

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ZANIOUS TERELL MURPHY,
Applicant,

v.

PEOPLE OF THE STATE OF MICHIGAN,
Respondent.

**ON APPLICATION FOR A STAY OF PROCEEDINGS
PENDING DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF MICHIGAN**

TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE SIXTH CIRCUIT

APPLICATION FOR A STAY OF PROCEEDINGS

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**TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE
SIXTH CIRCUIT:**

Pursuant to Rules 22 and 23 of the Rules of this Court and 28 U.S.C. § 2101(f), applicant Zanius Terell Murphy respectfully applies for a stay of proceedings in *People of the State of Michigan v Zanius Terell Murphy*, Oakland County Circuit Court No. 25-295690-FH, **including any trial in that court**, pending disposition of the petition for a writ of certiorari filed contemporaneously herewith.

Applicant states three things at the outset. **First**, he has sought this relief in every court below and been denied in each, as Rule 23.3 requires him to show. **Second**, no party has ever filed an answer opposing a stay at any level of this litigation. **Third, no trial date is presently set.** A pretrial conference is scheduled for October 22, 2026, at which a trial date is expected to be set. Applicant addresses at Part I why that circumstance makes this application ripe rather than premature, and what alternative relief he asks if the Circuit Justice concludes otherwise.

THE JUDGMENT SOUGHT TO BE STAYED

Applicant seeks a stay of the proceedings in Oakland County Circuit Court No. 25-295690-FH, including any trial in that court, whenever set. The Supreme Court of Michigan denied leave to appeal and denied a stay by order entered August 27, 2026, and denied reconsideration by order entered September 11, 2026. App. A, B. A petition for a writ of certiorari from those orders is filed with this application.

Jurisdiction to grant the stay arises under 28 U.S.C. § 2101(f), which provides that where “the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari,” and that the stay “may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court.” Applicant addresses the finality question at Part IV below and fully at Part II of

the petition.

RELIEF SOUGHT IN THE COURTS BELOW — RULE 23.3

Rule 23.3 requires that an application “set out with particularity why the relief sought is not available from any other court or judge,” and provides that an application “will not be entertained unless the relief requested was first sought in the appropriate court or courts below.” Applicant sought it in every such court:

Court	Relief sought	Disposition	Answer filed by respondent
Oakland County Circuit Court, No. 25-295690-FH	Emergency motion to stay proceedings	DENIED July 22, 2026	None
Michigan Court of Appeals, No. 381711	Stay pending appeal	DENIED July 24, 2026	None
Supreme Court of Michigan, No. 170532	Stay of proceedings, four grounds	DENIED Aug. 27, 2026	None
Supreme Court of Michigan, on reconsideration	Stay renewed	DENIED Sept. 11, 2026	None

As Rule 23.3 requires, a copy of each order denying the relief sought is appended to this application, at Stay App. 1 through 5, and the judgment sought to be reviewed — the order of the Supreme Court of Michigan entered August 27, 2026 — is identified above and appended at Stay App. 3. The same orders appear in the appendix to the petition filed herewith, at App. A through D and App. F.

Why the relief is not available from any other court or judge. Section 2101(f) permits a stay by “a judge of the court rendering the judgment.” The judgment sought to be reviewed is that of the Supreme Court of Michigan. That court denied a stay in the same order that denied leave, and MCR 7.311(G) directs its Clerk to refuse reconsideration of an order denying reconsideration. No further application to that court is procedurally available. The Michigan Court of Appeals has

denied a stay and denied reconsideration, and its jurisdiction over the interlocutory application is exhausted. The circuit court denied a stay and has no authority to stay proceedings pending certiorari from a judgment of a court superior to it. **No court or judge below retains the power to grant the relief requested.**

Applicant does not contend that respondent was obliged to answer any of these motions. He states the fact because it bears on the third and fourth stay considerations: **no court has ever been presented with an argument that a stay would harm respondent**, and none appears in this record.

THE STANDARD GOVERNING THIS APPLICATION

To obtain a stay pending the filing and disposition of a petition for a writ of certiorari, an applicant must show “(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a stay.” *Hollingsworth v Perry*, 558 U.S. 183, 190 (2010) (per curiam). “In close cases the Circuit Justice or the Court will balance the equities and weigh the relative harms to the applicant and to the respondent.” *Ibid*.

The authority is statutory. Under § 2101(f) “a stay issues not of right, but pursuant to sound equitable discretion,” and “[t]he practice of the Justices has settled upon three conditions that must be met before issuance of a § 2101(f) stay is appropriate.” *Barnes v E-Systems, Inc Group Hospital Medical & Surgical Insurance Plan*, 501 U.S. 1301, 1302 (1991) (Scalia, J., in chambers). Those conditions “are not necessarily sufficient”; it remains “necessary . . . to ‘balance the equities.’” *Id.* at 1305. A stay is likewise “not a matter of right, even if irreparable injury might otherwise result,” and “[t]he party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Cf. Nken v Holder*, 556 U.S. 418, 434 (2009) (stay of removal pending appellate review).

Applicant states the weight of that standard against himself.

Denial of an in-chambers stay application is the norm. “[R]elief is granted only in ‘extraordinary cases.’” *Conkright v Frommert*, 556 U.S. 1401, 1402 (2009) (Ginsburg, J., in chambers), quoting *Rostker v Goldberg*, 448 U.S. 1306, 1308 (1980) (Brennan, J., in chambers). Relief from a single Justice is appropriate “only in those extraordinary cases where the applicant is able to rebut the presumption that the decisions below — both on the merits and on the proper interim disposition — are correct.” *Rostker*, 448 U.S. at 1308. Where a matter has been denied below, the applicant bears “an especially heavy burden.” *Packwood v Senate Select Committee on Ethics*, 510 U.S. 1319, 1320 (1994) (Rehnquist, C.J., in chambers). **Applicant accepts each of these statements without qualification and does not ask that the standard be relaxed.** He submits that the second and third conditions are satisfied here in an unusual way, and that the first is satisfied for the reasons set out in the petition and summarized at Part II.

I. THE ABSENCE OF A SET TRIAL DATE, AND WHY THIS APPLICATION IS RIPE

Applicant raises this himself because it is the most obvious reason to deny the application.

No trial date is presently set. A pretrial conference is scheduled for October 22, 2026, at which a date is expected to be set. The Circuit Justice may reasonably ask why an application to stay a trial should be entertained before a trial has been scheduled. Applicant offers four reasons and then states the alternative relief he asks if they do not persuade.

First, § 2101(f) is keyed to the certiorari effort, not to the imminence of the event stayed. The statute authorizes a stay “for a reasonable time to enable the party aggrieved to obtain a writ of certiorari.” Its trigger is the pendency of the application for the writ. The petition is filed with this application; the reasonable time the statute contemplates is running now.

Second, the harm attaches at an instant applicant cannot control and may not be able to anticipate. Jeopardy attaches when the jury is empaneled and sworn. *Crist v Bretz*, 437 U.S. 28, 38 (1978). That is the moment at which the posture this petition depends upon is

extinguished. Applicant will not learn the trial date until it is set, and cannot know in advance how much notice will follow. The interval between the setting of a date and the swearing of a jury is not within his control and may be shorter than the time required to prepare, serve, and file an emergency application here.

Third, the alternative is the posture this Court disfavors. If applicant must wait until a date is set, the result is an emergency application presented on short notice, without the petition having been distributed, and without time for the Circuit Justice to consider it or for respondent to be heard. Filing now, together with the petition, presents the question in the orderly posture rather than the exigent one. Applicant seeks to avoid creating an emergency, not to manufacture one.

Fourth, the relief requested costs nothing in the present posture. Applicant does not ask that anything be halted today. He asks for an order that the case not proceed to trial while the petition is pending. Until a trial date is set, such an order restrains nothing, burdens no one, and requires no party to do or refrain from doing anything. **Its entire operation is prospective and conditional.** If the petition is denied before a date is set, the order expires having had no effect whatever.

Applicant states the alternative candidly. If the Circuit Justice concludes that the absence of a set trial date counsels against acting now, applicant asks that the application be **held** rather than denied — retained pending the setting of a trial date, or pending distribution of the petition, so that it may be acted upon without a second filing and without an emergency. **Applicant would rather have this application deferred than granted on an incomplete record,** and he prefers either to the posture in which he must return to this Court on days' notice. He does not ask the Circuit Justice to act sooner than the circumstances warrant. He asks only that the case not become unreviewable before the circumstances are reached.

One further fact bears on timing. The trial in this case has already been adjourned once, on applicant's own emergency motion and at the direction of the circuit court, without objection

from respondent and without any assertion that the delay impaired its case. **A deferral of this proceeding is not a novel imposition on anyone. It has already occurred, and respondent did not oppose it.**

II. REASONABLE PROBABILITY OF FOUR VOTES

The petition presents a question of federal law that no state court of last resort and no United States court of appeals has decided. Sup. Ct. R. 10(c). Thirty-five States and the District of Columbia have enacted firearm-storage laws; California and Illinois provisions took effect January 1, 2026; legislation is pending in Congress. **In the four years since *New York State Rifle & Pistol Ass’n v Bruen*, 597 U.S. 1 (2022), no appellate court anywhere has decided whether such a law may reach an operable firearm kept in the home.**

Applicant states the obvious counterweight: the absence of a conflict ordinarily counsels against review. His answer is that the absence here is structural rather than probative. Each ordinary disposition of a prosecution under such a statute forecloses appellate review by a different mechanism — a plea produces no record, an acquittal produces no appeal, and a conviction produces an appeal a state court may resolve by narrowing construction. **The question does not percolate because the mechanism that would produce percolation has been foreclosed.**

III. FAIR PROSPECT OF REVERSAL

MCL 28.429 defines “locked box,” “locking device,” “minor,” and “serious impairment,” MCL 28.429(10), and defines no term that triggers liability. The Legislature drafted a culpability element and struck it before enactment, and the Senate Fiscal Agency recorded the purpose. The statute grades felonies of five, ten, and fifteen years by a result occurring “as a result of the violation” and supplies no causal standard. Respondent produced no historical analog and expressly reserved that showing.

This Court has invalidated a statute whose words were entirely ordinary because the provision “forbids no specific or definite act.” *United States v L. Cohen Grocery Co*, 255 U.S. 81, 89

(1921), invoked for that reason in *Johnson v United States*, 576 U.S. 591, 602 (2015). And it has required proof of a culpable mental state for a firearm offense carrying a lesser maximum than this one, reasoning that “[t]he potentially harsh penalty . . . confirms our reading” because the penalty “has been a significant consideration in determining whether the statute should be construed as dispensing with mens rea.” *Staples v United States*, 511 U.S. 600, 616, 619 (1994).

The feature relevant to this factor is that none of these propositions requires the resolution of a disputed fact. Each is established by the statutory text and the public legislative record attached at App. G through I. A Justice evaluating the prospect of reversal need not predict what a trial would show, because nothing a trial could show would bear on any of them.

IV. THE FINALITY QUESTION, STATED SQUARELY

Applicant states the jurisdictional obstacle rather than leaving it to be found. Review of a state judgment on certiorari requires a final judgment of the highest state court in which a decision could be had. 28 U.S.C. § 1257(a). Finality in a criminal prosecution ordinarily means conviction and sentence, and this Court has applied that rule to deny review in pending state prosecutions. *Flynt v Ohio*, 451 U.S. 619 (1981). **Applicant has been neither convicted nor sentenced.**

He relies on the fourth category recognized in *Cox Broadcasting Corp v Cohn*, 420 U.S. 469, 482-483 (1975), and applied to a pending state criminal prosecution — with no conviction, no sentence, and proceedings pending below — in *Fort Wayne Books, Inc v Indiana*, 489 U.S. 46, 55 (1989). The petition addresses each element, including the requirement that refusal of immediate review threaten seriously to erode federal policy. The element bearing most directly on this application is preclusiveness: **a facial invalidation of MCL 28.429 ends this prosecution.** There is no lesser included offense under that statute and nothing left to try.

Applicant concedes what he cannot establish. No decision of this Court holds that a trial court's bench ruling, unreviewed on discretionary grounds, is a final decision of the state courts. He does not represent otherwise to the Circuit Justice. He submits that where a State's highest court has

been asked twice, has declined twice, and its own rules foreclose any further request, the question is as finally decided as that system permits — and that the second stay condition asks only for a fair prospect, not a certainty.

V. IRREPARABLE HARM — AND WHY IT IS UNUSUAL HERE

Applicant does not assert that trial is burdensome, that he fears the verdict, or that he seeks to avoid the proceeding. He states the contrary: he is prepared to stand trial, he declined a disposition that would have ended this case without imprisonment, and he does not ask this Court to spare him anything he is unwilling to face.

The harm is jurisdictional rather than personal. The relief the petition seeks exists only in the present posture. If trial proceeds and a jury is sworn, the pre-trial frame on which the fourth *Cox* category depends is extinguished. *Crist v Bretz*, 437 U.S. 28, 38 (1978). An acquittal moots the questions entirely: no appeal lies, no collateral consequence attaches, and a year of litigation resolves nothing for anyone — including the courts of Michigan, which will remain without any construction of a statute charged daily. A conviction preserves the questions but destroys the remedy: a court may vacate a conviction obtained under an invalid statute, but **no court can return a defendant to the position of not having stood trial under one.**

The harm from denial is therefore not that applicant will be tried. It is that the question will become unreviewable by one route and unremediable by the other, and that the pending petition will be resolved — whichever way — on a posture that no longer exists.

VI. WHY THIS APPLICATION IS NOT THE PETITION

Applicant separates the two because the standards diverge at every point, and because a Circuit Justice may conclude that a stay is warranted while forming no view whatever on the questions presented. **Nothing in this application asks for a view on the merits.**

The petition asks whether MCL 28.429 is valid. That is a question of constitutional law, resolved on the statutory text and the legislative record, requiring four votes and plenary

consideration by the full Court. Sup. Ct. R. 10.

This application asks whether the posture in which that question arises should be preserved while it is considered. That is a question of equity, resolved by a single Justice, on conditions that include but do not turn on the merits. *Hollingsworth*, 558 U.S. at 190.

The distinction has a practical consequence. **A Justice may doubt that certiorari will be granted and still conclude that the case should not become unreviewable before the petition is distributed.** The second condition asks only for a fair prospect of reversal, not a conclusion; the third asks about harm from denial, which is a fact about timing rather than about validity. Applicant asks the Circuit Justice to decide the timing question and to leave the constitutional question entirely to the full Court.

VII. MOOTNESS — THE SPECIFIC CONSEQUENCE OF DENIAL

Applicant addresses mootness here because it is the mechanism by which denial of a stay would operate on the pending petition.

A. The case is presently live.

Applicant stands charged, is subject to conditions of release, and awaits trial. A dispute must be extant at all stages of review. *United States v Sanchez-Gomez*, 584 U.S. 381, 385-386 (2018). A case becomes moot only when it is impossible to grant any effectual relief; so long as a party retains a concrete interest, however small, it is not moot. *Chafin v Chafin*, 568 U.S. 165, 172 (2013); *Knox v Service Employees Int’l Union*, 567 U.S. 298, 307-308 (2012).

B. Acquittal would moot the petition entirely, and no exception would rescue it.

No appeal lies from an acquittal. No collateral consequence attaches. The petition would be dismissed and the questions would disappear with the charge.

Applicant states the exception he could not then invoke. The capable-of-repetition doctrine requires a reasonable expectation that the same complaining party will be subject to the

same action again. *Weinstein v Bradford*, 423 U.S. 147, 149 (1975) (per curiam); *Murphy v Hunt*, 455 U.S. 478, 482 (1982) (per curiam). In *Sanchez-Gomez* this Court held the exception unavailable to criminal defendants whose prosecutions had concluded, declined to presume they would be charged again, and held there is no criminal analog to the class action. 584 U.S. at 386-393. **Applicant would fall squarely within that holding, and he says so now rather than arguing otherwise later.**

The consequence is precise: **a trial ending in acquittal would extinguish a pending petition on a question no court in the country has decided, and would do so in a manner this Court has held cannot be cured.**

C. Conviction would preserve the questions and destroy the relief.

Collateral consequences would preserve the challenge. *Sibron v New York*, 392 U.S. 40, 50-58 (1968); *Spencer v Kemna*, 523 U.S. 1, 7-8 (1998). But the questions would return only after a trial conducted on elements no court has defined, and the pre-trial posture on which the fourth *Cox* category rests would be gone.

D. The structural effect of mootness is not confined to this case.

Mootness in this category of case does not operate randomly. It operates systematically, and it operates in favor of the statute in every instance. The defendant who pleads produces no appellate record, and a tier structure running from ninety-three days to fifteen years on unmeasurable terms makes a plea the rational election for nearly every person charged. The defendant who is acquitted produces no appeal, and his challenge is mooted by his own success. The defendant who is convicted produces an appeal a state court may resolve by adopting a narrowing construction without reaching the constitutional questions. *People v Burkman*, 513 Mich 300, 336-340 (2024).

Each of the three ordinary dispositions forecloses review by a different mechanism, and no fourth disposition exists. The result is a class of criminal statute — enacted in

thirty-five States and the District of Columbia, expanded effective January 1, 2026 in California and Illinois, and the subject of pending federal legislation — that has never been reviewed by any court of last resort in the four years since *Bruen*. That is not evidence that the question is unimportant. **It is the output of a design in which the question can be raised only by persons whose circumstances extinguish it.**

Applicant is presently the exception: a defendant who preserved the questions at every level, declined the disposition that would have ended them, and reached this Court while the controversy remains live. **Denial of a stay converts him into the rule.**

VIII. THE STATE JUDICIAL ARCHITECTURE, AND WHY IT PRODUCED FOUR DENIALS

Applicant sets out the structure of the courts below because Rule 23.3 requires a showing of what was sought and denied, and because the pattern is more informative than any single denial. **He does not contend that any court acted improperly.** He contends that each acted within a structure whose incentives ran uniformly in one direction.

A. The circuit court.

A Michigan trial court applies a presumption that a duly enacted statute is constitutional and possesses no practical authority to invalidate a legislative act of statewide effect. It ruled from the bench that MCL 28.429 does not violate the Fourteenth Amendment, without addressing the arbitrary-enforcement prong, the statutory exemption, respondent's burden under *Bruen*, or the deleted culpability element. **That is the sole merits ruling in this case, and it came from the lowest court in the sequence.**

B. The Michigan Court of Appeals.

Interlocutory review there is discretionary. It granted immediate consideration and waived fees, then denied the application “for failure to persuade the Court of the need for immediate appellate review,” and denied reconsideration August 12, 2026. **That disposition resolves timing. It contains no holding, no construction of any term, and**

nothing for a higher court to review.

C. The Supreme Court of Michigan.

That court sits by popular election and exercises a discretionary jurisdiction it is not required to explain. It granted expedited consideration and waived filing requirements, then denied leave because it was “not persuaded that the questions presented should be reviewed by this Court.” A stay was denied in the same order, and reconsideration was denied September 11, 2026. **No Michigan appellate court has construed MCL 28.429 in the two and a half years since it took effect.**

D. What the structure produced.

Five decision points. One merits ruling, from the court least able to grant relief. No appellate construction of the statute. No order identifying any defect in what applicant filed. Each court declined for a reason its own rules supply, and the reasons do not overlap: the trial court because the presumption governs, the intermediate court because review could wait, the high court because the questions were not for it. **The cumulative effect is that a statute of first impression has been enforced for two and a half years without any court being obliged to say what it means.**

Applicant offers this for one purpose relevant to this application. **If the interlocutory posture counsels against relief, the record should reflect that the posture was not of his choosing.** He first sought an emergency stay in the Oakland County Circuit Court on July 22, 2026, and has sought one at every level available to him since, on grounds no party contested, and was denied at each without an adverse argument ever having been made.

IX. THE RELIEF SOUGHT DOES NOT DEPEND ON WHO PREVAILS

Nothing in this application requires a prediction about the outcome of any proceeding. The relief requested operates identically whichever way each proceeding is resolved.

If the petition is denied, a stay of limited duration will have deferred a trial that is not yet scheduled. The prosecution proceeds. Nothing is lost to respondent.

If the petition is granted, a stay will have preserved the only posture in which the relief sought remains available, and will have prevented the expenditure of public and judicial resources on a proceeding that may have to be conducted a second time.

If applicant is acquitted after a stay, the petition is dismissed as moot and nothing is lost that a stay caused.

If applicant is convicted after a stay, he stands convicted, and the questions proceed on the appeal of right as they would have without one.

In no branch of that analysis does a stay produce an outcome respondent would not otherwise obtain. A stay defers. It does not decide, and applicant does not ask that it decide.

X. NO PARTY IS HARMED BY DEFERRAL, AND THE RECORD SHOWS IT

This prosecution has been pending since 2025. Applicant has been at liberty on bond throughout, subject to conditions that would continue during any stay. **The trial date has already been adjourned once, on applicant's own motion and at the circuit court's direction, without objection from respondent and without any assertion that delay impaired its case.** Respondent has never asserted, in any filing, at any level, that a stay would harm it.

The concrete indicia point the same direction. No witness is lost by deferral. The physical evidence has been in respondent's custody since seizure. The forensic analyses respondent elected to perform were completed long ago, and those it elected not to perform are not made less available by delay.

Against that, applicant asks the Circuit Justice to weigh what has already been expended. These constitutional questions have been before the courts of Michigan for nearly two years, briefed at four levels, supported by an authenticated documentary record respondent has never contested,

and resolved on the merits by one court — the court least able to grant relief. In that time the questions have been declined for want of immediacy, declined as unsuited to review, and declined without stated reason. **They have not once been answered, and they have not once been called insubstantial.**

XI. APPLICANT SEEKS REVIEW, NOT VINDICATION

Applicant is not seeking a ruling in his favor from this application, and does not ask the Circuit Justice to form one. He is seeking to preserve the conditions under which the questions can be examined by someone with no stake in the answer. If the examination concludes that he is wrong, that conclusion is worth more to him than the present silence. **A stated ground can be read, tested, cited, and relied upon by the next person charged under this statute. An unstated one cannot.**

The proposition applicant asks to have tested is not merely that MCL 28.429 is invalid. It is **that a statute may be enacted without fixed terms, stripped of its culpability element, enforced for years against citizens, and never once construed by any court — and that this can occur without any actor in the system doing anything improper.** If that proposition is false, applicant asks to be told so. If it is true, it is a question about the structure of review rather than about him, and it will recur in every prosecution under every statute of this kind in thirty-five States.

Applicant does not ask this Court to agree with him. He asks that the case remain in a condition in which it is possible to disagree with him on stated grounds.

XII. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST

“In close cases the Circuit Justice or the Court will balance the equities and weigh the relative harms to the applicant and to the respondent.” *Hollingsworth*, 558 U.S. at 190; *Barnes*, 501 U.S. at 1305. Respondent faces deferral of a trial not yet scheduled, in a prosecution it has already agreed to adjourn once. No witness is lost, no evidence degrades, and applicant remains subject

to conditions of release throughout.

The public interest points the same direction. MCL 28.429 has been in force since February 13, 2024 and has never been construed. If trial proceeds and the statute is later held invalid, the proceeding must be conducted twice at public expense. If it proceeds and applicant is acquitted, the question returns to the trial courts of Michigan unanswered, in the next prosecution, on the same undefined terms. **A stay defers a proceeding that can occur later. Its denial commits the courts and the parties to a proceeding that may have to be conducted twice, or that resolves nothing at all.**

And the balance has never been contested. The grounds supporting a stay were presented to the Supreme Court of Michigan on August 13, 2026 and renewed on reconsideration. Respondent filed no answer at any level. No court has been presented with an argument that any ground is unmet, and none appears in this record.

RELIEF REQUESTED

Applicant sets out the relief he seeks in descending order and states the reason for each. **No form of relief requested is tied to a particular date**, because none is presently set.

First. An order staying all proceedings in Oakland County Circuit Court No. 25-295690-FH, **including any trial in that court whenever set**, pending disposition of the petition for a writ of certiorari and, if the petition is granted, pending issuance of this Court's judgment.

Second. An order that the cause not proceed to trial while the petition is pending, leaving all other proceedings — including the pretrial conference scheduled October 22, 2026 and all preparation, appointment of counsel, discovery and motion practice — entirely undisturbed. **Applicant identifies this alternative because the harm he describes attaches to the swearing of a jury and to nothing else**, and because he does not seek to delay any step that readies the case for trial.

Third. A stay of defined duration — through a date certain, or through the conference at which the petition is distributed — subject to any conditions the Circuit Justice deems appropriate, including security under § 2101(f). **Applicant asks for the shortest stay that preserves the posture and does not seek indefinite relief.**

Fourth. A stay of duration sufficient to permit the Michigan appellate courts to reach the questions presented on the existing record. Applicant identifies this alternative candidly: **if the Circuit Justice concludes these questions should first be decided by a state appellate court, applicant does not resist that conclusion** — he asks only that the case not reach final judgment before it becomes possible. **The obstacle in this litigation has never been the absence of an argument. It has been the absence of a decision.** A stay preserving the posture long enough for the courts of Michigan to produce a reasoned ruling would give any future petition from this case the one thing the present one lacks — a decision below to review.

Fifth. That the application be **held** pending the setting of a trial date or pending distribution of the petition, rather than denied, so that it may be acted upon without a second filing and without an emergency. **Applicant asks this expressly and prefers it to a denial without prejudice**, because a denial would require him to return to this Court on whatever notice the setting of a trial date affords him.

Sixth. Referral of this application to the full Court under Rule 22.5, should the Circuit Justice conclude that referral is the appropriate course.

Seventh, and least. If no stay issues, that respondent be directed to respond to this application before it is finally resolved. Applicant states the reason without embellishment: **in more than a year of litigation, in four courts, respondent has never filed an answer to any request for a stay, and no court has ever been given an argument against one.** A direction to respond costs this Court nothing and requires no view of the merits.

For the foregoing reasons, applicant respectfully requests that the Circuit Justice stay the proceedings in Oakland County Circuit Court No. 25-295690-FH, including any trial in that court whenever set, pending disposition of the petition for a writ of certiorari.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Zanious Terrell Murphy", is written over a horizontal line.

Zanious Terrell Murphy

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