

No. **26A167**

Supreme Court, U.S.
FILED

JUL 31 2026

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In the Supreme Court of the United States

CARL GORDON, Applicant

v.

UNITED STATES OF AMERICA,

Interested Party - Appellee,

Honorable PHILIP S. GUTIERREZ, District Judge,
Defendant.

**EMERGENCY APPLICATION UNDER SUPREME COURT
RULE 23 TO RECALL AND STAY THE MANDATE
PENDING THE TIMELY FILING AND DISPOSITION OF A
PETITION FOR A WRIT OF CERTIORARI ARISING FROM
THE RECURRING PROCEDURAL COURSE OF THE FIVE
DE FACTO COMPANION APPEALS, THE OFFICIAL
JUDICIAL RECORD, AND THE RELATED SUBSEQUENT
MATERIAL DEVELOPMENTS PRESENTED IN
APPLICANT'S PENDING RENEWED APPLICATION
UNDER SUPREME COURT RULE 22**

**TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE NINTH CIRCUIT**

JULY 31, 2026

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NATURE OF THIS APPLICATION

This Emergency Application arises from United States Court of Appeals for the Ninth Circuit Appeal No. 25-1250. It should not, however, be considered in isolation. The official judicial record demonstrates that Appeal No. 25-1250 became one of five de facto companion appeals that were administered through a recurring course of materially similar procedural actions by the same three-judge panel during June 23 and June 24, 2026. Applicant's pending Renewed Application under Supreme Court Rule 22, arising from Appeal No. 26-1797, presents the same recurring course of appellate administration. Accordingly, these related proceedings present overlapping institutional questions concerning procedural due process, meaningful notice and opportunity to be heard, the orderly administration of appellate review, and the preservation of this Court's certiorari jurisdiction.

PREAMBLE

On June 23 and June 24, 2026, Circuit Judges William C. Canby, Mark J. Bennett, and Bridget S. Bade disposed of Appeals Nos. 26-1797, 25-1250, 25-1190, 25-561, and 25-5722 through substantially similar summary procedures. In each appeal, the panel affirmed the district court's judgment while simultaneously denying, or later denying, Applicant's pending motions and requests. During the days immediately following those dispositions, the same panel likewise addressed Applicant's

motions to stay the mandates, petitions for panel rehearing, petitions for rehearing en banc, and related post-disposition filings through materially similar procedural orders culminating in the issuance of mandates terminating each appeal.

These appeals therefore became de facto companion proceedings, not because they were formally consolidated, but because they were administered as a coordinated sequence of appellate dispositions by the same panel during the same narrow period, employing substantially identical procedural mechanisms against the same litigant in related federal proceedings.

Because Applicant's pending Renewed Application under Supreme Court Rule 22 arises from Appeal No. 26-1797 and this Emergency Application arises from Appeal No. 25-1250, both proceedings should be considered together as components of the same recurring course of Ninth Circuit appellate administration. Viewed collectively, they present overlapping institutional questions concerning procedural due process, meaningful notice and opportunity to be heard, the orderly administration of appellate review, and the preservation of this Court's certiorari jurisdiction.

INTRODUCTION

This Emergency Application presents issues extending well beyond the disposition of a single appeal. It concerns whether the repeated use of materially similar summary appellate procedures across five de facto companion appeals, resolved by the same three-judge panel within a two-day period, comported with the fundamental requirements of procedural due process, meaningful notice, a meaningful opportunity to be heard, and the orderly administration of appellate review.

Appeal No. 25-1250 illustrates that broader institutional pattern. After Applicant filed his Opening Brief, the United States elected to seek summary disposition under Ninth Circuit Rule 3-6(a) rather than defend the district court's judgment through ordinary appellate briefing. Applicant timely opposed that motion, filed an integrated motion requesting summary disposition in his favor, and presented substantial procedural and constitutional objections to the Government's request.

On June 23, 2026, however, the same panel that simultaneously disposed of Appeal No. 26-1797 granted the United States' motion for summary disposition under Ninth Circuit Rule 3-6(a), affirmed the district court's judgment, and denied all remaining motions as moot.

The subsequent proceedings followed the same procedural pattern reflected in Appeal No. 26-1797. Applicant sought to preserve this Court’s jurisdiction by filing a motion to stay the mandate and petitions for panel rehearing and rehearing en banc. The same panel denied those requests, directed that no further filings would be entertained, and caused the mandate to issue, thereby terminating appellate proceedings. The materially similar treatment of Appeals Nos. 25-1250 and 26-1797—together with the panel’s contemporaneous disposition of Appeals Nos. 25-1190, 25-561, and 25-5722—demonstrates that these proceedings were not isolated events but components of a recurring pattern of appellate administration affecting multiple related appeals involving the same Applicant.

Accordingly, this Emergency Application should be considered together with Applicant’s pending Rule 22 Application because both proceedings present the same recurring institutional questions concerning the use of summary-disposition procedures, the denial of post-disposition relief, the issuance of mandates, and this Court’s responsibility to preserve the meaningful opportunity to seek review by writ of certiorari.

II. THIS APPLICATION PRESENTS EXTRAORDINARY CIRCUMSTANCES WARRANTING THIS COURT’S EXERCISE OF ITS AUTHORITY UNDER SUPREME COURT RULE 23

This Emergency Application, brought pursuant to Supreme Court Rule 23, presents extraordinary circumstances because the procedural events giving rise to the requested emergency relief did not occur in a single appeal. Rather, they unfolded across five **de facto companion appeals** that were resolved by the same three-judge panel through materially similar procedural actions within an extraordinarily compressed two-day period.

Applicant’s Renewed Application under Supreme Court Rule 22, filed on July 28, 2026, presently before this Court, arises from Appeal No. 26-1797. This Rule 23 Application arises from Appeal No. 25-1250. Although the appeals were never formally consolidated, they became de facto companion proceedings through the Ninth Circuit’s parallel administration of Appeals Nos. 26-1797, 25-1250, 25-1190, 25-561, and 25-5722 by the same panel during June 23 and June 24, 2026.

Although each appeal arose from a separate district court action, the Ninth Circuit administered them as a coordinated sequence of appellate proceedings. On June 23 and June 24, 2026, Circuit Judges William C. Canby, Mark J. Bennett, and Bridget S. Bade successively disposed of all five appeals. In the days immediately

following those dispositions, the same panel likewise addressed Applicant's motions to stay the mandates, petitions for panel rehearing, petitions for rehearing en banc, and related post-disposition filings through materially similar procedural orders culminating in the issuance of mandates terminating each appeal.

The resulting procedural sequence was not confined to one appeal. Instead, it reflected a recurring course of appellate administration affecting multiple related proceedings involving the same Applicant. Considered individually, each appeal presents its own procedural history. Considered collectively, however, the five de facto companion appeals reveal a broader institutional pattern raising recurring questions concerning procedural due process, meaningful notice and opportunity to be heard, the administration of appellate review, and this Court's jurisdiction to preserve the meaningful opportunity to seek review by writ of certiorari.

The pending Rule 22 proceeding and this Rule 23 Application therefore should not be viewed as isolated requests for relief. They are complementary proceedings arising from the same recurring procedural pattern. The Rule 22 Application presents that pattern as reflected in Appeal No. 26-1797. This Rule 23 Application presents the same pattern as reflected in Appeal No. 25-1250. Considered together, they provide a complete record of the recurring institutional practices that give rise to Applicant's request for emergency relief under Rule 23.

III. THE FIVE DE FACTO COMPANION APPEALS

The procedural events giving rise to this Emergency Application did not occur in isolation. Rather, they arose during the disposition of five related Ninth Circuit appeals that, although never formally consolidated, became de facto companion proceedings through their parallel administration by the same three-judge panel over the course of June 23 and June 24, 2026.

Each appeal arose from a separate district court action. Nevertheless, the same panel—Circuit Judges William C. Canby, Mark J. Bennett, and Bridget S. Bade—disposed of all five appeals within approximately twenty-four hours through materially similar appellate procedures. During the days immediately following those dispositions, the same panel likewise addressed Applicant’s post-disposition motions through materially similar procedural orders governing motions to stay the mandates, petitions for panel rehearing, petitions for rehearing en banc, restrictions upon further filings, and the issuance of mandates terminating appellate jurisdiction.

The chronology demonstrates the recurring nature of those proceedings.

A. Appeal No. 26-1797

On March 31, 2026, the Ninth Circuit entered an Order stating that if Applicant demonstrated that the appeal was not frivolous, “the appeal will proceed.”

Applicant timely complied with that Order. On June 23, 2026, however, the same panel concluded that the questions presented were “too insubstantial to warrant further briefing,” summarily affirmed the district court’s judgment pursuant to Ninth Circuit Rule 3-6(a), denied Applicant’s remaining motions as moot, subsequently denied Applicant’s motion to stay the mandate, prohibited further filings, and issued the mandate on July 6, 2026.

B. Appeal No. 25-1250

Also on June 23, 2026, the same panel granted the United States’ Motion for Summary Disposition pursuant to Ninth Circuit Rule 3-6(a) and *United States v. Hooton*, affirmed the district court’s judgment, and denied all remaining motions as moot. Applicant thereafter sought to preserve this Court’s jurisdiction by filing a Motion to Stay the Mandate together with petitions for panel rehearing and rehearing en banc. On July 10, 2026, the panel denied the motion to stay the mandate, treated the petitions as motions for reconsideration and reconsideration en banc, denied those requests, directed that no further filings would be entertained, and ordered that the mandate issue in due course. The mandate issued on July 20, 2026.

C. Appeal No. 25-561

On June 24, 2026, the same panel affirmed the district court's judgment, granted Applicant's motion to accept a late-filed brief, denied all remaining motions and requests, and entered judgment. Applicant thereafter filed a motion to stay the mandate together with petitions for panel rehearing and rehearing en banc.

D. Appeal No. 25-1190

Also on June 24, 2026, the same panel affirmed the district court's judgment, denied all pending motions and requests, and entered judgment. Applicant thereafter sought emergency relief through motions to stay the mandate and petitions for panel rehearing and rehearing en banc.

E. Appeal No. 25-5722

Also on June 24, 2026, the same panel affirmed the district court's judgment, denied all pending motions and requests, and entered judgment. Applicant thereafter filed a motion to stay the mandate together with petitions for panel rehearing and rehearing en banc.

F. SUMMARY OF THE FIVE DE FACTO COMPANION APPEALS

Appeal No.	Date of Disposition	Panel	Initial Disposition
26-1797	June 23, 2026	Canby, Bennett, Bade	Rule 3-6(a) summary affirmance
25-1250	June 23, 2026	Canby, Bennett, Bade	Rule 3-6(a) summary disposition granted
25-561	June 24, 2026	Canby, Bennett, Bade	Memorandum disposition; judgment affirmed
25-1190	June 24, 2026	Canby, Bennett, Bade	Memorandum disposition; judgment affirmed
25-5722	June 24, 2026	Canby, Bennett, Bade	Memorandum disposition; judgment affirmed

G. The Recurring Post-Disposition Procedural Sequence

Procedural Event	26-1797	25-1250	25-561	25-1190	25-5722
Numerous motions and requests for relief filed by Applicant	✓	✓	✓	✓	✓
Requests repeatedly deferred to the merits panel or separate order	✓	✓	✓	✓	✓
No contemporaneous rulings on most pending requests	✓	✓	✓	✓	✓
Appeal decided before deferred requests were substantively resolved	✓	✓	✓	✓	✓
Remaining motions denied collectively, denied as moot, or otherwise terminated	✓	✓	✓	✓	✓
Motion to Stay the Mandate	✓	✓	✓	✓	✓
Petition for Panel Rehearing	✓	✓	✓	✓	✓
Petition for Rehearing En Banc	✓	✓	✓	✓	✓
Restrictions on Further Filings	✓	✓	—	—	—
Mandate Issued or Ordered to Issue	✓	✓	✓	✓	✓

The objective judicial record demonstrates that these five appeals were not merely contemporaneous proceedings. Although never formally consolidated, they became de facto companion appeals through their parallel administration by the same three-judge panel during an extraordinarily compressed period of time. Considered

collectively, they reveal a recurring procedural pattern characterized by materially similar methods of disposition, repeated deferral of Applicant's pending requests for relief, substantially identical post-disposition proceedings, and the successive issuance of mandates. This recurring institutional pattern provides the factual foundation for the constitutional issues presented in this Emergency Application under Supreme Court Rule 23.

IV. THE DISTRICT COURT PROCEEDINGS, THE UNITED STATES' LITIGATION STRATEGY, AND THE RESULTING APPELLATE PROCEEDINGS

This Emergency Application arises from the combined actions of the district court, the United States, and the United States Court of Appeals for the Ninth Circuit. The procedural history of Appeal No. 25-1250 demonstrates that the issues presented did not originate in the court of appeals. Rather, they arose from the proceedings below, were preserved by Applicant on appeal, and culminated in the United States' request that the appeal be resolved through summary disposition rather than through the ordinary appellate process.

The district court entered the judgment from which Applicant timely appealed after adopting the legal positions advanced by the United States. Throughout the district court proceedings, Applicant presented substantial constitutional and procedural

objections that were preserved for appellate review. Those issues formed the basis of Appeal No. 25-1250.

Rather than defending the district court's judgment through the ordinary merits briefing contemplated by the Federal Rules of Appellate Procedure, the United States elected to file a Motion for Summary Disposition pursuant to Ninth Circuit Rule 3-6(a). By doing so, the United States requested that the court of appeals affirm the judgment without the full appellate briefing ordinarily associated with the resolution of substantial federal questions.

Applicant timely opposed the Government's Motion for Summary Disposition, filed an integrated motion requesting summary disposition in his favor, and demonstrated why the appeal presented substantial constitutional and procedural questions warranting full appellate consideration. Applicant further explained why the district court proceedings, the Government's litigation positions, and the questions presented on appeal required careful judicial review rather than summary disposition.

On June 23, 2026, the Ninth Circuit granted the United States' Motion for Summary Disposition under Ninth Circuit Rule 3-6(a), affirmed the district court's judgment, and denied all remaining motions as moot. Applicant thereafter timely filed a Motion to Stay the Mandate Pending the Filing and Disposition of a Petition

for Writ of Certiorari, together with a Petition for Panel Rehearing and Petition for Rehearing En Banc, in order to preserve this Court's jurisdiction and his right to seek further review. On July 10, 2026, the same panel denied all requested relief, directed that no further filings would be entertained, and ordered that the mandate issue in due course. The mandate thereafter was issued on July 20, 2026.

These proceedings are the immediate subject of this Rule 23 Application. They also explain why Appeal No. 25-1250 became one of the five de facto companion appeals discussed throughout this Application. Considered together, the district court proceedings, the United States' litigation strategy, and the Ninth Circuit's successive procedural orders provide the complete factual context for the extraordinary relief requested from Justice Elena Kagan under Supreme Court Rule 23.

A. THE DISTRICT COURT PROCEEDINGS DEPRIVED APPLICANT OF NOTICE AND A MEANINGFUL OPPORTUNITY TO BE HEARD

The constitutional issues presented in Appeal No. 25-1250 arose directly from the proceedings before United States District Judge R. Gary Klausner. The official judicial record demonstrates that Applicant was deprived of notice, a meaningful opportunity to be heard, and the fair adversarial process guaranteed by the Fifth Amendment. The Appendix reproduces the contemporaneous emails, declarations,

docket entries, motions, orders, briefs, and other official judicial records documenting these events.

On December 23, 2024, Courtroom Deputy Clerk Joseph Remigio initiated email communications with Assistant United States Attorney Jasmin Yang directing the United States to file its Motion to Dismiss by December 27, 2024. Applicant was not included in those communications, was not notified that they had occurred, and had no opportunity to participate before the Court established the filing schedule. The complete email chain is reproduced in the Appendix.

In response to those communications, Assistant United States Attorney Jasmin Yang advised the Court that it was “impossible to meet and confer” as required by Local Rule 7-3 because of the accelerated schedule established through the communications with Courtroom Deputy Clerk Joseph Remigio. Nevertheless, the United States proceeded with its Motion to Dismiss without complying with the Local Rule’s mandatory meet-and-confer requirement.

Assistant United States Attorney Jasmin Yang thereafter filed a declaration representing that service of the Motion to Dismiss had been made on December 28, 2024. However, the Department of Justice mailing envelope reproduced in the Appendix bears a December 30, 2024, postmark, creating a material discrepancy concerning the date of service and directly affecting Applicant’s time to respond.

The Appendix contains both the declaration and the postmarked envelope for comparison.

After the Motion to Dismiss was filed, Applicant submitted a Notice of Withdrawal of All Pending Motions and Request for Relief from Response Deadlines (Docket No. 36). Rather than treating the filing according to its express terms, on January 17, 2025, Judge Klausner construed Applicant's request for procedural relief as though it were his substantive opposition to Defendants' Motion to Dismiss. As a result, Applicant was deprived of the opportunity to file a merits opposition to the Motion to Dismiss and to present his constitutional arguments in the ordinary course contemplated by the Federal Rules of Civil Procedure.

After discovering the communications between Assistant United States Attorney Jasmin Yang and Courtroom Deputy Clerk Joseph Remigio, Applicant promptly filed a Motion for Reconsideration requesting that the district court address the due process implications of the ex parte communications, the service irregularities, and the resulting orders. Rather than addressing those constitutional issues on their merits, Judge R. Gary Klausner struck Applicant's Motion for Reconsideration, thereby preventing any judicial determination of whether the documented ex parte communications and resulting proceedings satisfied the requirements of the Due Process Clause.

These actions were not isolated procedural irregularities. The ex parte communications, the acknowledged failure to comply with Local Rule 7-3, the disputed service chronology, the recharacterization of Applicant's filing, and the striking of Applicant's Motion for Reconsideration collectively deprived Applicant of notice and a meaningful opportunity to be heard before the district court entered judgment.

Applicant thereafter presented each of these issues to the Ninth Circuit in Appeal No. 25-1250. The constitutional violations, together with the supporting documentary evidence, were presented in Applicant's Informal Opening Brief filed August 6, 2025, and in Applicant's Emergency Request for Judicial Notice (Exhibit 1.1) filed July 7, 2025, both of which are reproduced in the Appendix. Applicant requested that the Ninth Circuit consider the official judicial records establishing the chronology of the ex parte communications, the service irregularities, the denial of the opportunity to respond, and the striking of his Motion for Reconsideration.

Rather than addressing those constitutional questions through the ordinary appellate process, the United States moved for summary disposition pursuant to Ninth Circuit Rule 3-6(a). The Ninth Circuit granted that motion, affirmed the district court's judgment without full merits briefing, denied Applicant's remaining

motions as moot, subsequently denied rehearing and a stay of the mandate pending certiorari, and directed that no further filings would be accepted.

The same procedural pattern continued in Appeal No. 25-1190. Unlike the ordinary appellate process contemplated by the Federal Rules of Appellate Procedure, the United States filed no answering brief addressing Applicant's constitutional claims. Instead, the Ninth Circuit ordered that, because "there is no appearance by appellees," briefing would be complete upon the filing of Applicant's Opening Brief. Applicant timely filed his Opening Brief on July 29, 2025, and the appeal thereafter proceeded to disposition without any merits brief from the United States. The absence of any answering brief, when considered together with the summary-disposition procedures employed in Appeal No. 25-1250 and the other related appeals, further demonstrates the recurring procedural pattern giving rise to this Emergency Application under Supreme Court Rule 23.

V. THE QUESTIONS PRESENTED ARE SUBSTANTIAL AND WARRANT THIS COURT'S REVIEW

This Application presents substantial federal questions extending beyond the disposition of any individual appeal. The issues concern the administration of appellate proceedings, the preservation of meaningful access to this Court's certiorari jurisdiction, and the fundamental requirements of procedural due process

when an appellate court employs summary procedures to terminate multiple related appeals involving the same litigant.

The objective record presented in this Application raises recurring questions concerning whether materially similar procedural mechanisms may be repeatedly employed across multiple de facto companion appeals in a manner that effectively forecloses meaningful appellate review before an applicant has a reasonable opportunity to seek relief from this Court. Those questions are of institutional importance because they concern the procedures by which appellate review is administered rather than the correctness of any particular judgment.

The issues presented likewise extend to the orderly administration of the federal judicial system. Although Appeals Nos. 26-1797, 25-1250, 25-1190, 25-561, and 25-5722 arose from separate district court proceedings, the same three-judge panel resolved all five appeals within approximately two days through materially similar procedural actions. The recurring nature of those proceedings presents substantial questions concerning the uniform administration of appellate justice that warrant this Court's careful consideration.

These proceedings also implicate this Court's supervisory responsibility to preserve the meaningful exercise of its certiorari jurisdiction. If materially similar procedural practices recur across multiple related appeals and result in the issuance

of mandates before this Court has an adequate opportunity to consider requests for emergency relief, the practical availability of certiorari review may be significantly affected. The questions presented therefore concern not only the rights of the individual litigant, but also the institutional relationship between the courts of appeals and this Court in the administration of federal appellate review.

Applicant does not ask this Court, at this stage, to determine the ultimate merits of the underlying constitutional claims. Rather, Applicant respectfully submits that the procedural questions presented are themselves substantial, recurring, and of sufficient institutional importance to warrant the temporary relief requested under Supreme Court Rule 23 while this Court considers the related proceedings already before it under Supreme Court Rule 22.

VI. APPLICANT WILL SUFFER IRREPARABLE HARM ABSENT IMMEDIATE RELIEF

Emergency relief under Supreme Court Rule 23 is warranted because the injury presented cannot be adequately remedied after the fact. Once the challenged appellate proceedings have concluded and their mandates have taken effect, the procedural consequences become increasingly difficult to undo. The resulting impairment is not limited to Applicant's individual appeals, but extends to this

Court's ability to exercise meaningful review over the recurring procedural questions presented.

The irreparable harm asserted in this Application does not arise merely from the existence of adverse appellate judgments. Rather, it arises from the cumulative effect of materially similar procedural actions employed across five de facto companion appeals within an extraordinarily compressed period. By the time Applicant could seek relief from this Court, the same panel had already resolved the appeals, addressed substantially similar post-disposition motions, and caused the mandates to issue or proceed toward issuance.

Those actions altered the procedural posture of each appeal before this Court had a meaningful opportunity to determine whether emergency relief should issue. As a result, the practical ability to preserve the status quo pending certiorari review was substantially diminished. Once mandates take effect and appellate proceedings are terminated, subsequent judicial review cannot fully restore the procedural opportunities that existed before those mandates became effective.

The circumstances presented here are particularly compelling because Applicant's Rule 22 proceeding arising from Appeal No. 26-1797 remains before this Court.

This Rule 23 Application presents materially similar procedural issues arising from Appeal No. 25-1250 and forms part of the same recurring sequence of appellate

administration documented throughout this Application. Absent immediate relief, the Court's ability to consider those related proceedings within their full institutional context may be substantially impaired.

Accordingly, the harm presented is immediate, continuing, and irreparable.

Temporary relief under Supreme Court Rule 23 is necessary to preserve the status quo while this Court determines whether further review is warranted and to ensure that its certiorari jurisdiction remains meaningful rather than merely theoretical.

VII. THE BALANCE OF EQUITIES AND THE PUBLIC INTEREST FAVOR THE GRANT OF TEMPORARY RELIEF

The balance of equities strongly favors the temporary relief requested. Applicant seeks only to preserve the status quo while this Court considers the important procedural questions presented in this Rule 23 Application and the related Rule 22 proceeding presently before the Chief Justice. Applicant does not seek a determination on the merits at this stage. Rather, Applicant requests only that the Court preserve its ability to exercise meaningful review before the consequences of the challenged appellate proceedings become irreversible.

Granting temporary relief will impose little or no prejudice upon Respondents. The underlying appellate proceedings have already concluded, and the requested relief would merely maintain the existing posture long enough for this Court to

determine whether further review is warranted. By contrast, denial of temporary relief would permit the continuing legal consequences of the challenged proceedings to take effect before this Court has an opportunity to consider the recurring institutional questions presented.

The public interest likewise favors preserving confidence in the orderly administration of the federal judicial system. This Application does not challenge only the outcome of a single appeal. It presents a documented pattern involving five de facto companion appeals resolved by the same panel through materially similar procedures within approximately two days. The public has a substantial interest in ensuring that recurring procedural practices affecting access to appellate review and this Court's certiorari jurisdiction receive careful judicial consideration before becoming final.

Preserving this Court's opportunity to review those recurring procedural questions promotes the fair administration of justice and reinforces the institutional role of this Court as the final arbiter of important questions concerning federal appellate procedure. Temporary relief under Supreme Court Rule 23 therefore serves both the interests of the parties and the broader public interest in the integrity, uniformity, and orderly administration of the federal judicial process.

VIII. RELIEF REQUESTED

For the foregoing reasons, Applicant respectfully requests that Justice Elena Kagan, as Circuit Justice for the Ninth Circuit, exercise her authority under Supreme Court Rule 23 and enter an Order:

1. Staying the effectiveness of the mandate issued in United States Court of Appeals for the Ninth Circuit Appeal No. 25-1250 pending the timely filing and disposition of Applicant's Petition for a Writ of Certiorari;
2. Preserving the status quo pending this Court's consideration of the substantial procedural and institutional questions presented in this Emergency Application;
3. Granting such temporary relief as may be necessary to protect this Court's certiorari jurisdiction and to ensure that meaningful review remains available during the pendency of these proceedings;
4. Referring this Application to the full Court, if Justice Kagan determines that such action is appropriate; and
5. Granting such other and further relief as Justice Elena Kagan deems just and proper, including such relief as may be appropriate to preserve this Court's orderly consideration of the recurring procedural questions arising from the five de facto companion appeals described herein, recognizing that

additional proceedings under Supreme Court Rule 23 may become appropriate in the remaining de facto companion appeals following the Court's disposition of the related applications presently before it.

IX. CONCLUSION

This Emergency Application presents extraordinary circumstances extending beyond the disposition of a single appeal. The objective judicial record demonstrates that five related appeals became de facto companion proceedings through their parallel administration by the same three-judge Ninth Circuit panel during June 23 and June 24, 2026. Those proceedings were followed by materially similar post-disposition orders governing motions to stay the mandates, petitions for rehearing, restrictions upon further filings, and the issuance of mandates terminating appellate review.

Applicant respectfully submits that these recurring procedural events present substantial institutional questions concerning procedural due process, meaningful notice and opportunity to be heard, the orderly administration of appellate review, and the preservation of this Court's certiorari jurisdiction. The official judicial record further demonstrates that these questions arose repeatedly across multiple related appeals and therefore warrant this Court's exercise of its supervisory authority to preserve the meaningful availability of certiorari review.

The temporary relief requested under Supreme Court Rule 23 will preserve the status quo while this Court determines whether further review is warranted and will ensure that the issues presented remain capable of meaningful judicial review.

WHEREFORE, Applicant respectfully requests that Justice Elena Kagan grant this Emergency Application, preserve the status quo pending the timely filing and disposition of Applicant's Petition for a Writ of Certiorari, preserve this Court's ability to consider in a coordinated and orderly manner the recurring procedural questions arising from the five de facto companion appeals described herein, including the related proceedings presently pending under Supreme Court Rule 22 and any additional proceedings under Supreme Court Rule 23 that may subsequently become appropriate in the remaining de facto companion appeals, and grant such other and further relief as Justice Elena Kagan deems just and proper.

Date: July 31, 2026

Respectfully submitted,

Carl Gordon

Carl Gordon

Pro Se Applicant

CERTIFICATE OF SERVICE

I, Carl Gordon, hereby certify that on July 31, 2026, I served a true and correct copy of the foregoing EMERGENCY APPLICATION UNDER SUPREME COURT RULE 23 TO RECALL AND STAY THE MANDATE PENDING THE TIMELY FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI ARISING FROM THE RECURRING PROCEDURAL COURSE OF THE FIVE DE FACTO COMPANION APPEALS, THE OFFICIAL JUDICIAL RECORD, AND THE RELATED SUBSEQUENT MATERIAL DEVELOPMENTS PRESENTED IN APPLICANT'S PENDING RENEWED APPLICATION UNDER SUPREME COURT RULE 22 on all parties required to be served. Service was made by electronic mail and by overnight delivery (FedEx) to the following:

Jasmin Yang
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Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

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

Executed on July 31, 2026

Carl Gordon

Carl Gordon
Applicant, Pro Se

Respectfully submitted,

**Additional material
from this filing is
available in the
Clerk's Office.**