No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM L. ARMSTRONG III, Applicant,

v.

ALTER TRADING CORPORATION, et al., Respondents.

On Application from the United States Court of Appeals

for the Seventh Circuit, No. 26-2488

APPLICATION TO JUSTICE AMY CONEY BARRETT FOR A STAY AND APPOINTMENT OF COUNSEL

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Jack London, To Build a Fire 1

IN THE SUPREME COURT OF THE UNITED STATES

William L. Armstrong III v. Alter Trading Corporation, et al.

Seventh Circuit No. 26-2488

Application to Justice Amy Coney Barrett for a Stay and Appointment of Counsel

"Well, it was up to him to build the fire over again,
and this second time there must be no failure."
—Jack London, *To Build a Fire*

I request an immediate stay of the November 10 fee order and further appellate proceedings pending disposition of my timely petition for certiorari or other writ and any ensuing review. The fee is due November 24 on pain of dismissal. I also request appointed counsel under Criminal Rules 1 and 44 here and below, and the alternative postpayment relief specified at pages 6–7.

My complaint stated racketeering claims. The failure-to-state-a-claim ruling was legal error that rendered the frivolousness and futility findings infirm. The same is true for other legal errors described in my appeal, such as treating screening of my nonprisoner action as mandatory before IFP authorization, replacing ordinary pleading and joinder rules with fixed page and defendant caps, disregarding the governing rules for construing my pleading, and requiring a separate private civil remedy under the statutes defining alleged racketeering predicates. ***Pullman-Standard v. Swint*** requires remand for findings made infirm by legal error unless the record permits only one factual resolution. 456 U.S. 273, 292 (1982).

Robert and Michael Goldstein, Goldstein Group, and MCC Holdings participated in Alter's 2012 acquisition of Miller, a money-laundering transaction involving criminal proceeds. In 2014, a towing operator supplied Alter at least 143 stolen vehicles using falsified VIN reports; Alter continued receiving his stolen cars after discovering the falsification. In 2019, Goldstein Group, Alter, Miller, and Seven Stars participated in further money laundering when Seven Stars was transferred to Miller. In 2021, my vehicle went through a similar towing-and-salvage chain after Chanel stole it: All Seasons and Anthony Gardner delivered it to Seven Stars, which delivered it to Alter and Miller for shredding. Seven Stars and Alter knowingly transmitted false title representations regarding my vehicle; Alter, Miller, and Seven Stars destroyed my stolen car and others and knowingly possessed altered-VIN vehicles and parts

for disposal. My 2022 recovery efforts met an extortionate threat by Bryan Downer after he consulted with the parent companies' lawyers. Altech processed aluminum from stolen cars for use in Toyota vehicles, linking the salvage operation to Toyota's fraudulent vehicle distribution and collections. Dist. Dkt. 11-1, pp. 3–9, 13–14.

These allegations state federal and Wisconsin racketeering claims. The use of racketeering income to acquire and operate the businesses that destroyed my car supports § 1962(a); acquiring and maintaining control of those businesses through the pleaded transactions supports § 1962(b). Taking and retaining my car also acquired control over my own sole proprietorship, further supporting my claims under § 1962(b). The participants' conduct of the salvage and distribution operations through the pleaded pattern supports § 1962(c), and their agreement to facilitate that racketeering supports § 1962(d), with the resulting acts causing the same loss. Section 1964(c) supplies the civil remedy for the resulting property and business injuries. The corresponding Wisconsin claims arise under Wis. Stat. § 946.83(1)–(3), with civil relief under § 946.87(4). Dist. Dkt. 11-1, pp. 3–15; Opening Br. 44–46.

The court also fined me $500 for my motion's disrespectful language and barred unrelated civil filings and reconsideration until payment. Dist. Dkt. 12, pp. 7–10. It imposed these sanctions without the advance notice and opportunity to be heard required by ***Roadway Express, Inc. v. Piper***, 447 U.S. 752, 767 (1980). The fine punished completed speech, compensated no loss, and could not be avoided through compliance. That punishment required criminal protections. ***International Union v. Bagwell***, 512 U.S. 821, 826–30 (1994); ***Goodyear Tire & Rubber Co. v. Haeger***, 581 U.S. 101, 108 (2017). The bar coerces payment, but the fine is punitive and its criminal character is dominant for purposes of review. ***Hicks v. Feiock***, 485 U.S. 624, 638 n.10 (1988). I received none of the criminal process required for the punishment imposed: notice of a criminal charge, an opportunity to defend against it, adjudication of guilt beyond a reasonable doubt, or appointment of counsel.

Any nonfrivolous issue establishes good faith under § 1915(a)(3). ***Coppedge v. United States***, 369 U.S. 438, 445 (1962). ***Ellis v. United States*** holds: "The good-faith test must not be converted into a requirement of a preliminary showing of any particular degree of merit." 356 U.S. 674, 674–75 (1958). My appeal urged a construction of § 1915(e)(2)(B)(i) that preserves jury resolution of disputed merits

facts by limiting the provision to legal frivolousness and any preliminary factual assessment to eligibility for fee relief. Opening Br. 54–55. That constitutional-avoidance argument supports good-faith modification of existing law, a proper basis for appeal even where existing law supports dismissal. See ***Professional Real Estate Investors, Inc. v. Columbia Pictures Industries, Inc.***, 508 U.S. 49, 65 (1993); ***McKnight v. General Motors Corp.***, 511 U.S. 659, 660 (1994) (per curiam).

The law and my appeal both distinguish dismissal of a complaint from dismissal of an action. ***Jung v. K. & D. Mining Co.***, 356 U.S. 335, 337–38 (1958); Opening Br. 22–31. My IFP affidavit's statement of issues and opening brief challenged both the judgment dismissing my action with prejudice and the sanctions. Dist. Dkt. 13. But despite ***Ellis*** and that distinction, the Seventh Circuit denied IFP on November 10, stating: "The appellant has not made a potentially meritorious argument that the district court erred in dismissing the complaint." App. Dkt. 20. That rationale addressed a form of dismissal that was not the object of my appeal and left the modification argument and the independent sanctions challenge unanswered. This Court requires district courts to address timely nonfrivolous arguments when exercising discretion, reinforcing the obligation to consider these grounds for appeal. ***Golan v. Saada***, 596 U.S. 666, 679 (2022); ***Concepcion v. United States***, 597 U.S. 481, 501–02 (2022).

Denton v. Hernandez requires the initial factual assessment to be weighted in my favor and reserves factual-frivolousness dismissal for the irrational or wholly incredible. 504 U.S. 25, 32–33 (1992). The district court instead indiscriminately deemed my allegations "at best wholly 'delusional,'" mentioning the alleged enterprise's duration and quoting selected rhetoric. Dist. Dkt. 12, p. 5. That conclusory characterization supplies no basis for deeming the pleaded receipt and destruction of stolen vehicles or the action as a whole factually frivolous. The failure to weigh the assessment in my favor was legal error, illustrated not least by the court's treatment of a common figure of speech recognizing the limits of my knowledge as an indication of delusion. Opening Br. 35. My brief explains why the allegations selected by the court were actually supported by rational inference. Opening Br. 33–36. The court also declared further amendment futile, citing what it called "guidance." Dist. Dkt. 12, p. 6. But those screening orders misapplied the governing pleading rules, for example, by treating expressly pleaded

facts as missing. Opening Br. 27–30. The plain legal and factual errors render the frivolousness and futility findings infirm and have deprived me of fair process.

My damages claims for injury to property and business carry a Seventh Amendment jury right. ***Curtis v. Loether***, 415 U.S. 189, 194–96 (1974). I expressly demanded a jury, but dismissal with prejudice on factual-frivolousness grounds foreclosed jury determination of the facts concerning receipt and destruction of my stolen car. Dist. Dkt. 11-1, p. 3; Dist. Dkt. 12, pp. 5–6, 10.

Neither ***Neitzke*** nor ***Denton*** decided the Seventh Amendment limits on factual-frivolousness dismissal in IFP proceedings. ***Tellabs v. Makor*** upheld a heightened pleading standard that assumed the factual allegations true and left credibility and genuine factual disputes to the jury. 551 U.S. 308, 326–28 (2007). ***Perttu v. Richards*** applied constitutional avoidance to construe the PLRA to require jury resolution of an exhaustion dispute intertwined with the merits of a claim carrying a jury right. 605 U.S. 460, 468–73 (2025).

The first screening order's fifteen-page and ten-defendant ceilings constrained the proposals later deemed incurable. Dist. Dkt. 7, p. 9. Equality of consideration is Congress's overarching goal under § 1915. ***Neitzke v. Williams***, 490 U.S. 319, 329 (1989). Other than the departures Congress specified, that equality is the process that is due. ***Jones v. Bock***, 549 U.S. 199, 214 (2007). Rule 20 permits joinder based on common questions and the same transaction or series of transactions. The numerical ceilings substituted a head count for that inquiry and limited my ability to plead the connected acts and participants. Rule 21 expressly forbids dismissal of an action for misjoinder. I should not have been greatly disadvantaged by the court compared to nonindigent litigants and/or counseled litigants because of my poverty.

Section 1915(e)(2)(B) conditions dismissal of "the case" on a listed determination concerning "the action or appeal" as a whole. Congress expressly authorized dismissal of portions of prisoner complaints in § 1915A(b), but omitted that authority from § 1915(e)(2)(B). *See* ***Jones v. Bock***, 549 U.S. 199, 222 (2007). Supervisory power cannot convert § 1915(e)(2)'s "at any time" authority into compulsory screening before IFP authorization. ***Dietz v. Bouldin***, 579 U.S. 40, 45–46 (2016). My appeal challenged unauthorized partial excision of nonprisoner complaints: the claims arising from receipt and destruction

of my stolen car were legally sufficient and nonfrivolous, requiring the action to proceed on all issues. Opening Br. 20–23, 40–41.

With respect to the sanctions, the court identified no preexisting prohibition on the words it punished; Rule 83(b) required actual notice of any uncodified requirement. No Rule 11(c)(3) show-cause order issued. The identified speech violated no prior command, and the order identified no obstruction. My speech was contemptuous in the ordinary sense, but it fell outside § 401's three punishable categories. The court expressly declined contempt. Dist. Dkt. 12, p. 8. Reclassifying this exempt contempt to punish it through inherent power is unreasonable and evades Congress's express limit. ***Dietz v. Bouldin***, 579 U.S. 40, 45–46 (2016). The First Amendment independently forbids contempt punishment based merely on offense to judicial sensibilities. ***In re Little***, 404 U.S. 553, 555– 56 (1972).

Degen v. United States confines inherent power to the necessity supporting its exercise and rejects disproportionate foreclosure of claims to vindicate judicial dignity. 517 U.S. 820, 827–29 (1996). The district-wide payment condition forecloses unrelated civil claims and reconsideration without regard to their merits. The order gives no reason why that restriction was necessary to address the words in my motion. Dist. Dkt. 12, pp. 8–10.

Criminal Rule 1(a)(1) governs criminal proceedings in this Court; Rule 44(a) guarantees counsel through appeal for defendants unable to obtain it. My appeal challenges criminal punishment, and my counsel request expressly invoked Rule 44. App. Dkt. 21. ***Ellis*** instructs that appellate IFP ordinarily should not be denied before adequate representation by counsel. 356 U.S. at 675. ***Doherty v. United States*** vacated a counsel denial for reconsideration under criminal appointment provisions, expressly citing Rule 44. 404 U.S. 28, 29 (1971). Justice Douglas explained that Rule 44 extends through certiorari. ***Id.*** at 30–32 (concurring). Yet the denial here cited only civil-recruitment decisions. App. Dkt. 21. I request appointed counsel under Rule 44 for this application, ensuing review, and the lower-court proceedings, including the appellate IFP determination and review of the sanctions and dismissal of my action. Representation below would allow counsel to address the pleading and sanctions errors that shaped the case before it reached this Court.

I seek § 1254(1) review of the completed IFP denial. ***Adkins v. E. I. DuPont de Nemours & Co.***, 335 U.S. 331, 335–36, 344 (1948). I invoke § 2101(f) because the order finally resolves the collateral IFP question; alternatively, I request a § 1651(a) stay preserving effective appellate review. ***Roadway***'s notice requirement makes the sanctions challenge independently nonfrivolous; ***Ellis*** therefore supplies a fair prospect of reversing the IFP denial. ***Hollingsworth v. Perry***, 558 U.S. 183, 190 (2010). My complaint also states federal and Wisconsin racketeering claims for the destruction of my stolen car and injury to my business through a continuing pattern of false title filings, receipt and destruction of stolen vehicles, and distribution of the resulting metals. The erroneous failure-to-state-a-claim ruling, and the frivolousness and futility findings it rendered infirm, supply an independent basis for reversing the IFP denial.

Review would define the limits of factual screening when an indigent plaintiff seeks jury adjudication of damages claims. In ***Beacon Theatres, Inc. v. Westover***, this Court granted review because "any seeming curtailment of the right to a jury trial should be scrutinized with the utmost care." 359 U.S. 500, 501 (1959). The sanctions also warrant supervisory review under Rule 10(a). Reconsideration is conditioned on payment of the fine, and the appellate fee order threatens dismissal of the appeal challenging punishment imposed without notice. Dist. Dkt. 12, p. 10; App. Dkt. 20. ***Hollingsworth*** recognizes this Court's particular supervisory interest in compliance with procedures protecting the integrity of judicial proceedings. 558 U.S. at 196–97.

I will seek the requested stay below simultaneously and request Rule 23.3's exception. The November 24 deadline, significant knee pain impairing preparation, and service on over forty defendants make repeated preparation and mailing exceptionally burdensome. Serving both applications together conserves resources already severely strained by litigation debt, which has reduced my food budget to approximately $100 or less per month as of November 16, 2026. Nonpayment triggers dismissal; payment depletes funds needed for necessities. Any eventual refund would come too late to meet present needs, while the interest accrued would diminish what remains for future necessities. ***Adkins*** does not require absolute destitution; it protects the ability to meet litigation costs while retaining life's necessities. 335 U.S. at 339–40.

If I nevertheless pay to preserve the appeal, I will continue to seek vacatur of the IFP denial and payment directive, with repayment upon reversal. Compliance with a challenged order does not moot review where effectual relief remains available. ***Church of Scientology of California v. United States***, 506 U.S. 9, 12–13 (1992). Payment under threat of dismissal would not establish that I can finance the remaining appeal without sacrificing those necessities.

The need for relief extends beyond the docketing fee. I have filed and served my opening brief, but the appeal calls for supplemental-authority submissions and may, if necessary, require a petition for rehearing, with further service on over forty respondents. I request continuing IFP status, the reduced service-copy requirement under Appellate Rules 31(b) and 40(d)(2), and leave to submit one paper copy of supplemental filings with clerk-assisted service. Appellate Rule 24(c) permits an IFP party to request that the appeal be heard on the original record without reproducing any part. I request that protection against additional record-reproduction expense in the remaining proceedings. Staying further proceedings would prevent those expenses from overtaking the requested relief.

A stay would also preserve counsel's opportunity to participate before the appeal is decided. The panel's discretion to recruit counsel after reviewing my brief does not answer whether I was entitled to counsel in presenting it or seeking IFP relief. App. Dkt. 21; ***Ellis***, 356 U.S. at 675. If the sanctions are criminal punishment, proceeding to decision without counsel would continue the deprivation at its decisive stage. See ***Penson v. Ohio***, 488 U.S. 75, 88 (1988). I therefore request that further appellate proceedings be stayed, even if the fee is paid, pending disposition of my IFP and counsel requests here and any ensuing review. A stay would preserve this Court's ability to resolve the controversy and grant effective relief. Respondents would retain their judgment. Preserving necessities and meaningful appellate review outweighs the interests in prompt fee collection and finality. ***Nken v. Holder***, 556 U.S. 418, 434–35 (2009).

Notice under Supreme Court Rule 29.4

28 U.S.C. § 2403(a) may apply. No certification under § 2403(a) appears in the available lower-court record.

Respectfully submitted,

Electronically signed by: William Louis Armstrong

/S/ William Louis Armstrong

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Date: November 16th 2026

APPENDIX CONTENTS

A. United States Court of Appeals for the Seventh Circuit, order denying leave to appeal in forma pauperis and requiring payment within fourteen days, November 10, 2026 (App. Dkt. 20).....2a

B. United States Court of Appeals for the Seventh Circuit, order denying recruitment of counsel and miscellaneous relief, November 10, 2026 (App. Dkt. 21).....3a

C. United States Court of Appeals for the Seventh Circuit, order denying the motion to stay the filing bar and sanction pending appeal, October 14, 2026 (App. Dkt. 19).....4a

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

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ORDER

November 10, 2026

By the Court:

No. 26-2488	WILLIAM L. ARMSTRONG, III, Plaintiff - Appellant v. ALTER TRADING CORPORATION, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:25-cv-01702-JPS Eastern District of Wisconsin District Judge J. P. Stadtmueller	

The following are before the court:

1. **RENEWED MOTION UNDER FEDERAL RULE OF APPELLATE PROCEDURE 24(a)(5) FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**, filed on August 27, 2026, by the pro se appellant.

2. **SUPPLEMENT TO MOTION TO PROCEED IN FORMA PAUPERIS (TABLE OF AUTHORITIES)**, filed on August 27, 2026, by the pro se appellant.

IT IS ORDERED that the motion for leave to proceed on appeal in forma pauperis is **DENIED.** The appellant has not made a potentially meritorious argument that the district court erred in dismissing the complaint. Appellant shall pay the required docketing fee within 14 days, or else this appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b).

form name: **c7_Order_BTC** (form ID: **178**)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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ORDER

November 10, 2026

By the Court:

No. 26-2488	WILLIAM L. ARMSTRONG, III, Plaintiff - Appellant v. ALTER TRADING CORPORATION, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:25-cv-01702-JPS Eastern District of Wisconsin District Judge J. P. Stadtmueller	

The following are before the court:

1. **OMNIBUS MOTION TO EXTEND THE TIME TO FILE AN APPELLANT'S BRIEF, TO PERMIT THE FILING OF A SINGLE APPELLANT'S BRIEF AT APPELLANT'S ELECTION, TO RECRUIT COUNSEL UNDER BOTH 28 U.S.C. 1915 AND FED. R. CRIM. P. 44, TO DISPENSE WITH FILING AN APPENDIX OR TO DEFER THE SAME, FOR PRINTING AND SERVICE BY MARSHALLS, AND TO PERMIT AN INCREASED LIMIT FOR APPELLANT'S BRIEF**, filed on September 2, 2026, by the pro se appellant.

2. **REVISED OMNIBUS MOTION FOR ONE-COPY RELIEF, COUNSEL, ADDITIONAL TIME, APPENDIX RELIEF, PRINTING AND SERVICE, AN ENLARGED WORD LIMIT, AND JAPAN-SERVICE RELIEF**, filed on August 27, 2026, by the pro se appellant.

IT IS ORDERED that the motion for recruitment of counsel is **DENIED**. *See Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc); *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The panel assigned to decide this case may recruit counsel if it finds that step appropriate after reviewing the appellant's brief.

IT IS FURTHER ORDERED that the motion for miscellaneous relief is **DENIED.**

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
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ORDER

October 14, 2026

By the Court:

No. 26-2488	WILLIAM L. ARMSTRONG, III, Plaintiff - Appellant v. ALTER TRADING CORPORATION, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:25-cv-01702-JPS Eastern District of Wisconsin District Judge J. P. Stadtmueller	

Upon consideration of the **APPELLANT'S EMERGENCY MOTION TO STAY THE FILING BAR AND SANCTION PENDING APPEAL**, filed on October 13, 2026, by the pro se appellant,

IT IS ORDERED that the motion is **DENIED**.

form name: **c7_Order_BTC** (form ID: **178**)

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