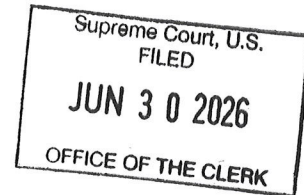


No. _____

26A38



IN THE SUPREME COURT OF THE UNITED STATES

Faline Arnold,

Applicant,

v.

Huntington Ingalls Industries, Huntington Ingalls Industries Incorporated,

Respondent.

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for
the United States Court of Appeals for the Fourth Circuit

**APPLICATION TO STAY THE MANDATE PENDING THE FILING AND
DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI**

Applicant, I, Faline Arnold, proceeding pro se, respectfully applies under 28 U.S.C. § 2101(f)
and Supreme Court Rule 23 for a stay of the mandate of the United States Court of Appeals for
the Fourth Circuit pending the filing and disposition of a petition for a writ of certiorari.

1. Relief Requested

Applicant respectfully requests that the mandate of the United States Court of Appeals for the
Fourth Circuit be stayed pending the filing of a petition for a writ of certiorari and, if the petition
is timely filed, pending this Court's final disposition of that petition.

2. Why Relief Is Not Available From Another Court or Judge

Relief was first sought below. Applicant filed in the United States Court of Appeals for the Fourth Circuit a motion to stay the mandate pending the filing of a petition for a writ of certiorari. The Fourth Circuit denied that motion on June 5, 2026. That denial was a final disposition of Applicant's request for stay relief in the court below. Applicant therefore seeks relief from the Circuit Justice after first requesting the same relief from the appropriate court below.

3. Judgment Sought To Be Stayed and Procedural Background

The judgment sought to be stayed is the Fourth Circuit's April 27, 2026, judgment affirming the district court's orders. The Fourth Circuit denied rehearing and rehearing en banc on May 27, 2026. It denied Applicant's motion to stay the mandate on June 5, 2026. The Fourth Circuit's mandate thereafter issued, and on June 15, 2026, the district court entered notice acknowledging that the April 27, 2026, judgment had taken effect as the formal mandate.

Applicant brought this action under Title VII of the Civil Rights Act of 1964 and the Family and Medical Leave Act in the United States District Court for the Eastern District of Virginia. My Title VII claims included hostile work environment, retaliation, and constructive discharge. The district court granted summary judgment to Respondent and denied Applicant's motion under Federal Rule of Civil Procedure 60(b) immediately.

Applicant appealed to the United States Court of Appeals for the Fourth Circuit. The appeal proceeded under the Fourth Circuit's informal-brief framework. Before the appeal was submitted and decided, Applicant filed a Request for Clarification Regarding Docket Materials, All Attachments, and Status Inquiry, explaining that after reviewing the docket materials I received, I was concerned that not all attachments associated with my filings appeared to be included, including advised and corrected supporting materials/ corrected Opening Brief.

On April 27, 2026, the Fourth Circuit affirmed. In doing so, it stated that it had reviewed the record in conjunction with the issues raised in Applicant's informal brief and cited Fourth Circuit Rule 34(b) and *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014), for the proposition that review was limited to issues preserved in the informal brief. The Fourth Circuit affirmed without addressing Applicant's timely raised record-completeness concern.

Pursuant to Supreme Court Rule 23, appended to this application are copies of: (1) the Fourth Circuit's April 27, 2026, judgment/order; (2) the Fourth Circuit's May 27, 2026 order denying rehearing and rehearing en banc; and (3) the Fourth Circuit's June 5, 2026, order denying Applicant's motion to stay the mandate. Applicant also appends the district court's June 15, 2026, notice acknowledging the mandate as a supporting exhibit.

4. Certiorari Deadline and Intended Filing

Applicant timely sought rehearing, which was denied on May 27, 2026. Applicant therefore understands that the deadline for filing my petition for a writ of certiorari runs from that denial date. Applicant intends to file my petition within the time allowed by Supreme Court Rule 13.

5. Specific Reasons Why a Stay Is Justified

Under the governing stay standard, a stay pending certiorari is warranted where there is a reasonable probability that four Justices will vote to grant certiorari, a fair prospect that a majority of the Court will conclude that the decision below is erroneous, and the balance of equities weighs in the applicant's favor. See *Araneta v. United States*, 478 U.S. 1301, 1301-02 (1986).

A. There is a reasonable probability that four Justices will vote to grant certiorari.

Applicant's forthcoming petition will not seek review of an ordinary, fact-bound employment dispute. It will present an important question of federal law concerning the limits on dismissal-level discovery sanctions where the sanctioned litigant was proceeding pro se and in forma pauperis, the asserted noncompliance stemmed from inability rather than willfulness, lesser sanctions were available, and the sanctions operated to suppress central evidence underlying Title VII and FMLA claims. That question extends beyond this case and implicates the administration of federal civil procedure in cases involving federal statutory rights.

This case therefore presents an important question of federal law that has not been, but should be, settled by this Court. See Sup. Ct. R. 10(c) (certiorari may be granted when a United States court of appeals has decided "an important question of federal law that has not been, but should be, settled by this Court"). If federal courts may impose dismissal-level sanctions in circumstances where inability is treated as the equivalent of willfulness, and may then rely on the resulting evidentiary void to conclude that no triable issue remains, the practical enforceability of federal workplace and family-care protections is substantially diminished for indigent, self-represented, and caregiving litigants.

Applicant's petition will also present a related question concerning whether a court of appeals may affirm while expressly limiting review to issues preserved in an informal brief, yet leaving unresolved a timely raised question as to whether material supporting filings and corrected materials were actually reflected in the record or docket materials before decision. Standing alone, that issue might be characterized as procedural. Here, however, it reinforces the broader concern that Applicant's federal claims were not adjudicated on a complete and reliable record.

These issues are not presented merely as requests for case-specific error correction. They concern the constitutional and procedural limits on dismissal-level sanctions, the integrity of

federal appellate review, and the practical enforceability of federal workplace and family-care protections for litigants whose inability to comply is mistaken for willfulness.

B. There is a fair prospect that a majority of the Court will conclude that the decision below is erroneous.

There is at least a fair prospect that a majority of the Court will conclude that the decision below was erroneous because the Fourth Circuit affirmed while leaving unresolved Applicant's timely raised concern that the materials before the panel may not have reflected all material supporting filings and corrected submissions, even while the court expressly limited review to issues preserved in the informal brief.

There is also a fair prospect that a majority of the Court will conclude that the sanction framework applied below was erroneous. Applicant's position throughout has been that the noncompliance at issue was not willful bad faith, but the product of indigence, pro se status, caregiving crisis, terminal illness in the immediate family, grief, financial hardship, and inability to comply perfectly with complex discovery demands. Applicant also contended that lesser alternatives were available and that Respondent's own preservation failures were substantial and materially relevant. Yet the district court used sanctions in a manner that suppressed core evidence and then relied on the resulting absence of that evidence to conclude that no triable issue remained.

There is therefore a fair prospect that this Court would conclude that the procedure employed below cannot substitute for adjudication on a complete and reliable record, and that dismissal-level sanctions were used in a manner inconsistent with the principle that such sanctions are reserved for extreme circumstances.

C. The balance of equities weighs in Applicant's favor.

The equities favor a stay. Absent a stay, the judgment below and mandate will remain fully effective while Applicant prepares and files the petition for certiorari. That would materially impair Applicant's ability to preserve the status quo while seeking review of substantial federal questions concerning sanctions, appellate record integrity, and meaningful access to judicial review.

The burden on Respondent from a short stay is comparatively modest. Respondent has already prevailed below, and a temporary stay pending the filing and disposition of a certiorari petition would merely preserve the present posture while this Court considers whether review is warranted. By contrast, the harm to Applicant from denial of a stay is significant because the mandate has already taken effect and the federal judgments Applicant seeks to challenge are being implemented.

The public interest also favors a stay. The forthcoming petition raises questions about the administration of federal appellate procedure, the use of dismissal-level sanctions against indigent and self-represented litigants, and the real-world enforceability of federal family-care and civil-rights protections for workers facing caregiving emergencies. Preserving the status quo long enough for orderly Supreme Court review serves that interest.

D. Procedural posture.

The Fourth Circuit denied rehearing and rehearing en banc on May 27, 2026. Applicant's time to seek certiorari therefore runs from that denial. Applicant seeks this stay only to preserve the status quo during the certiorari period and pending this Court's disposition of the forthcoming petition.

6. This Application Is Not Presented for Delay

This application is not filed for delay. Applicant sought relief below first, as Rule 23 contemplates, and now seeks only a stay long enough to permit timely filing and orderly consideration of my certiorari petition.

7. In Forma Pauperis Status

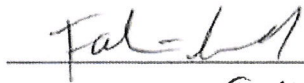
Applicant is filing this application together with a motion for leave to proceed in forma pauperis and the required declaration under Supreme Court Rule 39.

Applicant will seek leave to proceed in forma pauperis in connection with the forthcoming petition for a writ of certiorari. The docket of the United States Court of Appeals for the Fourth Circuit reflects "Fee Status: In Forma Pauperis."

8. Conclusion

For the foregoing reasons, Applicant respectfully requests that the mandate of the United States Court of Appeals for the Fourth Circuit be stayed pending the filing and disposition of a petition for a writ of certiorari.

Respectfully submitted,


June 30, 2026

Faline Arnold

Applicant, Pro Se

500 Windfall Court, Virginia Beach, VA, 23462

(757)979-4896

Hardworkpo35@gmail.com

Date: June 30, 2026

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2026, I served a true and correct copy of the foregoing Application to Stay the Mandate Pending the Filing and Disposition of a Petition for a Writ of Certiorari, together with its appended exhibits, and other documents on counsel for Respondent by fax at the following address: 18883609092

Sharon Kerk Reyes

Kaufman & Canoles, P.C

150 W Main St #2100, Norfolk, VA, 23510

Faline Arnold



No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Faline Arnold,

Applicant,

v.

Huntington Ingalls Industries, Huntington Ingalls Industries Incorporated

Respondent.

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE UNITED
STATES AND CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR
THE FOURTH CIRCUIT

**EXHIBITS TO APPLICATION TO STAY THE MANDATE PENDING THE FILING
AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI**

Pursuant to Supreme Court Rule 23, Applicant appends the following orders and supporting materials:

Exhibit A

Per curiam order of the United States Court of Appeals for the Fourth Circuit, entered April 27, 2026.

Exhibit B

Order of the United States Court of Appeals for the Fourth Circuit denying rehearing and rehearing en banc, entered May 27, 2026.

Exhibit C

Order of the United States Court of Appeals for the Fourth Circuit denying Applicant's motion to stay the mandate, entered June 5, 2026.

Exhibit D

District court notice entered June 15, 2026, acknowledging that the Fourth Circuit's judgment had taken effect as the formal mandate.

Exhibit E

Fourth Circuit docket sheet reflecting Applicant's in forma pauperis status.

Respectfully submitted,



Faline Arnold

Applicant, Pro Se

500 Windfall Court, Virginia Beach, VA, 23462

(757) 979-4896

Hardworkpo35@gmail.com

Date: June 30, 2026

Exhibit A

FILED: April 27, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-2043
(2:22-cv-00384-RBS-RJK)

FALINE ARNOLD

Plaintiff - Appellant

v.

HUNTINGTON INGALLS INCORPORATED

Defendant - Appellee

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

PER CURIAM:

Faline Arnold appeals the district court's orders adopting the magistrate judge's recommendation to grant Defendant summary judgment on Arnold's claims, brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, and the Family and Medical Leave Act, 29 U.S.C. §§ 2601 to 2654, and denying Arnold's Fed. R. Civ. P. 60(b) motion.* We have reviewed the record in conjunction with the issues Arnold raises in her informal brief. See 4th Cir. R. 34(b); see also *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Having found no reversible error, we affirm the district court's orders. *Arnold v. Huntington Ingalls Inc.*, No. 2:22-cv-00384-RBS-RJK (E.D. Va. Aug. 27, 2025; Aug. 28, 2025). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Arnold has filed several motions in this court. We grant Arnold's motions to dispense with appendix (ECF No. 9) and to correct (ECF Nos. 27-28). We deny the motions for transcript at government expense (ECF No. 7), to file a formal brief (ECF No. 8), and for sanctions (ECF No. 26).

Exhibit B

FILED: May 27, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-2043
(2:22-cv-00384-RBS-RJK)

FALINE ARNOLD

Plaintiff - Appellant

v.

HUNTINGTON INGALLS INCORPORATED

Defendant - Appellee

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Niemeyer, Judge Thacker, and Judge Harris.

For the Court

/s/ Nwamaka Anowi, Clerk

May 27, 2026

Denied for rehearing
and rehearing en banc.

Exhibit C

FILED: June 5, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-2043
(2:22-cv-00384-RBS-RJK)

FALINE ARNOLD

Plaintiff - Appellant

v.

HUNTINGTON INGALLS INCORPORATED

Defendant - Appellee

O R D E R

Upon consideration of the motion to stay mandate, the court denies the motion.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

Exhibit D

FILED: June 15, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-2043
(2:22-cv-00384-RBS-RJK)

FALINE ARNOLD

Plaintiff - Appellant

v.

HUNTINGTON INGALLS INCORPORATED

Defendant - Appellee

M A N D A T E

The judgment of this court, entered April 27, 2026, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk

Exhibit E

General Docket
United States Court of Appeals for the Fourth Circuit

Court of Appeals Docket #: 25-2043		Docketed: 09/05/2025									
Nature of Suit: 3442 Jobs Faline Arnold v. Huntington Ingalls Incorporated Appeal From: United States District Court for the Eastern District of Virginia at Norfolk Fee Status: in forma pauperis											
Case Type Information: 1) Civil Private 2) private 3) null											
Originating Court Information: District: 0422-2 : 2:22-cv-00384-RBS-RJK Presiding Judge: Rebecca Beach Smith, Senior U. S. District Court Judge Ordering Judge: Robert John Krask, U. S. Magistrate Judge Ordering Judge: Douglas E. Miller, U. S. Magistrate Judge Date Filed: 09/12/2022 <table style="width: 100%; margin-top: 10px;"><tr><td style="width: 25%;">Date Order/Judgment:</td><td style="width: 25%;">Date Order/Judgment EOD:</td><td style="width: 25%;">Date NOA Filed:</td><td style="width: 25%;">Date Rec'd COA:</td></tr><tr><td>08/27/2025</td><td>08/27/2025</td><td>09/03/2025</td><td>09/03/2025</td></tr></table>				Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:	08/27/2025	08/27/2025	09/03/2025	09/03/2025
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:								
08/27/2025	08/27/2025	09/03/2025	09/03/2025								
Prior Cases: <u>23-1779</u> Date Filed: 07/27/2023 Date Disposed: 11/21/2023 Disposition: opn.u.sub											
Current Cases: None											

FALINE ARNOLD Plaintiff - Appellant	Faline Arnold Direct: 757-979-4896 [NTC Pro Se] 500 Windfall Court Virginia Beach, VA 23462
v.	
HUNTINGTON INGALLS INCORPORATED Defendant - Appellee	William Morgan Palmer Direct: 757-624-3158 Email: wmpalmer@kaufcan.com [NTC Retained] KAUFMAN & CANOLES, PC Suite 2100 150 West Main Street Norfolk, VA 23510 Sharon Kerk Reyes Direct: 757-624-3104

DECLARATION OF SERVICE

I, Faline Arnold, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

On June 30, 2026, I served a true and correct copy of the following documents in this matter:

1. Motion for Leave to Proceed In Forma Pauperis;
2. Affidavit / Declaration of Financial Status in Support of Motion for Leave to Proceed In Forma Pauperis;
3. Table of Contents;
4. Table of Authorities;
5. Application to Stay the Mandate Pending the Filing and Disposition of a Petition for a Writ of Certiorari; and
6. Exhibits to Application to Stay the Mandate Pending the Filing and Disposition of a Petition for a Writ of Certiorari, including Exhibits A through E.

I served these documents on counsel for Respondent by United States Mail, first-class postage, addressed as follows:

Sharon Kerk Reyes

Kaufman & Canoles, P.C.

150 West Main Street, Suite, 2100

Norfolk, VA, 23510

I also transmitted a courtesy copy by fax to **18883609092** and sent an email to confirm receipt and to ensure the fax machine was working properly.

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

Executed on: June 30, 2026

Faline Arnold