NO. 26A265

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2026

MARJORIE Y. EVANS, Applicant,
Applicant,

v.

HONORABLE RESPONDENT BANKRUPTCY JUDGE, ET AL.,
Respondents.

EMERGENCY APPLICATION FOR AN IMMEDIATE STAY PENDING PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT AND FOR AN EXTRAORDINARY WRIT

TO THE HONORABLE KETANJI BROWN JACKSON, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIRST CIRCUIT

MARJORIE Y. EVANS
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(Proceeding In Forma Pauperis Pursuant to Supreme Court Rule 39)

QUESTIONS PRESENTED

1. Under Federal Rule of Civil Procedure 58(a), Rule 52(a)(1), and Federal Rule of Bankruptcy Procedure 9021, a trial court has a mandatory duty to enter written findings and a separate judgment document on the public docket after a bench trial. Did the bankruptcy court fail this mandate when: (1) it failed to enter findings of fact and conclusions of law for more than three years; and (2) is the three-year failure in and of itself, a substantial question that disables standard appellate review?

2. Under federal appellate tracking statutes, 28 U.S.C. § 158, and the Due Process Clause of the Fifth Amendment, an appellate court's jurisdiction is strictly limited to reviewing a valid, reviewable record of the trial court. When a trial judge leaves a public record entirely blank, (1) does a reviewing court have a mandatory obligation to decline review and remand the case back to the lower tribunal to enter its findings; (2) can an appellate body legally make substantive merit determinations on a blank record or order the appeal immediately dismissed based strictly on a certified *in forma pauperis* litigant's inability to pay for transcripts; and (3) is it an abuse of power for the appellate court to ignore the clear mandate of the jurisdictional statute?

3. Under the explicit supervisory mandates established by 28 U.S.C. § 2071 and 28 U.S.C. § 332(d)(1), federal appellate courts have an absolute duty to ensure the effective and lawful administration of justice within lower tribunals. Do higher federal courts violate these non-discretionary statutory obligations of structural

oversight by turning a blind eye to a severe, three-year breakdown in lower-court recordkeeping?

4. Under the Due Process Clause of the Fifth Amendment, the clear statutory mandates of 28 U.S.C. § 1915(c) and 28 U.S.C. § 753(f), and the continuous protections of Federal Rule of Appellate Procedure 24(a)(3), an indigent litigant who has been judicially certified as "not frivolous" is entitled to a trial record at government expense. Can lower federal tribunals openly bypass these statutory commands and permanently dismiss a certified *in forma pauperis* litigant's statutory appeal for failing to personally purchase thousands of dollars in transcripts to cure a record deficit created entirely by the trial court's three-year failure to enter written findings?

5. Under 28 U.S.C. § 1654, a citizen has an absolute statutory right to plead and conduct her own case personally as a self-represented litigant. Can lower federal tribunals, consistent with the First Amendment right to petition for redress and the Fifth Amendment guarantee of equal access, construct a discriminatory financial roadblock that weaponizes a *pro se* litigant's lack of counsel and certified indigent status to execute an unlawful, summary forfeiture of her appellate rights?

JURISDICTIONAL STATEMENT

Applicant invokes the jurisdiction of this Court under 28 U.S.C. § 1651(a) (the All Writs Act) and 28 U.S.C. § 2101(f), which vest absolute authority in an individual Associate Justice of this Court, as Circuit Justice, to grant an emergency stay of a lower-court compliance deadline or judgment pending the filing and disposition of a formal Petition for a Writ of Certiorari.

This emergency application arises directly from the United States Court of Appeals for the First Circuit's August 13, 2026 Judgment denying Applicant's Emergency Petition for a Writ of Mandamus and Stay. Applicant has timely filed an Emergency Petition for Panel Rehearing and Rehearing En Banc in that court under Federal Rules of Appellate Procedure 35 and 40. Because the Bankruptcy Appellate Panel's self-executing Transcript Compliance Order explicitly commands the permanent, summary dismissal of Applicant's entire statutory appeal on August 28, 2026, immediate intervention by this Court is required under Supreme Court Rule 22 to prevent Applicant's underlying constitutional and appellate rights from being permanently extinguished before standard appellate review can be completed.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The **Fifth Amendment to the United States Constitution** provides in relevant part:

> No person shall... be deprived of life, liberty, or property, without due process of law..."

Title 28, United States Code, Section 1651(a) (All Writs Act) provides:

> "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Title 28, United States Code, Section 1915(a)(1) (In Forma Pauperis) provides in relevant part:

> "...any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security..."

Federal Rule of Civil Procedure 52(a)(1) (Findings and Conclusions by the Court) provides in relevant part:

> "In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58."

STATEMENT OF THE CASE

This emergency application arises from a severe, multi-year structural breakdown in the administration of bankruptcy justice within the First Circuit. It presents a critical constitutional question under the Due Process Clause of the Fifth Amendment: whether a federal court may strip a certified indigent, *in forma pauperis* citizen of her statutory right to appellate review by demanding thousands of dollars for trial transcripts, where the trial judge has completely abandoned his mandatory, non-discretionary duty under Federal Rule of Civil Procedure 52(a)(1) to enter a written record of his findings onto the public docket.

I. Factual Background and Trial Court Omissions

The underlying dispute concluded a two-day bench trial in the United States Bankruptcy Court for the District of Massachusetts on April 10–11, 2023. At the close of the trial, the Respondent Bankruptcy Judge issued an oral bench ruling. However, in direct violation of Federal Rule of Civil Procedure 52(a)(1) (applicable via Federal Rule of Bankruptcy Procedure 7052) and Rule 58(a), the trial judge completely failed to enter formal written findings of fact, conclusions of law, or a separate judgment document onto the public record.

For more than three years, the written trial docket has remained entirely blank. On April 14, 2023 the trial court entered a proceeding memorandum and order with a footnote [Dkt. 363] onto the docket. In both the order and footnote, the trial court affirmed the existence of its un-docketed "Oral Decision" read into the record at the conclusion of the bench trial on April 11, 2023. On May 24, 2024, more than a year later the trial court entered a purported final judgment document [Dkt. 429] that explicitly incorporated the unwritten oral bench ruling, completely failing to provide a reviewable, written legal or factual foundation for appellate scrutiny.

II. Applicant's Diligent Exhaustion of Remedies

Despite her severe financial hardship, Applicant diligently and systematically exhausted every ordinary appellate avenue available under federal law. On June 5, 2024, Applicant timely filed her Notice of Appeal [Dkt. 434] alongside an application to waive appellate tracking fees. On August 23, 2024, the Bankruptcy Court entered a formal order granting Applicant Fee Waiver Motion [Dkt. 481], which legally established that Applicant's "good faith" exists under 28 U.S.C. § 1915(a)(1), explicitly certifying: **"With respect to whether the appeal was not taken in good faith, in reviewing the statement of the issues on appeal ... and record before it while it does not appear that the Plaintiff appeal has any reasonable chance of success on the merits, the Court cannot determine that there is not one issue raised on appeal that is not frivolous. Therefore, good faith exists for purpose of an appeal fee waiver under 28 U.S.C. § 1915(a)(1)." In that same order, the trial court further certified: "Alternatively the Debtor would also be entitled to pursue her appeal in forma pauperis under 28 U.S.C. § 1930(f)(3)."**

Crucially, on that same day, the Bankruptcy Court entered its matching separate order [Dkt. 482], constructing an insurmountable procedural trap. In that order, the trial judge explicitly acknowledged: **"Under § 753(f), fees for transcripts furnished to persons permitted to appeal in forma pauperis may be paid by the United States 'if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question)' 28 U.S.C. § 753(f)."** The trial judge further certified that **"the Court determined that the Plaintiff may proceed in forma pauperis and that, at least with respect to some issues the appeal was not 'frivolous' in the context of 28 U.S.C. §§ 1915(a)(1) and § 1930(f)."**

However, the trial court then blocked funding by stating: **"Challenged findings of fact would be reviewed under a 'clearly erroneous' standard... As such, this Court could not make the certification required by 28 U.S.C. § 753(f)."** Armed with these contradictory orders, Applicant was placed in a severe catch-22: the trial court refused to certify a "substantial question" because factual findings are reviewed for clear error, while simultaneously hiding behind a three-year blank trial record that made it a physical and operational impossibility for any reviewing court to find those facts or evaluate clear error.

The Bankruptcy Appellate Panel ("BAP") subsequently affirmed and continued Applicant's *in forma pauperis* status on appeal on October 2, 2024 [BAP Doc. 20]. Crucially, on April 16, 2025, the BAP entered an order titled **"ORDER STAYING APPEAL"** in BAP No. MW 24-009 [Doc. 27], explicitly certifying under its own seal: **"WHEREAS, the Appellant has appealed the Panel's judgment to the U.S. Court of Appeals for the First Circuit, see COA No. 25-9002 (the**

"COA Appeal"); and"

Immediately following this tracking acknowledgment, on April 17, 2025, the BAP entered a matching order titled "**ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS**" in (BAP No. MW 24-025) [Doc. 001151640], explicitly certifying: "**Before the Panel is the 'Motion to Proceed In Forma Pauperis' filed by Marjorie Y. Evans on April 8, 2025. In the motion, Ms. Evans seeks permission to proceed in forma pauperis on appeal to the U.S. Court of Appeals for the First Circuit... After due consideration, the motion is GRANTED.**" This critical consecutive sequence proves an unchanging, multi-year status of judicially verified indigence.

III. The Lower Courts' Procedural Trap and Deceptive Record

Rather than performing its clear judicial duty to decline review and remand the record back to the trial court for mandatory written findings under settled Circuit law (*In re Healthco Int'l, Inc.*, 132 F.3d 104, 108 n.5), the BAP failed to enter an order directing the Bankruptcy Court Clerk to prepare and provide the critical hearing transcripts at government expense. Applicant was fully entitled to this record as a certified *in forma pauperis* litigant.

In fact, the BAP had already explicitly ruled in its April 16, 2025 order in BAP No. MW 24-009 [Doc. 27]: "**WHEREAS, the hearing transcripts which are the subject of the COA Appeal are an essential part of the record in Appeal No. 1 before the Panel.**"

Instead of enforcing its own mandate, the BAP engineered an insurmountable financial barrier. On July 20, 2026, the BAP entered an order titled **"ORDER DENYING APPELLANT'S MOTION FOR HEARING TRANSCRIPTS AT GOVERNMENT EXPENSE"** in BAP No. MW 24-009 [Doc. 29]. This order flatly denied Applicant's motion to compel the un-transcribed oral bench decision read into the record at the conclusion of the trial, alongside other critical hearing transcripts, completely stripping her of the very record the BAP certified as essential.

Applicant immediately exhausted her internal remedies by filing a Combined Motion to Compel Hearing Transcript, or in the Alternative, for Clarification and to Maintain the Stay of the Briefing Scheduling on July 21, 2026 in BAP NO. MW 24-009 [Doc. 001153863]. While that emergency motion was still pending, the BAP issued a hostile, self-executing Transcript Compliance Order on July 31, 2026 in BAP NO. MW 24-009 [Doc. 001153894] titled "**ORDER TERMINATING STAY OF APPEAL AND DIRECTING APPELLANT TO PROVIDE TRANSCRIPTS**" This order commands a certified indigent litigant to personally pay thousands of dollars for oral audio transcripts by **August 28, 2026**, under explicit penalty of immediate, automatic summary dismissal of her entire appeal.

Faced with this imminent execution clock, Applicant filed an Emergency Petition for a Writ of Mandamus and Stay in the First Circuit on August 7, 2026 26-1805 [Doc. 00118489460] titled "**PETITIONER'S EMERGENCY MOTION FOR STAY PENDING DISPOSITION AND EMERGENCY PETITION FOR AN ORIGINAL WRIT OF MANDAMUS PURSUANT TO FED. R. APP. P. 21.**"

On August 11, 2026, Applicant also filed her formal Notice of Automatic Continuation of *In Forma Pauperis* Status Pursuant to Fed. R. App. P. 24(a)(3) 26-1805 [Doc. 00118489504].

To misdirect the reviewing court and insulate the trial judge's omissions, the BAP rushed to enter an administrative order titled "**ORDER ON APPELLANT'S MOTION FOR RECONSIDERATION, AND AMENDING ORDER DENYING MOTION FOR HEARING TRANSCRIPTS**" in **BAP NO. MW 24-009** [Doc. 001153942] on August 12, 2026, deceptively claiming to grant in part and deny in part Applicant's reconsideration request. Although the BAP deceptively claimed the motion was granted in part, absolutely none of the relief Applicant actively sought was allowed. In that order, the BAP confidently declared that "three courts" had determined Applicant's appeal lacked a substantial question. This statement was a deliberate fabrication. The BAP actively suppressed the trial court's explicit, controlling August 23, 2024 written certification [Dkts. 481 and 482] that the appeal was "**not frivolous.**"

On August 13, 2026, a three-judge panel of the First Circuit blindly deferred to this fabricated lower-court order. In a summary disposition, the panel denied the Stay and Writ of Mandamus on the boilerplate ground that mandamus cannot serve as a substitute for an ordinary appeal where an "appeal is an available remedy." In executing this summary disposition, the panel committed a severe error of law and fact by completely misapprehending the physical and operational reality of the underlying record. First, an ordinary appeal is a structural impossibility—and therefore completely unavailable to Applicant —solely because the bankruptcy trial court has blatantly abandoned its mandatory, non-discretionary statutory duties under Federal Rule of Civil Procedure 52(a)(1) and Rule 58(a) for over three years. Second, the panel completely ignored that the BAP's unconstitutional self-executing compliance clock will permanently extinguish that very appeal on August 28, 2026, solely because Applicant is too poor to buy the written record the trial judge refused to create.

Applicant has filed an Emergency Petition for Rehearing En Banc in the First Circuit and now seeks immediate emergency relief from this Court to preserve the status quo and protect her constitutional rights.

REASONS FOR GRANTING THE APPLICATION

Applicant satisfies the strict requirements for an emergency stay and extraordinary relief under this Court's established precedents and Supreme Court Rule 22. There is a substantial probability that this Court will grant a Petition for a Writ of Certiorari to review the underlying structural conflicts, a clear likelihood of reversal on the merits, and an absolute certainty that Applicant will suffer immediate, irreversible constitutional injury absent an emergency stay to freeze the lower machinery.

I. Applicant Faces Imminent, Irreparable Injury Absent a Stay

The Bankruptcy Appellate Panel's July 31, 2026 Transcript Compliance Order (Appendix A) operates as a self-executing clock that will permanently extinguish Applicant's entire statutory appeal on August 28, 2026, for want of diligent prosecution unless Applicant pays thousands of dollars in transcript fees. This threat represents a distinct, irreparable harm. Once the dismissal clock strikes, Applicant's underlying statutory appellate rights are destroyed forever, rendering this Court's jurisdictional protections completely moot. The permanent loss of a statutory right to appeal, caused entirely by a litigant's poverty, constitutes an immediate and irreversible violation of the Fifth Amendment. *Griffin v. Illinois*, 351 U.S. 12, 19 (1956). This Court has long held that the loss of a constitutional right, even for brief periods, constitutes an irreparable injury requiring immediate judicial intervention to preserve the status quo. *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

II. The First Circuit Panel's Order Conflicts with Controlling Supreme Court Precedent

The three-judge panel's August 13, 2026 Judgment (Appendix C) relies on a severe logical trap: it asserts that a standard appeal remains an "available remedy" to bar extraordinary relief, while completely ignoring that the lower court has scheduled the permanent destruction of that very appeal based strictly on Applicant's indigence. This summary conclusion conflicts with the deeply rooted constitutional mandates established in *Griffin v. Illinois*, which strictly forbid the government from denying an indigent person a statutory right to meaningful appellate review based entirely on a financial inability to purchase a trial record.

Furthermore, an ordinary appeal is a structural impossibility because the

Respondent Bankruptcy Judge has blatantly abandoned his mandatory, non-discretionary duties under Federal Rule of Civil Procedure 52(a)(1) by refusing to enter written findings of fact or conclusions of law for over three years following the April 2023 trial. It is legally impossible for the BAP or the First Circuit to conduct standard meaningful appellate review because the underlying written record does not exist on the public docket. For the panel to afford blind deference to lower tracks that are actively inventing non-existent adverse records—while hiding a trial judge's three-year rule violation—shatters the integrity of the judicial process. Immediate intervention by this Court is required to resolve this systemic conflict and ensure equal access to the federal courts.

CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Applicant Marjorie Y. Evans respectfully requests that this Court grant an emergency stay of the Bankruptcy Appellate Panel's July 31, 2026 order in BAP No. MW 24-009 [Doc. 001153894] titled "**ORDER TERMINATING STAY OF APPEAL AND DIRECTING APPELLANT TO PROVIDE TRANSCRIPTS**," and freeze all underlying appellate timelines enforced by that order pending the filing and final disposition of her forthcoming Petition for a Writ of Certiorari. Applicant further requests that this Court issue an extraordinary writ to vacate the First Circuit panel's August 13, 2026 judgment, and compel the Respondent Bankruptcy Judge to: (1) enter formal written findings of fact, conclusions of law, and a separate judgment document on the public trial docket pursuant to Federal Rule of Civil Procedure 52(a)(1) and Rule 58(a), and (2) to fully comply with the statutory guarantees of the in forma pauperis rules under 28 U.S.C. § 1930(f)(3) and 28 U.S.C. § 753(f), pursuant to the indigent status originally granted to Applicant on August 23, 2024, explicitly affirmed by the Panel on October 2, 2024, and explicitly re-granted by the Panel's formal order on April 17, 2025.

Dated: August 20, 2026

Respectfully submitted,

Marjorie Y. Evans

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PROOF OF SERVICE PURSUANT TO SUPREME COURT RULE 29

I, Marjorie Y. Evans, hereby certify that on this 20th day of August 2026, as required by Supreme Court Rule 29, I have served a true and correct physical paper copy of the foregoing Emergency Application for an Immediate Stay and for an Extraordinary Writ, along with all accompanying Appendices, upon all opposing parties and counsel of record by depositing the packages into the custody of the United States Postal Service, via First-Class Mail with postage prepaid, addressed as follows:

Attorney Brian C. Linehan
100Cummings Center, Suite 303C
Beverly, MA 01915
1-978-204-5203
bl@DGandL.com

Dated: August 20, 2026

Respectfully submitted

Marjorie Y. Evans

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INDEX OF APPENDICES

Appendix A

The July 31, 2026 BAP Order
(BAP Case No. MW 24-009) [Doc. 001153894]

UNITED STATES BANKRUPTCY APPELLATE PANEL FOR THE FIRST CIRCUIT

BAP NO. MW 24-009

Bankruptcy Case No. 17-40402-CJP
Adversary Proceeding No. 17-04015-CJP

MARJORIE Y. EVANS,
Debtor.

MARJORIE Y. EVANS,
Plaintiff-Appellant,

v.

FEDERAL HOME LOAN MORTGAGE CORPORATION,
Defendant-Appellee.

Fagone, Chief U.S. Bankruptcy Appellate Panel Judge;
Godoy and Katz, U.S. Bankruptcy Appellate Panel Judges.

ORDER TERMINATING STAY OF APPEAL AND DIRECTING APPELLANT TO PROVIDE TRANSCRIPTS

Marjorie Y. Evans appealed from the bankruptcy court's judgment on her complaint against the appellee seeking damages for willful violations of the automatic stay. Because the bankruptcy court's findings of fact and conclusions of law supporting its entry of judgment were stated on the record during hearings in the adversary proceeding, the hearing transcripts are an essential part of the appellate record. As the appellant, it is Evans' burden to provide the Panel with the hearing transcripts. See Wilson v. Wells Fargo Bank, N.A. (In re Wilson), 402 B.R. 66, 69 (B.A.P. 1st Cir. 2009); see also Bogan v. City of Bos., 489 F.3d 417, 425 (1st Cir. 2007) ("The party asserting a claim of error maintains the burden of procuring the transcript where a transcript is necessary to decide the claims."); Malone v. Payeur (In re Payeur), 22 B.R. 516, 519 (B.A.P. 1st Cir. 1982) (stating that appellant's responsibility to provide an adequate record on appeal "includes providing the court with an adequate transcript").

While this appeal was pending, the bankruptcy court entered an order denying Evans' motion to waive the fees associated with ordering the hearing transcripts. Evans appealed the transcript order to the Panel, which summarily affirmed. See BAP No. MW 24-025. Evans then appealed to the U.S. Court of Appeals for the First Circuit. See COA No. 25-9002.

While the appeal was pending before the Court of Appeals, the Panel, in April 2025, entered an order staying this appeal "until further order of the Panel," stating that "the interests of justice and judicial economy counsel in favor of staying [this appeal] until final disposition of the COA Appeal." On May 29, 2026, the Court of Appeals entered a judgment affirming the bankruptcy court's transcript order. Evans filed a petition for rehearing, which was denied. Thus, the appeal before the Court of Appeals regarding Evans' transcript fee waiver request has been finally resolved.

Accordingly, it is hereby **ORDERED** that:

1. The stay of this appellate proceeding is **TERMINATED**; and

2. **By August 28, 2026**, Evans shall **ORDER** in writing from the court reporter the transcript of the two-day trial held on April 10-11, 2023 (and any other hearing transcripts which are necessary for the Panel's review of the judgment) and arrange for payment of the same. See Fed. R. Bankr. P. 8009(b)(1)(A) and (b)(4). Evans shall also **FILE** with the Panel proof of compliance with this order.

If Evans fails to comply with the terms of this order by the specified date, this appeal may be **DISMISSED** without further notice or hearing. See Fed. R. Bankr. P. 8003(a)(2) (authorizing dismissal if appellant fails to take any steps required to prosecute an appeal). The Panel will not consider any further requests by Evans to waive the transcription fees or to obtain the transcripts at government expense.

FOR THE PANEL:

Dated: July 31, 2026

By: /s/ Arielle B. Adler
Arielle B. Adler, Clerk

cc:
By email: Marjorie Evans
By CM/ECF: Reneau Jean Longoria, Esq.; Brian Linehan, Esq.

Appendix B

The August 12, 2026 BAP Order
(BAP Case No. MW 24-009) [Doc. 001153942]

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

BAP NO. MW 24-009

Bankruptcy Case No. 17-40402-CJP
Adversary Proceeding No. 17-04015-CJP

MARJORIE Y. EVANS,
Debtor.

MARJORIE Y. EVANS,
Plaintiff-Appellant,

v.

FEDERAL HOME LOAN MORTGAGE CORPORATION,
Defendant-Appellee.

Fagone, Chief U.S. Bankruptcy Appellate Panel Judge.

ORDER ON APPELLANT'S MOTION FOR RECONSIDERATION, AND AMENDING ORDER DENYING MOTION FOR HEARING TRANSCRIPTS

Before the Panel is the Motion for Reconsideration of Denial of Motion to Compel Hearing Transcripts, Or In the Alternative, For Clarification, and to Maintain the Stay of the Briefing Schedule, filed by the appellant, Marjorie Y. Evans, on July 21, 2026.

The motion for reconsideration is **GRANTED IN PART** and **DENIED IN PART**. The motion is granted to the extent that the Panel amends its Order Denying Appellant's Motion for Hearing Transcripts at Government Expense dated July 20, 2026, to include the following text:

> "The law specifies when, for purposes of an appeal, transcripts of legal proceeding can be obtained by a litigant at the government's expense. That law requires that the appeal present a 'substantial question.' The appellant has been told, explicitly or implicitly, by three courts that her appeal does not present a substantial question."

The remainder of the relief sought by the motion is **DENIED**.

FOR THE PANEL:

Dated: August 12, 2026

By: /s/ Arielle B. Adler
Arielle B. Adler, Clerk

cc:
By email: Marjorie Y. Evans
By CM/ECF: Reneau Jean Longoria, Esq.; Brian Linehan, Esq.

Appendix C

The **August 13, 2026 First Circuit Panel Judgment**
(Case No. 26-1805) [Doc. 00118491231]

United States Court of Appeals
For the First Circuit

No. 26-1805

IN RE: MARJORIE Y. EVANS,

Petitioner.

Before

Montecalvo, Aframe, and Dunlap,
Circuit Judges.

JUDGMENT

Entered: August 13, 2026

Petitioner Marjorie Y. Evans ("petitioner") has filed an "Emergency Motion for Stay Pending Disposition and Emergency Petition for an Original Writ of Mandamus Pursuant to Fed. R. App. P. 21," seeking an order from this court directing the bankruptcy court to enter a written judgment memorializing that court's findings of fact and conclusions of law and/or compelling the production, at government expense, of certain bankruptcy court transcripts.

Upon consideration, we conclude that petitioner has not demonstrated the sort of "exceptional circumstances" that might warrant grant of the "extraordinary remedy" of mandamus. Da Graca v. Souza, 991 F.3d 60, 64 (1st Cir. 2021) (internal quotation marks omitted); see also In re JPMorgan Chase Bank, N.A., 799 F.3d 36, 38 (1st Cir. 2015) (explaining that mandamus "may not be used as a substitute for an appeal and will not lie if an appeal is an available remedy") (internal quotation marks omitted).

Accordingly, all relief requested in the current petition is denied. See 1st Cir. R. 27.0(c) (summary disposition). Any remaining pending motions or requests, to the extent not moot in light of the foregoing, are denied.

By the Court:

Anastasia Dubrovsky, Clerk

cc:
Hon. Edward Alan Godoy, Hon. Elizabeth D. Katz, Hon. Michael A. Fagone, Arielle Adler, Clerk, Bankruptcy Appellate Panel, Marjorie Y. Evans, Reneau Jean Longoria, Brian Linehan, Richard King, Anne J. White

Appendix D

The April 16, 2025 BAP Order
BAP Case No. MW 24-009 [Doc. 27] and
The April 17, 2025 BAP Order
BAP Case No. MW 24-025 [Doc. 001151640]

Appendix D

UNITED STATES BANKRUPTCY APPELLATE PANEL FOR THE FIRST CIRCUIT

BAP NO. MW 24-009

Bankruptcy Case No. 17-40402-CJP
Adversary Proceeding No. 17-04015-CJP

MARJORIE Y. EVANS,
Debtor.

MARJORIE Y. EVANS,
Plaintiff-Appellant,

v.

FEDERAL HOME LOAN MORTGAGE CORPORATION,
Defendant-Appellee.

Godoy, Fagone, and González, U.S. Bankruptcy Appellate Panel Judges.

ORDER STAYING APPEAL

WHEREAS, Marjorie Y. Evans (the "Appellant") has appealed from the bankruptcy court's judgment on her complaint against the appellee seeking damages for willful violations of the automatic stay ("Appeal No. 1"); and

WHEREAS, the bankruptcy court's findings of fact and conclusions of law supporting its entry of judgment were set forth on the record during hearings in the adversary proceeding; and

WHEREAS, after the commencement of this appeal, the bankruptcy court entered an order ("Order Denying Transcript Fee Waiver") denying the Appellant's motion to waive the fees associated with ordering certain hearing transcripts to be included as part of the record in Appeal No. 1; and

WHEREAS, the Appellant appealed the Order Denying Transcript Fee Waiver to the Panel, see BAP No. MW 24-025 ("Appeal No. 2"); and

WHEREAS, the Panel entered a judgment summarily affirming the Order Denying Transcript Fee Waiver on February 26, 2025;

WHEREAS, the Appellant has appealed the Panel's judgment to the U.S. Court of Appeals for the First Circuit, see COA No. 25-9002 (the "COA Appeal"); and

WHEREAS, the hearing transcripts which are the subject of the COA Appeal are an essential part of the record in Appeal No. 1 before the Panel;

WHEREAS, "[i]t is apodictic that federal courts possess the inherent power to stay proceedings for prudential reasons[,]" including "the pendency of a parallel or related" proceeding which may impact the outcome of the proceedings to be stayed. Microfinancial, Inc. v. Premier Holidays Int'l, Inc., 385 F.3d 72, 77 (1st Cir. 2004) (discussing stay requirements and concluding, after consideration of relevant factors, district court did not abuse its discretion in declining to delay civil litigation in deference to criminal proceedings); see also Marquis v. F.D.I.C., 965 F.2d 1148, 1154 (1st Cir. 1992); and

WHEREAS, the authority to stay proceedings "is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Hewlett-Packard Co. v. Berg, 61 F.3d 101, 105 (1st Cir. 1995) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)); see also City of Bangor v. Citizens Commc'ns Co., 532 F.3d 70, 99 (1st Cir. 2008); Barnstable Cnty. v. 3M Co., No. 17-40002, 2017 WL 6452245, at *15 (D. Mass. Dec. 18, 2017) ("[A] court, in its sound discretion, may stay any case pending before it as an exercise of its inherent power to control its own docket.") (quoting Cannavo v. Enter. Messaging Servs., Inc., 982 F. Supp. 54, 59 (D. Mass. 1997)); and

WHEREAS, neither the parties nor the public interest would be harmed by imposing a stay of limited duration of Appeal No. 1, see Microfinancial, Inc., 385 F.3d at 78; and

WHEREAS, upon consideration of the foregoing, the Panel concludes that the interests of justice and judicial economy counsel in favor of staying Appeal No. 1 until final disposition of the COA Appeal. See Landis, 299 U.S. at 254-55; Microfinancial, Inc., 385 F.3d at 78; see also Karamoussayan v. Mass. Dep't of Rev. (In re Karamoussayan), BAP No. MB 22-041, slip op. (B.A.P. 1st Cir. Apr. 6, 2023) (staying appeal until final disposition of a second appeal in "the interests of justice and judicial economy").

NOW THEREFORE, it is hereby **ORDERED** that Appeal No. 1 is stayed until further order of the Panel.

FOR THE PANEL:

Dated: April 16, 2025

By: /s/ Edward A. Godoy
U.S. Bankruptcy Appellate Panel Judge

cc:
By email: Marjorie Y. Evans
By CM/ECF: Reneau Jean Longoria, Esq.; Brian Linehan, Esq.

UNITED STATES BANKRUPTCY APPELLATE PANEL FOR THE FIRST CIRCUIT

BAP NO. MW 24-025

Bankruptcy Case No. 17-40402-CJP
Adversary Proceeding No. 17-04015-CJP

MARJORIE Y. EVANS,
Debtor.

MARJORIE Y. EVANS,
Plaintiff-Appellant.

Godoy, Fagone, and González, U.S. Bankruptcy Appellate Panel Judges.

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

Before the Panel is the "Motion to Proceed In Forma Pauperis" filed by Marjorie Y. Evans on April 8, 2025. In the motion, Ms. Evans seeks permission to proceed in forma pauperis on appeal to the U.S. Court of Appeals for the First Circuit. In her accompanying affidavit, Ms. Evans asserts that the bankruptcy court granted her permission to proceed in forma pauperis in connection with the above-referenced appeal to the Panel and that her financial condition has not changed since she filed that motion. After due consideration, the motion is **GRANTED**.

FOR THE PANEL:

Dated: April 17, 2025

By: /s/ Edward A. Godoy
U.S. Bankruptcy Appellate Panel Judge

cc:
By email: Marjorie Y. Evans