvania Rules of Civil Procedure and, therefore, has not triggered Michelle A. Henry's (Respondent) duty to file a responsive pleading to the Petition. Moreover, Petitioner's Emergency Application fails to allege the

necessary prerequisites for mandamus relief wherein Petitioner seeks an order compelling Respondent to issue a criminal complaint, assign a special prosecutor, or convene a grand jury to investigate criminal action, and to provide Petitioner and his family with witness protection.

Petitioner's November 5, 2024 "Second Application for Emergency Relief" is DENIED. Therein, Petitioner asks the Court to approve his first Emergency Application, which is addressed above. To the extent Petitioner observes that his email address was improperly logged, the Court's Case Management System has been updated. If the issue persists, Petitioner is directed to contact the PACFile Help Desk at 717-795-2097. Finally, Petitioner's request of an immediate audience with a Judge is DENIED.

Petitioner's November 5, 2024 "Request for Default Judgement" is DENIED. As noted above, Petitioner's October 11, 2024 Petition has not triggered Respondent's duty to respond, and Petitioner has not followed the proper procedure to obtain a default judgement. Moreover, the time to respond, if triggered, is governed by PaR.A.P. 1516(b), which grants the opposing party 30 days in which to file a responsive pleading.

Order Exit
11/07/2024

¹The Petition states in narrative form a series of events which led Petitioner to seek assistance from local law enforcement agencies, the courts, and the Attorney General to file private criminal complaints against persons, all to no avail. The Court discerns from the Petition, among other things, that Petitioner was a teacher who had some part in the discharge of two other school employees. He was involved in two car accidents, and upon his return to work after an absence, he started to receive fabricated poor performance evaluations. He bought three rental properties, which were subject to violation notices that were used to reduce his income. Petitioner further claims that there has been interference with his social media accounts and internet platforms, that he and his daughter have gained weight that cannot be explained except by tampering with their food, that his home has been transgressed, and that he and his siblings have been followed and drugged. Petitioner also indicates that he was wrongfully diagnosed with schizoaffective disorder. He asks the Court for an order compelling Respondent to issue a criminal complaint, or in the alternative, to assign a special prosecutor or grand jury, and to provide Petitioner and his family with witness protection.

App-44

APPENDIX I

25. 12/11/2024 RULE PER CURIAM DATED ON
12/11/2024 RULE RETURNABLE DATED ON
12/31/2024 WITH HEARING DATED ON 01/28/2025
@9:30 AM IN CTR. NO 14

McCALLIN LAW, LLC Attorney for
Cheryl McCallin, Esquire Defendant/
205 West Miner Street, Suite #1 Petitioner
West Chester, Pa 19382
(610) 880-8400
Attorney I.D. No. 59438

RYAN GIVEY,
PLAINTIFF

v.

ALICIA A. GIVEY
DEFENDANT

:IN THE COURT OF
:COMMON PLEAS
:CHESTER
:COUNTY,
:PENNSYLVANIA
:CIVIL ACTION-
:LAW
:IN CUSTODY
:No. 2015-06444-CU

RULE

AND NOW, this 11 day of December 2024, upon
consideration of with Petition for Special Relief, a
Rule is issued upon the Respondent, Ryan Givey, to

App-45

show cause, if any he may have, why the prayer of the Petition should not be granted.

Rule Returnable the 31 day of December 2024, with hearing the 28 day of January, 2025 at 9:30 a.m. in Courtroom No. 14, Chester County Justice Center, 201 W. Market Street, West Chester, PA.

Respondent is advised the well-pled facts of the Petition shall be deemed admitted unless a response specifically denying same is filed by the close of court on or before the rule returnable date as set forth above.

Petitioner makes a good faith estimate of the total time for this hearing to be: 2 hours.

BY THE COURT

Pee Curran
j.

App- 46

APPENDIX J

COURT OF COMMON PLEAS
OF CHESTER COUNTY
FAMILY COURT
201 WEST MARKET STREET- SUITE 5301
P.O. BOX 2746
WEST CHESTER, PA 19380-0989
(610) 344-6405

December 11, 2024

FILED 2024 DEC 12 PM 12:29
OFFICE OF THE PROTHONOTARY
CHESTER CO. PA

Tracey L. Polito
Family Court Administrator

Brett Jared Zeitlin
Willig Williams Et Al
1845 Walnut St 24th Fl
Philadelphia, PA 19103

Re: Ryan P Givey vs Alicia A Givey
2015-06444-CU

Dear Counsel:

Due to a change in the Court's availability the above-captioned-captioned matter presently scheduled for hearing on January 28, 2025 has been rescheduled

App-47

for Friday, January 03, 2025 at 9:30 am in
Courtroom 7 before The Honorable Allison Bell Royer.

Very truly yours,
Family Court Administration

cc: Prothonotary
Cheryl Ann McCallin

App-48

APPENDIX K

MCCALLIN LAW, LLC
Cheryl A. McCallin, Esquire Attorney for
205 West Miner Street; Defendant/Petitioner
Suite #1
West Chester, PA 19382
(610)880-8400
Attorney I.D. No. 59438

RYAN GIVEY	: IN THE COURT OF
PLAINTIFF	: COMMON PLEAS
	: CHESTER COUNTY,
v.	: PENNSYLVANIA
ALICIA A. GIVEY	: CIVIL ACTION – LAW
DEFENDANT	: IN CUSTODY
	: No. 2015-06444-CU

TEMPORARY ODER

AND NOW, this 3 day of January 2025 upon consideration of Defendant's Emergency Petition for Special Relief, and after hearing thereon, it is hereby ORDERED and DECREED that the Emergency Petition for Special Relief is GRANTED. It is further ORDERED as follows:

1. Mother shall have sole legal and physical custody of the minor children.

App-49

2. Father shall undergo a psychological evaluation, with risk assessment, with Dr. Gransee, costs shared evenly.
 3. All of Father's physical custodial time shall be suspended pending the results of the psychological evaluation unless a supervisor approved by Mother can be found.
 4. Father shall provide any documentation regarding his current treatment plan, including but not limited to, compliance with prescription management and therapy attendance and proof that his treating psychiatrist and psychologist have been provided with copies of M-3 and M-4 from today's hearing.
 - ~~5. Any further remedies or relief this Honorable Court believes necessary.~~
- ~~6-~~ 5. This Order shall remain until Custody Conciliation, or further Order of Court.

BY THE COURT

 J.

APPENDIX L

RYAN P. GIVEY,	: IN THE COURT OF
Plaintiff/Father	: COMMON PLEAS
	:
vs.	: CHESTER COURTY
	: PENNSYLVANIA
	:
ALICIA A. GIVEY,	: No. 2015-06444-CU
Defendant/Mother	:
	: IN CUSTODY

*Brett Zeitlin Esquire and Joseph J. McIntosh,
Esquire, for the Plaintiff/Father
Cheryl A. McCallin, Esquire for the
Defendant/Mother*

ORDER

AND NOW, this 15 day of May 2025, upon consideration of the Order issued April 25, 2025 by the Pennsylvania Superior Court with instructions to the undersigned to conduct further proceedings with respect to Defendant's claim of privilege made at the January 3, 2025 hearing on Defendant/Mother's Emergency Petition for Special Relief, it is hereby **ORDERED AND DECREED** that our Temporary Order dated January 3, 2025 is **AMENDED** to read as follows:

2. Father shall undergo a psychological evaluation with risk assessment with Doctor

App-51

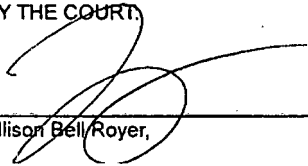
Gransee, costs shared evenly. Father shall provide Doctor Gransee with copies of Exhibits M3 and M-4 from the January 3, 2025 hearing.

...

4. Father currently engages in individual therapy. Father shall continue to engage in therapy until his therapist determines that it is no longer necessary or warranted. Father shall take all medications prescribed to him by his therapist. Father shall provide Mother with documentation that he is attending therapy and is compliant with all recommended treatment.¹

In all other respects, the terms and conditions of our January 3, 2025 Temporary Order remain in full force and effect.

BY THE COURT,


Allison Bell Royer,

J.

¹ The language amended paragraph 4 is taken directly from the parties Stipulated Custody Order of December 22, 2023 and represents an obligation Father voluntarily undertook of his own accord. As we noted in our Rule 1925 Opinion on appeal, Father's psychotherapist-patient privileged was never breached at the hearing Father was never compelled to provide the testimony to which he objected on the grounds of privilege. Consequently, an additional hearing to correct or redact testimony is unnecessary. Our Temporary Order as to custody remains intact and is not affected in any way by Father's refusal to breach his privilege. No tainted evidence was provided and our Order remains supported by the legitimate and admissible facts as they were presented to the Court on January 3, 2025.

App-53

APPENDIX M

J-A12031-25

NON-PRECEDENTIAL DECISION – SEE
SUPERIOR COURT O.P. 65.37

RYAN P. GIVEY	: IN THE SUPERIOR
	: OF PENNSYLVANIA
Appellant	:
	:
v.	:
	:
ALICIA A. GIVEY	: No. 153 EDA 2025

Appeal from the Order Entered January 9, 2025 In
the Court of Common Pleas of Chester County Civil
Division No(s): 2015-0644-CU

BEFORE: STABILE, J., DUBOW, J., and
SULLIVAN, J.]

JUDGMENT ORDER BY SULLIVAN, J.:

FILED APRIL 25, 2025

After careful review, we conclude all issues Givey raises, with the exception of his claim concerning the psychiatrist/psychologist-patient privilege, must be quashed as they are interlocutory. *See G.B. v. M.M.B.*, 670 A.2d 714, 722 (Pa.Super. 1996). At the trial court's request, we remand for that court to

App-54

conduct further proceedings concerning the privilege claim.

Appellant's application to strike is denied.

Appellant's petition to appear remotely at oral argument is DENIED as moot. The Prothonotary is directed to strike this case from the argument list.

Case remanded. Jurisdiction relinquished.

J-A12031-25

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 4/25/2025

App-55

APPENDIX N

[FILED June 23, 2025]

RYAN P. GIVEY	:	IN THE SUPERIOR
Appellant	:	COURT OF
	:	PENNSYLVANIA
v.	:	
	:	Chester County Civil
ALICIA A. GIVEY	:	Division
Appellee	:	2015-0644-CU
	:	
	:	No. 1318 EDA 2025

ORDER

Pro se Appellant has filed this appeal from two orders. The January 3, 2025 Temporary Custody Order and May 15, 2025 Temporary Custody Order. In light of the fact that neither order appears appealable, on June 10, 2025, a show cause order was entered directing Appellant to respond as to why the appeal should not be quashed as to both Orders.

Specifically, as to the January 3, 2025 Temporary Custody Order, this Court entered a Judgement Order at appeal 153 EDA 2025. The Judgement Order held, in pertinent part, that the only issues before the Court from the January 3, 2025 Temporary Custody Order were Appellant's claims concerning the "psychiatrist/psychologist patient

privilege” and all other issues were not final or otherwise appealable citing

G.B. v. M.M.B., 670 A.2d 714 (Pa. Super. 1996) (a custody order is final and appealable after the trial court has concluded its hearings on the matter and the resultant order resolves the pending custody claims between the parties). The Judgement Order granted the trial court’s request to remand.

The trial court entered a May 15, 2025 Temporary Custody Order that Amended the January 3rd Temporary Custody Order.

Thus, in light of the fact that the trial court amended the January 3rd Temporary Custody Order the issues that were appealable are now moot, and the January 3rd is not before this Court. *See In re J.A.*, 107 A.3d 799 (Pa. Super. 2015) (as a general rule, an actual case or controversy must exist at all stages of the judicial process, or a case will be dismissed as moot; an issue before a court is moot if in ruling upon the issue the court cannot enter an order that has any legal force or effect).

As to the May 15, 2025 Temporary Custody Order, the May 15, 2025 Temporary Custody Order amended the January 3, 2025 Temporary Custody Order as to Paragraphs 2 and 4. The May 15th Temporary Order is not final or otherwise appealable. As noted by this Court in its Judgment Order at 153 EDA 2025, Paragraphs 1 and 3 of the

May 15, 2025 Temporary Custody Order are not appealable since custody claims still remain pending before the trial court. *See G.B. v. M.M.B., supra.*

Moreover, Amended Paragraph 2 of the May 15, 2025 Temporary Custody Order is not appealable since it directs that Father undergo a psychological

evaluation with risk assessment with Doctor Gransee, costs shared evenly. Father shall provide Doctor Gransee with copies of Exhibits M3 and M-4 from the January 3, 2025 hearing. Paragraph 2 is not final or otherwise appealable as a collateral order. *See Miller v. Steinbach*, 681 A.2d 775 (Pa. Super. 1996)(order directing father to submit to psychological evaluation in the parties' custody matter was quashed as not appealable as a final or collateral order).

Lastly, the trial court indicates that the Amended Paragraph 4 of the May 15, 2025 Temporary Custody Order was entered by the trial court pursuant to the parties' Stipulated December 22, 2023 at paragraph 13. Paragraph 4 states that Father currently engages in individual therapy, Father shall continue to engage in therapy until his therapist determines that it is no longer necessary or warranted, Father shall take all medications prescribed to him by his therapist, and Father shall provide Mother with documentation that he is attending therapy and is compliant with all recommended treatment. In light of the fact that Father stipulated to this directive in

the December 22, 2023 Order this Court does not have jurisdiction over a matter in which the Appellant has agreed to. *See Miller v. Miller*, 744 A.2d 778 (Pa. Super. 1999) (appellant acquiesced to the orders, he cannot now be heard to seek remediation with respect to those orders), *citing Karkaria v. Karkaria*, 592 A.2d 64 (Pa. Super. 1991) (party who has acquiesced in order or judgment may not later be heard to challenge it).

On June 15, 2025, Appellant filed a response as to why the appeal should not be quashed as to both the January 3rd and the May 15th Temporary Custody Orders, but Appellant failed to address the issues and caselaw raised by this Court's rule to show cause as to appealability. Instead, Appellant assails that he should not have to undergo a psychological evaluation as ordered. However, such a directive is not appealable. *See Miller v. Steinbach, supra*. Appellant also complains that his custody rights have been suspended. But such a directive is not appealable. *See G.B. v. M.M.B., supra*. Appellant baldly avers that the issues on appeal are collateral as to "whether trial court complied with this Court's remand". However, it was the trial court who requested remand as to Paragraph 4 of the January 3, 2025 Temporary Custody Order and the trial court replaced the language in Paragraph 4 of the January 3, 2025 Temporary Custody Order with the language of Paragraph 13 from the December 22, 2023 Stipulated Order. *See Miller v. Miller, supra* and *Karkaria v. Karkaria, supra*.

App-59

Accordingly, the appeal at 1318 EDA 2025 is
QUASHED.

Appellant's "Application to Strike", filed June 20,
2025, is **DISMISSED** as **MOOT**.

PER CURIAM

App-60

APPENDIX O

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

RYAN P. GIVEY	:
PLAINTIFF- PETITIONER	: CIVIL ACTION
	:
v.	:
	:
PAMELA BONDI ET AL	: NO. 25-943
DEFENDANTS-	:
RESPONDENTS	:

OPPOSITION TO
"EMERGENCY MOTION[S] TO DISQUALIFY"

Plaintiff-Petitioner Ryan Givey's "Emergency Motion[s] to Disqualify," ECF Nos. 23, 24, 25, wrongly purport to challenge the authority of the Civil Assistant United States Attorneys to defend the Respondents and to sign filings in this matter.¹ Givey's motions lack any basis in fact or law, and do not support the "drastic measure" of disqualifying government council.² The Court should deny them.

Respectfully submitted,
DAVID METCALF
United States Attorney

/s/ Susan R. Becker for GBD
GREGORY B. DAVID

App-61

Assistant United States Attorney
Chief, Civil Division

/s/ Mark J. Sherer
MARK J. SHERER
Assistant United States Attorney
615 Chestnut St., Suite 1250
Philadelphia, PA 19106
(215)861-8445.
Mark.sherer@usdoj.gov

Dated: December 19, 2025

¹ See 28 U.S.C. §§ 510, 516, 517, 542, 547; 28 C.F.R. App'x Y to Subpart 0 §§ 1, 4. See, e.g., *Tennille v. Quintana*, 2011 WL 767810, *1 (W.D. Pa. Feb. 28, 2011).

² See *United States v. Zagami*, 374 F.App'x 295, 297 (3d Cir. 2010); *United States v. Zamichieli*, 2015 WL 3668147, *10 (E.D. Pa. June 15, 2015). See also, e.g., *Blankenship v. Shinn*, 2016 WL 1032781, *3 & n.5 (D. Haw. Mar. 15, 2016).

App-62

APPENDIX P

Case: 25-3575 Document: 16-1 Page: 1 Date Filed:
04/01/2026

DLD-098

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
C.A. No. 25-3575

RYAN P. GIVEY, Appellant

VS.

PAMELA BONDI; ET AL

(E.D. Pa. Civ. No. 2:25-cv-00943)

Present: RESTREPO, PORTER and
MONTGOMERY REEVES *Circuit Judges*

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's response in support of the appeal;
- (3) Appellant's "Emergency Motion to Disqualify Mark Sherer from [Representing] Respondents in This Case"; and

App-63

(4) Appellant's "Emergency Motion to
Disqualify Susan Becker from [Representing]
Respondents in This Case";

in the above-captioned case.

Respectfully,

Clerk

ORDER

This appeal is dismissed for lack of appellate jurisdiction. Generally, this Court's jurisdiction is limited to the review of final decisions of the district courts. *See* 28 U.S.C. § 1291. A final decision "ends the litigation . . . and leaves nothing for the court to do but execute the judgment." *Gillette v. Prosper*, 858 F.3d 833, 838 (3d Cir. 2017) (citation omitted); *see also Geo Grp., Inc. v. Menocal*, 607 U.S. ___, 2026 WL 513536, at *4 (U.S. Feb. 25, 2026) (same). Here, Appellant seeks to challenge the District Court's "effective[] deni[al]" of his motion for a preliminary injunction. But there was no final or otherwise appealable decision, either under general finality principles, *see Gillette*, 858 F.3d at 838, the collateral order doctrine, *see In re Grand Jury*, 705 F.3d 133, 144–45 (3d Cir. 2012), or under 28 U.S.C. § 1292, because the District Court had not yet ruled on Appellant's motion for an injunction at the time that

App-64

he filed his notice of appeal. Even though the District Court eventually entered an order dismissing the case for lack of subject matter jurisdiction, Appellant's premature appeal did not ripen under either Federal Rule of Appellate Procedure 4(a)(2) or the *Cape May Greene* doctrine. *See Marshall v. Comm'r Pa. Dep't of Corr.*, 840 F.3d 92, 95-96 (3d Cir. 2016) (per curiam). Accordingly, we dismiss the appeal for lack of jurisdiction. Appellant's motions to disqualify the Government attorneys from representing Appellees are denied.

By the Court,

s/David J. Porter
Circuit Judge

Dated: April 1, 2026
PDB/cc: Ryan P. Givey
All Counsel of Record



A True Copy.

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

App-65

APPENDIX Q

Case: 26-1067 Document: 21 Page: 1 Date Filed:
04/01/2026

DLD-099

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
C.A. No. 26-1067

RYAN P. GIVEY, Appellant

VS.

PAMELA BONDI; ET AL

(E.D. Pa. Civ. No. 2:25-cv-00943)

Present: RESTREPO and PORTER, *Circuit Judges*

Submitted are:

(1) Appellant's "Emergency Injunction for
Witness Protection";

(2) Appellant's "Emergency Motion to
Disqualify Mark Sherer from [Representing]
Respondents in this Case";

(3) Appellant's "Emergency Motion to
Disqualify Susan Becker from [Representing]
Respondents in this Case";

App-66

(4) Appellant's Amended Motion to Disqualify Mark Sherer and Memorandum of Law In Support Thereof;

(5) Appellant's "Emergency Petition for Rehearing En Banc";

(6) Appellant's "Motion to Expedite Emergency Petition for Rehearing En Banc"; and

(7) Appellant's "Motion to Compel Response"

in the above-captioned case.

Respectfully, Clerk

RYAN P. GIVEY, Appellant

VS.

PAMELA BONDI; ET AL.

26-1067

ORDER_____

Appellant's motion for an emergency injunction is denied. *See* Fed. R. App. P. 8(a); *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 319–20 (3d Cir. 2020). Appellant's premature request for an "emergency petition for rehearing en banc," and his

App-67

motion to expedite that petition, are denied. *See* Fed. R. App. P. 40. To the extent that Appellant seeks a hearing on his motion for injunctive relief, that request is denied as moot. We also deny Appellant's motion to disqualify the Government attorneys and his motion to compel the Government to respond

By the Court,

s/David J. Porter
Circuit Judge

Dated: April 1, 2026
PDB/cc: Ryan P. Givey
All Counsel of Record

App-68

APPENDIX R

Case: 26-1067 Document: 24 Page: 1
Date Filed: 04/24/2026

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1067

Givey v. Bondi, et al.

To: Clerk

- 1) Motion by Appellant to Recuse Judge Restrepo
- 2) Motion by Appellant to Recuse Judge Porter

The foregoing motions are referred to the merits panel

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: April 24, 2026

nf/cc: Ryan P. Givey
Mark J. Sherer, Esq.

App-69

APPENDIX S-1

[SCHOOL DISTRICT 2]

AFFIDVIT OF [ADMINISTRATOR]

Name of Requester: Ryan Givey
Records Allegedly Requested: Chromebook

Proposal

Documents Appeal Docket Number OOR Dkt. AP

[Redacted]

I, [Administrator], for [School District 2], ("School District") hereby declare, pursuant to 18 Pa.C.S. § 4904, that the following statements are true and correct based upon my personal knowledge, information and belief:

1. I serve as [Redacted] for [School District 2]. In that capacity, I am involved with the procurement process related to the School District's purchase of computer technology.
2. There was no Request for Proposals (RFP) issued specifically for Chromebooks. [Redacted] asked for representative models and pricing which were used as the basis of the selection of the selected vendors. Any given model or line of computer/laptop is not going to be offered for a full 5-years buy any

App-70

vendor – product lines will evolve and [Vendor 1's] product line evolved to include the Chromebook laptop. The purpose of the RFP was to standardize on vendors with which the School District would partner to supply desktop/laptop/mobile equipment and related professional services.

Date 4/1/2017 /s/ [Administrator]

[Administrator]

[Redacted]

[School District 2]

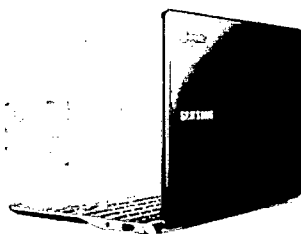
App-71

APPENDIX S-2

Chromebook Price

AT&T LTE

3:52 PM
samsung.com



Chromebook 3 11.6" (32GB
Storage, 4GB RAM)

\$179.99

ADD TO CART

WHERE TO BUY >

App-72

APPENDIX S-3

School District Inventory

PP No	Class	get	r	No Vendor	PO Num- ber	PO Date	Amount	Description
B55 041 05	Computer . Handheld / Ipad (101300)	2015	[Vendor 1] (104 040)	6JJ [Vendor 1] JJ4 Market- ing Lp PG (000715 9 1)	50482 2	04/22/ 2015	328.07	[Vendor 1] Chromebook 11
B55 041 06	Computer . Handheld / Ipad (101300)	2015	[Vendor 1] (104 040)	7T [Vendor 1] JJJ Market- ing Lp PG (000715 9 1)	50482 2	04/22/ 2015	328.07	[Vendor 1] Chromebook 11

App-73

APPENDIX T-1



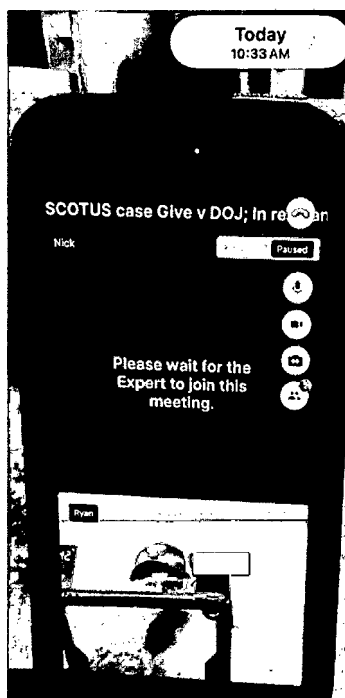
App-74

APPENDIX T-2

JUL 13, 2026 10:27 AM	\$1,005.00
MINNECT INC. OAK	LEGAL AND PRO...
Authorization Date & Time Jul 13, 2026 10:27 AM	
Merchant: MINNECT INC. OAK	
Merchant Description: Management Consulting And P. R. Servi	

App-75

APPENDIX T-3



App-76

APPENDIX U-1

USPS Tracking

Tracking Number:

9589 0710 5270 0035 0176 29

Copy. Add Informed Delivery

Latest Update

Your item was picked up at a postal facility at 5:28
am on February, 2025 in BRATTLEBORO, VT 05302.

Get More Out of USPS Tracking:

USPS Tracking Plus

Delivered

Delivered, Individual Picked Up at
Postal Facility

BRATTLEBORO, VT 05302

February 25, 2025, 5:29 am

Redelivery Scheduled for Next Business Day

WASHINGTON. DC 20530

February 24, 2025, 11:28 am

Arrived at Post Office

WASHINGTON. DC 20018

February 24, 2025, 8:14 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

February 23, 2025, 9:22 pm

App-77

Arrived at USPS Regional Facility
WASHINGTON DC DISTRIBUTION CENTER
February 23, 2025, 6:36 pm

Departed USPS Regional Facility
WASHINGTON DC DISTRIBUTION CENTER
February 23, 2025, 6:08 pm

In Transit to Next Facility
February 23, 2025, 6:07 pm

Arrived at USPS Regional Facility
WASHINGTON DC DISTRIBUTION CENTER
February 23, 2025, 3:40 pm

In Transit to Next Facility
February 23, 2025, 1:52 pm

Departed USPS Regional Facility
PHILADELPHIA PA DISTRIBUTION CENTER
February 23, 2025, 12:38 pm

Arrived at USPS Regional Origin Facility
PHILADELPHIA PA DISTRIBUTION CENTER
February 23, 2025, 5:07 am

USPS in possession of item
WEST CHESTER, PA 19380
February 21, 2025, 9:13 am

App-78

APPENDIX U-2

USPS Tracking

Tracking Number:

9589 0710 5270 0035 0175 99

Latest Update

Your item was picked up at a postal facility at 5:29
am on February, 2025 in WASHINGTON, D.C.
20535.

Get More Out of USPS Tracking:

USPS Tracking Plus

Delivered

Delivered, Individual Picked Up at
Postal Facility

WASHINGTON. DC 20535

February 25, 2025, 5:29 am

Redelivery Scheduled for Next Business Day

WASHINGTON. DC 20535

February 24, 2025, 11:31 am

Arrived at Post Office

WASHINGTON. DC 20018

February 24, 2025, 9:32 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

February 23, 2025, 9:22 pm

App-79

Arrived at USPS Regional Facility
WASHINGTON DC DISTRIBUTION CENTER
February 23, 2025, 6:36 pm

Departed USPS Regional Facility
WASHINGTON DC DISTRIBUTION CENTER
February 23, 2025, 6:08 pm
In Transit to Next Facility
February 23, 2025, 6:07 pm

Arrived at USPS Regional Facility
WASHINGTON DC DISTRIBUTION CENTER
February 23, 2025, 3:40 pm
In Transit to Next Facility
February 23, 2025, 1:52 pm

Departed USPS Regional Facility
PHILADELPHIA PA DISTRIBUTION CENTER
February 23, 2025, 12:38 pm

Arrived at USPS Regional Origin Facility
PHILADELPHIA PA DISTRIBUTION CENTER
February 23, 2025, 5:06 am

USPS in possession of item
WEST CHESTER, PA 19380
February 21, 2025, 9:12 am

APPENDIX U-3

