

JUN 30 2026

OFFICE OF THE CLERK

No. 26A36

In the Supreme Court of the United States

CARL GORDON, Applicant

v.

GAVIN NEWSOM, ET AL., Respondents.

**EMERGENCY APPLICATION FOR A STAY OF THE MANDATE,
FOR VACATUR OF THE JUNE 23, 2026 SUMMARY DISPOSITION
AND THE JUNE 26, 2026 ORDER, AND FOR SUCH OTHER
RELIEF AS MAY BE JUST AND PROPER**

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

JUNE 29, 2026

*Carl Gordon
Plaintiff, Applicant, Pro Se
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

PREAMBLE

THIS EMERGENCY APPLICATION TO THE SUPREME COURT OF THE UNITED STATES PRESENTS A SIMPLE BUT FUNDAMENTAL CONSTITUTIONAL QUESTION.

If a citizen faithfully obeys a court order, does the Constitution require that the court provide notice and a meaningful opportunity to be heard before deciding his case under a different legal standard than the one set forth in its own order?

Carl Gordon, an 80-year-old self-represented litigant, did exactly what the United States Court of Appeals for the Ninth Circuit ordered him to do.

On March 31, 2026, the Ninth Circuit entered the following Order:

“It appears that this appeal may be frivolous. If the appeal is frivolous, the court will deny permission to proceed in forma pauperis and dismiss the appeal. See 28 U.S.C. § 1915(e)(2). Within 35 days, appellant must: (1) file a statement explaining why the appeal is not frivolous and a completed Form 4 financial affidavit, OR (2) file a motion to voluntarily dismiss the appeal, see Fed. R. App. P. 42(b). If appellant files a statement explaining why the appeal is not frivolous, or any other response other than a motion to dismiss, the court will determine whether the appeal is frivolous. If it is frivolous, the appeal will be dismissed. If it is not frivolous, the appeal will proceed.”

(Appendix, **EXHIBIT A.**)

Applicant did exactly what the Court ordered.

Applicant reasonably relied upon the procedural framework the Court itself established and had no notice that the appeal might instead be resolved under an entirely different procedural standard.

He timely responded to the Court's Order. He paid the appellate filing fee well before the applicable deadline. He preserved the record. He presented what he believed were substantial constitutional and procedural questions. In every material respect, he complied with the Court's directives. (Appendix, **EXHIBITS B–H.**)

The rule of law depends upon citizens obeying court orders. Public confidence in the judicial process depends upon the faithful application of the Constitution and the fair administration of justice.

The Court's June 23, 2026, Order, however, did not determine that the appeal was frivolous. Instead, it summarily affirmed the judgment under an entirely different procedural standard:

“See 9th Cir. R. 3-6(a) (standard for summary disposition); see also *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982).”

(Appendix, **EXHIBIT I.**)

Three days later, on June 26, 2026, the Court denied Applicant's Motion to Stay the Mandate and ordered:

“This court will not entertain further filings in this closed case. The mandate will issue in due course.” (Appendix, **EXHIBIT J.**)

The Constitution does not require courts to agree with litigants. It does, however, require that courts afford the process guaranteed by the Fifth Amendment before entering a final dispositive judgment affecting constitutional rights. At the core of that guarantee is the right to receive notice and a meaningful opportunity to be heard on the legal standard upon which the court ultimately bases its decision.

This Emergency Application does not ask whether Applicant should ultimately prevail on the merits. It presents a more fundamental question. When a federal appellate court directs a litigant to demonstrate why an appeal should proceed under a specified procedural framework, and the litigant faithfully complies with every material directive contained in that Order, does the Due Process Clause permit the court to resolve the appeal under a different procedural standard without first providing notice and a meaningful opportunity to be heard regarding that dispositive standard?

Applicant respectfully submits that this case presents an important opportunity for the Supreme Court of the United States to reaffirm that enduring constitutional principle and to clarify that the constitutional guarantees of notice and an opportunity to be heard apply with equal force to appellate proceedings before final judgment becomes irrevocable.

I. RELEVANT PROCEDURAL HISTORY OF THE RULE 60(b)(4)

PROCEEDINGS IN THE DISTRICT COURT (MARCH–APRIL 2026)

Applicant filed a Motion to Vacate Judgment as Void pursuant to Federal Rule of Civil Procedure 60(b)(4), seeking judicial review of the validity of the judgment entered in *Gordon I.* (Appendix, **EXHIBIT K.**)

The Rule 60(b)(4) Motion identified a series of fundamental procedural defects arising from irreconcilable discrepancies within the official court record. Chief among them was the district court’s repeated statement that it conducted a *de novo* review of a “First Amended Complaint,” although the certified district court docket in Case No. 2:21-cv-07270-FMO-MAR contains no First Amended Complaint.

Applicant further identified discrepancies involving the Final Judgment and Order of Dismissal entered June 29, 2022; the Amended Order Accepting the Findings and Recommendation of the Magistrate Judge entered July 18, 2022—which the Ninth Circuit subsequently held was entered without jurisdictional authority; the Second Amended Order entered August 22, 2022; and the official certified docket. Applicant respectfully submitted that these irreconcilable inconsistencies rendered the judgment void under Rule 60(b)(4). (Appendix, **EXHIBITS L–P.**)

The Rule 60(b)(4) Motion was never adjudicated on its merits. Instead, the district court ordered the Motion **STRICKEN**. The court likewise ordered **STRICKEN**

Applicant’s Request for Judicial Notice in Support of the Rule 60(b)(4) Motion, Notice of Supplemental Authority Regarding Structural Jurisdictional Error and Judicial Disqualification, Notice Regarding Prior Record Citations, Federal Referral Events, Individual-Capacity Claims, and Scope of Defendants’ Appearance, as well as Applicant’s Motion for Reconsideration. (Appendix, **EXHIBITS Q–U.**)

The district court further ordered that Applicant’s Motion for Reconsideration “shall be stricken from the record and shall not be considered by the Court.” As a result, neither the Rule 60(b)(4) Motion nor Applicant’s principal supporting filings received a merits determination. The constitutional and jurisdictional questions presented therein therefore remained unresolved. (Appendix, **EXHIBIT U.**)

The Appendix also includes the certified district court docket prepared July 15, 2022, ending with Docket No. 42, together with the subsequently entered Notice of Document Discrepancies and Order (Docket No. 43), dated July 18, 2022, directing that Applicant’s previously received filing be “filed and processed.” Applicant submits these documents so that this Court may review the complete procedural chronology reflected in the official district court record. (Appendix, **EXHIBITS D–E.**)

The appeal to the United States Court of Appeals for the Ninth Circuit arose directly from that procedural posture.

II. RELEVANT PROCEDURAL HISTORY OF THE NINTH CIRCUIT PROCEEDINGS (MARCH–APRIL 2026)

Following the district court’s March 2026 orders, Applicant timely filed a Notice of Appeal to the United States Court of Appeals for the Ninth Circuit, initiating Appeal No. 26-1797. (Appendix, **EXHIBIT V.**)

On March 27, 2026, Applicant filed an Emergency Motion for Summary Reversal together with a Request for Judicial Notice, seeking expedited review based exclusively upon official court records, including the certified district court docket, the district court’s June 29, July 18, and August 22, 2022 Orders, and other judicially noticeable materials. Applicant requested prompt resolution because the appeal presented a narrow legal issue established entirely by the official record. (Appendix, **EXHIBITS W–X.**)

On March 29, 2026, Applicant filed his Statement of Issues to Be Raised on Appeal, identifying whether the judgment was void under Federal Rule of Civil Procedure 60(b)(4), whether Applicant had been denied procedural due process,

whether the district court exceeded its jurisdiction, and whether the post-judgment proceedings complied with constitutional and jurisdictional requirements.

(Appendix, **EXHIBIT Y.**)

On March 31, 2026, Applicant supplemented his Request for Judicial Notice by submitting a chronology derived exclusively from official court-generated records documenting the sequence of events surrounding the June 28-29, 2022, filings, their transmission to chambers, and the subsequent entry of judgment. Applicant submitted these materials to assist the Court in understanding the procedural chronology reflected in the official record. (Appendix, **EXHIBIT Z.**)

Also on March 31, 2026, the Ninth Circuit entered an Order stating that the appeal “may be frivolous.” Rather than dismissing the appeal, however, the Court directed Applicant to file a statement explaining why the appeal was not frivolous or another appropriate response, advising:

“If appellant files a statement explaining why the appeal is not frivolous, or any other response other than a motion to dismiss, the court will determine whether the appeal is frivolous. If it is frivolous, the appeal will be dismissed. If it is not frivolous, the appeal will proceed.” (Appendix, **EXHIBIT A.**)

Applicant reasonably understood this Order to establish the procedural framework governing all further proceedings in the appeal.

On April 1, 2026, Applicant paid the full \$605 appellate filing fee and immediately notified the Ninth Circuit that he was proceeding as a paid appellant. Applicant also clarified that his earlier request concerning the filing fee was not a request to proceed *in forma pauperis*, but rather an equitable request based upon the cumulative burden of multiple appellate filing fees arising from related litigation. (Appendix, **EXHIBITS B–C.**)

Applicant thereafter complied with the Ninth Circuit’s March 31, 2026, Order by filing the statement the Court directed. The constitutional question presented in this Emergency Application arises directly from the proceedings that followed.

III. RELEVANT PROCEDURAL HISTORY OF THE NINTH CIRCUIT PROCEEDINGS FOLLOWING THE COURT’S MARCH 31, 2026 ORDER (APRIL–JUNE 2026)

Following the Ninth Circuit’s March 31, 2026, Order, Applicant diligently complied with the Court’s directives and continued to address the procedural issues identified by the Court through a series of filings responsive to the procedural framework established by that Order.

On April 1, 2026, Applicant filed an Emergency Motion for Relief and to Proceed on Structural Jurisdictional Grounds (Rule 60(b)(4)), requesting immediate

consideration of threshold jurisdictional and due process issues affecting the validity of the underlying judgment. (Appendix, **EXHIBIT AA.**)

On April 3, 2026, Applicant filed an Emergency Motion pursuant to Ninth Circuit Rule 27-3 requesting limited administrative relief, correction of the appellate record, recognition that the appellate filing fee had been paid in full, and prevention of any improper deficiency proceedings. Applicant also filed a Motion to Supplement and Correct the Record on Appeal pursuant to Federal Rule of Appellate Procedure 10(e), requesting that the certified district court docket be included as part of the record to ensure that appellate review proceeded on a complete and accurate record. (Appendix, **EXHIBITS AB–AC.**)

On April 5, 2026, Applicant filed his Response to the Court’s Order to Show Cause, explaining why the appeal was not frivolous, clarifying that he was proceeding as a paid appellant rather than *in forma pauperis*, and requesting that the stay of briefing be lifted so the appeal could proceed in the ordinary course. (Appendix, **EXHIBIT AD.**)

On April 8, 2026, Applicant filed an Emergency Motion requesting clarification of the Court’s March 31, 2026, Order, discharge of any remaining treatment under 28 U.S.C. § 1915 following payment of the filing fee, and restoration of the appeal to its ordinary procedural posture. (Appendix, **EXHIBIT AE.**)

On April 9, 2026, Applicant submitted a Supplemental Statement in support of his Response to the Order to Show Cause, further explaining why the appeal presented substantial, non-frivolous issues grounded in the official record and requesting emergency consideration in light of the time-sensitive election-related issues involved. (Appendix, **EXHIBIT AF.**)

After Appellees filed their response, Applicant filed a Supplemental Response on April 20, 2026, addressing Appellees' characterization of the appeal and maintaining that the appeal presented a reviewable challenge to the validity of the underlying judgment under Federal Rule of Civil Procedure 60(b)(4), rather than a disagreement with prior rulings. (Appendix, **EXHIBIT AG.**)

Finally, in direct compliance with the Ninth Circuit's March 31, 2026, Order, Applicant filed his Statement That the Appeal Should Go Forward on April 21, 2026. That filing specifically responded to the Court's directive by explaining why the appeal was not frivolous, confirming that Applicant had paid the appellate filing fee in full, and requesting that the appeal proceed. (Appendix, **EXHIBIT AH.**)

Collectively, these filings demonstrate Applicant's continuous compliance with every material directive contained in the Ninth Circuit's March 31, 2026, Order. They reflect Applicant's repeated efforts to clarify the procedural posture of the

appeal, correct the appellate record, respond to the Court’s stated concerns, and demonstrate why the appeal should proceed under the procedural framework established by the Court.

The proceedings culminating in the Ninth Circuit’s June 23, 2026, summary disposition and its June 26, 2026, Order denying further relief arose directly from this procedural history.

IV. THE NINTH CIRCUIT’S SUMMARY DISPOSITION AND CLOSING OF THE APPELLATE PROCEEDINGS (JUNE 23–26, 2026)

The Ninth Circuit’s March 31, 2026, Order established the procedural framework governing this appeal. The Court directed Applicant to explain why the appeal was not frivolous and expressly advised:

“If it is frivolous, the appeal will be dismissed. If it is not frivolous, the appeal will proceed.” (Appendix, **EXHIBIT A.**)

Applicant faithfully complied with every material directive contained in that Order. He paid the full appellate filing fee, clarified that he was not proceeding *in forma pauperis*, responded to the Court’s concerns regarding frivolousness, moved to supplement and correct the appellate record pursuant to Federal Rule of Appellate Procedure 10(e), submitted additional statements addressing the procedural posture of the appeal, responded to Appellees’ arguments, and ultimately filed a

comprehensive Statement demonstrating why the appeal should proceed.

(Appendix, **EXHIBITS B–AH.**)

The procedural chronology is significant. On March 25, 2026, the Clerk issued the ordinary briefing schedule establishing deadlines for Applicant’s Opening Brief and Appellees’ Answering Brief. Six days later, the panel stayed that briefing schedule and directed Applicant to respond to the concerns identified in its March 31, 2026, Order. Applicant complied with every directive contained in that Order. The stay of briefing remained in effect, and the ordinary merits briefing contemplated by the March 25 scheduling order never occurred. (Appendix, **EXHIBITS AI–AJ.**)

Instead, on June 23, 2026, after Applicant had complied with the procedural framework established by the Court, the Ninth Circuit summarily affirmed the district court’s judgment without prior notice that it would instead apply Ninth Circuit Rule 3-6(a). The Court concluded that “the questions on review are too insubstantial to warrant further briefing,” citing Ninth Circuit Rule 3-6(a) and *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982). (Appendix, **EXHIBIT I.**)

The June 23, 2026, disposition further stated that Applicant’s request concerning the filing fee was denied as unnecessary because the filing fee had already been

paid, and that all remaining pending motions were denied as moot. Thus, the Court acknowledged that the filing fee issue had been resolved, yet the appeal was never permitted to proceed under the procedural framework established by the Court's March 31, 2026, Order. (Appendix, **EXHIBIT I.**)

Three days later, on June 26, 2026, the Ninth Circuit denied Applicant's Motion to Stay the Mandate and ordered:

"This court will not entertain further filings in this closed case. The mandate will issue in due course." (Appendix, **EXHIBIT J.**)

Applicant does not ask this Court to determine whether the Ninth Circuit ultimately reached the correct result on the merits. Rather, Applicant respectfully submits that this Emergency Application presents a more fundamental constitutional question: whether, after establishing a specific procedural framework and directing a litigant to proceed accordingly, due process permits an appellate court to resolve the appeal under a different procedural standard without first providing notice and a meaningful opportunity to be heard on the legal standard that ultimately became dispositive.

**V. EVEN ASSUMING NINTH CIRCUIT RULE 3-6(a) GOVERNED,
SUMMARY DISPOSITION WAS NOT WARRANTED**

Even assuming, solely for purposes of argument, that Ninth Circuit Rule 3-6(a) and *United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982), supplied the governing procedural standard, summary disposition was not warranted as a matter of law.

The appeal presented substantial constitutional, jurisdictional, procedural, and record-based questions that could not properly be characterized as “too insubstantial to warrant further briefing.”

Under *Hooton*, summary disposition is reserved for those rare appeals in which the merits are so clear that further briefing would serve no useful purpose. It is not a substitute for ordinary appellate review merely because an appellant presents arguments that the appellees dispute or that the court may ultimately reject. Rather, it applies only when the appeal presents no substantial question requiring ordinary appellate consideration.

This appeal presented several substantial questions.

First, Applicant appealed from proceedings involving a Motion to Vacate Judgment as Void pursuant to Federal Rule of Civil Procedure 60(b)(4). As this Court explained in *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010), Rule 60(b)(4) addresses the narrow but fundamental category of judgments alleged to be

void because of jurisdictional or due process defects. A Rule 60(b)(4) motion therefore presents a threshold question concerning the legal validity of the judgment itself, not an ordinary request for reconsideration. (Appendix, **EXHIBIT K.**)

Second, Applicant’s Rule 60(b)(4) Motion identified irreconcilable discrepancies within the official court record. The district court repeatedly stated that it conducted a *de novo* review of a “First Amended Complaint,” yet the certified district court docket in Case No. 2:21-cv-07270-FMO-MAR contains no First Amended Complaint. Applicant further identified discrepancies involving the Final Judgment and Order of Dismissal entered June 29, 2022; the Amended Order entered July 18, 2022; the Second Amended Order entered August 22, 2022; and the certified district court docket. Whether a judgment may stand when the court’s orders are asserted to be inconsistent with the official certified record presents, at minimum, a substantial record-integrity question. (Appendix, **EXHIBITS D–P.**)

Third, the procedural history included the July 18, 2022, Amended Order, which the Ninth Circuit subsequently held had been entered without jurisdictional authority. That circumstance alone demonstrates that the procedural history underlying this appeal was neither routine nor plainly insubstantial. (Appendix, **EXHIBITS M–N.**)

Fourth, Applicant’s Rule 60(b)(4) Motion and the principal supporting filings were never adjudicated on their merits. Instead, they were stricken. Applicant’s Motion for Reconsideration was likewise stricken, and the district court ordered that it “shall not be considered by the Court.” Whether those proceedings afforded Applicant a meaningful opportunity to be heard on his Rule 60(b)(4) challenge presents a substantial due process question. This Court has long recognized that “[a] fundamental requirement of due process is the opportunity to be heard” at a meaningful time and in a meaningful manner. *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). (Appendix, **EXHIBITS Q–U.**)

Fifth, the appeal presented substantial issues concerning the integrity and completeness of the appellate record under Federal Rule of Appellate Procedure 10(e). Applicant moved to supplement and correct the record, submitted the certified district court docket, and requested that appellate review proceed upon a complete and accurate record. Those issues went directly to the foundation of meaningful appellate review. (Appendix, **EXHIBITS AC, D–E.**)

Sixth, the appeal also presented unresolved questions concerning judicial disqualification under 28 U.S.C. § 455 and the structural integrity of the proceedings. Applicant contended that those issues had never been adjudicated before the district court struck the filings presenting them. Whether unresolved questions of judicial disqualification affected the validity of the proceedings cannot

reasonably be characterized as facially insubstantial. (Appendix, **EXHIBITS R–T.**)

Seventh, the procedural history of the appeal itself demonstrates that the issues presented were substantial. The Clerk initially established a normal appellate briefing schedule. The panel thereafter stayed briefing, directed Applicant to satisfy specific procedural requirements, accepted numerous responsive filings over a period of nearly three months, and only then concluded that the questions presented were “too insubstantial to warrant further briefing.” Applicant respectfully submits that this procedural history itself demonstrates that the appeal warranted ordinary appellate consideration rather than summary disposition.

(Appendix, **EXHIBITS AI–AJ, B–AH, I.**)

Taken together, these issues were not wholly frivolous, manifestly insubstantial, or so clear that ordinary appellate briefing would have served no useful purpose. They involved threshold questions concerning the legal validity of the underlying judgment, the integrity of the official court record, jurisdictional authority, judicial disqualification, the completeness of the appellate record, and Applicant’s constitutional right to notice and a meaningful opportunity to be heard before final disposition.

Accordingly, even if Ninth Circuit Rule 3-6(a) governed the disposition of this appeal, Applicant respectfully submits that the Rule was misapplied because this appeal presented substantial constitutional, jurisdictional, procedural, and record-based questions warranting ordinary appellate briefing before summary affirmance. Consequently, the June 23, 2026, disposition cannot be sustained under the Ninth Circuit's own stated standard any more than it can be sustained under the Due Process Clause of the Fifth Amendment.

VI. THIS APPLICATION SATISFIES THE STANDARDS FOR EMERGENCY RELIEF

Applicant seeks only to preserve this Court's ability to exercise meaningful review before the Ninth Circuit's mandate issues. This Application satisfies each of the traditional requirements governing emergency relief.

A. There Is a Reasonable Probability That This Court Will Grant Certiorari

This Application presents an important and recurring constitutional question concerning the Due Process Clause and the administration of appellate justice. Specifically, it asks whether a federal appellate court may direct a litigant to proceed under one announced procedural framework and, after the litigant faithfully complies with every material directive contained in that Order, finally

dispose of the appeal under a different procedural standard without first providing notice and a meaningful opportunity to be heard.

The question presented extends well beyond Applicant's individual appeal. It concerns the integrity of judicial process, the constitutional requirements of notice and an opportunity to be heard, and the proper application of summary appellate procedures. Because these issues affect the administration of justice throughout the federal courts, there is a reasonable probability that at least four Justices would conclude that the questions presented warrant this Court's review.

B. There Is a Fair Prospect That the Judgment Below Will Be Reversed

Applicant respectfully submits that there is a fair prospect that a majority of this Court would conclude that the Ninth Circuit's disposition cannot be sustained.

First, the appeal was resolved under a procedural standard different from the framework established by the Court's March 31, 2026, Order after Applicant had faithfully complied with every material directive contained in that Order.

(Appendix, **EXHIBITS A, I.**)

Second, even assuming Ninth Circuit Rule 3-6(a) governed, the appeal presented substantial constitutional, jurisdictional, procedural, and record-based questions that warranted ordinary appellate briefing under the Ninth Circuit's own standard articulated in *United States v. Hooton*. (Appendix, **EXHIBITS D–AH.**)

Third, the appeal arose from a Rule 60(b)(4) Motion challenging the validity of the underlying judgment as void because of jurisdictional and due process defects.

Those threshold issues were never adjudicated on their merits before the district court struck the Rule 60(b)(4) Motion and the principal supporting filings.

(Appendix, **EXHIBITS K–U.**)

Accordingly, Applicant respectfully submits that there is at least a fair prospect that this Court would conclude either that the procedures employed below were inconsistent with the requirements of the Due Process Clause or, alternatively, that summary disposition under Ninth Circuit Rule 3-6(a) was improper under the circumstances presented.

C. Applicant Will Suffer Irreparable Harm Absent Immediate Relief

Absent intervention by this Court before issuance of the mandate, Applicant will suffer irreparable injury.

Once the mandate issues, the appellate proceedings will terminate, and the procedural framework challenged in this Application will become effectively immune from meaningful review. The constitutional injury asserted here is not merely the adverse outcome of litigation. It is the denial of notice and a meaningful opportunity to be heard before final appellate disposition.

This Court has long recognized that the loss of constitutional procedural protections constitutes irreparable harm because such injuries cannot be fully remedied after final judgment. Once the opportunity to be heard has been denied, it cannot later be recreated.

Moreover, Applicant's underlying litigation concerns important constitutional questions regarding the integrity of judicial proceedings that continue to present significant public importance. Delaying relief until after issuance of the mandate would substantially impair this Court's ability to provide meaningful review.

D. The Balance of Equities and the Public Interest Favor Relief

The balance of equities overwhelmingly favors preserving the status quo pending this Court's consideration of this Emergency Application.

Granting temporary relief will impose little, if any, prejudice upon Respondents. By contrast, denying relief will permanently foreclose Applicant's opportunity to obtain meaningful review of substantial constitutional questions concerning the administration of appellate justice and the integrity of judicial proceedings.

The public interest likewise strongly favors temporary relief.

The rule of law depends upon citizens obeying court orders. Public confidence in the judicial process depends upon the faithful application of the Constitution and the fair administration of justice. Preserving this Court's ability to consider the

important constitutional questions presented before the mandate issues serves both the public interest and the institutional integrity of the federal judiciary.

Applicant therefore respectfully submits that each of the traditional factors governing emergency relief strongly favors issuance of a stay and such further relief as this Court deems just and proper.

VII. RELIEF REQUESTED

For the foregoing reasons, Applicant respectfully requests that the Supreme Court of the United States:

1. **Stay the issuance of the mandate** in United States Court of Appeals for the Ninth Circuit Case No. 26-1797 pending disposition of this Emergency Application and any timely filed Petition for a Writ of Certiorari;
2. **Reverse or vacate** the Ninth Circuit's June 23, 2026, summary disposition and **vacate** its June 26, 2026, Order denying Applicant's Motion to Stay the Mandate;
3. **Remand the case** to the United States Court of Appeals for the Ninth Circuit with instructions to conduct further proceedings consistent with the Due Process Clause of the Fifth Amendment, including providing Applicant notice and a meaningful opportunity to be heard under the procedural standard governing disposition of the appeal;

4. **Preserve this Court's ability to exercise meaningful review** before the appellate proceedings become final and the constitutional questions presented become effectively unreviewable;
5. **Grant such interim relief as may be necessary** to protect Applicant's rights under the Due Process Clause of the Fifth Amendment and to preserve the status quo pending this Court's consideration of the questions presented;
6. **In the alternative**, should this Court determine that the record is sufficiently developed, Applicant respectfully requests that the Court grant such further relief as is necessary to vindicate the constitutional and jurisdictional rights presented by Applicant's Rule 60(b)(4) challenge, including any relief that may be appropriate with respect to the validity of the judgment entered in *Gordon I*; and
7. **Grant such other and further relief** as this Court deems just and proper.

VIII. CONCLUSION

This Emergency Application presents a straightforward but fundamental constitutional question concerning the integrity of the judicial process and the procedural protections guaranteed by the Due Process Clause of the Fifth Amendment.

Applicant faithfully complied with every material directive contained in the Ninth Circuit's March 31, 2026, Order, reasonably relying upon the procedural framework the Court itself established. The appeal was thereafter resolved under a different procedural standard without prior notice or a meaningful opportunity to address the legal basis upon which the Court ultimately decided the case.

Alternatively, even assuming Ninth Circuit Rule 3-6(a) governed the disposition of the appeal, Applicant respectfully submits that the appeal presented substantial constitutional, jurisdictional, procedural, and record-based questions that warranted ordinary appellate briefing under the Ninth Circuit's own stated standard before summary affirmance.

The question presented extends beyond this individual case. It concerns whether citizens who faithfully comply with court orders are constitutionally entitled to notice and a meaningful opportunity to be heard before an appellate court resolves their appeal under a different legal standard than the one previously announced.

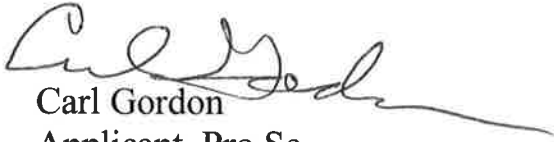
That question implicates fundamental principles of due process, the integrity of appellate proceedings, and public confidence in the fair administration of justice.

The rule of law depends upon citizens obeying court orders. Public confidence in the judiciary depends upon courts faithfully adhering to the constitutional guarantees of notice, fairness, and meaningful opportunity to be heard. Applicant

respectfully submits that this case presents an important opportunity for the Supreme Court of the United States to reaffirm those enduring constitutional principles.

Dated: June 29, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl Gordon', with a long horizontal flourish extending to the right.

Carl Gordon
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APPENDIX EXHIBIT INDEX

EXHIBIT A

Final Judgment and Order of Dismissal, entered June 29, 2022.

EXHIBIT B

Amended Order Accepting the Findings and Recommendation of the United States Magistrate Judge, entered July 18, 2022.

EXHIBIT C

Second Amended Order Accepting the Findings and Recommendation of the United States Magistrate Judge, entered August 22, 2022.

EXHIBIT D

Certified District Court Docket, prepared July 15, 2022.

EXHIBIT E

Notice of Document Discrepancies and Order (Docket No. 43), entered July 18, 2022.

EXHIBIT F

Order of Recusal by Judge Fernando M. Olguin, entered July 18, 2024.

EXHIBIT G

Notice of Motion and Motion to Vacate Judgment as Void Pursuant to Federal Rule of Civil Procedure 60(b)(4), filed March 2, 2026.

EXHIBIT H

Request for Judicial Notice in Support of Applicant's Motion to Vacate Judgment as Void Pursuant to Federal Rule of Civil Procedure 60(b)(4), filed March 2, 2026.

EXHIBIT I

Notice of Supplemental Authority Regarding Structural Jurisdictional Error and Judicial Disqualification Under 28 U.S.C. § 455 in Support of Applicant's Rule 60(b)(4) Motion, filed March 4, 2026.

EXHIBIT J

Notice Regarding Prior Record Citations, Federal Referral Events, Individual-Capacity Claims, and Scope of Defendants' Appearance, filed March 11, 2026.

EXHIBIT K

Order Striking Applicant's Motion to Vacate Judgment as Void and Related Filings, entered March 16, 2026.

EXHIBIT L

Notice of Motion and Motion for Reconsideration of the District Court's March 16, 2026 Order, filed March 17, 2026.

EXHIBIT M

Order Striking Applicant's Motion for Reconsideration, entered March 24, 2026.

EXHIBIT N

Notice of Appeal to the United States Court of Appeals for the Ninth Circuit, filed March 18, 2026.

EXHIBIT O

Ninth Circuit Briefing Schedule, issued March 25, 2026.

EXHIBIT P

Emergency Motion for Summary Reversal, filed March 27, 2026.

EXHIBIT Q

Request for Judicial Notice, filed March 27, 2026.

EXHIBIT R

Statement of Issues to Be Raised on Appeal, filed March 29, 2026.

EXHIBIT S

Order of the United States Court of Appeals for the Ninth Circuit, entered March 31, 2026, directing Applicant to demonstrate why the appeal was not frivolous, staying briefing, and providing that, "If it is not frivolous, the appeal will proceed."

EXHIBIT T

Notice of Payment of Appellate Filing Fee and Clarification Regarding Prior Fee-Waiver Request, filed April 1, 2026.

EXHIBIT U

Motion to Supplement and Correct the Record on Appeal Pursuant to Federal Rule of Appellate Procedure 10(e), filed April 3, 2026.

EXHIBIT V

Response to Order to Show Cause, filed April 5, 2026.

EXHIBIT W

Supplemental Response to Order to Show Cause, filed April 9, 2026.

EXHIBIT X

Response to Appellees' Order to Show Cause Reply, filed April 20, 2026.

EXHIBIT Y

Applicant's Statement That the Appeal Should Go Forward, filed April 21, 2026.

EXHIBIT Z

Order of the United States Court of Appeals for the Ninth Circuit, entered June 23, 2026, summarily affirming the district court's judgment pursuant to Ninth Circuit Rule 3-6(a) and *United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982).

EXHIBIT AA

Order of the United States Court of Appeals for the Ninth Circuit, entered June 26, 2026, denying Applicant's Motion to Stay the Mandate and directing that the Court "will not entertain further filings in this closed case."

CERTIFICATE OF SERVICE

I, Carl Gordon, hereby certify that on June 29, 2026, I served a true and correct copy of the foregoing EMERGENCY APPLICATION FOR A STAY OF THE MANDATE, FOR VACATUR OF THE JUNE 23, 2026, SUMMARY DISPOSITION AND THE JUNE 26, 2026, ORDER, AND FOR SUCH OTHER RELIEF AS MAY BE JUST AND PROPER on all parties required to be served.

Service was made by electronic mail and by overnight delivery (FedEx) to the following:

Office of the Attorney General of California
Attn: Samuel E. Sokolsky, Deputy Attorney General
Email: samuel.sokolsky@doj.ca.gov

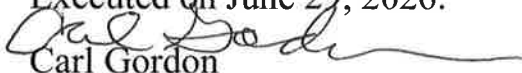
Office of the Attorney General of California
Attn: Todd Grabarsky, Supervising Deputy Attorney General
Email: todd.grabarsky@doj.ca.gov

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

FedEx Tracking Number: _____

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

Executed on June 29, 2026.



Carl Gordon
Applicant, Pro Se

Respectfully submitted,

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