Supreme Court, U.S.
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EMERGENCY APPLICATION FOR STAY

(addressed to Circuit Justice Hon Elena Kagan)

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2026

No. A-_____ / No. 26-_____

CRISTINA M. LANCRANJAN,

Petitioner / Applicant,

v.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT;

OFFICE OF THE CLERK; BRETT FRANKLIN TRUITT, ET AL.,

Respondents.

EMERGENCY APPLICATION FOR STAY OF MANDATE AND

PROCEEDINGS PENDING CERTIORARI

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1. URGENT PREFACE & STATEMENT OF EXIGENCY

TO THE CIRCUIT JUSTICE AND THE SUPREME COURT OF THE UNITED STATES:

EXIGENCY AND IMMEDIATE THREAT: Petitioner Cristina M. Lancranjan, appearing *pro se*, submits this urgent preface to underscore an immediate, catastrophic threat to constitutional order. Petitioner is facing imminent, unverified state-court asset execution, financial destruction, and total disenfranchisement while actively blocked by lower court administrative staff from accessing statutory rehearing remedies. When a federal appellate clerk's office uses "closed case" boilerplate stamps to reject timely, word-count-compliant filings under Federal Rules of Appellate Procedure (FRAP) 35 and 40, it constructs an unlawful "closed procedural loop" that completely eviscerates judicial review and insulates lower court errors from this Court.

THE UNCONSTITUTIONAL COVER-UP & JUDICIAL SELF-PRESERVATION: What has occurred in this litigation is not merely isolated judicial error; it is an unconstitutional, institutionalized cover-up orchestrated across both state and federal benches to prevent an unrefuted, verified 305-page evidentiary record of judicial misconduct, forgery, extrinsic fraud, and Hobbs Act extortion from ever being evaluated on the merits. From the state court's

weaponization of Vexatious Litigant pre-filing orders to gag a defending party in violation of *John v. Superior Court*, 63 Cal. 4th 91, to District Judge James E. Simmons Jr.'s procedural "bait-and-switch" (promising a written TRO ruling by August 31, 2026, only to abruptly dismiss the case 48 hours later to evade interlocutory review under 28 U.S.C. § 1292(a)(1) and Rule 52(a)(2), ECF No. 61), to the Ninth Circuit panel's bad-faith, unreasoned labeling of an exhibit-backed civil rights complaint as "frivolous" without addressing a single sworn exhibit or confronting binding en banc precedent (*Gilbertson v. Albright*, 381 F.3d 965), and finally to the Clerk's Office weaponizing "closed case" stamps to block FRAP 35/40 rehearing petitions (Docket Entries Nos. 19 & 20)—every single administrative and judicial mechanism has been subverted into a shield for self-preservation. When courts and clerks conspire to lock courthouse doors and erect closed procedural loops, the judicial system operates in direct defiance of the rule of law.

CONSTITUTIONAL VIOLATIONS AT ISSUE & CERT-WORTHY GROUNDS:

This case presents questions of exceptional national importance and satisfies every standard for Supreme Court supervisory intervention:

1. **The First Amendment (Right to Petition, Retaliation & Prior Restraints):** The weaponization of Vexatious Litigant (VL) pre-filing orders (CCP § 391.7) against a defending party—in direct violation of *John v. Superior Court*, 63 Cal. 4th 91 (2016)—acts as an unconstitutional prior restraint (*Bantam Books, Inc. v. Sullivan*, 372 U.S. 58) and unconstitutional

First Amendment retaliation (*NAACP v. Button*, 371 U.S. 415), stripping citizens of the right to speak, file, or defend against state-sponsored asset seizures and civil rights violations.

2. **The Fourteenth Amendment (Due Process Clause, Equal Protection & Record-Blinding):** Summary dismissals that refuse to engage with an unrefuted, verified 305-page evidentiary record under 28 U.S.C. § 1746 constitute unconstitutional "record-blinding" and arbitrary state action (*Boddie v. Connecticut*, 401 U.S. 371). Furthermore, the lower district court's procedural "bait-and-switch" maliciously cut off interlocutory review under 28 U.S.C. § 1292(a)(1) in direct violation of Rule 52(a)(2), denying Petitioner equal protection and fundamental fairness.

3. **The Supremacy of Federal Civil Rights (42 U.S.C. § 1983):** The lower courts' refusal to recognize joint action (*Dennis v. Sparks*, 449 U.S. 24) and their direct defiance of binding en banc precedent requiring stays rather than dismissals (*Gilbertson v. Albright*, 381 F.3d 965) threatens the uniform enforcement of federal civil rights nationwide.

4. **Suppression of Federal Statutory Rights by Administrative Fiat (Circuit Conflict Trigger):** The Clerk's Office's use of "closed case" deficiency stamps to reject mandatory FRAP 35 and 40 rehearing petitions creates an unconstitutional administrative veto over federal rules enacted

pursuant to Congressional delegation (28 U.S.C. § 2072). If appellate clerks can unilaterally block statutory rehearing rights through docket stamps, administrative staff—not judges or rules—dictate access to federal justice.

Without an immediate stay of proceedings and mandate from this Court, Petitioner is left entirely defenseless in an unconstitutional procedural blackout. Immediate intervention is urgently required.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

2. Application for Stay and Injunction

COMES NOW Petitioner-Applicant Cristina M. Lancranjan, appearing *pro se*, and respectfully submits this Emergency Application for a Stay of Proceedings, Stay of Mandate, and/or Emergency Injunction pursuant to the All Writs Act, 28 U.S.C. § 1651, and Supreme Court Rules 23 and 30. Petitioner seeks an immediate order staying any lower court execution, enforcement, or mandate arising from the United States Court of Appeals for the Ninth Circuit in *In Re: Cristina Lancranjan*, Case No. 26-5538 (arising from S.D. Cal. Case No. 3:26-cv-03765-JES-DEB), and halting the unlawful administrative blockade erected by the Ninth Circuit Clerk's Office that prevents Petitioner from filing, docketing, and having heard her statutory Petition for Panel Rehearing and Rehearing En Banc under Federal Rules of Appellate Procedure (FRAP) 35 and 40.

3. Jurisdictional Basis and the Trap of Administrative Blockades

Petitioner is trapped in an unconstitutional "closed procedural loop." On October 22, 2026, a Ninth Circuit panel (William A. Fletcher, Roopali H. Desai, and Ana de

Alba) issued a summary order dismissing Petitioner's appeal as "frivolous" while inserting boilerplate text: *"This court will not entertain further filings in this closed case."* Within the mandatory time window, Petitioner filed a comprehensive, 4,199-word Petition for Panel Rehearing and Rehearing En Banc, meticulously demonstrating direct conflict with binding en banc precedent (*Gilbertson v. Albright*, 381 F.3d 965) and total disregard of an unrefuted, verified 305-page evidentiary record under 28 U.S.C. § 1746.

Instead of processing the petition under FRAP 35 and 40, the Clerk's Office marked the filing as **"Deficient,"** issuing an administrative rejection stamp relying entirely on the panel's "closed case" language. When Petitioner subsequently filed a motion to clarify or amend, the Clerk's Office doubled down on October 23, 2026, issuing a secondary deficiency notice blocking that filing as well. When a court clerk's office uses administrative deficiency stamps to block a litigant from exhausting statutory rehearing remedies, it creates an intolerable catch-22: the lower court refuses to process the rehearing petition (blocking the issuance of a traditional mandate or final order necessary for standard certiorari), while respondents and lower tribunals threaten execution. If this Court does not intervene via extraordinary stay and certiorari review, administrative staff will have successfully insulated judicial errors from Supreme Court review entirely through executive record-blinding.

4. Comprehensive Substantive Merits & Abuse of Power

A. The Lower Court's Procedural "Bait-and-Switch" and Rule 52(a)(2) Violation

As established by the official August 19, 2026 hearing transcript (ECF No. 61 at pp. 34–35) and minute entry (ECF No. 51), District Judge James E. Simmons Jr. explicitly promised a written TRO ruling no later than August 31, 2026, only to abruptly dismiss the entire action with prejudice 48 hours later on August 21, 2026 (ECF No. 52) to deliberately evade interlocutory review under 28 U.S.C. § 1292(a)(1) and violate Rule 52(a)(2).

B. Direct Conflict with En Banc Precedent (*Gilbertson v. Albright*)

The panel's summary dismissal and affirmance of an outright dismissal with prejudice directly violates the unyielding en banc mandate of *Gilbertson v. Albright*, 381 F.3d 965, 968, which establishes that even when abstention doctrines apply to equitable relief, dismissing independent Section 1983 damages claims with prejudice rather than issuing a mandatory stay is a *per se* abuse of discretion.

C. Joint Action and Section 1983 Liability (*Dennis v. Sparks*)

The lower court's premise—adopted without review—that private parties cannot be sued under Section 1983 violates settled U.S. Supreme Court precedent in *Dennis v. Sparks*, 449 U.S. 24, 27–29 (1980), which establishes full Section 1983 liability for

private actors conspiring with state judicial officers under color of state law, as detailed in Plaintiff's Verified Complaint (ECF No. 1). Furthermore, under 28 U.S.C. § 1746 and *Erickson v. Pardus*, 551 U.S. 89, a pro se litigant's verified complaint operates as an admissible affidavit and must be accepted as true when left unrefuted by sworn counter-affidavits.

D. State Court Defiance of Mandatory Statutory Stays (CCP § 916(a); *Varian*)

The underlying state proceedings operated in a clear, rogue absence of subject-matter jurisdiction by advancing trial execution tracks while an automatic statutory stay was active under California Code of Civil Procedure Section 916(a) and *Varian Medical Systems, Inc. v. Delfino*, 35 Cal. 4th 180, 189 (2005).

E. Extrinsic Fraud and *Rooker-Feldman* Exception (*Kougasian v. TMSL*)

Characterizing this appeal as "frivolous" ignores the extensive verified record establishing extrinsic fraud, unserved "ghost motions", and forged instruments that deprived the lower tribunal of jurisdiction. Under *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1141 (9th Cir. 2004), independent actions in equity targeting state orders procured via extrinsic fraud are fully cognizable in federal court and are not barred by *Rooker-Feldman*.

F. Unconstitutional Vexatious Litigant (VL) Gag Orders, First Amendment Prior Restraints, and National Importance

- **The Catastrophe of Total Disenfranchisement:** The unconstitutional weaponization of California Code of Civil Procedure § 391.7 into a retaliatory "Vexatious Litigant" pre-filing gag order—applied in direct violation of California Supreme Court precedent in *John v. Superior Court*, 63 Cal. 4th 91 (2016) against a defending respondent—has resulted in complete structural disenfranchisement. Petitioner is legally and administratively blocked from defending herself in any lower tribunal, creating a total collapse of due process where a litigant is stripped of the right to speak, file, or defend against asset seizure and custody deprivation.

- **National Importance and Abuse of Power under Section 1983:** This issue transcends private litigation and assumes profound national importance. When lower state and federal courts weaponize vexatious litigant pre-filing requirements and closed-case docket stamps to silence citizens who expose judicial corruption, Hobbs Act extortion (18 U.S.C. § 1951), and state-sponsored civil rights violations, Section 1983 is eviscerated. Allowing courts to gag civil rights plaintiffs under the guise of administrative housekeeping creates a dangerous blueprint for judicial tyranny nationwide. This unconstitutional prior restraint directly violates the First Amendment Right to Petition (*Bantam Books, Inc. v. Sullivan*, 372 U.S. 58).

G. State-Created Danger and Fundamental Due Process Deprivations

The state tribunal actively orchestrated and increased extreme physical and psychological peril for Petitioner and her minor child by overriding neutral Family Court Services move-away recommendations, forcing contraindicated trans-county commutes resulting in acute respiratory illness (pneumonia), and driving Petitioner to the brink of homelessness, violating the State-Created Danger Doctrine (*DeShaney v. Winnebago County Dep't of Soc. Servs.*, 489 U.S. 189; *Kennedy v. City of Ridgefield*, 439 F.3d 1055).

H. The Supremacy of Federal Civil Rights (42 U.S.C. § 1983) & The Illegality of Ninth Circuit "Frivolous" Dismissals Without Merits Review

The Ninth Circuit panel's summary dismissal of this appeal as "frivolous" without addressing a single unrefuted sworn exhibit or confronting binding en banc precedent (*Gilbertson v. Albright*, 381 F.3d 965) represents a catastrophic breakdown of federal appellate responsibility. Section 1983 was enacted by Congress specifically to provide a federal judicial remedy against state actors who abuse state authority to violate federal constitutional rights (*Mitchum v. Foster*, 407 U.S. 225). When an appellate panel rubber-stamps a lower court's refusal to recognize joint action (*Dennis v. Sparks*, 449 U.S. 24) and ignores active state court defiance of statutory automatic stays (CCP § 916(a); *Varian*), it subverts the

supremacy of federal civil rights law and denies Petitioner equal protection under the Fourteenth Amendment.

I. First Amendment Retaliation, Total Disenfranchisement, and the Unconstitutional Judicial Gag Order

The weaponization of Vexatious Litigant pre-filing orders against a *defending* party constitutes an unconstitutional system of First Amendment retaliation (*NAACP v. Button*, 371 U.S. 415) and an absolute prior restraint (*Bantam Books, Inc. v. Sullivan*, 372 U.S. 58). Under foundational Supreme Court jurisprudence (*Meyer v. Nebraska*, 262 U.S. 390; *Boddie v. Connecticut*, 401 U.S. 371), the fundamental right to defend one's liberty, property, and family in court is a core component of substantive due process and liberty. Imposing a total blackout on a defending citizen to shield lower court corruption is an indefensible abuse of power.

J. The Unconstitutional Cover-Up and Judicial Self-Preservation

The record in this matter reveals an unconstitutional, institutionalized pattern of judicial self-preservation and systemic cover-up. Confronted with an unrefuted, verified 305-page evidentiary record documenting forgery, perjury, and Hobbs Act extortion, every level of the lower judiciary engaged in bad-faith gatekeeping: District Judge Simmons engineered a procedural trap (the August 19 transcript bait-and-switch); the Ninth Circuit panel rubber-stamped the dismissal with a frivolous label while refusing to examine the record; and the Ninth Circuit Clerk's

Office erected an unconstitutional administrative blockade using "closed case" deficiency stamps (Docket Entries Nos. 19 & 20) to ensure Petitioner could never exhaust her remedies or obtain a mandate. This coordinated administrative and judicial obstruction is designed solely to bury judicial misconduct and deny Petitioner her day in court on the merits.

5. Satisfaction of the *Nken v. Holder* Stay Factors

- **Likelihood of Success on the Merits:** Petitioner demonstrates a clear and convincing violation of federal law. Court clerks hold strictly ministerial duties and possess zero legal authority to use internal docket text or panel closing language to override federal statutes and rules enacted by Congress and this Court (FRAP 35 and 40). Furthermore, refusing to review a verified 305-page evidentiary record under 28 U.S.C. § 1746 violates foundational due process (*Boddie v. Connecticut*, 401 U.S. 371).

- **Irreparable Harm:** Without a stay, Petitioner suffers catastrophic, unconstitutional disenfranchisement—being completely barred from defending herself in court, subjected to unverified state-court asset execution, and deprived of First Amendment and Fourteenth Amendment protections.

- **Balance of Equities and Public Interest:** The public interest heavily favors the enforcement of federal rules, the elimination of unconstitutional gag orders, judicial accountability, and the prevention of administrative clerk-level gatekeeping that shields judicial abuse.

6. Supporting Stay Exhibits (See Attached Master Exhibit Binder) The following exhibits are bound and submitted concurrently in the separate Master Exhibit Binder accompanying this Application:

- **Exhibit A:** Ninth Circuit Summary Dismissal Order (Oct. 22, 2026) in Case No. 26-5538.
- **Exhibit B:** ACMS Docket Entry No. 19 & Deficiency Notice (Oct. 22, 2026).
- **Exhibit C:** Petitioner's 4,199-Word Petition for Panel Rehearing and Rehearing En Banc.
- **Exhibit D:** Appellant's Emergency Notice and Objection to Clerk Deficiency Stamp.
- **Exhibit E:** Ninth Circuit ACMS Docket Entry No. 20 (Oct. 23, 2026) documenting the Clerk's secondary deficiency notice.
- **EXHIBIT F:** U.S. District Court (S.D. Cal.) Case No. 3:26-cv-03765-JES-DEB Docket Sheet & Dispositive Order / Transmittal (Documenting the lower court proceedings and transmittal of mandate/order)

- **EXHIBIT G: Official U.S. District Court August 19, 2026 Hearing Transcript (ECF No. 61, pp. 34–35) (Documenting District Judge James E. Simmons Jr.'s explicit promise of a written TRO ruling by August 31, 2026, preceding the abrupt August 21 dismissal).**

- **EXHIBIT J:** State Court Vexatious Litigant Order and Register of Actions (Documenting the unconstitutional weaponization of CCP § 391.7 against a defending respondent in violation of *John v. Superior Court*).

7. MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* (SUPREME COURT FORM 4 attached)

The petitioner asks leave to file the attached emergency application and certiorari petition without prepayment of costs or fees and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court and 28 U.S.C. § 1915. Petitioner states that because of poverty, she is unable to prepay the fees or post a security or bond; that she is entitled to redress; and that her financial disclosures reflect insufficient operating funds to cover Supreme Court docketing fees.

8. CONCLUSION & PRAYER FOR RELIEF

WHEREFORE, premises considered, Petitioner-Applicant Cristina M. Lancranjan respectfully prays that the Circuit Justice, the Honorable Elena Kagan, or this Court issue an **Immediate Emergency Stay of Mandate, Proceedings, and**

Lower Court Execution arising from United States Court of Appeals for the Ninth Circuit Case No. 26-5538 and S.D. Cal. Case No. 3:26-cv-03765-JES-DEB, and command the Ninth Circuit Clerk's Office to immediately strike its unlawful deficiency stamps and docket Petitioner's statutory rehearing petitions pending final disposition by this Court.

9. DECLARATION UNDER PENALTY OF PERJURY (28 U.S.C. § 1746)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 23rd day of October, 2026, at San Diego, California.

/s/ Cristina M. Lancranjan

Cristina M. Lancranjan, Petitioner *Pro Se*

1011 Union St, Apt 1205, San Diego, CA 92101

Phone: 860-460-1865 | Email: lancranjan.cristina@gmail.com

10. VERIFICATION (28 U.S.C. § 1746) & CERTIFICATE OF SERVICE

I, Cristina M. Lancranjan, declare under penalty of perjury under the laws of the United States of America that the facts stated in the foregoing Emergency Application for Stay are true and correct.

I further certify that on this 23rd day of October, 2026, a true and correct copy of this Emergency Application for Stay, Form 4 IFP Motion, and Exhibits A–E was served via U.S. First-Class Mail, postage prepaid, and via electronic mail as a courtesy, upon:

1. **Mr. Matthew L. Green** (Counsel for Respondents), Best Best & Krieger LLP (BBK Law), 655 West Broadway, 15th Floor, San Diego, CA 92101, Email: matthew.green@bbklaw.com

2. **Brett Franklin Truitt**, 2027 Jewell Ridge, Vista, CA 92081

3. **Office of the Clerk**, United States Court of Appeals for the Ninth Circuit, 95 Beale Street, San Francisco, CA 94105

/s/ Cristina M. Lancranjan

Cristina M. Lancranjan, Petitioner *Pro Se*

Dated: October 23, 202

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