

NO. _____

IN THE SUPREME COURT
OF
THE UNITED STATES

OCTOBER TERM, 2026

DWAYNE A. REID, JR.,

Applicant,

v.

JUDGE JULIA K. MUNLEY, ET AL.,

Respondents.

EMERGENCY APPLICATION TO THE HONORABLE SAMUEL A. ALITO,
JR.,

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

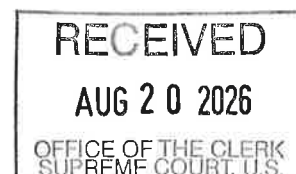
AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT,

FOR AN IMMEDIATE STAY OF THE THIRD CIRCUIT MANDATE (CASE NO.
25-3028)

AND STAY OF DISTRICT COURT PROCEEDINGS (CIVIL ACTION NO.
1:24-CV-02101)

PENDING THE FILING AND DISPOSITION OF A PETITION FOR WRIT OF
CERTIORARI

Dwayne A. Reid, Jr.



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EMERGENCY APPLICATION FOR STAY

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court
of the United States and Circuit Justice for the Third Circuit:

Applicant Dwayne A. Reid, Jr., Pro Se, respectfully applies for an emergency order staying the mandate of the United States Court of Appeals for the Third Circuit in Case No. 25-3028 (issued August 11, 2026), and staying all active, interlocutory proceedings in the United States District Court for the Middle District of Pennsylvania in Civil Action No. 1:24-cv-02101 (specifically halting the enforcement of administrative Orders Docs. 52, 54, 55, 56, and 57), pending the timely filing and final disposition of Applicant's forthcoming Petition for a Writ of Certiorari pursuant to 28 U.S.C. § 1254(1).

DECISIONS AND ORDERS BELOW

1. On July 8, 2026, a panel of the Third Circuit (Bibas, Chung, Bove, JJ.)

entered a Not Precedential Per Curiam Opinion and Judgment affirming the District Court's sua sponte dismissal in *Reid v. Munley, et al.* (App. 3).

2. On July 28, 2026, the Third Circuit en banc denied Applicant's timely Petition for Rehearing En Banc and Panel Rehearing (App. 2).
3. On August 11, 2026, the Third Circuit entered an Order denying Applicant's Motion to Stay the Mandate under FRAP 41(b) and formally issued its Mandate (App. 1).
4. In the inextricably linked underlying action, *Reid v. Portfolio Recovery Associates, LLC*, No. 1:24-cv-02101, Magistrate Judge Martin C. Carlson issued an Order to Show Cause (Doc. 57) with an active compliance deadline of August 24, 2026, threatening to strike joined co-defendants while bypassing threshold statutory default and certification notices.

JURISDICTION AND STATUTORY AUTHORITY

This Court possesses jurisdiction pursuant to 28 U.S.C. § 1254(1), 28 U.S.C. § 2101(f), and the All Writs Act, 28 U.S.C. § 1651(a). Supreme Court Rules 22 and 23 authorize a Circuit Justice to grant an interim stay of a lower court mandate and lower court proceedings to preserve the status quo and prevent the irreparable destruction of subject matter pending certiorari review.

QUESTIONS PRESENTED ON CERTIORARI

1. Whether a non-Article III magistrate judge acting in the total absence of unanimous, express written party consent under 28 U.S.C. § 636(c) acts in the "clear absence of all jurisdiction," forfeiting judicial immunity under *Stump v. Sparkman*, 435 U.S. 349 (1978), and *Gomez v. United States*, 490 U.S.

858 (1989), when issuing dispositive directives altering pleadings and granting relief to defaulting corporate litigants.

2. Whether a district court denies procedural due process under the Fifth Amendment (*Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950); *Mathews v. Eldridge*, 424 U.S. 319 (1976)) when it sua sponte dismisses a civil rights action with prejudice on absolute immunity grounds without notice, hearing, or adjudicating threshold motions establishing systemic fraud upon the court under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).
3. Whether judicial officers and private defense counsel lose derivative statutory immunity under *Dennis v. Sparks*, 449 U.S. 24 (1980), and *Ex parte Young*, 209 U.S. 123 (1908), when deploying state administrative staff attorneys operating under a positive statutory practice ban (210 Pa. Code Rule 3121.A) in violation of the McDade Act (28 U.S.C. § 530B).
4. Whether judicial disqualification under 28 U.S.C. § 455 is self-executing when an Article III judge actively presides over and stays an action while concurrently named as a defendant in an intertwined civil rights conspiracy suit, rendering post-recusal orders void ab initio under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

STATEMENT OF THE CASE AND PROCEDURAL NEXUS

This application involves an intertwined procedural nexus between two actions: *Reid v. Portfolio Recovery Associates, LLC, et al.*, No. 1:24-cv-02101 (M.D. Pa.), and *Reid v. Munley, et al.*, No. 1:25-cv-00844 (M.D. Pa.), affirmed on appeal in Third Circuit Case No. 25-3028.

A. The Core Dispute and Jurisdictional Divestment

On December 5, 2024, Applicant initiated Civil Action No. 1:24-cv-02101 (Doc. 1) following consumer debt collection proceedings in Pennsylvania state magisterial court. In that action, Applicant lodged compulsory counterclaims and sanctions demands exceeding \$1.5 million (Docs. 1-2, 1-3). Under Pa. R. Civ. P. M.D.J. Rule 305 and Rule 1031, state magisterial jurisdiction is strictly capped at \$12,000. Under 28 U.S.C. § 1446(d), federal removal completely divested the state magistrate of subject-matter jurisdiction.

Following removal, Applicant executed a unilateral retraction under 246 Pa. Code Rule 320.A. Opposing debt collection counsel and state actors altered magisterial dockets by recording "Settlement - Withdrawal," manufacturing a false defense of accord and satisfaction to defeat federal FDCPA claims (15 U.S.C. § 1692 et seq.).

B. Procedural Defaults and Ultra Vires State Agency Representation

Corporate Defendants Portfolio Recovery Associates, LLC and Messer Strickler Burnette Ltd. (MSB) failed to answer within the 21-day statutory period mandated by Fed. R. Civ. P. 12(a)(1)(A)(i). On January 31, 2025 (56 days post-service), attorney Monica M. Littman filed an Extension Motion (Doc. 7) without entering a formal appearance under M.D. Pa. Local Rule 83.18, explicitly admitting in Doc. 7-1 that no other co-defendants had appeared.

Concurrently, Sonya Kivisto, Esq., a salaried staff attorney for the Administrative Office of Pennsylvania Courts (AOPC), filed a self-generated waiver of service (Doc. 9) and entry of appearance (Doc. 10) for state magistrate Thomas L. Harteis. Under 210 Pa. Code Rule 3121.A, AOPC staff attorneys are bound by a positive statutory ban declaring they "shall not otherwise practice law." The McDade Act

(28 U.S.C. § 530B) binds state-affiliated counsel in federal proceedings to state statutory ethics and practice prohibitions.

Referred Magistrate Judge William I. Arbuckle, acting without the unanimous party consent required by 28 U.S.C. § 636(c), granted the unentered extension motion (Doc. 8) without requiring a showing of excusable neglect under Fed. R. Civ. P. 6(b)(1) and *Pioneer Investment Services Co. v. Brunswick Associates*, 507 U.S. 380 (1993), conferring grace periods upon defaulting corporate entities in direct violation of *Rowland v. California Men's Colony*, 506 U.S. 194 (1993).

C. Section 1983 Joinder and the Section 455 Conflict

On February 18, 2025, Applicant filed his Amended Complaint as of right under Fed. R. Civ. P. 15(a)(1)(B) (Doc. 21), formally joining Littman, Perr, and Kivisto, and pleading concrete Article III economic damages under *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021) (\$1,200/day business revenue loss, lost contracts, and loan denials).

Applicant moved under Rule 15(d) to add Section 1983 civil rights conspiracy claims against judicial officers under *Dennis v. Sparks*, 449 U.S. 24 (1980) (Doc. 38). Chief Judge Matthew W. Brann denied the motion as "unconnected" (Doc. 39), prompting Applicant's formal Notice of Recusal under 28 U.S.C. § 455 (Doc. 43). On June 18, 2025, District Judge Julia K. Munley issued an Order staying the action (Doc. 49).

D. The Collateral Civil Rights Suit (*Reid v. Munley*, No. 25-3028)

Applicant initiated an independent civil rights action (No. 1:25-cv-00844) challenging the unauthorized practice and jurisdictional overreach. District

Judge Keli M. Neary sua sponte dismissed the complaint with prejudice (Docs. 29, 30), raising absolute judicial immunity on behalf of non-moving defendants without notice, a hearing, or adjudicating Applicant's pending motions.

Applicant appealed to the Third Circuit (Case No. 25-3028). On July 8, 2026, the Third Circuit affirmed per curiam. Rehearing en banc was denied on July 28, 2026. On August 11, 2026, the Third Circuit denied a stay of mandate under FRAP 41(b) and issued its mandate.

E. Immediate District Court Threat to Subject Matter

Immediately following the Third Circuit's ruling, newly referred Magistrate Judge Martin C. Carlson in the underlying action (1:24-cv-02101) issued administrative orders (Docs. 52, 54, 55, 56, 57) between August 5 and August 10, 2026. These orders bypassed Applicant's pending August 3, 2026 Rule 55(a) Default Motion and Rule 5.1 / 28 U.S.C. § 2403 Statutory Stay Notice, reset defense response deadlines, and issued an Order to Show Cause (Doc. 57) with an active compliance deadline of August 24, 2026, threatening to strike joined co-defendants Littman, Perr, and Kivisto.

An immediate stay from the Circuit Justice is required to freeze proceedings in both dockets and preserve the status quo pending certiorari review.

ARGUMENT

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Under *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010), an applicant for a stay pending certiorari must demonstrate: (1) a reasonable probability that four Justices will grant certiorari; (2) a fair prospect that a majority of the Court will conclude the decision below was erroneous; and (3) a likelihood that irreparable harm will result from the denial of a stay.

I. THERE IS A REASONABLE PROBABILITY THAT THIS COURT WILL GRANT CERTIORARI TO

RESOLVE CRITICAL CONSTITUTIONAL AND STATUTORY CONFLICTS REGARDING MAGISTRATE

JURISDICTION, STRUCTURAL DUE PROCESS, AND SELF-EXECUTING RECUSAL

This case presents foundational questions concerning the limits of non-Article

III magistrate authority and structural due process:

A. The Statutory Consent Mandate of 28 U.S.C. § 636(c)

Under the Magistrate Judges Act, 28 U.S.C. § 636(c), and Fed. R. Civ. P. 73(b), the power of a magistrate judge to preside over civil matters and issue binding orders is strictly contingent upon unanimous, voluntary party consent. *Gomez v. United States*, 490 U.S. 858, 864 (1989); *United States v. Raddatz*, 447 U.S. 667, 676 (1980). Where consent is absent, a magistrate judge is restricted to submitting Reports and Recommendations for de novo Article III review under § 636(b)(1)(B).

Here, Magistrate Judges Arbuckle, Caraballo, and Carlson entered binding, dispositive case management orders without written consent. The Third Circuit's summary affirmance creates a dangerous precedent immunizing non-Article III officers who exercise jurisdiction in explicit violation of statutory commands.

Under *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978), and *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991), judicial immunity does not attach to acts taken in the "clear absence of all jurisdiction."

B. Procedural Due Process Limits on Sua Sponte Dismissals

The District Court's sua sponte dismissal of Applicant's complaint with prejudice without notice or an opportunity to be heard directly conflicts with *Mullane v. Central Hanover Bank*, 339 U.S. 306, 314 (1950), *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), and *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). Granting certiorari is necessary to resolve whether a court may raise affirmative immunity defenses sua sponte to extinguish civil rights claims while threshold jurisdictional and fraud motions remain adjudicated.

C. The McDade Act and State Administrative Practice Bans

Under 28 U.S.C. § 530B, government counsel in federal court remain bound by state ethics and practice laws. Deploying state-salaried AOPC administrative staff (subject to 210 Pa. Code Rule 3121.A's positive practice ban) to defend private debt collection suits violates *Ex parte Young*, 209 U.S. 123 (1908), and *Dennis v. Sparks*, 449 U.S. 24 (1980). This presents an important federal question warranting this Court's review.

II. THERE IS A FAIR PROSPECT THAT THIS COURT WILL VACATE OR REVERSE THE DECISIONS BELOW

A majority of this Court is likely to find that the lower courts committed structural, reversible error:

1. Corporate Default Rules Under *Rowland*: Under *Rowland v. California Men's Colony*, 506 U.S. 194, 201–02 (1993), artificial corporate entities cannot

appear pro se. Once in procedural default under Rule 12(a) and Rule 55(a), relief requires a formal Rule 55(c) motion demonstrating excusable neglect (Pioneer Investment Services, 507 U.S. at 395). Granting ex parte extensions to unrepresented defaulting corporations violates federal procedural rules.

2. Self-Executing Disqualification Under 28 U.S.C. § 455: Under *Liteky v. United States*, 510 U.S. 540, 548 (1994), *Liljeberg*, 486 U.S. at 859–60, and *Caperton*, 556 U.S. at 886, Section 455 disqualification is mandatory and self-executing where an Article III judge presides over a case while named as an active defendant in an intertwined civil rights action. Under *In re Murchison*, 349 U.S. 133, 136 (1955), "no man can be a judge in his own case." Orders entered in violation of Section 455 are void ab initio.

3. Extrinsic Fraud and Tolling Under *Hazel-Atlas*: Under *United States v. Throckmorton*, 98 U.S. 61, 65 (1878), and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944), fraud upon the tribunal forfeits finality protections. Under *Bailey v. Glover*, 88 U.S. 342, 349 (1874), fraudulent concealment of record alterations equitably tolls procedural deadlines.

III. APPLICANT WILL SUFFER IMMEDIATE AND IRREPARABLE INJURY ABSENT AN EMERGENCY STAY MAINTAINING THE STATUS QUO

Absent immediate intervention by the Circuit Justice, Applicant faces severe, irreparable injury:

1. Immediate Destruction of the Operative Pleading: In Civil Action No. 1:24-cv-02101, Magistrate Judge Carlson's Show Cause Order (Doc. 57) sets an August 24, 2026 deadline to strike joined Defendants Littman, Perr, and Kivisto. Striking these core co-defendants will irreparably alter the

operative complaint (Doc. 21) and dismantle Applicant's Section 1983 conspiracy claims before this Court can review the certiorari petition.

2. Deprivation of Mandatory Default Rights: Allowing the Third Circuit mandate to operate enables lower court administrative orders to permanently bypass Applicant's pending August 3, 2026 Rule 55(a) Default Motion, extinguishing vested statutory rights against defaulting corporate debt buyers.

3. Ongoing Economic and Due Process Injuries: Applicant continues to suffer documented economic harms under *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021), including business revenue losses of \$1,200 per day, commercial contract cancellations, and credit loan denials resulting from unauthorized proceedings conducted in the clear absence of jurisdiction.

IV. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST HEAVILY FAVOR AN

INTERIM STAY

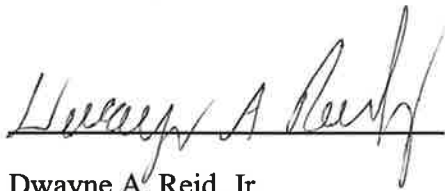
A temporary stay pending certiorari imposes zero prejudice on Respondents, who remain represented by counsel. In contrast, denying a stay risks the irreversible mutilation of federal pleadings and the enforcement of void administrative orders. The public interest strongly favors ensuring that non-Article III magistrate officers and federal judges adhere strictly to statutory consent and recusal boundaries.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, Applicant Dwayne A. Reid, Jr., respectfully requests that the Honorable Samuel A. Alito, Jr., Circuit Justice for the Third Circuit, enter an Order:

1. STAYING the mandate of the United States Court of Appeals for the Third Circuit in Case No. 25-3028 pending the filing and final disposition of Applicant's Petition for a Writ of Certiorari;
2. STAYING all proceedings and deadlines in the United States District Court for the Middle District of Pennsylvania in Civil Action No. 1:24-cv-02101 (specifically enjoining enforcement of administrative Orders Docs. 52, 54, 55, 56, and 57, and tolling the August 24, 2026 Show Cause deadline) pending final disposition by this Court; and
3. GRANTING such other and further interim relief as may be just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dwayne A. Reid, Jr.", written over a horizontal line.

Dwayne A. Reid, Jr.

Applicant, Pro Se

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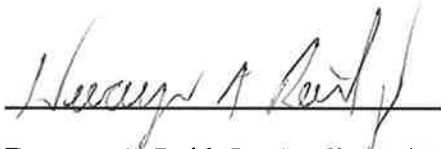
Dated: August 17, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I, Dwayne A. Reid, Jr., declare under penalty of perjury under the laws of the United States of America that:

1. I am the Applicant in the above-captioned proceeding, acting Pro Se, and I am competent to testify to all matters stated herein based upon personal knowledge.
2. I have read the foregoing Emergency Application for Stay, and verify that all factual averments, procedural history, and record citations are true and correct.
3. The underlying orders (Docs. 52, 54, 55, 56, 57 in No. 1:24-cv-02101) directly threaten to alter operative pleadings and strike joined defendants on August 24, 2026, while the Third Circuit's mandate was issued on August 11, 2026.

Executed on this 17th day of August, 2026.

A handwritten signature in cursive script, appearing to read "Dwayne A. Reid, Jr.", is written over a horizontal line.

Dwayne A. Reid, Jr., Applicant / Pro Se

CERTIFICATE OF COMPLIANCE

(SUPREME COURT RULES 22, 33.2(b), AND 34)

I hereby certify that the foregoing EMERGENCY APPLICATION FOR STAY complies with the formatting, page, and word limitations of the Rules of the Supreme Court of the United States:

1. Pursuant to Supreme Court Rules 22.1 and 33.2, this emergency application is prepared on 8½ x 11-inch paper, double-spaced in 12-point Times New Roman font with one-inch margins, and does not exceed the 40-page limit established by Supreme Court Rule 33.2(b).
2. According to the word-count feature of the word-processing system used to

prepare this application, the document contains approximately 3,656 total words (including caption, tables, body, verification, and certificates), well within all applicable standards for 8½ x 11-inch submissions.

3. The application is securely bound in the top left-hand corner and accompanied by the requisite copies pursuant to Supreme Court Rule 22.2.

Executed on this 17th day of August, 2026.

A handwritten signature in dark ink, appearing to read "Dwayne A. Reid, Jr.", is written over a horizontal line.

Dwayne A. Reid, Jr.

Applicant, Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2026, a true and correct copy of the foregoing EMERGENCY APPLICATION FOR STAY, together with all attached Exhibits, was served upon the following parties and counsel of record via Priority First-Class United States Mail, postage prepaid:

1. Monica M. Littman, Esq. / Graeme E. Hogan, Esq. / Richard J. Perr, Esq.

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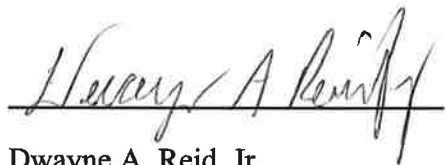
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A handwritten signature in cursive script, reading "Dwayne A. Reid, Jr.", is written over a horizontal line.

Dwayne A. Reid, Jr.

Applicant, Pro Se

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Clerk of the Court

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543 Attn: Application to the Honorable Samuel A. Alito, Jr., Circuit Justice