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~~No. 25-3115~~

IN THE SUPREME COURT OF THE UNITED STATES

CHRYSSOULA ARSENIS,

Applicant,

v.

M&T BANK, S/B/M HUDSON CITY SAVINGS BANK,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

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TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT

APPLICATION FOR A STAY OF THE MANDATE OF THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT AND FOR A STAY OF PROCEEDINGS IN THE DISTRICT COURT, PENDING DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI

Identity of the Applicant and Related Proceedings

Applicant is Chryssoula Arsenis, proceeding pro se. Respondent is M&T Bank, s/b/m Hudson City Savings Bank ("M&T Bank"). The related proceedings are:

United States Court of Appeals for the Third Circuit, No. 25-3115 (order and opinion denying panelforrehearing, entered July 17, 2026);

United States District Court for the District of New Jersey, Civil Action No. 3:23-cv-02601 (M&T Bank v. Arsenis) (judgment/order under review);

United States Court of Appeals for the Third Circuit, No. 25-3115 (order denying Applicant's motion to stay the mandate, entered August 17, 2026);

Opinions and Orders Below

The opinion of the United States Court of Appeals for the Third Circuit is unreported. The order of the Third Circuit denying rehearing and rehearing en banc was entered on July 17, 2026. The order of the Third Circuit denying Applicant's motion to stay the mandate pending certiorari was entered on August 17, 2026. The order and judgment of the United States District

Court for the District of New Jersey in Civil Action No. 3:23-cv-02601 giving rise to the appeal are likewise unreported.

Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 2101(f) to stay a judgment or decree of a lower court pending the timely filing and disposition of a petition for a writ of certiorari, and under 28 U.S.C. § 1651(a) to stay proceedings in the district court to protect this Court's certiorari jurisdiction. Applicant's petition for a writ of certiorari, No. 25-3115, is timely and due to be filed on or before October 15, 2026, ninety days after the Third Circuit's July 17, 2026 denial of rehearing.

Statement of the Case

This case arises from mortgage-servicing conduct by Respondent M&T Bank during the COVID-19 pandemic, including its refusal to convert Applicant's Trial Period Plan, violations of CARES Act forbearance protections, and related collection conduct, giving rise to claims under RESPA, the FDCPA, and the CARES Act. Those federal statutory claims were extinguished on preclusion grounds in proceedings below without a merits ruling in any forum. The Third Circuit's disposition in No. 25-3115 did not address the law-of-the-case framework of Christianson v. Colt Industries Operating Corp., the Supremacy Clause analysis required by Tafflin v. Levitt, the mandate-rule limits recognized in Pepper v. United States, or privity between M&T's distinct institutional roles — omissions that Applicant's forthcoming petition for certiorari will present as questions of exceptional importance. Applicant moved the Third Circuit to stay its mandate pending disposition of the anticipated petition for certiorari; that motion was denied on August 17, 2026. Absent relief from this Court, the mandate may issue and the district court proceedings will resume before this Court can act on the petition.

Reasons for Granting the Application

To obtain a stay pending certiorari, an applicant must show (1) a reasonable probability that four Justices will vote to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse; (3) a likelihood of irreparable harm absent a stay; and (4) that the balance of equities favors a stay. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam); *Indiana State Police Pension Tr. v. Chrysler LLC*, 556 U.S. 960, 960 (2009) (per curiam); *Conkright v. Frommert*, 556 U.S. 1401 (2009) (Ginsburg, J., in chambers). Applicant satisfies each element.

I. There Is a Reasonable Probability That Four Justices Will Vote to Grant Certiorari.

The petition presents six questions of federal law, including: whether a court of appeals may permanently extinguish concurrent-jurisdiction federal statutory claims through res judicata without following this Court's law-of-the-case framework from *Christianson*; whether the Supremacy Clause bars a state compulsory-joinder rule from eliminating concurrent-jurisdiction federal rights under *Tafflin*; whether *Pepper's* mandate rule permits the result below; and whether privity was established between legally distinct institutional roles of the same defendant. These questions are recurring and outcome-determinative in mortgage-servicing and RESPA/FDCPA litigation nationwide arising from the COVID-19 pandemic, and at minimum four Justices are likely to view them as certworthy. The intra-case contradiction — two opinions in the same litigation producing mutually exclusive legal premises — is the paradigm case for this Court's supervisory jurisdiction.24-1151

II. There Is a Fair Prospect That a Majority of the Court Will Vote to Reverse.

The decision below does not withstand scrutiny on the merits. It does not cite *Christianson*, does not invoke any recognized exception to law of the case, does not cite *Magnesium Elektron*, does not perform *Tafflin* Supremacy Clause analysis, does not perform *Semtek* choice-of-law analysis, and does not analyze privity between M&T's distinct institutional roles. The silence on each of these analytically required steps creates a fair prospect that a majority of this Court would find reversible error.

III. Applicant Will Suffer Irreparable Harm Absent a Stay.

The harm is irreparable. The preclusion judgment permanently extinguishes Applicant's RESPA, FDCPA, and CARES Act claims with prejudice. These are federal statutory rights; once extinguished, they cannot be reconstructed on remand from other proceedings. The underlying mortgage-servicing conduct — M&T's refusal to convert the Trial Period Plan, its CARES Act forbearance violations, and its collection conduct — is a discrete historical event arising during the COVID-19 pandemic and the associated government closures: the witnesses, communications, and records are susceptible to aging and loss. A stay preserves the ability to conduct the merits discovery directed by the mandate in related appeal No. 24-1151. Denial of a stay renders the certiorari petition effectively moot as a practical matter.

IV. The Balance of Equities Favors a Stay.

The balance of equities strongly favors Applicant. M&T received full payoff of $759,393.48 at the August 2025 closing of the property that secured the mortgage and recorded a voluntary,Release of Mortgage (Instrument No. 2025024696, September 9, 2025). Its security interest has been fully satisfied, and a stay imposes no financial burden on M&T; it merely preserves the status quo. Applicant, by contrast, faces permanent loss of federally created statutory rights — rights Congress wrote into RESPA, the FDCPA, and the CARES Act, especially in light of the COVID-19 pandemic and the associated government closures — without a single merits ruling in any forum.

V. Relief Was Sought and Denied Below; This Court Is the Only Remaining Avenue.

As required by Rule 23.3, Applicant states that application for the relief sought here was made to the United States Court of Appeals for the Third Circuit under Fed. R. App. P. 41(d)(2)(B), and that the Third Circuit denied the motion to stay its mandate pending certiorari on August 17, 2026. This Court is accordingly the only forum in which Applicant may now seek a stay pending disposition of the petition for a writ of certiorari. The denial below does not diminish the substantiality of the questions presented; the Third Circuit's order gave no reasoned explanation addressing the certworthiness factors set out above, consistent with the summary manner in which stay motions under Fed. R. App. P. 41 are typically resolved. Because the mandate may now issue at any time, Applicant respectfully requests that this Court, or the undersigned Circuit Justice, act promptly, including through a temporary administrative stay while the Application is under consideration.

Conclusion

Wherefore, this Court should immediately grant Applicant a temporary administrative stay of the mandate of the Third Circuit in No. 25-3115 pending consideration of this Application, and should stay the mandate and all further proceedings in the district court in Civil Action No. 3:23-cv-02601, pending final disposition of Applicant's petition for a writ of certiorari.

Respectfully submitted,

s/Chryssoula Arsenis, Pro Se
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Dated: August19, 2026

Certificate of Service

I hereby certify that on this 19 day of August, 2026, I caused a true and correct copy of the foregoing Application for a Stay to be served on counsel of record for Respondent M&T Bank, as required by Supreme Court Rule 29, by method of service — e.g., electronic mail and/or first-class mail, postage prepaid], addressed as follows:

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s/Chryssoula Arsenis,