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IN THE SUPREME COURT OF THE UNITED STATES

BELINDA NOAH,
Applicant,

v.

No. _____

THE FLORIDA BAR,
Respondent.

**EMERGENCY APPLICATION FOR AN IMMEDIATE
ADMINISTRATIVE STAY AND A STAY PENDING DISPOSITION OF
A PETITION FOR A WRIT OF CERTIORARI**

Directed to the Honorable Clarence Thomas

Associate Justice of the Supreme Court of the United States and Circuit Justice for the
Eleventh Circuit

Florida Supreme Court Case No. SC2024-1480
Lower Tribunal No. 2023-10,068(13D)

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October 1, 2026

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To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Applicant Belinda Noah respectfully requests an immediate administrative stay, followed by a stay pending the Florida Supreme Court's disposition of her timely rehearing motion and, if rehearing is denied, the timely filing and disposition of a petition for a writ of certiorari. The Florida Supreme Court ordered Applicant disbarred effective October 11, 2026; expressly provided that rehearing would not alter that effective date; and on September 28 denied both a stay and a temporary administrative stay. App. A–C. Without immediate relief, the sanction will take effect before the state court necessarily decides the pending rehearing motion and before this Court can meaningfully consider federal review.

QUESTIONS PRESENTED

1. Whether an immediate administrative stay is warranted to preserve this Court's prospective jurisdiction when a state supreme court has fixed an imminent effective date for disbarment, has stated that a timely rehearing motion will not postpone that date, and has denied all requested interim relief.
2. Whether Applicant has shown a reasonable probability that this Court would grant review, a fair prospect of reversal or vacatur, irreparable harm absent a stay, and equities favoring preservation of the status quo, where the preserved federal questions concern notice, a confused record, an allegedly predetermined adjudicative process, exclusion from the sanctions hearing despite requests for a

continuance or remote appearance, disregard of written mitigation, and materially unequal treatment.

RELIEF REQUESTED

Applicant requests: (1) an immediate administrative stay of the October 11, 2026 effective date while this application is considered; and (2) a stay of that effective date until the Florida Supreme Court decides the pending rehearing motion and, if rehearing is denied, for sufficient time to file a petition for a writ of certiorari and until final disposition of that petition. In the alternative, Applicant requests any narrower temporary relief necessary to preserve this Court's jurisdiction and prevent the application from becoming practically ineffectual.

PARTIES AND RELATED PROCEEDINGS

Applicant Belinda Noah was the respondent in *The Florida Bar v. Belinda Noah*, Florida Supreme Court No. SC2024-1480, lower tribunal No. 2023-10,068(13D). Respondent is The Florida Bar. The proceedings relevant to this application are the referee proceeding and the Florida Supreme Court review proceeding identified above. Applicant is not aware of any other proceeding directly reviewing the September 11, 2026, order.

JURISDICTION AND AUTHORITY

This application is submitted under Supreme Court Rules 22 and 23 and 28 U.S.C. § 1651(a). Applicant recognizes that 28 U.S.C. § 1257(a) permits review of final state-court judgments and that § 2101(f) addresses stays of final judgments

subject to certiorari review. The September 11 order states that it is not final until the time for rehearing expires and any rehearing motion is determined, while also stating that rehearing does not alter the October 11 effective date. App. A.

Applicant therefore does not claim that § 2101(f) independently authorizes a stay at this stage. Rather, she requests a narrowly tailored administrative stay under the All Writs Act, 28 U.S.C. § 1651(a), to protect this Court's *potential* jurisdiction while the Florida Supreme Court resolves rehearing. See *Federal Trade Commission v. Dean Foods Co.*, 384 U.S. 597, 603–05 (1966). Applicant acknowledges that *Dean Foods* concerned a different procedural setting; she relies on its recognition of authority to protect potential appellate jurisdiction, not as a holding that relief is required here.

Applicant first sought the requested relief in the Florida Supreme Court. On September 21, 2026, she filed an emergency motion to stay or modify the effective date and a separate motion to expedite. App. D; App. J. On September 22, she moved for leave to file a limited reply and for a temporary administrative stay. App. K. The Florida Supreme Court denied the stay and expedited consideration on September 28. App. B. It separately denied leave to reply and a temporary administrative stay. App. C. The requirement of Supreme Court Rule 23.3 has therefore been satisfied.

CONSTITUTIONAL AND RULE PROVISIONS INVOLVED

The Fourteenth Amendment provides, in relevant part: “No State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

Supreme Court Rule 23.3 provides, in relevant part, that an application for a stay must set out with particularity why relief is unavailable in another court or judge and must identify the judgment sought to be reviewed and append the order and any order denying a stay. The relevant orders are included in the accompanying appendix.

STATEMENT OF THE CASE

1. Applicant has practiced law for approximately forty-three years. The charges did not arise from a client complaint, misuse of client funds, client loss, or personal financial gain. The referee found violations of Rules Regulating The Florida Bar 4-8.4(c) and 4-8.2(b) based principally on alleged omissions or inaccuracies in a judicial application and judicial-campaign materials. Applicant consistently maintained that the omissions and amendments were inadvertent or made in good faith and that the Bar did not prove knowing deception by clear and convincing evidence.

2. Applicant’s review briefs preserved objections concerning inadequate notice and an internally confused record. The Index of Record, Filing No.

233083509, was filed October 7, 2025. It identifies an “Amended Report of Referee” filed October 1, 2025, as Tab 78 and a “Certification of Record and Index” filed October 7 as Tab 80. App. H-6. The October 1 report is Filing No. 232755757. App. I. A second amended report—Filing No. 233180127—was filed October 8, after the index was filed and after the certification identified in that index. App. G. The two reports are not merely differently labeled copies: they carry different filing numbers and filing dates. Applicant contends that this sequence impaired notice of the report actually under review and meaningful review of its findings.

3. Applicant also preserved a sanctions-hearing due process objection. After her husband’s death in 2025, she was required to be overseas for funeral, estate, and related matters. On August 29, she sought a continuance or permission to appear remotely. App. L. That filed motion represented that Bar counsel had stated no objection to a continuance or Zoom appearance so long as the October 20 report deadline remained intact. App. L-2. The referee denied both alternatives. App. M. Applicant then sought to stay or cancel the sanctions hearing, and the Bar opposed that request. App. N; App. R. The Florida Supreme Court denied the emergency motion, App. O, and the sanctions hearing proceeded in Applicant’s absence despite her emergency objection and notice of unavailability, App. P. Applicant submitted mitigation in writing, App. Q, but the October 8 report found no

mitigating factors and treated her continued denial of intentional wrongdoing as refusal to acknowledge misconduct. App. G-32–G-36.

4. The Florida Supreme Court’s September 11, 2026 order approved the amended report, disbarred Applicant, assessed \$4,131.87 in costs, barred acceptance of new business, and made the disbarment effective October 11, 2026. App. A. The order did not discuss Applicant’s federal due process or equal protection objections, the sanctions-hearing issue, the report-identity problem, the asserted failure of proof, or the comparator cases. One Justice dissented only as to costs. Id.

5. On September 21, Applicant timely filed a verified rehearing motion identifying the issues she contends the Court overlooked or misapprehended. App. F. She contemporaneously sought a stay or modification of the effective date and expedited consideration. App. D; App. J. Her supporting declaration explained that the order threatened immediate loss of livelihood, disruption to active clients, reciprocal professional consequences, and severe financial harm following substantial overseas medical expenses connected with her late husband’s hospitalization. App. E.

6. Applicant is an African American and Native American woman and one of the early women of that combined background admitted to The Florida Bar. Her filed submissions described a forty-plus-year trailblazing career, her status as the first lawyer in her family, and her pro bono service. App. F; App. Q-4–Q-5.

Applicant preserved an equal protection concern and requested individualized treatment unclouded by membership in historically marginalized groups. App. F. She does not ask this Court to infer discriminatory intent from identity alone. Her identity and professional history are relevant record context for the preserved unequal-treatment claim, mitigation, and the balance of equities.

7. On September 28, the Florida Supreme Court summarily denied the emergency stay and motion to expedite. App. B. It separately denied a temporary administrative stay. App. C. The rehearing motion remains pending. The October 11 effective date therefore continues to run while the state court retains the power to alter the judgment.

REASONS FOR GRANTING THE APPLICATION

I. The application satisfies Rule 23

A stay applicant must show a reasonable probability that four Justices will grant certiorari, a fair prospect that a majority will conclude that the decision below was erroneous, and a likelihood of irreparable harm absent relief; in a close case, the Circuit Justice balances the equities. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). The familiar stay considerations likewise include likelihood of success, irreparable injury, injury to other parties, and the public interest. *Nken v. Holder*, 556 U.S. 418, 434 (2009).

Rule 23.3 is satisfied because Applicant sought the same relief below and attaches the September 11 order and both September 28 denials. App. A–C. The

requested relief is narrow: it would preserve the status quo long enough for the state court to decide rehearing and for this Court, if necessary, to exercise jurisdiction over a final state judgment presenting preserved federal questions. It would not require this Court to decide the merits now.

II. There is a reasonable probability of certiorari and a fair prospect of reversal or vacatur

A. The notice and record defects present a substantial due process question

Attorney discipline is quasi-criminal in character, and procedural due process requires fair notice of the charge before discipline is imposed. *In re Ruffalo*, 390 U.S. 544, 550–52 (1968). Notice must be reasonably calculated to inform the affected person of the matter to be adjudicated and provide a meaningful opportunity to respond. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

Applicant preserved more than a disagreement with state evidentiary findings. She asserted that the record and operative report were not reliably identified; that charges and findings shifted or remained unclear; that key evidence and written objections were not addressed; and that unsupported assertions were accepted despite the clear-and-convincing standard. The record discrepancy is concrete: the October 7 Index of Record identifies an October 1 amended report and a same-day certification, while another amended report with a different filing number was filed October 8. App. H-6; App. I; App. G. That sequence matters

because the operative report defines the factual findings, aggravators, mitigation, and recommended sanction that Applicant had to challenge.

The state court's unexplained approval and unexplained stay denial do not show that these federal objections were considered. An administrative stay would allow orderly presentation of the complete record and would prevent discipline from taking effect before the state court rules on a rehearing motion that squarely identifies the problem.

B. The sanctions hearing and treatment of mitigation present a substantial due process question

The opportunity to be heard must occur at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). This Court has treated an opportunity to respond personally and present evidence as fundamental in professional-admission proceedings. *Willner v. Committee on Character & Fitness*, 373 U.S. 96, 103–04 (1963). The reliability of state discipline is also undermined where there was a deprivation of due process, an infirmity of proof, or another grave reason not to accept the state result. *Selling v. Radford*, 243 U.S. 46, 51 (1917).

Applicant requested a continuance or remote participation because of obligations following her husband's death. Her filed motion represented that Bar counsel had no objection subject to preservation of the report deadline. App. L-2. The referee nevertheless denied both alternatives, App. M, and the hearing proceeded without Applicant after further emergency filings were denied, App. N–

P. Applicant submitted mitigation in writing. App. Q. The October 8 report nevertheless found no mitigating factors. App. G-32–G-36. The asserted mitigation included decades of practice, absence of a client complainant or client injury, lack of financial gain, corrections and apologies for inadvertent omissions, substantial pro bono service, and extraordinary family, medical, and financial hardship. App. E; App. Q. The combined denial of participation and rejection of the proffered mitigation creates a serious question whether the decisive sanctions phase was meaningful and reliable.

Applicant's personal loss is not offered as an excuse for conduct that predated her husband's death. It is relevant to why she could not attend the 2025 sanctions hearing, to the mitigation that the referee allegedly failed to consider, and to the immediate hardship caused by enforcement before review is complete. The record states that overseas providers did not accept the family's insurance and that Applicant incurred substantial medical expenses; this application does not state a more precise amount because the filed declaration does not do so.

C. The sanction and asserted comparator analysis reinforce the need to preserve review

Applicant does not ask the Circuit Justice to supervise Florida sanction law in the abstract. The proportionality evidence matters because it bears on whether the process reliably distinguished inadvertence from knowing deception and whether Applicant received individualized treatment. The Bar relied on *The Florida Bar v. Mirabal*, 390 So. 3d 1172 (Fla. 2024). Applicant preserved that

Mirabal involved findings of repeated, material campaign-finance misrepresentations designed to make a campaign appear better funded, explanations found untruthful, concealed litigation, and additional misconduct—features she contends are absent here. App. F–G.

Applicant also cited *The Florida Bar v. Sweeting*, No. SC09-1117, in which a referee concluded that alleged omissions were not proved as intentional misconduct and recommended no discipline and taxation of costs against the Bar; the Florida Supreme Court approved the report without a published opinion. Applicant relies on *Sweeting* only as a record comparator, not as binding precedent. The sharp factual gap between the authorities cited below and the ultimate sanction heightens the need for a short stay so that the federal procedural questions can be reviewed on a complete record.

D. Applicant preserved an equal protection concern

Applicant's amended reply and rehearing motion invoked equal protection and asserted selective or materially unequal treatment. See *Yick Wo v. Hopkins*, 118 U.S. 356, 373–74 (1886). Her identity as an African American and Native American woman is properly included because it was placed in the record, tied to her professional history and mitigation, and expressly connected to the preserved request for individualized treatment free from impermissible bias. App. F; App. Q-4–Q-5.

At this emergency stage, Applicant does not ask the Court to make a final finding of discriminatory purpose on an abbreviated record. She asks the Court to prevent the ultimate professional sanction from taking effect while the state court considers rehearing and while this Court's opportunity to examine the preserved constitutional claim remains viable. That restraint strengthens, rather than diminishes, the case for maintaining the status quo.

III. The equities overwhelmingly favor a temporary stay

The threatened harm is immediate and irreparable. Disbarment terminates Applicant's ability to practice Florida law, disrupts active client matters, triggers notification and potential reciprocal-discipline consequences, damages professional standing, and eliminates income at a time of documented financial strain. Those consequences cannot be fully repaired by a later favorable decision. See *Hollingsworth*, 558 U.S. at 190; *Nken*, 556 U.S. at 434–35.

A brief stay creates little cognizable prejudice to the Bar. Applicant has practiced for approximately forty-three years. The charged conduct did not involve theft, client funds, client injury, or a present danger to a client. A stay can preserve existing restrictions on accepting new matters if the Circuit Justice considers that condition appropriate. Applicant requests only enough time for the state court to decide rehearing and for orderly federal review.

The public interest favors both protection of clients and confidence that the ultimate professional sanction is imposed through a fair, reviewable process.

Allowing the effective date to arrive before rehearing is decided risks avoidable client disruption and makes appellate review practically inadequate. Preserving the status quo for a short period serves, rather than impairs, orderly attorney regulation.

CONCLUSION

The Circuit Justice should enter an immediate administrative stay of the October 11, 2026 effective date and then stay that date pending disposition of Applicant's rehearing motion and, if necessary, the timely filing and disposition of a petition for a writ of certiorari. Alternatively, the Circuit Justice should grant any narrower relief required to preserve this Court's jurisdiction and prevent irreparable harm.

Respectfully submitted,

/s/ Belinda Noah



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CERTIFICATE OF SERVICE

I, Belinda Noah, a member of the Bar of this Court, certify that on October 1, 2026, I served one copy of the Emergency Application for an Immediate Administrative Stay and a Stay Pending Disposition of a Petition for a Writ of Certiorari, together with the accompanying appendix, upon each counsel listed below by first-class United States mail, postage prepaid, and by electronic mail. All parties required to be served have been served.

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Dated: October 1, 2026



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