No. 26A_____

IN THE SUPREME COURT OF THE UNITED STATES

IN RE RICH P. SUCCESSFUL

Minister Rich P. Successful, Applicant

On Application to Extend Time to Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

Eleventh Circuit No. 25-13249

APPLICATION FOR A SIXTY-DAY EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

Minister Rich P. Successful

Applicant, Pro Se

3355 Lenox Road, Suite 750

Atlanta, Georgia 30326

Telephone: 478-234-2521

Email: RichPsuccess@gmail.com

RECEIVED
OCT 27 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

COMES NOW Applicant Minister Rich P. Successful, proceeding Pro Se, and applies under 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30 for a sixty-day extension of time to file a petition for a writ of certiorari in Eleventh Circuit No. 25-13249, with the resulting filing date of January 4, 2027, under Rule 30.1.

JURISDICTION AND TIME FOR FILING

This Court's jurisdiction will be invoked under 28 U.S.C. § 1254(1). The Eleventh Circuit denied Applicant's mandamus petition on April 21, 2026, and denied his petition for panel rehearing and rehearing en banc, construed as a motion for reconsideration, on August 3, 2026. **Copies of those orders accompany this application as Appendices A and B.** Under Rules 13.3 and 30.1, the current deadline is November 2, 2026. The requested sixty-day period ends on January 1, 2027, a federal legal holiday. Under Rule 30.1, the resulting filing date is January 4, 2027. Applicant submits this application in advance of the ten-day requirement of Rules 13.5 and 30.2. Section 2101(c) and Rule 13.5 authorize an extension of up to sixty days for good cause. See *Missouri v. Jenkins,* 495 U.S. 33, 45 & n.14 (1990). Applicant relies on the particular record-review and preparation tasks set out below.

SPECIFIC GROUNDS FOR THE REQUESTED EXTENSION

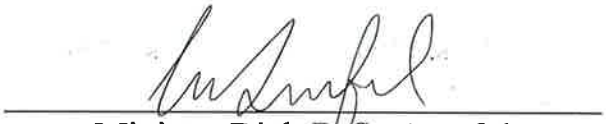
This petition concerns the adequacy of appellate remedies for the bankruptcy court rulings concerning the automatic stay and restoration of possession after Applicant's August 29, 2025 eviction. Preparing the petition requires tracing the relevant rulings and their procedural consequences across related proceedings, identifying the record materials bearing on the denial of mandamus, and preparing a focused statement of the questions presented. **The related proceedings include District Court Case Nos. 2:25-cv-00254-SCJ, 2:25-cv-00278-SCJ, 2:25-cv-00281-SCJ, 2:26-cv-00109-SCJ, and 2:26-cv-00161-SCJ, assigned to Judge Steve C. Jones, and Bankruptcy Case No. 2:25-bk-21181-JRS, before Judge James R. Sacca.** These proceedings require review to determine which orders and materials are pertinent to the particular questions presented in this petition. Applicant must distinguish the issues and procedural records in companion **Eleventh Circuit Mandamus Proceeding Nos. 25-13237 and 25-13249**. The former concerns recusal and the asserted structural due process consequences of continued adjudication; the latter concerns the adequacy of alternative appellate remedies following the completed eviction. **Each petition requires its own questions presented, procedural account, and selection of appendix materials.** Applicant proceeds without counsel and personally performs the record review, drafting, appendix assembly, formatting, copying, and service required for

submission. **The requested period will permit Applicant to reconcile the relevant chronology, check record citations, identify the orders necessary for review, and prepare the petition and appendix in accordance with Rules 14, 29, and the applicable provisions of Rules 33 and 34.** The scope of the related record and the distinct preparation required for these companion proceedings support the full sixty days requested. Applicant seeks this time in good faith to complete the identified work and submit a compliant petition. The extension is requested solely for Applicant Minister Rich P. Successful.

RELIEF REQUESTED

WHEREFORE, Applicant requests a sixty-day extension of time, with the resulting filing date of January 4, 2027 under Rule 30.1, to file his petition for a writ of certiorari, or such shorter extension as the Circuit Justice grants.

Respectfully submitted this 20th day of October 2026.



Minister Rich P. Successful
3355 Lenox Road Suite 750
Atlanta, GA 30326
478-234-2521ph.

APPENDIX CONTENTS

Appendix A

Eleventh Circuit order denying mandamus April 21, 2026, Case No. 25-13249

Seven pages

Appendix B

Eleventh Circuit order denying rehearing, construed as reconsideration August 3, 2026, Case No. 25-13249

Six pages

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13249

In re: RICH P. SUCCESSFUL,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 2:25-bk-21181-JRS

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

In September 2025, Rich Successful, proceeding pro se, petitioned this Court for a writ of mandamus arising out of two then-pending bankruptcy proceedings in the U.S. Bankruptcy Court for the Northern District of Georgia, Gainesville Division. Successful moved for leave to proceed in forma pauperis ("IFP") as to his

petition. He also filed a motion for leave to file a supplemental brief in support of his mandamus petition. This Court granted Successful's motion to file a supplemental brief, construed a supplemental brief attached to the motion as a part of his mandamus petition, and denied his motion to proceed IFP. Successful filed a motion for reconsideration of the denial of his motion to proceed IFP, which this Court denied. Successful has since paid the filing fee as to his mandamus petition.

In his initial mandamus petition, Successful argues that Bankruptcy Judge James Sacca, who presided over both of Successful's bankruptcy proceedings, refused to enforce 11 U.S.C. § 362(a)'s automatic stay against Successful's creditor, Sidney Lanier Apartments, LLC ("Sidney Lanier"). Successful requests that this Court direct the bankruptcy court to: (1) enforce § 362(a)'s automatic stay by declaring Sidney Lanier's eviction of Successful from his apartment void; (2) "[o]rder immediate restoration of possession under § 542"; and (3) "[g]rant such other relief as may be just and proper, including reassignment [of his bankruptcy cases] if necessary." In his supplemental brief, Successful requests that this Court: (1) stay the proceedings in the bankruptcy court, including a show-cause hearing scheduled for September 25, 2025, pending the resolution of his petition; (2) "[d]eclare [his] eviction void as conducted in violation of the automatic stay under 11 U.S.C. § 362(a) and the Supremacy Clause"; (3) "[c]ompel the bankruptcy court to order restoration of possession under 11 U.S.C. § 542, recognizing [his] possessory interest as property of the estate"; and (4) "[i]n the alternative, or in addition, reassign [the bankruptcy

cases] to a neutral bankruptcy judge in the Atlanta Division, should the Court determine reassignment is necessary to preserve the appearance and reality of impartial justice."

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation omitted). Mandamus may not be used as a substitute for appeal or to control decisions of the district court in discretionary matters. *Id.* When an alternative remedy exists, mandamus relief is not proper. *See Lifestar Ambulance Serv., Inc. v. United States*, 365 F.3d 1293, 1298 (11th Cir. 2004). Further, "a writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *In re Smith*, 926 F.2d 1027, 1030 (11th Cir. 1991). The petitioner has the burden of showing that he has no other avenue of relief, and that his right to relief is clear and indisputable. *Mallard v. United States Dist. Court*, 490 U.S. 296, 309 (1989).

Under 28 U.S.C. § 455, a judge must "disqualify himself in any proceeding in which his impartiality might reasonably be questioned" or in any circumstances "[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." 28 U.S.C. § 455(a), (b)(1). Similarly, under § 144, a judge must recuse himself if a party to the proceeding makes a timely and sufficient showing by affidavit that the judge "has a personal bias or prejudice" against

him. *Id.* § 144. Disqualification is only required when the alleged bias is personal in nature, that is, stemming from an extra-judicial source. *Loranger v. Stierheim*, 10 F.3d 776, 780 (11th Cir. 1994). Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. *Liteky v. United States*, 510 U.S. 540, 555 (1994). Likewise, "opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* This Court has held that "a judge, having been assigned to a case, should not recuse himself on unsupported, irrational, or highly tenuous speculation." *In re Moody*, 755 F.3d 891, 895 (11th Cir. 2014) (quotation omitted)). A judge has just as much of a duty to not recuse himself when it is not appropriate to do so as he does to recuse himself when it is appropriate to do so. *Id.*

A district court's pre-judgment ruling on recusal or disqualification is reviewable upon appeal after issuance of a final judgment. *Steering Comm. v. Mead Corp. (In re Corrugated Container Antitrust Litig.)*, 614 F.2d 958, 960-62 (5th Cir. 1980). Accordingly, such a ruling is not reviewable on appeal until the litigation is final, though a writ of mandamus may issue to correct such a decision in "exceptional circumstances amounting to a judicial usurpation of power." *Id.* at 960-62 & n.4 (quotation marks omitted); *see id.* at 961-62 (declining to grant mandamus relief relating to a district court judge's refusal to recuse himself where full review of the issue was available on appeal); *see also Moody*, 755 F.3d at

897 (explaining that review of district court judge's refusal to recuse under mandamus authority was "even more stringent" than the ordinary abuse-of-discretion standard applicable to review on appeal of recusal issue, because the drastic remedy of mandamus was available only in exceptional circumstances). Where a judge's duty to recuse himself either is debatable or non-existent, a writ of mandamus will not issue to compel recusal. *Corrugated Container*, 614 F.2d at 962.

"[A] federal court has no authority to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it." *Zinni v. ER Solutions*, 692 F.3d 1162, 1166 (11th Cir. 2012) (quotation marks omitted). "[A]n issue is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief." *Christian Coal. of Fla., Inc. v. United States*, 662 F.3d 1182, 1189 (11th Cir. 2011) (quotation marks omitted).

The district court has jurisdiction to hear appeals from final judgments, orders, and decrees of a bankruptcy court. 28 U.S.C. § 158(a). A litigant is entitled to appeal from all final decisions of a district court to a court of appeals. *Id.* § 1291. An appeal from a final judgment brings up all preceding non-final orders. *Kirkland v. Nat'l Mortg. Network, Inc.*, 884 F.2d 1367, 1369-70 (11th Cir. 1989). In bankruptcy cases, this Court has jurisdiction to hear appeals of final judgments entered by the district court that result from the district court's exercise of appellate jurisdiction over bankruptcy

court orders. 28 U.S.C. § 158(d)(1); *see also In re Asset Enhancement, Inc.*, 87 F.4th 1271, 1277 (11th Cir. 2023).

Here, Successful is not entitled to mandamus relief. As to Successful's request that this Court direct Judge Sacca to: (1) enforce the automatic stay by declaring Successful's eviction void; and (2) "[o]rder immediate restoration of possession under § 542," Successful had the adequate alternative remedy of appealing Judge Sacca's orders dismissing Successful's bankruptcy actions. An appeal would have served as an adequate alternative remedy because: (1) it would have allowed Successful to challenge the bankruptcy court's allegedly erroneous rulings; and (2) if the bankruptcy court did err, a writ of mandamus would not provide Successful with any relief that he could not receive through an appeal.

Successful's requests that this Court "[d]eclare the eviction void as conducted in violation of the automatic stay under 11 U.S.C. § 362(a) and the Supremacy Clause" and "[c]ompel the bankruptcy court to order restoration of possession under 11 U.S.C. § 542, recognizing [his] possessory interest as property of the estate" are not cognizable in mandamus because, rather than asking this Court to compel the actions of an inferior federal court, Successful asks this Court to act itself. Successful's request that this Court stay the bankruptcy court proceedings, including the September 25, 2025, hearing, is moot because the September 25, 2025, hearing has already occurred and both of Successful's bankruptcy cases have been dismissed.

To the extent that Successful requests that Judge Sacca be recused through mandamus, Successful does not present any evidence that Judge Sacca has a personal bias against him stemming from an extra-judicial source, as Successful's only evidence of personal bias or partiality by Judge Sacca is his unfavorable rulings. Therefore, Successful has failed to demonstrate "exceptional circumstances amounting to a judicial usurpation of power." Because he has failed to show that he is entitled to the recusal of Judge Sacca through mandamus, Successful has also failed to show that he has a clear and indisputable right to have his case reassigned to the U.S. Bankruptcy Court for the Northern District of Georgia, Atlanta Division.

Accordingly, Successful's supplemented mandamus petition is hereby **DENIED**.

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13249

In re: RICH P. SUCCESSFUL,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 2:25-bk-21181-JRS

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

Rich Successful, proceeding pro se, has filed a "petition for panel rehearing and rehearing en banc" of the denial of his supplemented petition for a writ of mandamus. In his supplemented mandamus petition, which arose from two bankruptcy court actions, Successful challenged the bankruptcy court's refusal to

impose 11 U.S.C. § 362(a)'s automatic stay and restore possession of his apartment, from which he was evicted on August 29, 2025. As relief, Successful requested, among other things, that this Court direct the bankruptcy court to: (1) enforce the automatic stay by declaring Successful's eviction void; and (2) "[o]rder immediate restoration of possession under § 542." Successful argued that "[m]andamus [wa]s the only adequate remedy because [an] appeal c[ould not] restore possession of the home or repair the constitutional injury caused by eviction in knowing defiance of the automatic stay."

This Court denied Successful's mandamus petition on the merits. Regarding Successful's requests that this Court order the bankruptcy court to enforce the automatic stay by declaring the eviction void and order restoration of possession, this Court held that Successful had the adequate alternative remedy of appealing the dismissal of his bankruptcy actions. This Court further held that appealing the dismissal of his bankruptcy cases

> would have served as an adequate alternative remedy because: (1) it would have allowed Successful to challenge the bankruptcy court's allegedly erroneous rulings; and (2) if the bankruptcy court did err, a writ of mandamus would not provide Successful with any relief that he could not receive through an appeal.

In his instant "petition for panel rehearing and rehearing en banc," Successful argues that this Court erred in concluding that an appeal of the bankruptcy court's dismissal orders would have served as an adequate alternative remedy to mandamus. Successful maintains that an appeal would not have served as an adequate

alternative remedy because he could not have obtained repossession of his apartment through an appeal, as he had already been evicted.

Under this Court's rules, unpublished orders dismissing an appeal are not considered en banc. 11th Cir. R. 40-7(b). Instead, a petition requesting rehearing en banc as to an unpublished order dismissing an appeal "will be referred as a motion for reconsideration to the judge or panel that entered the order sought to be reheard." 11th Cir. R. 40-7. The introduction to this Court's rules states that, "[t]he word 'appeal' . . . includes, where appropriate, any proceeding in this [C]ourt, including petitions for . . . writs of mandamus and prohibition." 11th Cir. R. Introduction.

A motion for reconsideration is analogous to a motion for panel rehearing, which must "state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended." Fed. R. App. P. 40(b)(1)(A). In the district court context, this Court has held that "[a] motion for reconsideration cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment." *Wilchombe v. TeeVee Toons, Inc.*, 555 F.3d 949, 957 (11th Cir. 2009) (quotation omitted).

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation omitted). A writ of mandamus may not "be used as a substitute for appeal even

though hardship may result from delay and perhaps unnecessary trial." *Schlagenhauf v. Holder*, 379 U.S. 104, 110 (1964) (internal citations omitted). When an alternative remedy exists, even if it is unlikely to provide relief, mandamus relief is not proper. *See Lifestar Ambulance Svc., Inc. v. United States*, 365 F.3d 1293, 1298 (11th Cir. 2004). Further, "a writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *In re Smith*, 926 F.2d 1027, 1030 (11th Cir. 1991).

The district court has jurisdiction to hear appeals from final judgments, orders, and decrees of a bankruptcy court. 28 U.S.C. § 158(a). A litigant is entitled to appeal from all final decisions of a district court to a court of appeals. *Id.* § 1291. An appeal from a final judgment brings up all preceding non-final orders. *Kirkland v. Nat'l Mortg. Network, Inc.*, 884 F.2d 1367, 1369-70 (11th Cir. 1989). In bankruptcy cases, this Court has jurisdiction to hear appeals of final judgments entered by the district court that result from the district court's exercise of appellate jurisdiction over bankruptcy court orders. 28 U.S.C. § 158(d)(1); *see also In re Asset Enhancement, Inc.*, 87 F.4th 1271, 1277 (11th Cir. 2023).

Here, as an initial matter, Successful's "petition for panel rehearing and rehearing en banc" is construed as a motion for reconsideration of the denial of his mandamus petition because, under this Court's rules, a petition for rehearing en banc of an unpublished order dismissing an appeal or petition will not be considered en banc, but will instead "be referred as a motion for

reconsideration to the judge or panel that entered the order sought to be reheard."

Successful's argument that an appeal would not have served as an adequate alternative remedy to mandamus lacks merit. Appealing the bankruptcy court's dismissal orders would have allowed Successful to challenge the bankruptcy court's rulings that allegedly harmed him, including the bankruptcy court's refusal to impose the automatic stay. Moreover, appealing the bankruptcy court's dismissal orders would have provided Successful with the same relief he could have received through a meritorious mandamus petition. Because a writ of mandamus may only be used to direct the actions of an inferior federal court, this Court could not have issued a writ of mandamus declaring Successful's eviction void and ordering the repossession of Successful's apartment, as such a writ would require this Court to act itself.

Accordingly, the only relief Successful could have received through mandamus was an order from this Court directing the bankruptcy court to reverse its rulings, which is the same relief he could have received through a meritorious appeal of the bankruptcy court's orders. Thus, this Court correctly held that an appeal was an adequate alternative remedy to mandamus, as an appeal could have provided Successful with the same relief as a writ of mandamus. The Court did not have to consider or discuss the potential hardship an appeal might have caused Successful or the likelihood of an appeal providing Successful with relief.

Accordingly, Successful's construed motion for reconsideration is hereby **DENIED**, as he has failed to show any point of law or fact that this Court misapprehended or overlooked in denying his mandamus petition.

DECLARATION OF SERVICE

I declare under penalty of perjury that on October 20, 2026, I served a true and correct copy of the **Application for a Sixty Day Extension of Time to File a Petition for a Writ of Certiorari** concerning Eleventh Circuit No. 25-13249, including its appendices, on all parties required to be served under Supreme Court Rule 29, as identified in the service list below. Method of paper service: *United States Postal Services*. The method used was at least as expeditious as the method used to file the application with the Court. An electronic copy was also transmitted to recipients whose electronic service addresses were known or reasonably identifiable, unless the Rule 29.3 exception applied. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20th day of October 2026.

Minister Rich P. Successful
3355 Lenox Road Suite 750
Atlanta, GA 30326
478-234-2521ph.

SERVICE LIST

Solicitor General of the United States
Room 5616, Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

For the federal officer respondent under Rule 29.4(a)

Judge James R. Sacca
c/o U.S. Attorney Service,
Northern District of Georgia
75 Ted Turner Drive SW, Suite 600
Atlanta, GA 30303