

JUL - 3 2026

No. 26A39**IN THE SUPREME COURT OF THE UNITED STATES****IN RE REINALDO J. AGUIAR MARCANO,**
Petitioner/Applicant.

v.

HONORABLE OSCAR TELFAIR III, AND GLORIA ESPINA,
Respondents.**EMERGENCY APPLICATION FOR WRIT OF INJUNCTION
AND STAY OF STATE COURT PROCEEDINGS**

Directed to the Honorable Samuel A. Alito, Jr.,

Associate Justice of the Supreme Court of the United States

and Circuit Justice for the Fifth Circuit

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QUESTIONS PRESENTED

1. Does the issuance of a civil Capias commanding the physical arrest of a citizen, executed in direct and indisputable violation of a mandatory statutory stay (Texas Rule of Civil Procedure 18a) that has been left in a state-created jurisdictional "limbo" for **155 days** by the Supreme Court of Texas's active failure to rule on a referred motion to recuse the trial judge (referred on January 27, 2026), constitute a structural deprivation of Due Process under the Fourteenth Amendment rendering the order void ab initio?
2. Does the Supreme Court of Texas's order of June 26, 2026—which formally denied Habeas Corpus relief, dismissed the Applicant's Emergency Motion for Stay and Injunctions (Dkt. 11E) as "moot," and left the Applicant subject to a live, void Capias—satisfy the exhaustion requirements of 28 U.S.C. § 2101(f) and Supreme Court Rule 23.3, where the emergency writ of injunction sought in this Court is identical in nature, parties, and scope to the injunction sought and dismissed as moot in Dkt. 11E, which explicitly prayed to enjoin the trial court, coordinator, and clerk from scheduling hearings or entering orders pending a final ruling on the referred recusal?
3. Is a citizen unconstitutionally deprived of liberty without due process, and structurally retaliated against for exercising First Amendment rights, when a state trial judge is featured directly on the cover of the citizen's authored whistleblower publication exposing judicial corruption, and the judge subsequently examines this publication from the bench after it is introduced into evidence by opposing counsel, yet refuses to recuse himself and instead signs a void, extrajudicial Capias order during an active, mandatory jurisdictional stay to facilitate the extortion of corporate technology assets?

PARTIES TO THE PROCEEDING

Applicant, Reinaldo J. Aguiar Marcano, represents himself Pro Se.

Respondents are the Honorable Oscar Telfair III, Presiding Judge of the 387th District Court of Fort Bend County, Texas, and Gloria Espina, the Real Party in Interest in the underlying state court matter.

LIST OF PROCEEDINGS

The following proceedings are directly related to this application:

- **Cause No. 25-DCV-328122:** In the Matter of the Marriage of Gloria Espina and Reinaldo J. Aguiar Marcano, 387th District Court of Fort Bend County, Texas (Trial Court Case).
- **Cause No. 01-26-00516-CV:** Ex parte Reinaldo J. Aguiar Marcano, Petition for Writ of Habeas Corpus, First Court of Appeals of Texas (Denied May 26, 2026).
- **Cause No. 01-26-00544-CV:** In re Reinaldo J. Aguiar Marcano, Petition for Writ of Mandamus and Injunction, First Court of Appeals of Texas (Denied May 26, 2026).
- **Cause No. 26-0511:** In re Reinaldo J. Aguiar Marcano, Petition for Writ of Habeas Corpus, Supreme Court of Texas (Denied June 26, 2026).

TABLE OF CONTENTS

QUESTIONS PRESENTED	1
PARTIES TO THE PROCEEDING	2
LIST OF PROCEEDINGS	2
TABLE OF AUTHORITIES	4
APPLICATION	5
OPINIONS BELOW	5
JURISDICTION	6
RULE 22, RULE 23.3, AND EXHAUSTION STATEMENT	6
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	9
STATEMENT OF THE CASE	9
REASONS FOR GRANTING THE APPLICATION	10
CONCLUSION	12
UNSWORN DECLARATION (28 U.S.C. § 1746)	14
Appendix A: Book Cover (ISBN 9798999684752, July 2025)	16
Appendix B: The Atomic Express and Defense Claims	19
Appendix C: Email Correspondence regarding Father’s Day Visitation and Capias	152
Appendix D: Certified Transcript of Audio Recording	161
Appendix E: Third Verified Motion to Recuse the Honorable Oscar Telfair III	172
Appendix F: Reply in Support of Third Verified Motion to Recuse	180
Appendix H: Verbatim Plain-Text Transcripts of Electronic Mail Communications	213

TABLE OF AUTHORITIES

Cases

<i>Ex parte Reinaldo J. Aguiar Marcano</i> , Cause No. 01-26-00516-CV (Tex. App.—Houston [1st Dist.] May 26, 2026, orig. proceeding)	2, 5, 12
<i>In re Reinaldo J. Aguiar Marcano</i> , Cause No. 01-26-00544-CV (Tex. App.—Houston [1st Dist.] May 26, 2026, orig. proceeding)	2, 5
<i>In re Reinaldo J. Aguiar Marcano</i> , Cause No. 26-0511 (Tex. 2026)	1, 2, 5, 6, 7
<i>In the Matter of the Marriage of Gloria Espina and Reinaldo J. Aguiar Marcano</i> , Cause No. 25-DCV-328122 (387th Dist. Ct. Fort Bend County, Tex.)	2, 5, 8, 14
<i>Meyer v. Nebraska</i> , 262 U.S. 390 (1923)	10
<i>Troxel v. Granville</i> , 530 U.S. 57 (2000)	10

Statutes and Rules

28 U.S.C. § 1651	5, 6, 14
28 U.S.C. § 1746	15
28 U.S.C. § 2254(b)(1)(B)(ii)	1, 5, 6
28 U.S.C. § 2101(f)	1, 5, 6
Texas Family Code § 201.015	7, 10, 11, 14
Texas Rule of Civil Procedure 18a	1, 7, 8
Texas Rule of Civil Procedure 21(f)	7, 9

APPLICATION

The Applicant respectfully petitions for an emergency stay of the state court proceedings in Cause No. 25-DCV-328122, and a writ of injunction against the execution of the void Capias issued by the Honorable Oscar Telfair III to relieve the Applicant from constructive, de facto office arrest. Immediate relief is necessitated by the overt defiance of a mandatory statutory stay by the lower courts, resulting in an unconstitutional deprivation of physical liberty, First Amendment retaliation, and imminent threats to national security interests tied to the Applicant's intellectual property.

OPINIONS BELOW

The Memorandum Opinion of the First Court of Appeals of Texas denying the Petition for Writ of Habeas Corpus and all related requests for stay of the Capias and commitment in Cause No. 01-26-00516-CV was issued on May 26, 2026 (attached as Appendix G-1). The Court explicitly ruled: **"We deny the petition for writ of habeas corpus and all related motions and requests for relief,"** thereby formally denying the Applicant's explicitly requested stay of the signing and execution of the proposed Capias.

The Memorandum Opinion of the First Court of Appeals denying the Petition for Writ of Mandamus and Injunction in Cause No. 01-26-00544-CV was also issued on May 26, 2026 (attached as Appendix G-2).

The Supreme Court of Texas officially issued an order in Cause No. 26-0511 on June 26, 2026, denying the Applicant's Emergency Petition for Writ of Habeas Corpus, and dismissing the Applicant's explicitly filed Emergency Motion for Stay and Injunctions (Dkt. 11E) as "moot" (attached as Appendix G-3).

JURISDICTION

This Court has jurisdiction to entertain this emergency application for a stay and writ of injunction under 28 U.S.C. § 1651 (the All Writs Act) and Supreme Court Rule 22. Relief is sought in aid of this Court's prospective jurisdiction over an ongoing deprivation of constitutional rights where state court remedies are patently inadequate, obstructed, or entirely non-responsive.

While 28 U.S.C. § 2101(f) generally governs stays of execution of final judgments subject to review on certiorari, that section does not deprive this Court of jurisdiction under 28 U.S.C. § 1651 to issue an emergency stay or injunction when the state court of last resort has systematically abdicated its duty by failing to rule on a pending emergency habeas petition for **34 days**, and a mandatory stay of trial court proceedings has been left in a state-created jurisdictional "limbo" for **146 days**. Such extreme and systematic inaction by the state's highest court, culminated by its final order of June 26, 2026 denying all relief, renders the state's corrective processes completely "ineffective" and "inadequate" under 28 U.S.C. § 2254(b)(1)(B)(ii). Consequently, this Court has full jurisdiction to grant emergency relief to prevent an immediate, irreparable deprivation of liberty and a structural miscarriage of justice.

RULE 22, RULE 23.3, AND EXHAUSTION STATEMENT

Pursuant to Supreme Court Rule 22 and 28 U.S.C. § 1651, this Emergency Application seeks a writ of injunction and stay of state court proceedings to halt a continuous and catastrophic deprivation of constitutional rights.

In accordance with the Clerk's guidance, this filing is submitted as an Emergency Application for a Writ of Injunction and Stay under Rule 22 and Rule 23.3, and is separate from any petition for an original writ of habeas corpus under Rule 20. Exceptional circumstances warrant the exercise of

this Court's powers under the All Writs Act, 28 U.S.C. § 1651, because the state appellate courts have systematically abdicated their duties, leaving the Applicant under a live, void Capias and de facto office arrest.

Definitive Exhaustion and Overcoming of Prior Procedural Objections: The Applicant has fully and exhaustively sought stays and injunctive relief in both the intermediate and highest state courts of Texas, completely satisfying the requirements of Supreme Court Rule 23.3 and 28 U.S.C. § 2101(f).

First, on May 14, 2026, the Applicant filed a Petition for Writ of Habeas Corpus (Cause No. 01-26-00516-CV) in the First Court of Appeals of Texas, explicitly praying that the court immediately issue an order "*staying the signing and execution of the Proposed Order for Commitment and Capias...*" On May 26, 2026, the Court issued its Memorandum Opinion formally denying the petition and explicitly ruling: "**We deny the petition for writ of habeas corpus and all related motions and requests for relief.**" This represents a definitive refusal of stay relief by the intermediate appellate court.

Second, on May 26, 2026, the Applicant filed *Relator's Emergency Motion for Immediate Temporary Stay and Injunctions* (docketed as Dkt. 11E) in the Supreme Court of Texas (Cause No. 26-0511), which explicitly prayed for a stay of the void trial court proceedings and an injunction enjoining Judge Telfair from enforcing the void Capias or proceeding with any property extraction.

On June 26, 2026, the Supreme Court of Texas officially denied the Petition for Writ of Habeas Corpus, and declared: "**... and the Motion to Stay are dismissed as moot.**" In the exact same order, the Court dismissed all pending emergency motions as moot, including the Motion to Stay and Injunctions (Dkt. 11E), the Motion to Compel Trial Court, and the Motion to Compel Clerk.

Prominent Alignment of Requested Injunctive Relief: To prevent any procedural ambiguity or claim by the Clerk that the Applicant is seeking relief here that was not requested below, the emergency injunction and stay sought from this Court is identical in nature, parties, and scope to the

injunction and stay sought and dismissed as moot in the Supreme Court of Texas (Dkt. 11E). Below is a direct, verbatim comparison of the prayers:

Verbatim Injunction Prayer in SCOTX Dkt. 11E:

"ENJOINING Judge Oscar Telfair III, the Court Coordinator, and the Fort Bend County District Clerk from scheduling any further hearings, adjusting dockets, or entering any orders in this cause number until the Supreme Court of Texas issues its final ruling on the active, pending third motion to recuse in Cause No. 26-0511;"

Identical Injunction Prayer in this Court (Directed to Circuit Justice Alito):

"ENJOINING Judge Oscar Telfair III, the Court Coordinator, and the Fort Bend County District Clerk from scheduling any further hearings, adjusting dockets, entering any orders, or executing, enforcing, or serving the void Capias in Cause No. 25-DCV-328122, until the referred, active, and pending Third Verified Motion to Recuse Judge Oscar Telfair III is formally ruled upon and resolved by the state authorities."

Because the highest state court has formally denied Habeas relief, and explicitly dismissed all pending emergency motions as "moot," including the explicitly requested Motion for Stay and Injunctions (Dkt. 11E), the exact same remedies sought herein have been formally sought and denied by the highest state court of Texas. The jurisdictional hurdles of 28 U.S.C. § 2101(f) and Rule 23.3 are completely and indisputably satisfied.

The Unaddressed Third Verified Motion to Recuse and the 155-Day State Limbo: A critical element of the constitutional crisis is that the Supreme Court of Texas has actively avoided ruling on the referred Third Verified Motion to Recuse Judge Oscar Telfair III. On January 27, 2026, the recusal motion was properly referred to the Supreme Court of Texas for resolution. On January 29, 2026, the Applicant filed *Relator's Notice of Related Proceedings* in Cause No. 25-1055, explicitly notifying the Supreme Court of Texas of the referral and praying for consolidation and a joint ruling to ensure judicial economy. On February 27, 2026, the Supreme Court of Texas summarily denied consolidation (Cause No. 25-1055 postcard order), and has since left the referred recusal motion in a complete administrative limbo for **155 days** (as of July 1, 2026).

By allowing the referred recusal motion to remain unacted upon for five months, the state's highest court has perpetuated a jurisdictional vacuum, during which the trial judge has continued to hold hearings and issue void orders (including the May 2026 Capias) in open defiance of the mandatory, automatic stay under Texas Rule of Civil Procedure 18a. When the Applicant petitioned for Habeas and a stay (Cause No. 26-0511) to halt this lawlessness, the Supreme Court of Texas denied Habeas and dismissed the stay as "moot," yet still left the referred recusal motion completely unaddressed. This systematic administrative evasion has exhausted all state-level remedies and leaves federal intervention as the sole remaining avenue to prevent physical incarceration under a void warrant.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- **U.S. Constitution, First Amendment:** "Congress shall make no law... abridging the freedom of speech..."
- **U.S. Constitution, Fourteenth Amendment:** "...nor shall any State deprive any person of life, liberty, or property, without due process of law..."
- **Texas Rule of Civil Procedure 18a(g)(1):** Dictates a mandatory and automatic stay of all trial court proceedings upon the referral of a motion to recuse.

STATEMENT OF THE CASE

Applicant Reinaldo J. Aguiar Marcano is a federal whistleblower possessing highly sensitive proprietary technological data.

On January 14, 2026, Applicant filed his Third Verified Motion to Recuse the Honorable Oscar Telfair III. On January 27, 2026, the Honorable Susan Brown, Presiding Judge of the Administrative

Region, properly referred this motion, triggering a mandatory and automatic stay of all trial court proceedings pursuant to Texas Rule of Civil Procedure 18a(g)(1).

In direct defiance of this mandatory stay, the Honorable Oscar Telfair III continued to hold hearings. On May 14, 2026, during a proceeding that was legally stayed, the Honorable Oscar Telfair III signed an "Order for Capias." On May 15, 2026, Judge Telfair entered a docket entry stating: "Court Signs Capias." However, the Writ of Capias was deliberately withheld from the public docket and never served on the pro se Applicant for 11 days. This procedural delay was a profound violation of due process: it rendered the live, enforceable Capias completely unappealable while active, and it *de facto* stripped the Applicant of his statutory right under Texas Family Code § 201.015 to request a mandatory De Novo hearing within the strict 3-day filing window. On May 26, 2026, a Signed Writ of Capias suddenly appeared on the docket, issued by District Clerk Beverley McGrew Walker and dated May 26, 2026, pursuant to Judge Telfair's void order. Due to this void Capias, Applicant has been subjected to a *de facto* office arrest at his corporate office, unable to return to his family residence at 26714 Valleyside Drive or to safely pick up his minor child. The active, unconstitutional threat of physical arrest under this void Capias has directly resulted in an ongoing deprivation of the Applicant's fundamental right to familial association, preventing him from holding or seeing his 4-year-old son even on Father's Day (June 21, 2026), as detailed in the real-time correspondence attached as Appendix C.

REASONS FOR GRANTING THE APPLICATION

I. State-Created Nomenclature Deceptions and Optical Illusions

The state court apparatus has engaged in deliberate administrative maneuvers designed to create optical illusions of mootness and resolution for a federal observer:

A. The "Motion to Substitute" Deception: On June 26, 2026, the Supreme Court of Texas formally stated: *"The Motion to Substitute is granted."* To an outside observer, this suggests that the biased trial judge (Oscar Telfair III) has been substituted or removed, thereby resolving the underlying controversy. This is a complete administrative illusion. The "Motion to Substitute" (Dkt. 18E) was purely a procedural request filed by the Applicant on May 26, 2026, to withdraw a prior pleading and substitute in its place an updated pleading (*"Relator's Substituted Emergency Motion to Compel..."*). No judge has been substituted or removed.

B. The "Presiding Judge" Administrative Illusion: Similarly, on June 24, 2026, the Chief Justice of SCOTX signed an order titled *"Order Summarily Denying Motion to Recuse Presiding Judge Susan Brown."* By referring to Susan Brown simply as "Presiding Judge" and omitting her regional title (*Presiding Judge of the Eleventh Administrative Judicial Region*), the order falsely implies she is the active trial judge, and that the recusal has been resolved. In reality, the actual trial judge actively presiding over the 387th District Court remains Judge Oscar Telfair III. The **Third Verified Motion to Recuse Judge Telfair remains entirely unresolved**, and the mandatory stay under Rule 18a is 100% active.

II. Lack of Decision Below and Complete Exhaustion of Injunctions

The highest court's final order of June 26, 2026, has finalized the complete breakdown of state corrective processes. In dismissing the Motion to Stay as "moot," SCOTX has denied the exact injunctive and stay remedies sought by the Applicant in Dkt 11E. These injunctions—which sought to enjoin the trial judge and opposing counsel from proceeding with the extortion of intellectual property and the enforcement of the void Capias—qualify as identical remedies under Rule 23.3.

Federal intervention via a Writ of Injunction and Stay is now the sole remaining mechanism to protect the Applicant's physical liberty and commercial property from irreversible, state-sanctioned devastation.

III. Parental Alienation and Irreparable Family Harm

The ongoing de facto office arrest represents a continuous deprivation of the Applicant's fundamental parental rights under the Fourteenth Amendment. This is not speculative; on Father's Day (June 21, 2026), the Applicant was forced to decline driving to pick up his son because the live, void Capias created a catastrophic hazard of roadside arrest and child endangerment. This forms part of a systematic campaign of parental alienation engineered by opposing counsel, utilizing unserved, void orders to block contact during critical formative milestones.

IV. First Amendment Retaliation and National Security Implications

The trial judge's refusal to recuse himself, and his subsequent signing of the void Capias, constitutes overt, structural retaliation for the exercise of First Amendment rights. On September 8, 2025, opposing counsel introduced the Applicant's published whistleblower book (ISBN 9798999684752)—which features the faces of Judge Telfair and Judge Susan Brown directly on the cover—into evidence. The trial judge examined his own face on the cover from the bench, interrogated the Applicant, and immediately weaponized his office to issue the void Capias.

This retaliatory machinery has been co-opted to target the Applicant's extensive 2026 USPTO patent portfolio (ISBN 9781971481296) and active DFARS 227.7004 claims, which are fully encumbered by perpetual, no-fee licenses granted to the United States military for national defense. Allowing a frozen family court to proceed without jurisdiction puts these vital national security assets at risk.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Court:

1. Issue an emergency stay of all state court proceedings in Cause No. 25-DCV-328122; and
2. Enjoin Judge Oscar Telfair III, the Court Coordinator, and the Fort Bend County District Clerk from scheduling any further hearings, adjusting dockets, entering any orders, or executing, enforcing, or serving the void Writ of Capias and the underlying Order for Capias in Cause No. 25-DCV-328122, until the referred, active, and pending Third Verified Motion to Recuse Judge Oscar Telfair III is formally ruled upon and resolved by the state authorities.

Respectfully submitted,



Reinaldo J. Aguiar Marcano, Pro Se
July 3, 2026

UNSWORN DECLARATION (28 U.S.C. § 1746)

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

Executed at Katy, Texas, on this 3rd day of July, 2026.



Reinaldo J. Aguiar Marcano, Pro Se

APPENDIX

INDEX TO APPENDICES

- **Appendix A:** Book Cover (ISBN 9798999684752, July 2025), Retrieved from: SUPREME COURT OF TEXAS Cause No. 26-0511, Original Petition, Document tex-115073027, FILED 5/19/2026 10:35 AM, Pages 35-36
- **Appendix B:** The Atomic Express (ISBN 9781971685007, June 2026) Summary and DoD Licenses
- **Appendix C:** Email Correspondence regarding Father's Day Visitation and Capias (June 14-21, 2026)
- **Appendix D:** Certified Transcript of Audio Recording (June 30, 2025)
- **Appendix E:** Third Verified Motion to Recuse the Honorable Oscar Telfair III (Trial Court 25-DCV-328122 Index # 149, January 14, 2026)
- **Appendix F:** Reply in Support of Third Verified Motion to Recuse (Trial Court 25-DCV-328122 Index # 152, January 19, 2026)
- **Appendix G:** Lower Court Orders Denying Stay and Habeas Corpus Relief (First Court of Appeals of Texas Cause Nos. 01-26-00516-CV & 01-26-00544-CV, and Supreme Court of Texas Cause No. 26-0511)
- **Appendix H:** Verbatim Plain-Text Transcripts of Electronic Mail Communications to Goldman Sachs, Google, and Institutional Asset Managers (July 1, 2026)

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