

the All Writs Act, 28 U.S.C. § 1651(a). Applicant first sought a stay of the mandate in the Fourth Circuit under Federal Rule of Appellate Procedure 41(d)(2)(A). That relief was denied on April 28, 2026—after seeking panel rehearing and rehearing en banc. This application therefore comes to the Circuit Justice in the posture contemplated by Supreme Court Rule 23.

This case presents an emergency because the judgment below permits continued execution of a sentence without the one statutory determination Congress made indispensable where medical care is at issue: whether continued custody provides needed medical care “in the most effective manner.” 18 U.S.C. § 3553(a)(2)(D). The district court acknowledged serious medical-danger allegations, recognized potential constitutional and injunctive remedies, and assumed extraordinary and compelling circumstances, yet denied medical compassionate release without meaningfully applying § 3553(a)(2)(D). The Fourth Circuit affirmed without curing that omission. The result is not merely an adverse exercise of discretion; it is the continued enforcement of custody without the statutory medical-care analysis required to make that custody lawful in operation.

Applicant does not seek emergency relief to relitigate ordinary sentencing weight. He seeks preservation of Supreme Court review because the lower courts allowed a mandatory congressional safeguard to be bypassed in a case where medical care was the central issue, and because Applicant remains in the same custodial-medical environment to have caused, perpetuated, and obscured the serious medical harm at issue—that worsens with each passing day. Each day Mr. Preston is not just physically defiled, he is mentally anguished by the fear of addressing his abusers for help for reasonable fear for his life. Each day without relief is not a neutral continuation of sentence; it is the continued execution of custody whose medical lawfulness has never been adjudicated under the governing statutory framework.

QUESTIONS PRESENTED

1. Whether, in a medical compassionate-release case under 18 U.S.C. § 3582(c)(1)(A), a district court abuses its discretion when it acknowledges serious medical-abuse and danger, documented health care fraud by falsification of medical records, gross negligence, and deliberate indifference—which included documented and repeated [Toradol] abuse by syringe causing permanent kidney injury, and hernia rupture and protrusion that require emergency procedures, at el.—recognizes that those allegations may support Bivens-type constitutional relief, Federal Tort Claims Act (FTCA) relief, state-law relief, or preliminary injunctive relief, and assumes extraordinary and compelling circumstances, yet denies relief without meaningfully applying 18 U.S.C. § 3553(a)(2)(D)’s command that a sentence provide the defendant with needed medical care “in the most effective manner,” while unlawfully leaving Mr. Preston in the Presence and custody of his documented abusers and nefarious bad actors. That question is substantial because § 3553(a)(2)(D) is not a statement of discretion; it is Congress’s express medical-care command within the same sentencing framework that requires a sentence to be “sufficient, but not greater than necessary.” Where medical danger is the basis for compassionate release, the court cannot lawfully treat medical care as peripheral while allowing punishment, deterrence, and disparity to displace the statutory factor designed for that precise circumstance?
2. Whether a stay of mandate and narrow emergency protective relief are warranted pending certiorari where the judgment below permits continued custody in the same challenged custodial-medical environment despite unresolved medical injury, continuing pain, delayed specialist care, delayed access to medical records during active litigation, alleged

interference with legal mail, and institutional control over both the care and the evidence necessary to challenge that care. That question is substantial because continued custody under those circumstances creates irreparable harm not fully remediable after the fact: the medical injury continues, the pain lingers, the same institution remains the gatekeeper of treatment and records, and Supreme Court review risks becoming hollow if Applicant's health deteriorates or the evidentiary record remains under the control of the very system whose adequacy is under review?

RELIEF REQUESTED

Applicant respectfully requests that the Circuit Justice grant relief calibrated to preserve this Court's jurisdiction, arrest ongoing irreparable harm, and ensure that the forthcoming petition for writ of certiorari is not rendered academic by continued execution of custody under conditions whose lawfulness has never been adjudicated under the governing statutory framework.

1. Stay of the Mandate and Judgment.

Applicant respectfully requests that the mandate and judgment of the United States Court of Appeals for the Fourth Circuit be stayed pending the timely filing and disposition of a petition for writ of certiorari. This request rests on 28 U.S.C. § 2101(f) and Supreme Court Rules 22 and 23, and satisfies the governing standard articulated in Hollingsworth v. Perry, 558 U.S. 183, 190 (2010) (stay pending certiorari appropriate where there is a reasonable probability of certiorari, a fair prospect of reversal, and a likelihood of irreparable harm). The forthcoming petition presents a substantial federal question: whether a court may deny medical compassionate release without meaningfully applying 18 U.S.C. § 3553(a)(2)(D) where medical care is the core of the motion and the district court acknowledged allegations serious enough to implicate constitutional and

injunctive remedies. A stay is therefore necessary to prevent the judgment from taking effect while this Court determines whether the omission of the controlling statutory factor constitutes reversible legal error under Gall v. United States, 552 U.S. 38, 51 (2007) (failure to consider required § 3553(a) factors is procedural error) and Koon v. United States, 518 U.S. 81, 100 (1996) (legal error constitutes abuse of discretion).

2. Recall and Stay if the Mandate Has Issued.

If the mandate has already issued, Applicant respectfully requests recall and stay of the mandate pending certiorari. Where, as here, the lower courts permitted continued execution of custody without the statutorily required medical-care determination, recall is warranted to prevent the judgment from operating in a manner inconsistent with federal law. The authority to recall a mandate to protect the integrity of judicial review and prevent injustice is well established, particularly where the absence of a required legal determination calls into question the lawfulness of continued enforcement.

3. Administrative Stay.

In the alternative, Applicant respectfully requests an administrative stay sufficient to permit full consideration of this application or referral to the full Court. At minimum, the status quo should be preserved while this Court evaluates whether the judgment below rests on an omission of a mandatory statutory safeguard.

4. Narrow Emergency Protective Relief.

Applicant further respectfully requests narrowly tailored emergency protective relief necessary to prevent continuing irreparable medical and constitutional harm while this Court's review is preserved. The record reflects not only unresolved and worsening medical conditions, but also

the existence of materially unreliable and internally inconsistent medical documentation—
circumstances that have already risen to the level of healthcare fraud within the custodial medical
system. Where the integrity of the medical record itself is compromised, the need for immediate
judicial protection is heightened: the same institution responsible for the care at issue remains the
gatekeeper of both treatment and the evidentiary record necessary to challenge that treatment.

Accordingly, Applicant requests an order directing: (a) immediate independent outside medical
[specialist] evaluation by a qualified, non-BOP hospital or specialist; (b) preservation,
compilation, and production of the complete medical record, including all underlying data,
physician notes, medication logs, and communications, to ensure an accurate and unaltered
evidentiary record before this Court; (c) preservation and protection of all legal mail and
litigation materials consistent with 28 C.F.R. § 540.18 and governing constitutional principles
recognized in Bounds v. Smith, 430 U.S. 817, 821–28 (1977) and Lewis v. Casey, 518 U.S. 343,
350–53 (1996); and (d) placement on “direct home confinement,” under appropriate monitoring,
to permit Applicant to obtain and manage medically necessary care outside the challenged
custodial-medical environment, with costs borne as required under governing federal authority.

This relief is not expansive; it is necessary. A stay alone preserves jurisdiction in form, but not in
substance. Where the question presented is whether continued custody provides effective
medical care, and where the record reflects ongoing harm, compromised medical documentation,
and institutional control over both care and evidence, protective relief is required to preserve the
person, the proof, and the Court’s ability to render meaningful review.

The equities decisively favor such relief. Applicant is, under the Bureau of Prisons Director’s
own time-credit framework and mandates regarding maximization of earned time credits,

approximately thirteen months from transfer to pre-release custody and direct home confinement—federal time credits that have yet to come into compliance with BOP Director William K. Marshall III’s May 28, June 17, and August 1, 2025 agency-wide binding mandates. That proximity confirms that the requested relief does not disrupt a lengthy remaining sentence; it ensures that the final phase of custody is not executed under conditions alleged to be medically unlawful while this Court determines whether the governing statute was properly applied.

In sum, Applicant respectfully requests a stay, recall if necessary, and narrowly tailored protective relief sufficient to prevent irreparable harm and preserve this Court’s jurisdiction over a substantial federal question concerning the lawful execution of a sentence where medical care is at issue.

NARROW EMERGENCY PROTECTIVE RELIEF IS NECESSARY BECAUSE A STAY ALONE PRESERVES THE DOCKET BUT DOES NOT PRESERVE THE PERSON, THE PROOF, OR THE EFFECTIVENESS OF THIS COURT’S REVIEW

A stay of the mandate is indispensable, but in this case it is not sufficient. A stay preserves the procedural posture of the case; it does not preserve Applicant’s health, it does not secure the evidentiary record upon which this Court’s review depends, and it does not neutralize the ongoing constitutional and statutory injury that is the very subject of the forthcoming petition. Where the harm is ongoing and inseparable from the custody being challenged, a stay that operates only on paper risks transforming this Court’s certiorari jurisdiction into a formal exercise devoid of practical consequence. The law does not tolerate that result.

This Court has long recognized that equitable relief must be shaped to the nature of the harm and the necessity of preserving meaningful review. The All Writs Act, 28 U.S.C. § 1651(a), empowers courts established by Act of Congress to issue orders “necessary or appropriate in aid

of their respective jurisdictions.” That authority is not narrow; it is protective. It exists precisely for cases in which, absent intervention, the subject of the litigation will be altered in a manner that renders ultimate review ineffectual. In FTC v. Dean Foods Co., 384 U.S. 597, 603–04 (1966), this Court confirmed that the All Writs Act extends to orders necessary to preserve the court’s jurisdiction from being defeated in practical effect. Likewise, in United States v. New York Telephone Co., 434 U.S. 159, 172 (1977), the Court emphasized that the Act authorizes orders “appropriate to assist the court in the exercise of its jurisdiction.” The principle is straightforward: where the status quo is itself the source of ongoing harm and threatens to undermine meaningful review, the Court may act to preserve not merely its formal authority, but the substance of its adjudicative function.

That principle governs here. Applicant remains confined within the very custodial-medical environment alleged to have caused, perpetuated, and obscured his injuries. The same institution controls his diagnosis, his treatment access, his specialist referrals, his medication administration, his medical records, and the legal channels through which he seeks review. The harm is not historical. It is active, continuous, and compounding. Under these conditions, a stay of mandate preserves only the existence of the case, not the integrity of the subject matter. If Applicant’s health deteriorates, if necessary care continues to be delayed or denied, if records remain incomplete or controlled, or if legal access remains compromised, then even a favorable decision from this Court will arrive too late to prevent the injury that the law is designed to avert.

This Court’s precedents make clear that such circumstances justify affirmative protective relief. In Nken v. Holder, 556 U.S. 418, 434 (2009), the Court explained that a stay is an exercise of judicial discretion informed by equitable principles and the specific circumstances of the case. Where those circumstances include ongoing irreparable harm, courts are not limited to passive

preservation. They may craft relief sufficient to prevent the harm from continuing during the period of review. Similarly, in Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008), the Court emphasized that irreparable injury must be prevented, not merely recognized after the fact. The relief requested here follows directly from that principle: it is designed to prevent injury that cannot later be undone.

The need for independent medical evaluation is therefore not ancillary—it is central. Applicant’s claim is that the custodial medical system itself is incapable of providing effective care under the meaning of § 3553(a)(2)(D). In such a case, requiring Applicant to rely exclusively on that same system while review is pending is not neutrality; it is compulsion to remain within the alleged source of harm. Independent evaluation by an outside hospital or qualified specialist is the minimal safeguard necessary to assess current medical status, prevent further deterioration, and ensure that necessary care is not delayed during the certiorari period. Without it, the Court is asked to preserve jurisdiction over a controversy while allowing the factual predicate of that controversy—Applicant’s medical condition—to worsen unchecked.

The preservation and production of complete medical records is equally indispensable. This Court has repeatedly emphasized that adjudication must rest on an adequate and reliable record. Where the record itself is controlled by the party whose conduct is challenged, and where access to that record has been delayed during active litigation, the risk of erroneous deprivation is intolerably high. The governing regulations recognize this. Under 28 C.F.R. § 513.42, inmates are entitled to review their medical records, subject to limited exceptions and procedural safeguards. Those safeguards exist because medical records are the foundation of diagnosis, treatment continuity, and legal accountability. In a case alleging medical misconduct and ineffective care, the failure to ensure immediate preservation and production of those records

threatens both health and adjudication. Without intervention, the evidentiary foundation of this case remains under unilateral institutional control, precisely where the dispute arises.

The protection of legal mail and litigation materials is no less critical. This Court has recognized that meaningful access to the courts is a constitutional requirement, not a discretionary accommodation. Bounds v. Smith, 430 U.S. 817, 821–28 (1977). That access is undermined where legal communications are subject to interference, delay, or exposure. Federal regulations accordingly provide that properly marked legal mail may be opened only in the inmate’s presence and may not be read or copied. 28 C.F.R. § 540.18(a). In a case where Applicant is preparing a petition for writ of certiorari presenting a substantial federal question, protection of legal mail is not peripheral—it is essential to the functioning of the judicial process itself. Without it, the right to seek review becomes theoretical.

Most importantly, removal from the challenged custodial-medical environment through “direct home confinement” under appropriate monitoring is necessary to prevent continuing irreparable harm. This is not a request to nullify custody. It is a request to preserve custody in a lawful and medically safe manner while review proceeds. The alternative—continued confinement in the same environment alleged to be medically ineffective—forces Applicant to endure the very harm he seeks to challenge as a condition of obtaining review. That is not a neutral posture; it is a coercive one.

The equities strongly support this relief. Applicant is approximately thirteen months from direct home confinement under governing credit frameworks and, at most, approximately nineteen months even under the Bureau of Prisons’ calculation. That proximity to prerelease custody significantly diminishes any governmental interest in maintaining confinement within the

challenged environment. By contrast, the harm to Applicant—continued pain, risk of medical deterioration, and loss of meaningful access to proof—is immediate and irreparable. The balance of equities is therefore not close.

The public interest reinforces the same conclusion. The public has a profound interest in ensuring that federal sentences are executed lawfully, that custodial medical care complies with constitutional and statutory requirements, and that courts faithfully apply the mandates enacted by Congress. It has no legitimate interest in allowing custody to continue under conditions that bypass § 3553(a)(2)(D), impair access to courts, or expose prisoners to ongoing medical harm without judicial determination of effectiveness. Protecting health, preserving evidence, and ensuring lawful process are not private interests alone; they are public imperatives.

At bottom, this case presents a simple but unavoidable reality. A stay preserves the case. It does not preserve the person. It does not preserve the evidence. And it does not preserve the meaningfulness of this Court’s review where harm continues unabated. The law therefore requires more. Narrow, targeted, and immediate protective relief is necessary to ensure that when this Court exercises its certiorari jurisdiction, it does so over a live, intact, and justiciable controversy—not one that has been overtaken by irreversible harm.

For those reasons, this Court should grant the requested stay and enter the narrowly tailored protective relief necessary to preserve Applicant’s health, secure the evidentiary record, protect legal access, and ensure that this Court’s jurisdiction remains effective in substance as well as in form.

DECLARATION UNDER 28 U.S.C. § 1746

I, Pierre Rashad Preston, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing Emergency Application for Stay of Mandate Pending the Filing and Disposition of a Petition for Writ of Certiorari and for Narrow Emergency Protective Relief is true and correct to the best of my knowledge, information, and belief.

I further declare that I am proceeding indigent and pro se from federal custody and that the facts set forth herein arise from my personal knowledge, my direct experience within the custodial-medical environment at issue, and the medical and institutional records available to me to the extent such records have been produced or made accessible. To the extent any matter is stated on information and belief, I believe it to be true based on the available record, the governing regulations, and the conduct described herein.

I further declare that I sought a stay of the mandate and related relief in the United States Court of Appeals for the Fourth Circuit pursuant to Federal Rule of Appellate Procedure 41(d)(2)(A), and that such relief was denied. This application is therefore presented in accordance with Supreme Court Rules 22 and 23 and 28 U.S.C. § 2101(f) as a necessary step to preserve this Court's jurisdiction and meaningful review of a substantial federal question.

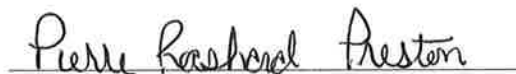
I further declare that this application is not filed for purposes of delay. It is compelled by the continuing and compounding nature of the medical, statutory, and constitutional harms described herein. I remain in the custody of the same institutional system whose adequacy is directly at issue in the forthcoming petition for writ of certiorari. The injuries described are ongoing, the

access to medical proof has been delayed and remains institutionally controlled, and the ability to secure meaningful judicial review is at risk absent intervention by this Court.

I further declare that, absent the relief requested, there is a substantial risk that the harm at issue will continue during the certiorari period in a manner that cannot be fully remedied after the fact. The purpose of this application is therefore to preserve the integrity of the judicial process, the adequacy of the evidentiary record, and the health and constitutional protections of the Applicant while this Court determines whether review should be granted and, if so, whether the judgment below can stand.

I further declare that I understand the obligations imposed by 28 U.S.C. § 1746 and that this declaration is made in good faith, with full awareness that false statements may subject me to penalties of perjury under federal law.

Executed on this 28th day of May, 2026.

A handwritten signature in cursive script, reading "Pierre Rashad Preston", is written over a horizontal line.

Pierre Rashad Preston
(Pro se, Indigent Applicant)
Reg. No. 54173-509
Federal Prison Camp (FPC) Butner
P.O. Box 1000
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CERTIFICATE OF SERVICE

I, Pierre Rashad Preston certify that on this 28th day of May, 2026, I placed a true and correct copy of the foregoing “Emergency Application for Stay of Mandate Pending the Filing and Disposition of a Petition for Writ of Certiorari and for Narrow Emergency Protective Relief” in the institutional legal-mail system at Federal Prison Camp Butner, postage prepaid, for delivery to:

**Supreme Court of the United States
Office of the Clerk
1 First Street, NE
Washington, DC 20543**

and served a copy by first-class mail, postage prepaid, upon:

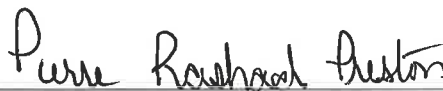
**Solicitor General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001**

I further certify that, in accordance with Supreme Court Rule 29 and applicable federal practice governing service, a true and correct copy of this application has been served by institutional mail upon counsel for the United States at the address of record in United States v. Preston, No. 25-6935.

I further certify that this filing is made through the Bureau of Prisons’ legal-mail system, which is designated for confidential legal correspondence, and that the envelope was properly marked and processed consistent with 28 C.F.R. § 540.18 governing special mail. This certification is made to ensure the integrity of service, the protection of privileged legal materials, and the preservation of Applicant’s right of access to the courts as recognized in Bounds v. Smith, 430 U.S. 817 (1977), and its progeny.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of May, 2026.

A handwritten signature in black ink, reading "Pierre Rashad Preston", written over a horizontal line.

Pierre Rashad Preston

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