

No. 25A-

**In the
Supreme Court of the United States**

In re: STEPHEN JOHN WILLIAMS

Petitioner

**ON PETITION FOR A WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

**APPLICATION FOR STAY OF MANDATE
PENDING FINAL DISPOSITION OF THE
PETITION FOR WRIT OF MANDAMUS**

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Pursuant to Supreme Court Rule 23 and 28 U.S.C. § 1651(a), Petitioner Stephen John Williams respectfully applies to the Honorable Sonia Sotomayor, Circuit Justice for the Second Circuit, for an order staying the mandates in *Williams v. Trans Union LLC*, No. 25-37 (2d Cir.), and *Williams v. Smith et al.*, No. 24-2733 (2d Cir.) — including recall of the mandate in No. 25-37, which issued on 8 May 2026 — pending the filing and disposition of the simultaneously filed Petition for Writ of Mandamus directed to the United States Court of Appeals for the Second Circuit. This application is submitted in aid of this Court’s jurisdiction over that petition.

INTRODUCTION

Two of the three judges on the panel that heard and decided Petitioner’s appeals — Circuit Judges Richard J. Sullivan and Eunice C. Lee — were named defendants in a pending civil action brought by Petitioner at the time of oral argument and decision. 28 U.S.C. § 455(b)(5)(i) required their disqualification. They sat anyway.

The provision is mandatory and non-waivable. Both judges had actual notice of the disqualification before the panel was empaneled. Neither recused. Both joined in summary orders issued on 16 and 17 April 2026. With just one authorized judge on the panel, no lawful quorum existed. For the reasons set forth below, there is no mechanism within the Second Circuit capable of correcting either defect.

STATEMENT OF THE CASE

The Pending Civil Action

On 16 January 2026, Petitioner filed a civil rights action in the United States District Court for the Southern District of New York, *Williams v. Livingston et al.*, No. 1:26-cv-538 (LTS) (S.D.N.Y.), naming as defendants all thirteen active Circuit Judges of the Second Circuit — including Chief Judge Livingston — together with the Clerk of Court and various members of the Clerk’s staff, in both their official and individual capacities. The action challenges administrative and ministerial conduct by the Second Circuit Clerk’s Office and does not challenge any judicial decision or seek review of any adjudicated matter. *See Forrester v. White*, 484 U.S. 219 (1988) (distinguishing judicial from administrative and ministerial acts). The complaint was dismissed on 9 February 2026; a motion for reconsideration filed 12 February 2026 remains pending. The SDNY proceeding was therefore active and unresolved at the time of panel selection, oral argument, and decision in the two appeals challenged here.

Notice to the Second Circuit

On 2 April 2026, Petitioner filed a Notice of Pending District Court Proceeding in docket numbers 25-37 and 24-2733. The notice identified the SDNY action by caption, docket number, and filing date; named Judges Sullivan and Lee as defendants; stated that no panel had yet been appointed; and was served on all appearing counsel. The notice was docketed in each matter by 6 April 2026 — three

days prior to the panel's empanelment — constituting actual notice to the court of the pendency of the civil action and of the mandatory disqualification obligation it created. On 9 April 2026, the panel's composition was publicly announced. On the same day, Petitioner called the Second Circuit scheduling office and confirmed that the judges' law clerks had been made aware of the notice.

The Argument and the Orders

Oral argument in both appeals was held on 13 April 2026 before Judges Sullivan, Lee, and Senior Judge Sack. The disqualification notice had been on the dockets for seven days. The judges' law clerks had been confirmed aware of it. Neither Judge Sullivan nor Judge Lee made any disclosure on the record, raised any inquiry regarding the docketed notice, invoked any basis for sitting notwithstanding the conflict, or recused. Both judges exercised judicial authority they were forbidden by Congress to exercise — a choice made with actual notice of the prohibition and no explanation of any kind. On 16 April 2026, the panel issued a summary order in No. 25-37 affirming the district court's judgment. One day later, the panel issued a summary order in No. 24-2733, also affirming. Judges Sullivan and Lee joined in both orders. The No. 24-2733 order contains a footnote characterizing as "baseless" Petitioner's claims regarding Second Circuit Clerk's Office conduct — claims that are among the core allegations of the SDNY action in which both judges are named defendants — without notice, without directed briefing, and without disclosure of that conflict.

I. THE STAY FACTORS ARE SATISFIED

A stay applicant must demonstrate: (1) a reasonable probability of success on the merits; (2) a likelihood of irreparable harm absent a stay; (3) that the balance of equities favors a stay; and (4) that the stay serves the public interest. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). All four factors are satisfied here. This is not an ordinary case in which the Court must assess whether a lower court correctly applied contested legal standards — the statutory violation is categorical, its consequences under settled precedent are fixed, and the only forum capable of providing relief is this one.

A. Petitioner Is Likely to Succeed on the Merits

The statutory violation is categorical and not disputed as a factual matter. 28 U.S.C. § 455(b)(5)(i) provides that a judge “shall disqualify himself in any proceeding in which . . . he . . . is a party to the proceeding.” The provision is mandatory and self-executing. Disqualification attached automatically on 16 January 2026 — the date the SDNY complaint was formally docketed — and remained in full force through argument and decision.

Section 455(e) confirms the structural nature of the prohibition. Congress permitted waiver of the appearance-of-impropriety standard in § 455(a), but expressly forbade waiver of the disqualifications listed in § 455(b) — including, critically, § 455(b)(5)(i), which codifies the common-law prohibition on a judge sitting in his own cause. That distinction reflects the different interests the provisions protect. Section 455(a) safeguards the parties’ confidence in the tribunal

and may therefore be waived by them. Section 455(b)(5)(i), by contrast, regulates who may exercise the judicial power of the United States in the first place — a limitation that does not belong to the parties and cannot be waived by them. The same principle governs other tribunal-composition rules: the quorum requirement of § 46(d) and the Article III appointment requirement are non-waivable for the same reason. Section 455(b)(5)(i) stands on identical ground.

The disqualification obligation does not turn on the merits of the underlying civil action. Section 455(b)(5)(i) asks only whether the judge is a party to a proceeding — not whether that proceeding will succeed. The SDNY action challenges administrative and ministerial conduct by the Second Circuit Clerk's Office — conduct entirely independent of the merits of either appeal before the panel. The action remains active: the motion for reconsideration filed 12 February 2026 remains pending and undecided.

Nor does the SDNY action support a manufactured-recusal inference. The doctrine holds that a litigant cannot obtain recusal by filing a frivolous suit against an assigned judge. *See United States v. Studley*, 783 F.2d 934, 940 (9th Cir. 1986). Two independent facts defeat that inference here. First, no judge had been assigned to either appeal when the SDNY complaint was filed on 16 January 2026 or when the notice was filed on 2 April 2026 — the panel was not empaneled until 9 April 2026. The doctrine presupposes a known target; there was none. Second, the SDNY complaint challenges legally cognizable administrative and ministerial Clerk's Office conduct, not the kind of frivolous filing the doctrine addresses. Section 455(b)(5)(i) does not permit a judge to assess whether a suit against him was filed for

strategic reasons and sit if he concludes it was — that self-interested judgment is precisely what the statute forecloses.

The orders are void under *Nguyen*. In *Nguyen v. United States*, 539 U.S. 69 (2003), this Court vacated Ninth Circuit judgments because one panel member lacked statutory authority to sit. It did so without assessing prejudice, without inquiring whether the outcome would have differed, and even though neither petitioner had objected to the panel’s composition before decision. The Court does not inquire into prejudice, harmlessness, or the likely outcome of the case. A violation of a statutory provision “that embodies a strong policy concerning the proper administration of judicial business” requires vacatur without more. *Id.* at 83. Section 455(b)(5)(i) embodies precisely that policy. The defect here is not one panel member but two of three — judges whose disqualification is mandatory, non-waivable, and documented on the docket record.¹

The judicial conflict prohibition operates simultaneously as a structural condition on the tribunal’s lawful constitution and as a guarantee personal to the litigant whose case is decided. In *Aetna Life Insurance Co. v. Lavoie*, 475 U.S. 813 (1986), the Court vacated a judgment because one justice had a direct personal interest in the outcome, refused to count votes or inquire whether the outcome would have differed, and stated explicitly: “even if Justice Embry had not written the court’s opinion, his participation in the case would have violated the Due

¹ The No. 24-2733 summary order contains a footnote characterizing Petitioner’s claims regarding Second Circuit Clerk’s Office conduct as “baseless.” Those claims are among the core allegations of the SDNY civil rights action in which Judges Sullivan and Lee are named defendants. Because the orders are void, the characterization is part of the void act and not an independent judicial finding. Petitioner does not press the merits of that characterization here; its accuracy is a matter for the court in which the SDNY action is pending.

Process Clause.” *Id.* at 832. *Tumey v. Ohio*, 273 U.S. 510, 532 (1927), and *In re Murchison*, 349 U.S. 133, 136 (1955), applied the same prohibition — no man may be a judge in his own cause — as both a condition on the lawful constitution of the tribunal and a guarantee personal to the litigant appearing before it. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009), reaffirmed that where a judge has a direct personal stake in the outcome, the opposing litigant has been denied the constitutional right to an impartial tribunal. Both consequences flow from the same facts and both are present here.

The quorum failure compounds the defect and places this case beyond *Nguyen* itself. In *Nguyen*, removing the unauthorized judge still left two judges — a quorum, though not a panel constituted as Congress prescribed. The Court vacated nonetheless. Here, the panel-composition statutes independently confirm that no lawful tribunal existed. 28 U.S.C. § 46(d) requires that a majority of judges authorized to constitute the panel shall constitute a quorum — for a three-judge panel, two judges. A judge whom § 455(b)(5)(i) has barred from sitting is not authorized to constitute the panel and is excluded from the quorum calculus entirely. Remove Judges Sullivan and Lee, and Senior Judge Sack sits alone — not a quorum under § 46(d), not a panel under § 46(b), and therefore not a court. The proceeding was *coram non iudice*: before a body that had no judicial authority to act. The orders were not erroneous exercises of jurisdiction. They were void.

Footnote 1 of the No. 24-2733 order presents an independent and aggravated violation. The panel’s summary order in *Williams v. Smith* includes a footnote characterizing Petitioner’s claims regarding Second Circuit Clerk’s Office conduct as

“baseless.” Those claims are among the core allegations of the SDNY civil rights action in which Judges Sullivan and Lee are named defendants. The panel declared those claims irrelevant to the appeal — and then adjudicated their merits anyway — without notice, without directed briefing, and without disclosing that both joining judges were defendants in the litigation in which those claims are pending. It illustrates precisely what *In re Murchison*, 349 U.S. at 136, forbids — judges deciding their own cause — and why § 455(b)(5)(i) admits of no exception.

B. Petitioner Will Suffer Irreparable Harm Absent a Stay

The mandate in No. 24-2733 has not yet issued and must be stayed. That mandate will issue on or about 8 June 2026 — fourteen days from the date of this application. The void orders in both cases arise from the same panel, the same structural defect, and the same statutory violation. Staying the 24-2733 mandate before it issues preserves this Court’s ability to provide complete relief in both cases together and prevents the harm from compounding further.

The mandate in No. 25-37 has already issued and must be recalled. On 8 May 2026, the Second Circuit issued the mandate in No. 25-37, transmitting the void order to the District of Connecticut for execution against Petitioner while this application was pending return from the Clerk. Just four days after the decisions and eighteen days before the earliest mandate could issue, on 20 April 2026, Petitioner submitted a combined document presenting both this application and the mandamus petition. The Clerk returned it on 29 April 2026 with a direction that the two be filed separately. No rule prohibited the original submission; the Clerk’s

letter cited no specific rule, noting only that the Court makes “no provision” for a combined filing. The application component complied with the requirements applicable to applications to an individual Justice. This refiling relates back to 20 April 2026 for all purposes — the application was pending before the mandate issued, and a recall of that mandate is within the scope of the relief this Court may grant.

The harm to Petitioner is irreversible absent this Court’s intervention. Once executed, the orders will be treated as valid final judgments — by the district court, by the parties, and by any court in any subsequent proceeding in which they are invoked. A litigant who has had his appeals decided by a panel two-thirds of whose members lacked statutory authority to sit has no practical path to relief once those orders are operative, because the circuit itself — the body that would ordinarily correct such an error — is entirely disqualified. The harm does not depend on any particular theory of preclusion. It is the straightforward consequence of void orders standing unremedied as valid judgments, with no available corrective mechanism except this Court.

Petitioner has suffered a personal constitutional injury that cannot be undone. The same cases that establish the structural nullity of the proceedings also recognize a personal constitutional right in the litigant whose case was decided by a conflicted tribunal. *Tumey*, 273 U.S. at 532; *Murchison*, 349 U.S. at 136; *Aetna*, 475 U.S. at 832; *Caperton*, 556 U.S. at 876. The judges who decided Petitioner’s appeals had a direct personal stake in the outcome — a stake footnote 1 of the No. 24-2733 order makes concrete, adjudicating as “baseless” the very claims pending against

them in Petitioner's civil action. The right to have one's appeals heard by judges who are not one's adversaries in pending litigation is a right personal to Petitioner. Once violated, it cannot be restored. No subsequent proceeding gives Petitioner back the impartial appellate hearing he was owed. That is irreparable harm in its most direct form.

No circuit-level remedy exists. The irreparability of Petitioner's harm is compounded by the total absence of any curative mechanism within the circuit. The *en banc* court is entirely disqualified; panel rehearing would be addressed to the same void panel. There is no path by which Petitioner can obtain relief within the Second Circuit. His only avenue is this Court.

C. The Balance of Equities Favors a Stay

Petitioner had his appeals decided by a panel two-thirds of whose members were forbidden by federal statute from sitting. He filed actual notice of that disqualification on the dockets of both appeals before empanelment, confirmed that the judges' clerks had been made aware, and submitted a timely application to this Court before either mandate issued — an application returned for a procedural reason that left him without a stay when the mandate in No. 25-37 issued eighteen days later. He now faces the permanent operative effect of void judgments that no court within the circuit has authority to correct.

The respondents, by contrast, obtained summary orders from a panel that lacked statutory authority to issue them. Whatever interest they have in those

orders, it is not a cognizable interest in preserving the fruits of a proceeding that violated the opposing party's constitutional right to an impartial tribunal. Moreover, respondents share with Petitioner an interest in resolving whether the orders they hold are valid. A judgment that is void as a matter of law remains subject to collateral attack indefinitely; a stay and proper resolution on the merits by a lawfully constituted panel serves respondents' own interest in finality as much as Petitioner's interest in a lawful tribunal. They face no prejudice from a stay — the underlying merits of both appeals remain to be decided by a properly constituted panel.

That asymmetry is decisive. Petitioner faces irreversible harm from void judgments standing as valid. Respondents face no harm from a stay and have a shared interest in its resolution. The equities favor Petitioner without qualification.

D. The Public Interest Favors a Stay

The public interest is served by enforcing the constitutional guarantee that litigants are entitled to have their cases heard by impartial tribunals. That guarantee exists not only for Petitioner's benefit but for every litigant who appears before the federal courts. The federal judiciary itself has an institutional interest in this stay: allowing judges to decide cases brought by litigants who have sued them — even without a finding of actual bias — creates an appearance that corrodes public confidence in the administration of justice. That appearance is not dispelled by the outcome of any particular appeal. It is dispelled only by enforcing the rule that such judges may not sit. Allowing void orders to stand as valid judicial acts

while this Court considers whether they should ever have been issued serves no legitimate interest and deepens that corrosion.

The question presented goes to that foundation directly: whether two judges may exercise the judicial power of the United States over a litigant who has sued them, in knowing violation of a mandatory statutory prohibition, and produce orders that are then executed as valid judgments. It is not a question of narrow procedural concern. Allowing those orders to take effect unremedied undermines the structural and constitutional principles that § 455(b)(5)(i) and the Due Process Clause alike were designed to protect. This case reaches this Court because two federal judges, with actual notice of a mandatory statutory prohibition, made a knowing choice to exercise judicial power they were forbidden to exercise — a circumstance entirely outside Petitioner’s control and without adequate precedent in the reported decisions of this Court.

II. WHY THE STAY COULD NOT BE SOUGHT IN THE SECOND CIRCUIT

Supreme Court Rule 23.3 requires an applicant to state why a stay was not first sought in the court whose judgment is challenged. The answer follows directly from the structure of the disqualification at issue. There is no potential court within the Second Circuit with authority to grant the relief sought.

The original panel is a legal nullity. Under § 455(b)(5)(i), Judges Sullivan and Lee each bore a duty to recuse before sitting — a duty that was personal, mandatory, and non-waivable. Each made an individual decision to disregard it. A

court not lawfully constituted has no authority to act on anything. Panel rehearing would ask a void panel to adjudicate the lawfulness of acts that, because the panel was never a court, it has no authority to review. There is no panel to address.

The *en banc* court fares no better. Under 28 U.S.C. § 46(c), the *en banc* court consists only of active circuit judges. All thirteen active circuit judges of the Second Circuit are named defendants in the same civil action and are independently disqualified under § 455(b)(5)(i). There is no subset of the active bench that can constitute a valid quorum or a lawfully constituted *en banc* court. The total absence of any adequate remedy within the circuit is not a gap in this Court's authority — it is precisely the condition 28 U.S.C. § 1651(a) was designed to address.

This application is therefore properly directed to the Circuit Justice in the first instance.

III. RELIEF REQUESTED

Petitioner respectfully requests that the Circuit Justice:

1. Grant an immediate administrative stay of the mandates in *Williams v. Trans Union LLC*, No. 25-37 (2d Cir.), and *Williams v. Smith et al.*, No. 24-2733 (2d Cir.), pending full consideration of this application; and
2. Upon full consideration, recall the mandate in No. 25-37, issued 8 May 2026, and stay the mandate in No. 24-2733, pending the filing and disposition of Petitioner's Petition for Writ of Mandamus and any further proceedings in this Court.

Respectfully submitted,

Dated: 25 May 2026

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APPENDIX

App. 1 — Summary Order, *Williams v. Trans Union LLC*, No. 25-37
(2d Cir. 16 Apr. 2026)

App. 2 — Summary Order, *Williams v. Smith et al.*, No. 24-2733
(2d Cir. 17 Apr. 2026)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of April, two thousand twenty-six.

PRESENT:

ROBERT D. SACK,
RICHARD J. SULLIVAN,
EUNICE C. LEE,
Circuit Judges.

STEPHEN JOHN WILLIAMS,

Plaintiff-Appellant,

v.

No. 25-37

TRANS UNION LLC, a Delaware general
Liability Company,

Defendant-Appellee.

For Plaintiff-Appellant:

STEPHEN J. WILLIAMS, *pro se*, Storrs, CT.

For Defendant-Appellee:

CAMILLE R. NICODEMUS, Quilling,
Selander, Lownds, Winslett & Moser, P.C.
Indianapolis, IN.

Appeal from an order of the United States District Court for the District of Connecticut (Jeffrey A. Meyer, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the December 2, 2024 judgment of the district court is **AFFIRMED**.

Stephen John Williams, an attorney proceeding *pro se*, appeals from the district court's dismissal of his claims under the Fair Credit Reporting Act (the "FCRA"), 15 U.S.C. § 1681c(a), against Trans Union LLC. On appeal, Williams contends that the district court (i) erred in concluding that his consolidation of previously defaulted student loans constituted a "new" loan under the FCRA; (ii) deprived him of "[c]onstitutional due process" by rejecting his FCRA claims without first ruling on his procedural objections to Trans Union's motion to dismiss, Williams Br. at 3; and (iii) incorrectly failed to "provid[e] [an] opportunity for amendment," *id.* at 18. We assume the parties' familiarity with the underlying

facts, procedural history, and issues on appeal, to which we refer only as necessary to resolve this appeal.

We “review *de novo* a district court’s grant of a motion to dismiss, accepting as true all factual allegations in the complaint and drawing all reasonable inferences in favor of the plaintiff[.]” *Muto v. CBS Corp.*, 668 F.3d 53, 56 (2d Cir. 2012). Meanwhile, we review a district court’s decision not to spontaneously grant leave to amend for abuse of discretion. *Williams v. Citigroup Inc.*, 659 F.3d 208, 212 (2d Cir. 2011). Finally, while we “ordinarily . . . afford[] a special solicitude to *pro se* litigants,” “a lawyer representing himself” – like Williams – generally will “receive[] no such solicitude at all.” *Tracy v. Freshwater*, 623 F.3d 90, 101–02 (2d Cir. 2010).

Williams first argues that the district court improperly construed section 1681c(a) of the FCRA, which requires credit agencies preparing “consumer reports” to “exclude[]” certain loans that “antedate[] the report by more than seven years.” 15 U.S.C. § 1681c(a). Williams contends that this seven-year rule should have blocked Trans Union from reporting his 2023 loan, which he argues was not a “new loan” because it consolidated six much older ones. Williams Br. at 11 (internal quotation marks omitted). We need not reach this novel theory, however,

because Williams did not advance it before the district court, and “an appellate court will not consider an issue raised for the first time on appeal.” *Green v. Dep’t of Educ. of City of N.Y.*, 16 F.4th 1070, 1078 (2d Cir. 2021) (internal quotation marks omitted).

Williams next contends that the district court “completely denied [him] the opportunity to be heard,” because it “remained silent” after he moved to strike Trans Union’s motion to dismiss on procedural grounds. Williams Br. at 3. But Williams had ample time to file his substantive response to the motion to dismiss; in fact, he requested – and received – a three-week extension of the deadline. And although Williams now argues that he could not have “[f]il[ed] a substantive opposition before knowing whether the motion [to] dismiss was procedurally proper,” Reply Br. at 15, that is simply not true – Williams could have easily filed both his procedural and substantive objections at any time (or at the same time).¹

Williams also argues that the district court “reversed the proper sequence” by ruling on the merits of the motion to dismiss *before* turning to his procedural

¹ Williams argues that opposing the motion to dismiss on the merits would have “risked waiving [his] procedural objections under Rule 12(h)(1).” Reply Br. at 15 (citing Fed. R. Civ. P. 12(h)(1)). But Williams does not explain how a later-filed brief could somehow inadvertently waive arguments already pending before the district court. And in any event, Rule 12(h)(1) governs waiver only of “any defense listed in Rule 12(b)(2)–(5)” – not of the procedural challenges that Williams raised in his Rule 12(f) motion to strike. Fed. R. Civ. P. 12(h)(1).

challenges – which it then rejected as moot. Williams Br. at 8. But regardless of the correct order of operations, Williams’s main challenge – *i.e.*, that Trans Union’s passing reference to his disciplinary record raised “matters outside the pleadings” that should have converted the entire motion to dismiss into a motion for summary judgment, Fed. R. Civ. P. 12(d) – does not withstand scrutiny. See *Jusino v. Fed’n of Cath. Tchrs., Inc.*, 54 F.4th 95, 100 (2d Cir. 2022) (“We may affirm on any ground with support in the record.” (internal quotation marks omitted)). This is because (i) “[m]atters of which the district court can take judicial notice are not considered matters outside the pleadings for purposes of conversion,” *Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 426 (2d Cir. 2008) (internal quotation marks omitted); and (ii) the district court clearly could have taken judicial notice of the uncontestable fact that Williams had a disciplinary record, Dist. Ct. Doc. No. 38-1 at 2 n.1 (citing *In re Williams*, 978 F. Supp. 2d 123 (D. Conn. 2012)); see *CITGO Petroleum Corp. v. Ascot Underwriting Ltd.*, 158 F.4th 368, 387 (2d Cir. 2025) (“[A] court may take judicial notice of ‘a fact that is not subject to reasonable dispute.’” (quoting Fed. R. Evid. 201(b))).

Meanwhile, the district court’s decision to begin with the merits *aided* William’s only other procedural challenge, which attacked Trans Union’s attempt

to “embed” a “request for attorney’s fees” in its motion to dismiss. Williams Br. at 5. The district court denied the demand for attorneys’ fees without reaching this procedural issue, thus mooting that point – and protecting Williams’s wallet. Cf. *AirTouch Paging v. F.C.C.*, 234 F.3d 815, 818 (2d Cir. 2000) (“[A] party generally lacks standing to appeal from a judgment or decree in his favor.” (internal quotation marks omitted)).

Finally, Williams challenges the district court’s decision not to spontaneously grant him leave to amend his complaint. But “an amendment is not warranted absent some indication as to what appellants might add to their complaint in order to make it viable, [and district courts are] under no obligation to provide [parties] with leave to amend [their] complaint[s], much less provide such leave *sua sponte*.” *Horoshko v. Citibank, N.A.*, 373 F.3d 248, 249 (2d Cir. 2004) (internal quotation marks omitted). Here, Williams neither sought leave to amend in the district court nor explained, on appeal, how amendment would fix the problems in his complaint. And while Williams insists that “[p]ro se litigants are entitled to . . . an opportunity to cure pleading deficiencies,” Williams Br. at 18, he is entitled to “no such solicitude” because he is a “lawyer representing himself.” *Tracy*, 623 F.3d at 101–02. It therefore cannot be said that the district court “abused

its discretion [by] not permitting an amendment that was never requested.”

Williams, 659 F.3d at 212 (internal quotation marks omitted).

* * *

We have considered Williams’s remaining arguments and find them to be without merit. For these reasons, we **AFFIRM** the order of the district court.

FOR THE COURT:

Andrew Barnes, Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of April, two thousand twenty-six.

PRESENT:

ROBERT D. SACK,
RICHARD J. SULLIVAN,
EUNICE C. LEE,
Circuit Judges.

STEPHEN J. WILLIAMS,

Plaintiff-Appellant,

v.

No. 24-2733

DARYL NORVAL SMITH, *in his individual capacity and in his capacity as a representative for the FAA administrator, FEDERAL AVIATION ADMINISTRATION, an agency of the United States Federal government, NICHOLAS ALBERT*

EULL, *in his capacity as manager of the FAA Bradley Flight Standards District Office*,
MICHAEL GORDON WHITAKER,
THE DEPARTMENT OF MOTOR VEHICLES,
an agency of the State of Connecticut, ANTONIO
TONY GUERRERA, *in his capacity as the
Commissioner of Motor Vehicles*, ANTHONY
FAMIGLIETTI, *in his capacity as legal counsel for
the Department of Motor Vehicles*, EILEEN
MESKILL, *in her capacity as legal counsel for the
Department of Motor Vehicles*, RONALD DANTE
FONTENOT, *in his capacity as the acting
manager of the FAA Specialty Aircraft
Examiner Branch*, JANE DOES, AND VARIOUS
UNKNOWN, *in their capacity as employees of the
Department of Motor Vehicles*, JOHN DOES,
AND VARIOUS UNKNOWN, *in their capacity as
employees of the Department of Motor Vehicles*,
JANE DOES, VARIOUS UNKNOWN, *in their
capacity as employees of the Federal Aviation
Administration*, JOHN DOES, VARIOUS
UNKNOWN, *in their capacity as employees of the
Federal Aviation Administration*,

Defendants-Appellees,

JASON AUBREY GEORGE, *in his capacity as
manager of the FAA Bradley Flight Standards
District Office, now retired*, BILLY JOE NOLEN,
*in his capacity as the acting administrator of the
FAA*, CAROL CECCONE CARPENTER, *in her
individual capacity as partner operating under
the registered Missouri fictitious name Rainbow
Aviation Services*, BRIAN JOHN CARPENTER, *in
his individual capacity as partner operating
under the registered Missouri fictitious name
Rainbow Aviation Services*,

Defendants.

For Plaintiff-Appellant:

STEPHEN J. WILLIAMS, *pro se*, Storrs, CT.

For Connecticut Defendants-Appellees:

BRIAN E. TETREAULT, Connecticut Office of the Attorney General, Hartford, CT.

For Federal Defendants-Appellees:

JOHN W. LARSON (Elena Lalli Coronado, *on the brief*), Assistant United States Attorneys, *for* David X. Sullivan, United States Attorney for the District of Connecticut, New Haven, CT.

Appeal from a judgment of the United States District Court for the District of Connecticut (Sarala V. Nagala, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the August 12, 2024 judgment of the district court is **AFFIRMED**.

Stephen J. Williams, an attorney proceeding *pro se*, appeals from the district court's judgment dismissing his claims against (i) the Federal Aviation Administration ("FAA") and various FAA officials (collectively, the "Federal Defendants") for allegedly violating the Administrative Procedure Act ("APA"), 5 U.S.C. § 555(b), when they delayed the scheduling of his flight-instructor exam, and (ii) the Connecticut Department of Motor Vehicles ("DMV") and various DMV officials (collectively, the "Connecticut Defendants") for allegedly violating

his constitutional rights when they suspended his driver's license for non-payment of a speeding ticket. On appeal, Williams argues that the district court erred in concluding that (i) the FAA's legal interpretation regarding licenses for flight-simulator instructors was an interpretive rule exempt from notice-and-comment rulemaking; (ii) the FAA's delay in scheduling his exam was reasonable; and (iii) Connecticut's suspension of his driver's license for failure to pay the fine on a speeding ticket comported with due process. We assume the parties' familiarity with the underlying facts, procedural history, and issues on appeal, to which we refer only as necessary to explain our decision.

"We review *de novo* a district court's grant of a motion to dismiss, accepting as true all factual allegations in the complaint and drawing all reasonable inferences in favor of the plaintiff[]." *Muto v. CBS Corp.*, 668 F.3d 53, 56 (2d Cir. 2012). Although we "ordinarily . . . afford a special solicitude to *pro se* litigants," "a lawyer representing himself" – like Williams – will generally "receive[] no such solicitude at all." *Tracy v. Freshwater*, 623 F.3d 90, 101–02 (2d Cir. 2010).

For substantially the reasons identified by the district court, we affirm. *First*, we agree with the district court that the FAA's legal interpretation – issued as a letter from Rebecca B. MacPherson, Assistant Chief Counsel for Regulation, to

Stephen Gatlin, *see* 2010 WL 3827463 (Sept. 24, 2010) – was at most an interpretive rule, not a legislative rule, and was therefore not subject to the “notice[-]and[-]comment provisions of the APA,” *Sweet v. Sheahan*, 235 F.3d 80, 90 (2d Cir. 2000); *see also* 5 U.S.C. § 553(b)(A). “[L]egislative rules are those that create new law, rights, or duties, in what amounts to a legislative act”; by contrast, “[i]nterpretive rules . . . do not create rights, but merely clarify an existing statute or regulation.” *Id.* at 91 (internal quotation marks omitted). Because the legal interpretation here was merely the FAA’s response to an individual’s question regarding the meaning of a particular term in a preexisting FAA regulation, it by no means “create[d] new law, rights, or duties.” *Id.* (internal quotation marks omitted).

Second, we agree with the district court that, at the time of its decision, Williams’s unreasonable-delay claim was not ripe because he no longer met the prerequisites for his flight-instructor exam. As a result, Williams lacked Article III standing. *See Nat’l Org. for Marriage, Inc. v. Walsh*, 714 F.3d 682, 688 (2d Cir. 2013) (explaining that ripeness relates to the first prong of the standing inquiry and requiring a plaintiff’s injury to be “actual or imminent,” and not merely “conjectural or hypothetical” (internal quotation marks omitted)). To be sure, Williams *had* met two prerequisites for certification – possessing a current logbook

endorsement and a current knowledge-test report – when he first filed suit; but those documents had expired by the time the district court ruled on the Federal Defendants’ motion to dismiss, and “[a] plaintiff seeking injunctive or declaratory relief cannot rely on past injury to satisfy the injury requirement but must show a likelihood that he or she will be injured in the future.” *Deshawn E. by Charlotte E. v. Safir*, 156 F.3d 340, 344 (2d Cir. 1998). Because Williams now lacks the prerequisites for certification, his case presents “a mere hypothetical question,” and he therefore lacks standing. *Walsh*, 714 F.3d at 687 (internal quotation marks omitted).

Third, we find no error in the district court’s dismissal of Williams’s claims against the Connecticut Defendants. Williams argues that the Connecticut Defendants deprived him of a property interest in his driver’s license without due process of law because they suspended his license after he refused to pay a thirty-five-dollar fine following his conviction for speeding. But as the district court correctly pointed out, Williams’s complaint does not allege any facts to suggest that the process leading up to the suspension was inadequate. *See Gudema v. Nassau County*, 163 F.3d 717, 724 (2d Cir. 1998) (commenting that “[i]t is well established” that a state may not revoke a driver’s license “without affording notice and some opportunity to be heard prior to the deprivation”).

Finally, we find no merit in Williams’s claim that the district court’s docketing procedures violate the Equal Protection Clause or any other constitutional provision. Although Williams conclusorily asserts that his technical issues with the district court’s electronic-case-filing system reflect that he was “intentionally treated differently from other[] similarly situated” litigants, *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000), Williams offers no factual basis to support his argument that the district court treated him differently from any other litigant.

* * *

We have considered Williams’s remaining arguments and find them to be without merit.¹ Accordingly, we **AFFIRM** the district court’s judgment.

FOR THE COURT:

Andrew Barnes, Chief Deputy Clerk

¹ Williams also asserts that the Second Circuit Clerk’s Office has usurped this Court’s Article III authority because it rejected some of his filings after he failed to comply with our filing procedures. *See, e.g.,* Strike Order, Doc. No. 47, *Williams v. Smith*, No. 24-760 (2d Cir. July 17, 2024). Because these contentions are irrelevant to this appeal – and are, in any event, baseless – we need not address them here.

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 29, 2026

Stephen J. Williams
12 September Rd.
Storrs, CT 06268-2806

RE: "Application for writ of mandamus directed to the United States Court of Appeals for the Second Circuit and for stay of mandate"

In Re Stephen J. Williams

Dear Mr. Williams:

The document entitled "Application for writ of mandamus directed to the United States Court of Appeals for the Second Circuit and for stay of mandate," postmarked April 20, 2026 and received April 23, 2026 is returned for the following reason(s):

You are informed that the rules of the Court make no provision for filing an application for an extension of time to file a petition for an extraordinary writ of mandamus.

A petition for an extraordinary writ of mandamus may not be combined with an application to an individual Justice. If you intend to file a petition for an extraordinary writ of mandamus and an application for stay, they must be filed separately.

To the extent you wish to file a petition for an extraordinary writ of mandamus, the petition must show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

The petition must follow the form prescribed by Rule 14 as required by Rule 20.2.

A sample guide for filing a petition for an extraordinary writ of mandamus and a copy of the Rules of the Court are enclosed.

A copy of the corrected petition must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By: 
Rashonda Garner
(202) 479-3025

Enclosures

Proof of Delivery

Dear Customer,
This notice serves as proof of delivery for the shipment listed below.

Tracking Number
1ZG0B7690320003019

Service UPS Ground	Shipped / Billed On 04/20/2026
Delivered On 04/22/2026 9:34 A.M.	Received By LEE
Delivered To WASHINGTON, DC, US	Delivery Location Reception

Sincerely,
UPS

Tracking results provided by UPS as of 08/18/2026 2:33 P.M. EST

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 3, 2026

Stephen J. Williams
12 September Rd.
Storrs, CT 06268-2806

RE: Petition for a writ of mandamus/Application for stay of mandate pending final disposition of mandamus

In Re Stephen J. Williams

Dear Mr. Williams:

The submission entitled "On Petition for a writ of mandamus to the United States Court of Appeals for the Second Circuit" and "Application for stay of mandate pending final disposition of the petition for writ of mandamus," was received June 1, 2026, and is returned for the following reason(s):

A petition for an extraordinary writ of mandamus may not be combined with an application to an individual Justice. If you intend to file a petition for an extraordinary writ of mandamus and an application for stay, they must be filed separately.

To the extent you wish to file a petition for an extraordinary writ of mandamus, the petition must show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

The petition must follow the form prescribed by Rule 14 as required by Rule 20.2.

A sample guide for filing a petition for an extraordinary writ of mandamus and a copy of the Rules of the Court are enclosed.

A copy of the corrected petition must be served on opposing counsel.

Sincerely,

Scott S. Harris, Clerk

By:

Rashonda Garner

(202) 479-3025

Enclosures

Proof of Delivery

Dear Customer,
This notice serves as proof of delivery for the shipment listed below.

Tracking Number
1ZXG9979YW36018106

Service UPS Ground Saver®	Shipped / Billed On 05/25/2026
Delivered On 05/28/2026 2:21 P.M.	Received By SEAN
Delivered To WASHINGTON, DC, US	Delivery Location Receiver

Sincerely,
UPS

Tracking results provided by UPS as of 08/18/2026 2:30 P.M. EST

STEPHEN J. WILLIAMS

12 SEPTEMBER ROAD
STORRS, CONNECTICUT 06268-2806
U.S.A.
TELEPHONE: +1 860-450-1288
EMAIL: SJW@INDOCAP.COM

12 June 2026

Ms. Rashonda Garner
Office of the Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: Petition for Writ of Mandamus

Dear Ms. Garner,

I am returning the Petition for Writ of Mandamus and the Application for Stay of the Mandate Pending Final Disposition of Mandamus. The pleadings I am returning to you are the exact pleadings I previously submitted. This was shipped on 26 May 2026 and received by the clerk's office on 28 May at 14:22 (not 1 June as indicated in your letter). See the enclosed proof of delivery.

I initially submitted a combined Application/Petition. That initial combined petition/application was postmarked 20 April 2026 and received by the court on 22 April 2026 (not 23 April as indicated in your letter dated 29 April). The petition was rightly returned as it was directed at a single Justice rather than to the court. But the Application was compliant and should have been presented to a single Justice for determination.

Your stated reason for returning the most recent Petition and Application was that "[a] motion for an extraordinary writ of mandamus may not be combined with an application to an individual justice." But as you can see from the enclosed, the two documents are, and were, submitted as two entirely separate pleadings. Both pleadings comply in every way with the rules of the court. The only explanation for this is that you returned them without first making any effort to examine them.

I have attempted to resolve this by telephone, calling the number you provided in your letter ten times during the last week and leaving multiple messages, none of which have been returned.

STEPHEN J. WILLIAMS

The net result of this is that I have been denied the right to put my Application before a Justice on a timely basis and that application has, in effect, been administratively denied by your office.

Sincerely,

Stephen J. Williams

Encl.

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 16, 2026

Stephen J. Williams
12 September RD
Storrs, CT 06268-2806

RE: Williams v. TransUnion, USCA2 25-37 and Williams v. Smith, USCA2 24-2733
Application for Stay of Mandate

Dear Mr. Williams:

Your application to stay the Second Circuit's mandates in two cases that was received June 16, 2026 is herewith returned for the following reason(s):

If you have sought that relief before a lower court, but that court has yet to rule, it would be legally premature for this Court to entertain an application for the same relief. This Court is without jurisdiction to entertain an application for a (stay/injunction) without an order from a circuit court. See Rule 23.3.

Additionally, as the cases are separate at the Second Circuit, you must file separate applications to stay with this Court.

Sincerely,
Scott S. Harris, Clerk
By:


Robert Meek
(202) 479-3027

Enclosures

Proof of Delivery

Dear Customer,
This notice serves as proof of delivery for the shipment listed below.

Tracking Number
1ZXG9979YW42745121

Service UPS Ground Saver®	Shipped / Billed On 06/12/2026
Delivered On 06/15/2026 9:14 A.M.	Received By LEE
Delivered To WASHINGTON, DC, US	Delivery Location Reception

Sincerely,
UPS

Tracking results provided by UPS as of 08/18/2026 2:26 P.M. EST