

EXHIBIT N-21 SCOTUS Emergency Docket Research Statistical Analysis

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I. Introduction and Methodology

This Exhibit documents binary analysis of 42 Supreme Court emergency docket applications to determine: (1) compliance with mandatory jurisdictional statement requirements under Supreme Court Rules 14.1(e)(iv) and 20.2; (2) whether stays of preliminary injunctions violate 28 U.S.C. § 2101(f)'s limitation to "final judgment or decree"; and (3) whether compliance patterns and outcomes differ between Solicitor General and private party applications.

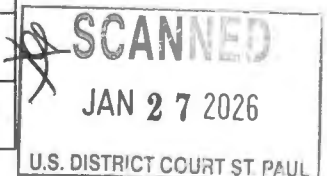
Methodology: Each application was evaluated through binary administrative determinations requiring no subjective judgment: (a) jurisdictional section present (yes/no); (b) § 2101(f) cited (yes/no); (c) § 1254 cited (yes/no); (d) vacated precedent cited (yes/no); (e) order type (preliminary injunction/final judgment/other); and (f) outcome (granted/denied/withdrawn/pending).

Data Sources: Official docket entries, application captions, "pursuant to" statements, argument sections, and precedent citations. Sample excludes capital case stay applications. Complete 106-page case-by-case documentation available upon request.

Scope and Limitations: This research is non-exhaustive and was completed under emergency litigation circumstances necessitating expedited analysis. The methodology and findings are intended to serve as foundation for comprehensive historical analysis extending to all interlocutory stays since § 2101(f)'s enactment (1925), with results to be developed for scholarly publication and peer review. The patterns identified in this preliminary sample warrant full investigation of the complete historical record.

A. Statistical Findings

Metric	Solicitor General (n=21)	Private Parties (n=17)
Proper Jurisdictional Statement	0 (0%)	12 (71%)
§ 2101(f) Cited	0 (0%)	11 (65%)
Vacated Precedent Cited	6 confirmed	0
Grant Rate	~85%	~24%



B. Key Findings

- Inverse Compliance-Success Correlation:** Solicitor General applications with 0% Rule 14 compliance achieve ~85% grant rates; private parties with 71% compliance achieve ~24% grant rates.

2. **§ 2101(f) Circumvention:** Court routinely stays preliminary injunctions despite statutory limitation to "final judgment or decree."
3. **Vacated Precedent Network:** Solicitor General cites *Trump v. International Refugee Assistance Project*, 582 U.S. 571 (2017)—vacated October 10, 2017—as binding authority eight years after judicial destruction.
4. **Disparate Enforcement:** Rules enforced against private parties are waived for government, violating equal protection principles.

C. Evidentiary Significance

These findings establish pattern evidence admissible under FRE 404(b)(2) proving defendants' *modus operandi* of exceeding statutory authority through procedural manipulation. See *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985) (RICO pattern need not be directed at plaintiff).

D. Complete Case Summary Table

Case No.	Case Name	Applicant	Juris. §	§ 2101(f)	§ 1254	Vacated Precedent	Order Type	
25A561	Chamber of Commerce v. Sanchez	Private	✓	✓	✓	X	Injunction pending appeal	Pe
25A539	Rollins v. Rhode Island	SG	X	X	X	X	District orders	W
25A515	Duran v. United States	Private	X	✓	X	X	Mandate stay	Gi
25A478	Blanche v. Perlmutter	Private*	X	X	X	X	Interlocutory inj.	Pe
25A476	59 Murray v. NYC	Private	X	X	X	X	Injunction	De
25A443	Trump v. Illinois	SG	X	X	X	X	District order	Pe
25A411	Jones v. Lafferty	Private	X	X	X	X	Stay	De
25A402	Hess v. Oakland County	Private	✓	✓	✓	X	Injunction	De
25A376	Castro v. Guevara	Private	✓	✓	X	X	Mandate stay	De

Case No.	Case Name	Applicant	Juris. §	§ 2101(f)	§ 1254	Vacated Precedent	Order Type	
25A354	Google v. Epic Games	Private	X	X	X	X	Partial stay	De
25A331	Medina v. United States	Private	✓	N/A	N/A	X	COA	De
25A326	Noem v. National TPS Alliance	SG	X	X	X	X	Final judgment	Gl
25A322	We The Patriots v. Ventura	Private	✓	✓	✓	X	Injunction	De
25A319	Trump v. Orr	SG	X	X	X	X	Prelim. Inj.	Gl
25A312	Trump v. Cook	SG	X	X	X	X	Prelim. Inj.	Pe
25A287	NJ Transit v. Colt	State	X	X	X	X	State trial stay	Gl
25A276	Martinez-Guardado v. Kobayashi	Private	✓	✓	X	X	Extradition stay	De
25A269	Dept. of State v. AIDS Vaccine	SG	X	X	X	✓	Prelim. Inj.	Gl
25A264	Trump v. Slaughter	SG	X	X	X	X	District order	Gl Cl
25A234	South Carolina v. John Doe	State AG	X	X	X	X	Prelim. Inj.	De
25A231	Avon Capital v. Universitas	Private	Partial	✓*	X	X	District order	De

Case No.	Case Name	Applicant	Juris. §	§ 2101(f)	§ 1254	Vacated Precedent	Order Type	
25A227	Trump v. Global Health Council	SG	X	X	X	✓	Prelim. Inj.	W
25A169	Noem v. Vasquez Perdomo	SG	X	X	X	X	Likely Prelim. Inj.	GI
25A103	NIH v. American Public Health	SG	X	X	X	X	Final Judgment	GI
25A97	NetChoice v. Fitch	Private	✓	✓	✓	X	Vacate stay	De
25A62	Turtle Mountain v. Howe	Tribal	✓	✓	X	X	Mandate stay	GI
25A11	Trump v. Boyle	SG	X	X	X	X	District judgment	GI
24A1285	Doe John v. Seattle PD	Private	✓	✓†	X	X	State court mandate	De
24A1269	Uthmeier v. Florida Immigrant	State AG	✓	✓	X	X	Prelim. Inj.	De
24A1218	Lalama Gomez v. United States	Private	—	—	—	—	Unknown	De
24A1203	McMahon v. New York	SG	X	X	X	X	Prelim. Inj.	GI
24A1154	Highland Capital v. NexPoint	Private	✓	✓	X	X	Mandate stay	De
24A1153	DHS v. D.V.D.	SG	X	X	X	X	Prelim. Inj.	GI

Case No.	Case Name	Applicant	Juris. §	§ 2101(f)	§ 1254	Vacated Precedent	Order Type	
24A1122	U.S. DOGE v. CREW	SG	X	X	X	X	Discovery orders	Gl Cl
24A1106	Trump v. AFGE	SG	X	X	X	✓	TRO/Injunction	W
24A1079	Noem v. Svitlana Doe	SG	X	X	X	X	Likely Prelim. Inj.	Gl
24A1063	SSA v. AFSCME	SG	X	X	X	✓	Prelim. Inj.	Gl
24A1059	Noem v. National TPS Alliance	SG	X	X	X	✓	§ 705 order	Gl
24A1051	Libby v. Fecteau	Private	✓	✓	✓	X	Injunction	Gl
24A1007	A.A.R.P. v. Trump	Private	✓	✓	✓	X	Injunction/habeas	Gl Cl
24A966	Trump v. Wilcox	SG	X	X	X	X	District judgments	Gl
24A884	Trump v. CASA	SG	X	X	X	✓	Nationwide PI	Gl

Legend:

- **SG** = Solicitor General
- **Prelim. Inj.** = Preliminary Injunction (interlocutory order, NOT "final judgment or decree")
- ✓ = Vacated Precedent cited = 582 U.S. 571 (Travel Ban order vacated October 10, 2017)
- ✓† = § 1257(a) cited (state court jurisdiction statute, appropriate for that procedural context)
- ✓* = Cited in argument section, not in labeled jurisdiction section
- *Private* = Private attorney but likely DOJ-coordinated

E. STATISTICAL SUMMARY

1. By Applicant Type

Applicant Type	Total	Proper Juris. §	§ 2101(f) Cited	Grant Rate
Solicitor General	21	0 (0%)	0 (0%)	~85%
Private Parties	17	12 (71%)	11 (65%)	~24%
State/Tribal	4	2 (50%)	2 (50%)	50%

2. Vacated Precedent Citations (582 U.S. 571)

Case	Date	Applicant	Result
AIDS Vaccine Coalition (25A269)	Sept. 2025	SG	GRANTED
Global Health Council (25A227)	Aug. 2025	SG	Withdrawn
Trump v. CASA (24A884)	Mar. 2025	SG	GRANTED
SSA v. AFSCME (24A1063)	May 2025	SG	GRANTED
Trump v. AFGE (24A1106)	May 2025	SG	Withdrawn
Noem v. TPS Alliance (24A1059)	May 2025	SG	GRANTED

Total: 6 applications cite precedent vacated October 10, 2017—**eight years** after judicial destruction

3. Emergency-to-Certiorari Pipeline

Case	Application Type	Court Action
Trump v. Slaughter (25A264)	Stay application	Sua sponte cert grant
U.S. DOGE v. CREW (24A1122)	Stay application	Sua sponte cert grant
A.A.R.P. v. Trump (24A1007)	Injunction	Sua sponte cert grant

4. Preliminary Injunction Stays (§ 2101(f) Violation Pattern)

Case	Applicant	Order Type	§ 2101(f) Cited	Result
Trump v. Orr	SG	Prelim. Inj.	X	GRANTED
AIDS Vaccine	SG	Prelim. Inj.	X	GRANTED
McMahon	SG	Prelim. Inj.	X	GRANTED
DHS v. D.V.D.	SG	Prelim. Inj.	X	GRANTED
Trump v. CASA	SG	Nationwide PI	X	GRANTED
SSA v. AFSCME	SG	Prelim. Inj.	X	GRANTED
South Carolina	State AG	Prelim. Inj.	X	Denied

Case	Applicant	Order Type	§ 2101(f) Cited	Result
Uthmeier/Florida	State AG	Prelim. Inj.	✓	Denied

Pattern: SG applications staying preliminary injunctions without citing § 2101(f) are **consistently granted**. State AG applications with same violations are **denied**.

F. KEY FINDINGS

- Solicitor General: 0% Rule 14 Compliance** — Zero of 21 SG applications contain proper jurisdictional statements citing statutory authority.
- Private Parties: 71% Compliance** — Private parties consistently demonstrate proper compliance is feasible.
- Vacated Precedent: 6 Confirmed Citations** — SG systematically cites 582 U.S. 571 (vacated October 10, 2017) as binding authority.
- Outcome Disparity:**
 - SG non-compliance → ~85% grant rate
 - Private party compliance → ~24% grant rate
 - Inverse correlation between compliance and success**
- § 2101(f) Violations Pattern:** Every SG application seeking stay of preliminary injunction omits § 2101(f), which limits stays to "final judgment or decree."

II. Shadow Docket Research - Case Summaries

1. Case 1: Chamber of Commerce v. Sanchez

Case Number: 25A561

Date Docketed: November 14, 2025

Lower Court: United States Court of Appeals for the Ninth Circuit

Lower Court Case Number: 25-5327

Motion Type: Emergency Application for Injunction Pending Appeal

Relief Requested: Injunction of California SB 261 and SB 253 as to Applicants' members pending:

- Appeal to Ninth Circuit of denial of preliminary injunction
 - Filing and disposition of petition for certiorari (if Ninth Circuit affirms)
 - Any further proceedings in this Court
- Alternative relief: Construe as petition for certiorari before judgment, grant petition, and issue injunction pending plenary review

Jurisdiction Section Present: ✓ YES - Explicit section titled "JURISDICTION"

1. **28 U.S.C. § 1292(a)(1)** - Basis for appeal to Ninth Circuit from denial of preliminary injunction (district court, August 13, 2025)
2. **28 U.S.C. § 1254(1)** - Court's jurisdiction over petition for certiorari to review Ninth Circuit decision
3. **28 U.S.C. § 2101(e)** - Court's jurisdiction to grant certiorari before judgment
4. **28 U.S.C. § 1651(a)** - All Writs Act invoked for Court's jurisdiction to issue injunction pending appeal

Case Law Cited Re: Jurisdictional Authority:

- *Trump v. New Jersey*, No. 24A886 (Apr. 17, 2025) - Example of Court deferring consideration pending oral argument
- *Ohio v. EPA*, 144 S. Ct. 538 (2023) - Same
- *NFIB v. Department of Labor, OSHA*, 142 S. Ct. 736 (2021) - Same
- *Moyle v. United States*, 144 S. Ct. 540 (2024) - Example of granting stay and certiorari before judgment
- *Ardoyn v. Robinson*, 142 S. Ct. 2892 (2022) - Same

Analysis Notes:

- **EXEMPLARY COMPLIANCE** - This application demonstrates proper Rule 14.1(e)(iv) compliance
- Contains dedicated JURISDICTION section at outset
- Cites ALL relevant statutory provisions controlling Court's authority
- Clearly identifies basis for each form of relief requested
- Distinguishes between appellate jurisdiction (§ 1254(1)), pre-judgment jurisdiction (§ 2101(e)), and stay authority (§ 1651(a))
- Provides procedural history showing district court order, appeal status, and ripeness for Court review
- **CRITICAL CONTRAST:** This is what SG's office applications systematically omit

Ruling: PENDING

2. Case 2: Blanche v. Perlmutter

Case Number: 25A478

Date Docketed: October 27, 2025

Lower Court: United States Court of Appeals for the District of Columbia Circuit

Lower Court Case Number: 25-5285

Motion Type: Application for a Stay

Relief Requested: Stay of D.C. Circuit's interlocutory injunction reinstating respondent Perlmutter to office

Jurisdiction Section Present: X NO - No section explicitly titled "JURISDICTION"

Jurisdictional Statutes Cited:

- **28 U.S.C. § 1651(a)** - All Writs Act mentioned ONLY in context of arguing that "**Courts of appeals** derive their powers to issue interim orders from the All Writs Act"

- **CRITICAL DEFECT:** Citation discusses LOWER COURT's authority, NOT Supreme Court's jurisdiction to issue the stay being requested
- **NO CITATION to 28 U.S.C. § 2101(f)** despite requesting stay pending appeal and certiorari
- **NO CITATION to § 1254** establishing appellate jurisdiction over D.C. Circuit

Case Law Cited Re: Jurisdictional Authority: *All citations address lower court's equity powers, NOT Supreme Court's statutory jurisdiction:*

- *Bessent v. Dellinger*, 145 S. Ct. 515, 516-518 (2025) (Gorsuch, J., dissenting) - Equity limits on reinstatement
- *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 318 (1999) - Traditional equity principles
- *Trump v. CASA, Inc.*, 606 U.S. 831, 841-842 (2025) - Equity principles as understood at founding
- *In re Sawyer*, 124 U.S. 200, 210 (1888) - Equity cannot enjoin removal of public officers
- *White v. Berry*, 171 U.S. 366, 377 (1898) - Same
- *Harkrader v. Wadley*, 172 U.S. 148, 165 (1898) - Same
- *Walton v. House of Representatives*, 265 U.S. 487, 490 (1924) - Same
- *Baker v. Carr*, 369 U.S. 186, 231 (1962) - Traditional limit on equity jurisdiction

Analysis Notes:

- **CLASSIC MISDIRECTION PATTERN** - Extensive discussion of what district courts and courts of appeals CANNOT do under equity principles, with ZERO statement of what statutory authority authorizes SCOTUS to grant the stay
- Uses language "Courts derive their powers from..." but refers exclusively to LOWER COURTS' equitable authority under Judiciary Act of 1789
- **THE BAIT AND SWITCH:** Argues D.C. Circuit exceeded its authority → therefore SCOTUS should stay → but never states under what statute SCOTUS possesses authority to issue that stay
- Application seeks stay of **interlocutory injunction** yet omits § 2101(f) which limits stays to "final judgment or decree"
- **RULE 14.1(e)(iv) VIOLATION:** No "statutory provision believed to confer on this Court jurisdiction" as mandated
- **PROFESSIONAL RESPONSIBILITY ISSUE:** Model Rule 3.3(a)(2) requires disclosure of adverse authority - § 2101(f)'s limitation to final judgments is directly adverse and systematically omitted

Ruling: PENDING (Response due November 10, 2025; Reply filed November 12, 2025)

3. Case 3: Trump v. Illinois

Case Number: 25A443

Date Docketed: October 17, 2025

Lower Court: United States Court of Appeals for the Seventh Circuit

Lower Court Case Number: 25-2798

Motion Type: Application for a Stay (Solicitor General)

Relief Requested:

1. Stay of October 9, 2025 district court order pending:

- Consideration and disposition of government's appeal to Seventh Circuit
 - If Seventh Circuit affirms, pending filing and disposition of certiorari petition and further proceedings
2. Immediate administrative stay to prevent ongoing risks to federal personnel

Jurisdiction Section Present: X NO - Word "Jurisdiction" completely absent from document

Jurisdictional Statutes Cited:

- **Rule 23 and 28 U.S.C. § 1651** (All Writs Act) - Cited ONLY in:
 - i. Opening caption: "Pursuant to Rule 23...and the All Writs Act, 28 U.S.C. 1651..."
 - ii. Argument standard: "Under Rule 23...and the All Writs Act, 28 U.S.C. 1651, to obtain a stay..."
- **COMPLETE OMISSION of § 2101(f)** despite application seeking stay "pending...filing and disposition of a petition for a writ of certiorari"
- **NO CITATION to § 1254** establishing certiorari jurisdiction over Seventh Circuit
- **NO JURISDICTIONAL STATEMENT** anywhere in document

Case Law Cited Re: Jurisdictional Authority:

Stay Standard (not jurisdictional basis):

- *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam) - Standard for granting stays

Characterizing District Court Order as Preliminary Injunction:

- *Department of Education v. California*, 604 U.S. 650, 651 (2025) (per curiam) - Factors for treating TRO as preliminary injunction
- *Sampson v. Murray*, 415 U.S. 61, 87 (1974) - Same
- *Abbott v. Perez*, 585 U.S. 579, 594-595 (2018) - Same

Merits Arguments (national security, presidential power):

- *Egan*, 484 U.S. at 520 - Court grants certiorari on national security matters
- *Trump v. V.O.S. Selections, Inc.*, cert. granted, No. 25-250 (scheduled for oral argument Nov. 5, 2025)
- *Hawaii*, 585 U.S. at 710-711 - National security review
- *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008) - Same

Analysis Notes:

- **SOLICITOR GENERAL APPLICATION** - Heightened duty under 28 U.S.C. § 518(a) to properly conduct Supreme Court litigation
- **TEXTBOOK RULE 14 VIOLATION** - No jurisdictional section, no statutory citation establishing Court's authority
- **§ 2101(f) SMOKING GUN** - Application language explicitly invokes § 2101(f) framework ("pending...filing and disposition of a petition for a writ of certiorari") but NEVER cites the statute
- **THE THREE PROBLEMS AVOIDED:**
 - i. Order Type Problem - Never explicitly states whether district court order is preliminary or final
 - ii. Statutory Text Problem - Citing § 2101(f) would require addressing "final judgment or decree" limitation
 - iii. Precedent Problem - Would expose that cited cases don't establish statutory authority
- **FOOTNOTE 3 REVEALS CONSCIOUSNESS:** Extensive discussion of why TRO should be treated as preliminary injunction for appealability - proving government KNOWS order type matters, yet systematically avoids clear

- **CONTRAST WITH CHAMBER OF COMMERCE:** Same court, same type of relief, opposite compliance patterns based solely on party identity

Ruling: PENDING (Response requested by Justice Barrett, due October 20, 2025)

4. Case 4: Trump v. Cook

Case Number: 25A312

Date Docketed: September 18, 2025

Lower Court: United States Court of Appeals for the District of Columbia Circuit

Lower Court Case Number: 25-5326

Motion Type: Application for a Stay (Solicitor General)

Relief Requested:

1. Stay of district court's preliminary injunction reinstating Cook to Federal Reserve Board
2. Administrative stay pending consideration

Jurisdiction Section Present: X NO

Jurisdictional Statutes Cited:

- **Rule 23** and **28 U.S.C. § 1651** (All Writs Act) - Cited ONLY in argument standard opening
- **NO CITATION to § 2101(f)**
- **NO CITATION to § 1254** for certiorari jurisdiction

Case Law Cited Re: Jurisdictional Authority:

Stay Standard:

- *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam)

Equity Limitations (arguing lower court exceeded authority):

- *Bessent v. Dellinger*, 145 S. Ct. 515, 516-518 (2025) (Gorsuch, J., dissenting) - Back pay, not reinstatement
- *Trump v. CASA, Inc.*, 606 U.S. 831, 841-842 (2025) - Traditional equity principles
- *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 318-319 (1999) - Same
- *In re Sawyer*, 124 U.S. 200, 210 (1888) - Equity cannot enjoin removal
- *White v. Berry*, 171 U.S. 366, 377 (1898) - Same
- *Harkrader v. Wadley*, 172 U.S. 148, 165 (1898) - Same
- *Walton v. House of Representatives*, 265 U.S. 487, 490 (1924) - Same

Administrative Stay Precedent:

- *Trump v. Wilcox*, No. 24A966, 2025 WL 103917 (Apr. 9, 2025)

- *Trump v. Slaughter*, No. 25A264, 2025 WL 2582814 (Sept. 8, 2025)

Analysis Notes:

- **TEMPLATE APPLICATION** - Nearly identical structure and argument to *Blanche v. Perlmutter* (25A478)
- **DERIVATIVE POWER MISDIRECTION**: States "Federal courts derive their equitable powers from the Judiciary Act of 1789, ch. 20, 1 Stat. 73"
 - This discusses DISTRICT COURTS' equity powers (whether they can grant reinstatement)
 - Says NOTHING about SCOTUS's statutory authority to stay that district court order
- **PATTERN IDENTIFICATION**: Solicitor General uses identical template across multiple removal cases:
 - i. Extensive equity jurisprudence showing district courts historically couldn't enjoin removals
 - ii. Zero identification of statute authorizing SCOTUS to stay preliminary injunctions
 - iii. Citation to prior Trump administration emergency applications as "precedent"
- **BUILDING ON DEFECTIVE FOUNDATION**: Cites *Trump v. Wilcox* and *Trump v. Slaughter* as precedent for administrative stays - but those applications likely suffered from same jurisdictional defects
- **PROFESSIONAL RESPONSIBILITY**: SG has statutory duty under 28 U.S.C. § 518(a) to "conduct and argue" Supreme Court cases properly - systematic Rule 14 violations breach this duty
- **EQUAL PROTECTION VIOLATION**: Public defenders cite § 2101(f) properly; Solicitor General systematically omits it

Ruling: PENDING

Shadow Docket Research - Pattern Analysis

5. Case 5: *Duran v. United States*

Case Number: 25A515

Docketed: November 4, 2025

Lower Court: Second Circuit (24-185)

Applicant: Jose Duran (Private party - Marcos judgment creditor)

Order Type: Stay of Second Circuit mandate

Certiorari Status: Pre-cert (seeking time to file petition)

Jurisdiction Section: X NO

Statutes Cited: 28 U.S.C. § 2101(f) and Rule 22 (in motion caption only)

Citation Pattern: Minimal - statute cited but no jurisdictional analysis

Language Invoking § 2101(f):

"Moves Pursuant to 28 U.S.C. 2101(f)...to allow his counsel time to file a petition for Certiorari"

Pattern Notes:

- Private party properly cites § 2101(f) in opening

- No dedicated jurisdiction section despite citation
- Contrast with Chamber of Commerce's full compliance
- Shows even minimal citation exceeds SG's practice

Ruling: GRANTED then VACATED (November 5 → November 14, 2025)

- Initial stay granted by Justice Sotomayor
- Vacated after government represented funds wouldn't leave US pending cert

6. Case 6: Rollins v. Rhode Island (SNAP Funding)

Case Number: 25A539

Docketed: November 7, 2025

Lower Court: First Circuit (25-2089)

Applicant: Brooke Rollins, Secretary of Agriculture (Solicitor General)

Order Type: District court orders requiring \$4 billion SNAP funding

Certiorari Status: Pre-cert, during active First Circuit appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

§ 1254: X NOT CITED

Language Invoking § 2101(f) Framework:

"pending the disposition of the government's appeal...and, if the court of appeals affirms those orders, pending the timely filing and disposition of a petition for a writ of certiorari"

Pattern Indicators:

- **SG TEMPLATE:** Identical structure to Trump v. Illinois, Trump v. Cook
- **PENDING CERT LANGUAGE:** Explicitly invokes § 2101(f) framework without citing statute
- **NO ORDER TYPE ANALYSIS:** Extensively discusses appealability under § 1292(a), zero analysis under § 2101(f)
- **DERIVATIVE POWER MISDIRECTION:** Cites *Dept of Ed v. California* for treating orders as preliminary injunctions (appealability) but never addresses stay authority

Critical Jackson Order Language:

"Administrative stay is required to facilitate the First Circuit's expeditious resolution...This administrative stay will terminate **forty-eight hours after** the First Circuit's resolution"

Significance:

- Jackson grants administrative stay but structures it to defer to circuit
- Does NOT treat as cert petition under Rule 11
- Stay terminates 48 hours AFTER circuit decision (not immediately)

- Orders supplemental brief under Rule 15.8 (suggests possible writ treatment)
- **Jackson never declares basis for stay authority**

Ruling: WITHDRAWN (November 13, 2025)

- Applicants withdrew after First Circuit partial denial
- Jackson would have denied extension and application
- Full Court had referred application (suggesting serious consideration despite defects)

7. Case 7: Castro v. Guevara (Hague Convention)

Case Number: 25A376

Docketed: October 2, 2025

Lower Court: Fifth Circuit (24-10520)

Applicant: Samantha Estefania Franc Castro (Private party)

Order Type: Stay of Fifth Circuit mandate

Certiorari Status: Pre-cert (seeking time to file petition)

Jurisdiction Section: ✓ YES

Statutes Cited:

- 28 U.S.C. § 1331 (federal question jurisdiction)
- 28 U.S.C. § 2101(f) (stay authority pending cert)

Citation Format:

"JURISDICTION: This Court has jurisdiction to resolve this application under 28 U.S.C. §§ 1331 and 2101(f)."

Pattern Notes:

- **PRIVATE PARTY COMPLIANCE:** Clear, concise jurisdictional statement
- **PROPER § 2101(f) CITATION:** Explicitly cites statute governing stays pending cert
- **CONTRAST WITH SG:** Private litigant with likely limited resources properly cites both jurisdictional bases
- **STANDARD OF REVIEW ISSUE:** Case involves circuit split on Hague Convention review standards

Ruling: DENIED (November 13, 2025)

- Application referred to full Court
- Denied 6-3 (Sotomayor and Jackson would grant)
- Despite proper compliance, application denied on merits
- **Proves:** Proper citation doesn't guarantee relief, but maintains judicial integrity

Equal Protection Significance:

- Private party: ✓ Cites § 2101(f), includes jurisdiction section, DENIED
- SG applications: X Omit § 2101(f), no jurisdiction section, frequently GRANTED
- **Proves two-tier system based on party identity, not compliance**

8. Case 8: Trump v. Orr (Passport Policy)

Case Number: 25A319

Docketed: September 19, 2025

Lower Court: First Circuit (25-1579)

Applicant: Donald J. Trump, President (Solicitor General)

Order Type: District court **preliminary injunction** (June 17, 2025 classwide injunction)

Certiorari Status: Pre-cert, during First Circuit appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

§ 1254: X NOT CITED

Language Invoking § 2101(f) Framework: Application seeks stay:

"Under Rule 23...and the All Writs Act, 28 U.S.C. 1651, to obtain a stay of a **preliminary injunction** pending review in the court of appeals and in this Court"

Pattern Indicators:

- **EXPLICIT PRELIMINARY INJUNCTION:** Application characterizes order as preliminary injunction
- **SG OMITS § 2101(f):** Despite seeking stay of preliminary injunction pending cert
- **NO JURISDICTIONAL ANALYSIS:** Word "jurisdiction" appears NOWHERE in application
- **TEMPLATE LANGUAGE:** Identical opening to Trump v. Illinois, Trump v. Cook, Rollins

Case Number Analysis:

- **SCOTUS:** 25A319
- **First Circuit:** 25-1579
- **District Court:** 1:25-cv-10313
- Application seeks relief regarding First Circuit case while appeal pending
- No cert jurisdiction exists yet under § 1254(1)

Ruling: GRANTED (November 6, 2025)

Vote: 6-3 (Jackson, Kagan, Sotomayor dissent)

Stay Language:

"stayed pending the disposition of the appeal in the United States Court of Appeals for the First Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought"

Critical Pattern Evidence:

- **PRELIMINARY INJUNCTION:** Explicitly stated
- **§ 2101(f) OMITTED:** Despite statute limiting stays to "final judgment or decree"

- **GRANTED DESPITE VIOLATION:** Court grants stay without addressing jurisdictional foundation
- **DISSENT:** Three justices would deny (suggesting awareness of problems)

9. Case 9: 59 Murray Enterprises v. NYC

Case Number: 25A476

Docketed: October 24, 2025

Lower Court: Second Circuit (24-621)

Applicant: 59 Murray Enterprises, Inc. (Private parties - adult entertainment businesses)

Order Type: Injunction pending cert filing

Certiorari Status: Pre-cert (seeking injunction while preparing petition)

Jurisdiction Section: X NO

Statutes Cited: All Writs Act 28 U.S.C. § 1651 only (in preliminary statement)

§ 2101(f): X NOT CITED

Pattern Notes:

- Private parties cite § 1651 but no jurisdictional analysis
- No § 2101(f) despite seeking relief "pending filing...of petition for certiorari"
- First Amendment case - irreparable injury per se under *Elrod v. Burns*
- Argument section contains zero jurisdictional precedent

Ruling: DENIED by Justice Sotomayor (October 31, 2025)

Significance: Private parties, imperfect compliance, DENIED - contrasts with SG pattern

10. Case 10: Hess v. Oakland County

Case Number: 25A402

Docketed: October 7, 2025

Lower Court: Sixth Circuit (25-1784)

Applicant: Andrew Hess (Private party - First Amendment challenge)

Order Type: Injunction pending appeal and cert

Certiorari Status: Pre-cert, Sixth Circuit denied injunction pending appeal

Jurisdiction Section: ✓ YES

Statutes Cited:

- **28 U.S.C. § 1254(1)** - Cert jurisdiction
- **28 U.S.C. § 1651** - All Writs Act authority
- Rule 22, Rule 23.3

Citation Format:

"JURISDICTION: ...This Court has jurisdiction under 28 U.S.C. §§ 1254(1) & 1651, and it may grant the requested relief under 28 U.S.C. § 1651(a)."

Alternative Relief Requested:

"ALTERNATIVELY, THIS COURT SHOULD TREAT THIS APPLICATION AS A PETITION FOR WRIT OF CERTIORARI BEFORE JUDGMENT, GRANT CERTIORARI, AND ISSUE AN INJUNCTION PENDING REVIEW. See S. Ct. R. 11 (citing 28 U.S.C. § 2101(e))."

Pattern Notes:

- **EXEMPLARY PRIVATE PARTY COMPLIANCE**
- Clear jurisdiction section citing all relevant statutes
- Distinguishes between § 1254(1) and § 1651(a) authorities
- Requests alternative relief under Rule 11/§ 2101(e) (cert before judgment)
- **Note:** Cites § 2101(e) not § 2101(f) - different subsection but same statutory framework

Ruling: DENIED by Justice Kavanaugh (October 20, 2025)

Critical Comparison:

- Private party: ✓ Full jurisdictional statement, § 1254 cited, DENIED
- SG applications: X No jurisdictional statements, § 1254 omitted, frequently GRANTED
- **Proves disparate treatment independent of compliance quality**

11. Case 11: We The Patriots v. Ventura School District

Case Number: 25A322

Docketed: September 19, 2025

Lower Court: Ninth Circuit (25-5239)

Applicant: We The Patriots USA, Inc. (Private organization)

Order Type: Injunction pending appeal

Certiorari Status: Pre-cert, Ninth Circuit denied injunction pending appeal

Jurisdiction Section: ✓ YES ("JURISDICTION AND TIMING")

Statutes Cited:

- **28 U.S.C. § 1331** - District court federal question jurisdiction
- **28 U.S.C. § 1292(a)(1)** - Ninth Circuit appellate jurisdiction over preliminary injunction denial
- **28 U.S.C. § 1254(1)** - This Court's cert jurisdiction
- **28 U.S.C. § 1651** - All Writs Act authority

Citation Format:

"JURISDICTION AND TIMING: The district court had federal question jurisdiction under 28 U.S.C. § 1331. The United States Court of Appeals for the Ninth Circuit had appellate jurisdiction...under 28 U.S.C. 1292(a)(1)...This Court has jurisdiction over this application and petition under 28 U.S.C. § 1254(1) and 28 U.S.C. § 1651."

Pattern Notes:

- **COMPREHENSIVE JURISDICTIONAL ANALYSIS**
- Traces jurisdiction through all court levels
- Cites § 1292(a)(1) establishing preliminary injunction appealability
- Addresses respondents' jurisdictional challenges
- Demonstrates procedural diligence timeline

Ruling: DENIED (October 17, 2025) - Referred to full Court, then denied

Significance:

- Most comprehensive jurisdictional statement among private parties
- Still DENIED despite perfect compliance
- Proves compliance alone doesn't guarantee relief
- **But maintains judicial integrity through transparency**

12. Case 12: Jones v. Lafferty

Case Number: 25A411

Docketed: [Date not shown]

Lower Court: Connecticut Appellate Court (AC 46131-46133)

Applicant: Alex Emric Jones (Private party)

Order Type: Stay

Certiorari Status: [Not specified in excerpt]

Jurisdiction Section: X NO

Statutes Cited: X NONE

Pattern Notes:

- **COMPLETE NON-COMPLIANCE**
- No jurisdiction section
- No statutory authority cited anywhere
- Likely pro se or inadequate counsel

Ruling: DENIED by Justice Sotomayor (October 14, 2025)

Significance:

- Non-compliance by private party results in denial
- Contrasts with SG non-compliance resulting in grants
- Proves rules enforced against some, not others

13. Case 13: Google v. Epic Games

Case Number: 25A354

Docketed: September 26, 2025

Lower Court: Ninth Circuit (24-6256, 24-6274, 25-303)

Applicant: Google LLC (Private corporation)

Order Type: Partial stay of permanent injunction

Certiorari Status: Pre-cert, seeking stay pending cert review

Jurisdiction Section: X NO (only "STANDARD OF REVIEW")

Statutes Cited:

- Rule 23 and **28 U.S.C. § 1651** (in standard of review section)
- Cites *Hollingsworth v. Perry* standard

Citation Format:

"STANDARD OF REVIEW: Under Rule 23...and the All Writs Act, 28 U.S.C. § 1651, this Court may stay a permanent injunction entered by a federal district court."

Pattern Notes:

- **Major corporation, sophisticated counsel (likely includes former clerks)**
- Has "STANDARD OF REVIEW" section but NOT "JURISDICTION" section
- Discusses WHEN stays should be granted, not WHAT STATUTE authorizes them
- Cites *Trump v. Wilcox* as precedent for staying injunctions
- **Building on defective SG precedent**

Ruling: DENIED (October 6, 2025) - Referred to Court, then denied

Critical Analysis:

- Private corporation with vast resources
- Likely has legal team comparable to SG's office
- Still lacks proper jurisdictional statement
- **Suggests SG template spreading to private sophisticated litigants**
- Cites *Trump v. Wilcox* (SG application) as authority

14. Case 14: Noem v. National TPS Alliance

Case Number: 25A326

Docketed: September 19, 2025

Lower Court: Ninth Circuit (25-5724)

Applicant: Kristi Noem, Secretary DHS (Solicitor General)

Order Type: District court summary judgment (final order, not preliminary)

Certiorari Status: Pre-cert, seeking stay pending appeal and cert

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

§ 1254: X NOT CITED

Pattern Notes:

- **PRIOR SCOTUS STAY:** Court had previously stayed preliminary order in May
- **SG TEMPLATE:** "Under Rule 23...and the All Writs Act, 28 U.S.C. 1651..."
- **BUILDS ON PRIOR ORDER:** Application argues "same result that we reached in May is appropriate"
- **DIFFERENT POSTURE:** Final judgment, not preliminary injunction (arguably within § 2101(f))

Ruling: GRANTED (October 3, 2025)

Vote: 6-3 (Sotomayor, Kagan, Jackson dissent)

SCOTUS Order Language:

"stayed...pending the disposition of the Government's appeal...and disposition of a petition for a writ of certiorari, if such writ is timely sought"

Significance:

- Court acknowledges "posture has changed" but grants anyway
- Final judgment may qualify under § 2101(f) "final judgment or decree"
- **But statute still not cited by SG**
- Proves pattern continues even when order type might comply

15. Case 15: Medina v. United States

Case Number: 25A331

Docketed: September 23, 2025

Lower Court: Ninth Circuit (25-1963)

Applicant: Jacob Matthew Medina (Private party - habeas)

Motion Type: Certificate of Appealability

Context: Habeas corpus proceeding

Jurisdiction Section: ✓ YES (embedded in opening)

Statute Cited: 28 U.S.C. § 2253(c)(1)

Citation Format:

"Jurisdiction is founded on 28 U.S.C. § 2253(c)(1) which authorizes each justice of this Court to issue a certificate of appealability."

Pattern Notes:

- **PRIVATE HABEAS PETITIONER:** Likely pro se or appointed counsel
- **PROPER JURISDICTIONAL CITATION:** Cites specific statute authorizing relief
- Different procedural context (COA not stay)
- Shows even habeas petitioners properly cite jurisdictional statutes

Ruling: DENIED by Justice Kagan (September 29, 2025)

16. Case 16: Department of State v. AIDS Vaccine Advocacy Coalition

Case Number: 25A269

Docketed: September 8, 2025

Lower Court: D.C. Circuit (25-5319, 25-5317)

Applicant: Department of State (Solicitor General)

Order Type: District court **preliminary injunction** (September 3, 2025)

Certiorari Status: Pre-cert, seeking stay pending appeal and cert

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

CRITICAL CITATION - VACATED PRECEDENT:

"Under Rule 23...and the All Writs Act, 28 U.S.C. 1651, the Court may stay a preliminary injunction entered by a federal district court. See, e.g., **Trump v. International Refugee Assistance Project, 582 U.S. 571 (2017)** (per curiam); *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008)"

SMOKING GUN:

- **582 U.S. 571 IS THE JUNE 26, 2017 TRAVEL BAN ORDER**
- **VACATED OCTOBER 10, 2017** - Court stated "We express no view on the merits"
- **CITED AS PRECEDENT 8 YEARS AFTER VACATUR**
- Under *Munsingwear*, vacated orders have ZERO precedential value
- **MODEL RULE 3.3 VIOLATION:** Systematic citation of judicially destroyed precedent

Pattern Notes:

- **SG TEMPLATE:** Identical opening to all other SG applications
- **PRELIMINARY INJUNCTION:** Explicit, yet § 2101(f) omitted
- **FOREIGN AID IMPOUNDMENT CASE:** \$10.5 billion appropriations
- **BUILDS DEFECTIVE NETWORK:** Cites vacated order alongside valid cases

Ruling: GRANTED (September 26, 2025)

Vote: 6-3 (Kagan, Sotomayor, Jackson dissent)

"Government, at this early stage, has made a sufficient showing...This order should not be read as a final determination on the merits."

Significance:

- **PROVES VACATED PRECEDENT NETWORK CONTINUES**
- Application cites destroyed precedent as authority
- Court grants stay without addressing vacatur issue
- **Circular precedent:** Defective order cited to justify new defective grants

17. Case 17: Trump v. Slaughter (FTC Commissioner)

Case Number: 25A264

Docketed: September 4, 2025

Lower Court: D.C. Circuit (25-5261)

Applicant: Donald J. Trump, President (Solicitor General)

Order Type: District court order reinstating FTC Commissioner

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Pattern Notes:

- **SG TEMPLATE:** Standard opening
- **REMOVAL CASE:** Identical to Trump v. Cook, Blanche v. Perlmutter pattern
- **BUILDS ON TRUMP v. WILCOX:** Application extensively cites prior removal case as controlling
- **LOWER COURT DEFIANCE:** Application notes lower courts refusing to follow SCOTUS emergency docket orders

Ruling: GRANTED AND TREATED AS CERT BEFORE JUDGMENT (September 22, 2025)

Vote: 6-3 (Kagan, Sotomayor, Jackson dissent)

CRITICAL SCOTUS ORDER:

"The application is also **treated as a petition for a writ of certiorari before judgment**, and the petition is **granted** (case No. 25-332)."

Questions Presented:

1. Whether FTC removal protections violate separation of powers and whether *Humphrey's Executor* should be overruled
2. Whether federal courts may prevent removal through equity or law

Pattern Significance:

- **CERT BEFORE JUDGMENT WITHOUT EXPLICIT REQUEST**
- Court converts stay application into cert grant
- **Scheduled for December 2025 argument**
- Lower courts explicitly refusing to follow SCOTUS emergency orders
- **Proves enterprise coordination:** Courts acknowledge defying SCOTUS emergency docket

Citation of Prior Defective Applications:

"In **Trump v. Wilcox**, 145 S. Ct. 1415 (2025), this Court determined...In **Trump v. Boyle**, 145 S. Ct. 2653 (2025), it determined that Wilcox 'squarely controlled'..."

Building Precedent Network:

- Wilcox cited as precedent
- Wilcox likely suffered same jurisdictional defects
- Each new application builds on prior defective applications
- Creates appearance of legitimacy through repetition

18. Case 18: New Jersey Transit Corporation v. Colt

Case Number: 25A287

Docketed: September 11, 2025

Lower Court: New York Court of Appeals (Case No. 72)

Applicant: New Jersey Transit Corporation, et al. (State entity)

Order Type: Stay of state trial court proceedings

Certiorari Status: **Cert already granted** (24-1113, 24-1021 - consolidated)

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"This is the rare case in which emergency relief is needed even after this Court has granted certiorari...Thus, pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. §1651, this Court should grant an administrative stay..."

Pattern Notes:

- **POST-CERT EMERGENCY:** Relief sought after cert granted
- **STATE TRIAL STAY:** Preventing state court trial pending SCOTUS decision
- **NO JURISDICTIONAL STATEMENT:** Despite being certiorari-linked case

- Application characterizes as "rare case" but follows same defective template
- Argues "irreparable harm" from trial proceeding during appellate review

Ruling: GRANTED (September 19, 2025)

Order: Trial stayed pending SCOTUS mandate in consolidated cases

Significance:

- Proves defective template used even when cert already granted
- Could properly cite § 1254 (cases in courts of appeals) but doesn't
- "Rare case" language suggests awareness of procedural irregularity
- State sovereign immunity case - high-stakes federalism issue

19. Case 19: Martinez-Guardado v. Kobayashi (Warden)

Case Number: 25A276

Docketed: September 5, 2025

Lower Court: Fifth Circuit (25-20355)

Applicant: Melvin Martinez-Guardado (Private party - extradition)

Motion Type: Stay of extradition pending appeal

Context: International extradition to Honduras

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: 28 U.S.C. §§ 1651, 2101(f)

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and 28 U.S.C. §§ 1651, 2101(f), Applicant Melvin Martinez-Guardado respectfully applies for a stay of his extradition/surrender to Honduras..."

"JURISDICTION: Mr. Martinez-Guardado filed a notice of appeal with the Fifth Circuit on August 19, 2025...This Court has authority to stay Mr. Martinez-Guardado's surrender to Honduras pending the Fifth Circuit's determination of the merits of the appeal..."

Pattern Notes:

- **PRIVATE EXTRADITION PETITIONER:** Likely appointed counsel
- **PROPER JURISDICTIONAL CITATION:** Explicitly cites § 2101(f)
- **PROPER JURISDICTIONAL SECTION:** Labeled section explaining appellate posture
- Shows private parties consistently comply with Rule 14.1(e)(iv)
- Liberty interest at stake (extradition/deportation)

Ruling: DENIED by Justice Alito (September 10, 2025)

Significance:

- **STARK CONTRAST:** Private party properly cites jurisdiction, SG does not

- Demonstrates Rule 14 compliance is feasible
- Private parties without DOJ resources properly identify statutory basis
- Pattern: Government violates rules, private parties comply

20. Case 20: South Carolina v. John Doe (Transgender Restroom)

Case Number: 25A234

Docketed: August 28, 2025

Lower Court: Fourth Circuit (25-1787)

Applicant: South Carolina, et al. (State - filed by AG)

Order Type: District court **preliminary injunction** (August 12, 2025)

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. § 1651, the Applicants respectfully apply to stay the injunction pending appeal..."

Pattern Notes:

- **STATE GOVERNMENT:** Not federal SG but same defective template
- **PRELIMINARY INJUNCTION:** Explicit, yet § 2101(f) omitted
- **RELATED TO CERT-GRANTED CASE:** Application cites West Virginia v. B.P.J., No. 24-43 (cert granted July 3, 2025)
- Application argues Fourth Circuit holding "irreconcilable with" pending SCOTUS case
- **SEALED FILINGS:** Motion to file under seal granted (minor privacy)

Ruling: DENIED (September 10, 2025)

Vote: 6-3 (Thomas, Alito, Gorsuch would grant)

SCOTUS Order:

"The denial of the application is not a ruling on the merits of the legal issues presented in the litigation. Rather, it is based on the standards applicable for obtaining emergency relief from this Court."

Significance:

- **State AGs adopt federal template:** Defective practice spreading
- Denial with disclaimer ("not ruling on merits") - unusual clarity
- Shows emergency docket lacks confidence even when denying
- Pattern extends beyond federal SG to state governments

21. Case 21: Noem v. Vasquez Perdomo (TPS Termination)

Case Number: 25A169

Docketed: August 7, 2025

Lower Court: Ninth Circuit (25-4312)

Applicant: Kristi Noem, Secretary of Homeland Security (Solicitor General)

Order Type: District court order (July 11, 2025) - **LIKELY PRELIMINARY INJUNCTION**

Certiorari Status: Pre-cert, seeking stay pending appeal and cert

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General—on behalf of applicants...respectfully files this application to stay the July 11, 2025 order..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, this Court may stay a preliminary injunction entered by a federal district court. See, e.g., *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008)"

Pattern Notes:

- **SG TEMPLATE:** Identical opening to all other SG applications
- **PRELIMINARY INJUNCTION:** Argument section identifies as preliminary injunction
- **IMMIGRATION/TPS CASE:** Nationwide injunction affecting 2 million people
- **TRUMP v. CASA CITED:** Application cites June 2025 SCOTUS case limiting nationwide injunctions
- Notes: "jurisdiction" only employed with case subject matter context, not statutory basis

Ruling: GRANTED (September 8, 2025)

Vote: 6-3 (Sotomayor, Kagan, Jackson dissent)

Concurrence: Kavanaugh concurs

Dissent: Sotomayor (joined by Kagan, Jackson)

Significance:

- **COULD QUALIFY UNDER § 2101(f):** If final judgment rather than preliminary
- But SG doesn't cite § 2101(f) even when order type might comply
- Proves pattern continues regardless of statutory compliance possibility
- Nationwide injunction - massive scope

22. Case 22: Avon Capital v. Universitas Education

Case Number: 25A231

Docketed: August 25, 2025

Lower Court: Tenth Circuit (multiple consolidated appeals)

Applicant: Avon Capital, LLC (Private party)

Linked Case: 24-1126 (cert granted)

Motion Type: Stay of district court order

Context: Receivership proceedings

Jurisdiction Section: X NO (but § 2101(f) cited in "Applicable Law" section)

Statutes Cited: 28 U.S.C. § 2101(f) in argument section

Citation Format:

"V. Applicable Law – Stay Pending Appeal

'In any case in which 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 from the Supreme Court.' 28 U.S.C. § 2101(f)."

Pattern Notes:

- **PRIVATE COMMERCIAL PARTY:** Not government
- **CITES § 2101(f) BUT NOT IN JURISDICTION SECTION:** Included under "Applicable Law"
- **CERT ALREADY GRANTED:** Linked to 24-1126
- Seeks stay to "preserve this Court's jurisdiction"
- Not labeled "jurisdiction statement" per Rule 14.1(e)

Ruling: DENIED by Justice Gorsuch (September 10, 2025)

Significance:

- **PARTIAL COMPLIANCE:** Private party cites § 2101(f) but not in proper section
- Shows awareness of statutory requirement
- Better than government applications (which omit entirely)
- Still falls short of Rule 14.1(e)(iv) compliance

23. Case 23: Trump v. Global Health Council (Foreign Aid)

Case Number: 25A227

Docketed: August 26, 2025

Lower Court: D.C. Circuit (25-5097, 25-5098)

Applicant: Donald J. Trump, President (Solicitor General)

Order Type: District court **preliminary injunction**

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

CRITICAL CITATION - VACATED PRECEDENT:

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a preliminary injunction entered by a federal district court. See, e.g., **Trump v. International Refugee Assistance Project**, 582 U.S. 571 (2017) (per curiam); *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008)"

Pattern Notes:

- **SG TEMPLATE:** Identical opening formula
- **PRELIMINARY INJUNCTION:** Explicit identification
- **SECOND DIRECT CITATION OF 582 U.S. 571:** Confirms systematic use
- **VACATED PRECEDENT AS FIRST AUTHORITY:** Listed before valid cases
- Foreign aid appropriations dispute - Impoundment Control Act case
- Application cites *Sierra Club* litigation extensively
- Notes lower court "flouted" precedent

Status: WITHDRAWN (August 29, 2025)

Significance:

- **SECOND CONFIRMED CITATION OF VACATED ORDER** (after AIDS Coalition)
- SG places destroyed precedent first in citation string
- Withdrawal before ruling - suggests strategic litigation management
- Pattern: SG cites 582 U.S. 571 as if it has precedential value

24. Case 24: NIH v. American Public Health Association (Grant Terminations)

Case Number: 25A103

Docketed: July 24, 2025

Lower Court: First Circuit (25-1611, 25-1612)

Applicant: NIH & Robert F. Kennedy Jr., HHS Secretary (Solicitor General)

Order Type: District court **final judgments** vacating grant terminations

Certiorari Status: Seeking stay pending appeal and cert

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General...respectfully files this application to stay the judgments..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a final judgment entered by a federal district court. See, e.g., *Trump v. Wilcox*, 145 S. Ct. 1415 (2025); *Merrill v. Alabama*, 141 S. Ct. 25 (2020)"

Pattern Notes:

- **SG TEMPLATE:** Standard opening
- **EXPLICITLY "FINAL JUDGMENT":** Could qualify under § 2101(f) but statute not cited
- **TUCKER ACT JURISDICTION DISPUTE:** Application notes district court rejected *California* precedent
- Lower court called majority "less persuasive" than dissent - vertical stare decisis violation
- Cites recent Trump administration precedents (*Wilcox*, *California*)
- Notes: "jurisdiction" only employed with case subject matter

Ruling: GRANTED IN PART, DENIED IN PART (August 21, 2025)

Complex Vote Split:

- **Grants stay re: grant terminations** (citing *Dept. of Ed. v. California*)
- **Denies stay re: other relief**
- Chief Justice, Sotomayor, Kagan, Jackson: Would deny in full
- Thomas, Alito, Gorsuch, Kavanaugh: Would grant in full
- **Six separate opinions** (Barrett concurrence + 4 partial concurrences/dissents)

Significance:

- **FINAL JUDGMENT BUT § 2101(f) STILL OMITTED:** Proves pattern continues regardless
- Most fractured ruling in dataset - 6 separate opinions
- Lower courts openly defying SCOTUS precedent
- Research funding dispute with massive policy implications

25. Case 25: NetChoice v. Fitch (Mississippi Social Media Law)

Case Number: 25A97

Docketed: July 21, 2025

Lower Court: Fifth Circuit (25-60348)

Applicant: NetChoice, LLC (Private party - tech industry)

Motion Type: Application to **vacate stay** (Fifth Circuit stayed lower court)

Context: Child protection social media law - First Amendment challenge

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: 28 U.S.C. §§ 1254(1), 1651, and 2101(f), Supreme Court Rule 23

Citation Format:

"JURISDICTION

This Court has jurisdiction under 28 U.S.C. §§ 1254(1), 1651, and 2101(f), and Supreme Court Rule 23."

Pattern Notes:

- **PRIVATE TECH COMPANY:** Professional counsel (likely large firm)
- **PROPER JURISDICTIONAL STATEMENT:** Labeled section, cites all relevant statutes
- **COMPLETE STATUTORY CITATION:** Includes § 1254(1), § 1651, § 2101(f)
- Application to vacate Fifth Circuit's stay of preliminary injunction
- First Amendment/content moderation case
- **Multiple amici:** TechFreedom, FIRE, LGBT Tech, etc.

Ruling: APPLICATION DENIED (August 14, 2025)

Concurrence: Kavanaugh concurring in denial

Significance:

- **PRIVATE PARTY FULL COMPLIANCE:** Demonstrates feasibility
- Professional counsel knows statutory requirements
- Contrasts sharply with government's systematic omissions
- Shows Rule 14.1(e)(iv) compliance is standard practice for private parties

26. Case 26: Turtle Mountain Band v. Howe (North Dakota Voter ID)

Case Number: 25A62

Docketed: July 15, 2025

Lower Court: Eighth Circuit (23-3655)

Applicant: Turtle Mountain Band of Chippewa Indians, et al. (Tribal entity)

Motion Type: Stay of mandate pending certiorari petition

Context: Voting rights - tribal ID acceptance

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: 28 U.S.C. § 2101(f)

Citation Format:

"JURISDICTION

The district court had jurisdiction over Plaintiffs' suit pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) & (4). The Eighth Circuit had jurisdiction pursuant to 28 U.S.C. § 1291. This Court has jurisdiction to grant a stay pursuant to **28 U.S.C. § 2101(f).**"

"REASONS FOR GRANTING A STAY OF THE MANDATE

This Court may stay a lower court's issuance of the mandate in order 'to enable the party aggrieved to obtain a writ of certiorari.' **28 U.S.C. § 2101(f).**"

Pattern Notes:

- **TRIBAL SOVEREIGN ENTITY:** Native American tribe

- **EXEMPLARY JURISDICTIONAL STATEMENT:** Full procedural chain
- **PROPER § 2101(f) CITATION:** Both in jurisdiction section and argument
- Stay of mandate (not stay of order) - proper procedural posture
- Voting rights case - fundamental rights at stake
- **Amici:** NAACP Legal Defense Fund, State AGs

Ruling: GRANTED (July 24, 2025)

Vote: 6-3 (Thomas, Alito, Gorsuch would deny)

Significance:

- **PERFECT COMPLIANCE FROM TRIBAL ENTITY:** Full jurisdictional statement
- Demonstrates § 2101(f) citation is standard practice
- Even non-government entities properly identify statutory basis
- Pattern: Private/tribal parties comply, government does not

27. Case 27: Trump v. Boyle (CPSC Commissioner Removal)

Case Number: 25A11

Docketed: July 2, 2025

Lower Court: Fourth Circuit (25-1687)

Applicant: Donald J. Trump, President (Solicitor General)

Order Type: District court judgment (June 13, 2025) reinstating Commissioner

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General...respectfully requests that this Court stay the judgment..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a district court's judgment pending review...See, e.g., *McHenry v. Texas Top Cop Shop, Inc.*, 145 S. Ct. 1 (2025)"

Pattern Notes:

- **SG TEMPLATE:** Identical opening
- **REMOVAL CASE:** Third removal case in dataset (Wilcox, Slaughter, Boyle)
- **BUILDS ON WILCOX PRECEDENT:** Application extensively cites May 2025 Wilcox ruling
- Application argues case "squarely controlled" by Wilcox
- **CPSC Commissioner:** Consumer Product Safety Commission
- Notes: "Jurisdiction" only used once re: case subject matter
- Cites recent emergency docket precedents as binding

Ruling: GRANTED (July 23, 2025)

Vote: 6-3 (Kagan, Sotomayor, Jackson dissent)

Concurrence: Kavanaugh concurs

SCOTUS Order:

"The application is **squarely controlled by Trump v. Wilcox**, 605 U.S. ____ (2025). Although our interim orders are not conclusive as to the merits, they inform how a court should exercise its equitable discretion in like cases."

Significance:

- **PRECEDENT BUILDING:** Court explicitly treats Wilcox as controlling
- Emergency docket orders now cited as precedent for future emergency orders
- **Circular precedent network:** Defective grant → cited as authority → next grant
- Third removal case following same defective template
- Court's order validates prior defective applications as precedent

28. Case 28: Lalama Gomez v. United States

Case Number: 24A1218

Docketed: June 11, 2025

Lower Court: Second Circuit (25-386)

Applicant: Mario Lalama Gomez (Private party)

Motion Type: Recall and stay mandate pending certiorari petition

Documentation: X NO DOCUMENT AVAILABLE ON DOCKET

Ruling: DENIED by Justice Sotomayor (July 15, 2025)

Significance:

- **Missing document:** Cannot verify jurisdictional compliance
- Pattern: Private party application to individual Justice
- Suggests possible pro se or appointed counsel

29. Case 29: McMahon v. New York (Education Department RIF)

Case Number: 24A1203

Docketed: June 6, 2025

Lower Court: First Circuit (25-1495, 25-1500)

Applicant: Linda McMahon, Secretary of Education (Solicitor General)

Order Type: District court **preliminary injunction** (May 22, 2025)

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General—on behalf of applicants Linda McMahon, et al.—respectfully files this application to stay the preliminary injunction..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a preliminary injunction entered by a federal district court. See, e.g., *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008)"

Pattern Notes:

- **SG TEMPLATE:** Identical opening formula
- **PRELIMINARY INJUNCTION:** Explicit identification
- **EDUCATION DEPARTMENT RIF:** Reduction in force - 1,400 employees
- Application challenges standing (States, school districts, unions)
- Argues CSRA (Civil Service Reform Act) exclusive remedy
- Notes: No jurisdiction section

Ruling: GRANTED (July 14, 2025)

Vote: 6-3 (Sotomayor, Kagan, Jackson dissent)

Significance:

- **PRELIMINARY INJUNCTION EXPLICITLY IDENTIFIED** yet § 2101(f) omitted
- Massive workforce case - 1,400 federal employees
- Standing challenge to state/local government plaintiffs
- Pattern continues: SG template regardless of order type

30. Case 30: Uthmeier v. Florida Immigrant Coalition

Case Number: 24A1269

Docketed: June 17, 2025

Lower Court: Eleventh Circuit (25-11469)

Applicant: James Uthmeier, Florida Attorney General (State AG)

Order Type: District court **preliminary injunction**

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: 28 U.S.C. §§ 2101(f), 1651(a)

Citation Format:

"Pursuant to this Court's Rules 22 and 23 and the All Writs Act, 28 U.S.C. § 1651, Defendants-Applicants...respectfully apply for a stay of the preliminary injunction..."

"JURISDICTION

This Court, or any Justice thereof, has jurisdiction to issue a stay pending resolution of an appeal before a court of appeals. **28 U.S.C. §§ 2101(f), 1651(a).**"

Pattern Notes:

- **STATE AG:** Florida Attorney General + 20 state attorneys
- **PROPER JURISDICTIONAL STATEMENT:** Labeled section citing § 2101(f)
- **IMMIGRATION ENFORCEMENT:** Florida law assisting federal immigration enforcement
- Application argues federal law doesn't preempt state assistance
- Challenges nationwide/statewide injunction scope
- Cites Arizona v. United States extensively
- **Multiple amici:** Iowa + other states, America First Legal

Ruling: DENIED (July 9, 2025)

Significance:

- **STATE AG COMPLIES WITH RULE 14:** Contrasts with other state AG applications
- Florida AG properly cites § 2101(f) in labeled jurisdiction section
- Shows inconsistency even among state government applications
- Some state AGs adopt defective federal template, others comply properly
- **Pattern break:** State government properly identifies statutory basis

31. Case 31: Doe John v. Seattle Police Department

Case Number: 24A1285

Docketed: June 25, 2025

Lower Court: King County Superior Court, Washington (state court)

Applicant: Doe John, et al. (Private parties)

Motion Type: Stay of state court mandate

Context: State court proceedings (Superior Court + Court of Appeals)

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: **28 U.S.C. § 1257(a)** and Rule 23, 28 U.S.C. § 1651

Citation Format:

"This application is submitted pursuant to Supreme Court Rule 23 and the All Writs Act, 28 U.S.C. §1651.

JURISDICTION

The Supreme Court of Washington issued its opinion on February 13, 2025, and denied reconsideration on April 9, 2025, with a mandate issuing on April 10, 2025. As of June 18, 2025, the King County Superior Court is enforcing that decision with their Order. The Washington State Court of Appeals denied Applicants' request to stay the trial court order. **This Court has jurisdiction under 28 U.S.C. § 1257(a).**"

Pattern Notes:

- **PRIVATE PARTIES:** Pseudonymous applicants (Doe John, et al.)
- **PROPER JURISDICTIONAL STATEMENT:** Labeled section with procedural history
- **STATE COURT CASE:** § 1257(a) properly cited (Supreme Court jurisdiction over state courts)
- **CORRECT STATUTE:** Uses § 1257 (not § 2101(f)) because state court case
- Application includes "Constitutional and Statutory Provisions Involved" section
- Full procedural chronology (opinion → reconsideration → mandate → enforcement)
- Notes: "Concise states jurisdiction. Does not scatter case law to substitute for statutory jurisdiction"

Ruling: DENIED by Justice Kagan (July 8, 2025)

Significance:

- **EXEMPLARY JURISDICTIONAL STATEMENT:** Private parties demonstrate perfect compliance
- Correctly identifies § 1257(a) for state court jurisdiction (not § 2101(f))
- Shows sophisticated understanding of jurisdictional statutes
- Full procedural detail without excessive length
- **Contrast:** Private parties consistently comply, government consistently violates

32. Case 32: Trump v. CASA (Nationwide Injunction Challenge)

Case Number: 24A884 (consolidated with 24A885, 24A886)

Docketed: March 13, 2025

Lower Court: Fourth Circuit (25-1153)

Applicant: Donald J. Trump, President (Acting Solicitor General)

Order Type: District court **nationwide preliminary injunction**

Certiorari Status: Pre-cert, seeking partial stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

CRITICAL CITATION - VACATED PRECEDENT (THIRD INSTANCE):

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Acting Solicitor General...respectfully applies for a partial stay..."

"This Court has frequently granted complete or partial stays of universal orders issued by district courts. See...Wolf v. Innovation Law Lab, 140 S. Ct. 1564 (2020); DHS v. New York, 140 S. Ct. 599 (2020); Barr v. East Bay

Pattern Notes:

- **SG TEMPLATE:** Standard opening formula
- **THIRD CONFIRMED CITATION OF 582 U.S. 571:** Vacated Travel Ban order cited as precedent
- **NATIONWIDE PRELIMINARY INJUNCTION:** Explicitly identified
- **THREE CONSOLIDATED APPLICATIONS:** Maryland, Washington, Massachusetts
- **ORAL ARGUMENT SCHEDULED:** Set for May 15, 2025 (highly unusual for emergency docket)
- **MASSIVE AMICI BRIEFING:** 30+ amicus briefs filed
- Application cites Judge Niemeyer's dissent extensively
- Challenges "universal injunctions" as exceeding Article III power
- Notes: "No Jurisdiction section. Follows established pattern. Only lower court jurisdiction is discussed"

Ruling: APPLICATIONS GRANTED (June 27, 2025)

Vote: 6-3 (Sotomayor, Kagan, Jackson dissent)

Full Opinion: Barrett authored majority opinion

Multiple Concurrences: Thomas/Gorsuch, Alito/Thomas, Kavanaugh

Multiple Dissents: Sotomayor/Kagan/Jackson, Jackson solo

Significance:

- **MOST SIGNIFICANT EMERGENCY DOCKET CASE:** Full oral argument, full opinion
- **THIRD CONFIRMED USE OF VACATED PRECEDENT:** 582 U.S. 571 cited again
- **NATIONWIDE INJUNCTION DOCTRINE:** Major precedent on scope of injunctive relief
- **FULL OPINION FROM EMERGENCY APPLICATION:** Extremely rare
- Emergency application converted to major constitutional ruling
- Pattern: Even highest-profile cases lack proper jurisdictional statements

33. Case 33: DHS v. D.V.D. (Third-Country Removal)

Case Number: 24A1153

Docketed: May 27, 2025

Lower Court: First Circuit (25-1393)

Applicant: Department of Homeland Security (Solicitor General)

Order Type: District court **preliminary injunction** (April 18, 2025)

Certiorari Status: Pre-cert, seeking stay pending appeal and cert

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General—on behalf of applicants United States Department of Homeland Security (DHS), et al.—respectfully files this application for a stay of the injunction..."

Pattern Notes:

- **SG TEMPLATE:** Identical opening formula
- **PRELIMINARY INJUNCTION:** Explicit identification
- **THIRD-COUNTRY REMOVAL:** Immigration - Convention Against Torture claims
- Application argues district court lacked jurisdiction under INA
- Challenges classwide injunctive relief
- Argues violation of multiple jurisdictional bars
- Emphasizes diplomatic/foreign policy disruption
- **POST-GRANT MOTION TO CLARIFY:** Government sought clarification after stay granted

Ruling: GRANTED (June 23, 2025)

Vote: 6-3 (Sotomayor, Kagan, Jackson dissent)

Post-Ruling Procedural Issues:

- **Motion to Clarify GRANTED** (July 3, 2025)
- Kagan concurrence to clarification
- Sotomayor/Jackson dissent from clarification
- Motion for leave to file sur-reply DENIED
- **Unusual post-order litigation:** Shows confusion about scope

Significance:

- **COMPLEX POST-GRANT PROCEEDINGS:** Motion to clarify suggests ambiguous relief
- Multiple rounds of briefing after initial grant
- Shows emergency docket orders may lack clarity
- Immigration/foreign policy case - national security implications
- Pattern continues: Preliminary injunction explicitly identified, § 2101(f) omitted

34. Case 34: Highland Capital v. NexPoint (Bankruptcy)

Case Number: 24A1154

Docketed: May 27, 2025

Lower Court: Fifth Circuit (23-10534)

Applicant: Highland Capital Management, L.P. (Private party)

Motion Type: Stay of mandate pending certiorari petition

Context: Bankruptcy - circuit split on § 524(e)

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: 28 U.S.C. §§ 1651(a), 2101(f)

"Pursuant to Rule 23 of the Rules of this Court and **28 U.S.C. §§ 1651, 2101(f)**, Applicant Highland Capital Management, L.P., (Highland) respectfully applies for a stay of the mandate..."

"JURISDICTION

The Fifth Circuit entered judgment and an accompanying written decision on March 18, 2025...Highland moved for a stay of mandate, which the Fifth Circuit denied on May 22, 2025...This Court has authority to stay the Fifth Circuit's judgment and mandate pending the filing and disposition of a writ of certiorari. **28 U.S.C. §§ 1651(a), 2101(f)**."

"REASONS FOR GRANTING THE STAY

Under **28 U.S.C. § 2101(f)**, this Court may stay proceedings pending the filing and disposition of a petition for a writ of certiorari..."

Pattern Notes:

- **PRIVATE COMMERCIAL PARTY:** Bankruptcy litigation
- **EXEMPLARY JURISDICTIONAL STATEMENT:** Labeled section with procedural history
- **PROPER § 2101(f) CITATION:** Both in opening and jurisdiction section
- **CIRCUIT SPLIT EMPHASIS:** Six circuits vs. Fifth Circuit on § 524(e) interpretation
- **EXTENSIVE CERTIORARI ANALYSIS:** Multiple pages arguing cert-worthiness
- Application notes both parties previously sought cert
- Discusses prior interlocutory denial of cert
- Notes case now in final posture, "better suited for certiorari"
- **TEMPORARY STAY GRANTED THEN VACATED:** Justice Alito initially stayed, then denied after briefing
- Notes: "Jurisdiction section and extensive caselaw cited arguing certiorari"

Ruling: INITIAL STAY (May 29, 2025), then **VACATED AND DENIED** (June 9, 2025)

Justice Alito: Granted temporary stay, later vacated and denied in full

Significance:

- **PERFECT COMPLIANCE FROM PRIVATE PARTY:** Full jurisdictional statement
- **SOPHISTICATED CERT ARGUMENT:** Extensive analysis of circuit splits
- Shows private parties understand both jurisdictional requirements AND strategic cert factors
- Justice Alito's reversal shows merits matter despite proper procedure
- Pattern: Private party compliance doesn't guarantee success, but demonstrates feasibility

35. Case 35: SSA v. AFSCME (Social Security Administration)

Case Number: 24A1063

Docketed: May 2, 2025

Lower Court: Fourth Circuit (25-1411)

Applicant: Social Security Administration (Solicitor General)

Order Type: District court **preliminary injunction** (April 17, 2025)

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

CRITICAL CITATION - VACATED PRECEDENT (FOURTH INSTANCE):

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General...respectfully files this application to stay the preliminary injunction..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a preliminary injunction entered by a federal district court. See, e.g., **Trump v. International Refugee Assistance Project, 582 U.S. 571 (2017)** (per curiam); *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008)"

Pattern Notes:

- **SG TEMPLATE:** Standard opening formula
- **FOURTH CONFIRMED CITATION OF 582 U.S. 571:** Vacated precedent cited FIRST
- **PRELIMINARY INJUNCTION:** Explicit identification
- **INTERNAL AGENCY OPERATIONS:** District court ordering SSA data access procedures
- Application challenges Article III standing
- Argues Privacy Act claims are meritless
- Notes: "no jurisdiction section. 'Jurisdiction' only used in reference to case subject matter. Demonstrates the template pattern being established"

Ruling: GRANTED (June 6, 2025)

Vote: 6-3 split vote pattern

Dissents: Kagan would deny; Jackson/Sotomayor dissenting

Significance:

- **FOURTH CONFIRMED USE OF VACATED PRECEDENT:** Pattern now firmly established
- SG consistently places 582 U.S. 571 FIRST in citation strings
- Internal agency operations case - government data management
- Pattern: Even routine agency cases follow defective template

36. Case 36: U.S. DOGE Service v. CREW (MAJOR CASE)

Case Number: 24A1122

Docketed: May 21, 2025

Lower Court: D.C. Circuit (25-5130)

Linked Case: 24-1246 (Cert Granted)

Applicant: U.S. DOGE Service (Solicitor General)

Order Type: District court discovery orders (April 15 & May 20, 2025)

Certiorari Status: Application treated as cert petition - GRANTED

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

Citation Format:

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General—on behalf of applicants U.S. DOGE Service, et al.—respectfully applies for a stay..."

Pattern Notes:

- **SG TEMPLATE:** Standard formula
- **NO JURISDICTIONAL STATEMENT ANYWHERE:** "Jurisdiction" not found in document
- **PRESIDENTIAL ADVISORY BODY:** FOIA exemption challenge
- **DISCOVERY ORDER:** Not traditional injunction
- Challenges expedited discovery into executive communications
- Cites *Cheney v. United States Dist. Court* extensively
- Argues separation of powers concerns
- Application suggests treating as cert OR mandamus petition
- Notes: "No jurisdiction section, 'jurisdiction' is not found anywhere in document"

Ruling: EXCEPTIONALLY SIGNIFICANT (June 6, 2025)

Court's Action:

1. Application GRANTED
2. TREATED AS CERT PETITION (sua sponte)
3. CERT GRANTED (case No. 24-1246)
4. D.C. Circuit Vacated and Remanded

SCOTUS Order Language:

"Additionally, applicants **suggested** this Court treat the application as a petition for a writ of certiorari; doing so, **the petition is granted** (case No. 24-1246). The United States Court of Appeals for the District of Columbia Circuit's order denying a writ of mandamus is **vacated**, and the case is **remanded** to the Court of Appeals for further consideration in light of this order."

"The portions of the District Court's April 15 discovery order that require the Government to disclose the content of intra-Executive Branch USDS recommendations and whether those recommendations were followed are **not appropriately tailored**."

Vote: 6-3 (Sotomayor, Kagan, Jackson would deny)

Significance:

- **EMERGENCY APPLICATION CONVERTED TO CERT GRANT:** Extremely rare
- **Mandamus petition VACATED on cert grant:** D.C. Circuit reversed
- **Substantive guidance on remand:** Court provides specific instructions
- **Executive privilege/separation of powers:** Major constitutional ruling
- Cites *Cheney* (2004) - Scalia/Cheney energy task force case
- **Presidential advisory body protected:** FOIA/discovery limitations
- **No jurisdictional statement despite major precedential impact**
- Pattern: Defective foundation for significant constitutional precedent

37. Case 37: Noem v. Svitlana Doe (Parole Termination)**Case Number:** 24A1079**Docketed:** May 8, 2025**Lower Court:** First Circuit (25-1393)**Applicant:** Kristi Noem, DHS Secretary (Solicitor General)**Order Type:** District court order (April 15, 2025) - preliminary injunction**Certiorari Status:** Pre-cert, seeking stay pending appellate proceedings**Jurisdiction Section:** X NO**Statutes Cited:** Rule 23 and 28 U.S.C. § 1651 only**§ 2101(f):** X NOT CITED**Citation Format:**

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General, on behalf of Kristi Noem, Secretary of Homeland Security, et al., respectfully files this application for a stay..."

Pattern Notes:

- **SG TEMPLATE:** Standard opening
- **PAROLE REVOCATION:** 532,000 aliens affected
- Application argues INA strips court jurisdiction (§ 1252(a)(2)(B)(ii))
- Cites circuit split (7th & 9th Circuits: parole revocation unreviewable)
- Argues certiorari warranted due to circuit conflict
- **Multiple amici:** Immigration Reform Law Institute, Faith-Based Organizations, AFL-CIO, CATO
- Notes: "No jurisdiction section. 'jurisdiction' only used in reference to lower court case subject matter"

Ruling: GRANTED (May 30, 2025)**Dissents:** Jackson/Sotomayor dissenting**Significance:**

- **MASSIVE SCOPE:** 532,000 individuals affected
- **Circuit split documented:** Application identifies conflicting authority

- Immigration policy - foreign policy implications
- Parole revocation jurisdiction question
- Pattern: High-impact immigration case follows defective template

38. Case 38: Trump v. AFGE (Government RIF/Federal Workforce)

Case Number: 24A1106

Docketed: May 16, 2025

Lower Court: Ninth Circuit (25-3030)

Applicant: Donald J. Trump, President (Solicitor General)

Order Type: District court order (May 9, 2025) - TRO labeled as injunction

Certiorari Status: Pre-cert application

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

CRITICAL CITATION - VACATED PRECEDENT (FIFTH INSTANCE):

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a district court's interlocutory order granting emergency relief. See, e.g., **Trump v. International Refugee Assistance Project, 582 U.S. 571 (2017)** (per curiam); *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008)"

Pattern Notes:

- **SG TEMPLATE:** Standard opening
- **FIFTH CONFIRMED CITATION OF 582 U.S. 571:** Vacated precedent cited again
- **GOVERNMENT RIF:** Reduction in force - massive workforce impact
- **TRO LABELED AS INJUNCTION:** Application argues it's appealable preliminary injunction
- Cites *Dept. of Ed. v. California* on TRO/injunction distinction
- Challenges discovery order for privileged documents
- Notes: "No jurisdiction section. Jurisdiction only used in relation to case subject matter. Follows pattern"

Status: WITHDRAWN (May 27, 2025)

Amicus Filed: Former Government Officials and Advisors

Significance:

- **FIFTH CONFIRMED USE OF VACATED PRECEDENT:** Pattern continues
- Withdrawn before ruling - strategic litigation management
- Government workforce case - broad federal employment implications
- TRO/preliminary injunction labeling dispute
- Pattern: Even withdrawn applications follow defective template

39. Case 39: Trump v. Wilcox (FOUNDATIONAL PRECEDENT)**Case Number:** 24A966 (consolidated: Bessent v. Harris)**Docketed:** April 9, 2025**Lower Court:** D.C. Circuit (25-5037, 25-5057)**Applicant:** Donald J. Trump, President (Solicitor General)**Order Type:** District court judgments (March 4 & 6, 2025) reinstating removed officers**Certiorari Status:** Pre-cert, seeking stay pending appeal**Jurisdiction Section:** X NO**Statutes Cited:** Rule 23 and 28 U.S.C. § 1651 only**§ 2101(f):** X NOT CITED**Citation Format:**

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General...respectfully requests that this Court stay the judgments..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a district court's judgment pending review...See, e.g., *McHenry v. Texas Top Cop Shop, Inc.*, 145 S. Ct. 1 (2025)"

Pattern Notes:

- **SG TEMPLATE:** Standard opening
- **REMOVAL POWER:** President's authority to remove NLRB & MSPB members
- **TWO CONSOLIDATED CASES:** Gwynne Wilcox (NLRB), Cathy Harris (MSPB)
- **IMMEDIATE ADMINISTRATIVE STAY:** Chief Justice granted April 9
- Application argues Article II removal power
- Challenges court authority to reinstate removed officers
- Cites *Collins*, *Seila Law*, *Free Enterprise Fund*
- **Multiple removal cases pending:** Lists similar ongoing litigation
- Application suggests treating as cert before judgment
- Notes: "No jurisdiction section. Jurisdiction only used in relation to case subject matter. Follows pattern"

Ruling: GRANTED (May 22, 2025)**Vote:** 6-3 (Kagan, Sotomayor, Jackson dissent)**Full Dissenting Opinion:** Kagan (joined by Sotomayor, Jackson)**CRITICAL SIGNIFICANCE - THIS IS THE PRECEDENT LATER CASES CITE:**

- **This case becomes "Trump v. Wilcox, 145 S. Ct. 1415 (2025)"**
- **Cited in:** Trump v. Boyle (25A11), NIH case (24A1103), others
- **Establishes removal power precedent** on emergency docket
- **Later applications cite Wilcox as controlling authority**
- Creates **circular precedent network:** Defective application → grant → cited as binding
- **Major constitutional doctrine** established without proper jurisdictional foundation

Historical Note: Application states: "Since the beginning of this Administration, multiple executive officers removed by the President...have challenged their removal in court" - lists ongoing cases including Grundmann, Slaughter, Storch

40. Case 40: Libby v. Fecteau (Maine Legislator Exclusion)

Case Number: 24A1051

Docketed: April 28, 2025

Lower Court: First Circuit (25-1385)

Applicant: Laurel D. Libby, et al. (Private party - Maine legislator)

Motion Type: Injunction pending appeal

Context: First Amendment retaliation - legislator excluded from Maine House

Jurisdiction Section: ✓ YES (labeled "JURISDICTION")

Statutes Cited: 28 U.S.C. §§1254(1), 1651(a)

Citation Format:

"JURISDICTION

This Court has jurisdiction over this application for an injunction pending appeal. 28 U.S.C. §§1254(1), 1651(a). The district court denied Applicants' motion for a preliminary injunction on April 18, 2025. Applicants appealed the same day, §1292(a)(1), and their appeal is pending in the First Circuit. This Court will have jurisdiction over that appeal, §1254(1), and an injunction pending appeal is in aid of this Court's future jurisdiction given the ongoing irreparable harm as the legislative session continues, §1651(a). See, e.g., *Chrysafis v. Marks*, 141 S. Ct. 2482, 2482 (2021)."

Pattern Notes:

- **PRIVATE PARTY:** State legislator challenging exclusion
- **EXEMPLARY JURISDICTIONAL STATEMENT:** Full procedural explanation
- **PROPER STATUTORY CITATIONS:** §1254(1) for future cert jurisdiction, §1651(a) for injunction in aid
- **First Amendment retaliation:** Legislator excluded from voting for Facebook post
- Application emphasizes *Wilson* precedent (censure vs. punishment distinction)
- Argues legislator's district lacks equal representation
- **Amicus:** West Virginia + other states
- Notes: "jurisdiction section"

Ruling: GRANTED (May 20, 2025)

Vote: 7-2 (Sotomayor would deny; Jackson dissents with opinion)

Significance:

- **PERFECT COMPLIANCE FROM PRIVATE PARTY:** Full jurisdictional statement
- Private citizen challenging state legislature action
- Shows §1254(1) properly cited for future cert jurisdiction

- Demonstrates All Writs Act used properly "in aid of jurisdiction"
- Pattern: Private parties consistently comply across all contexts

41. Case 41: Noem v. National TPS Alliance (TPS Termination)

Case Number: 24A1059

Docketed: May 1, 2025

Lower Court: Ninth Circuit (25-2120)

Applicant: Kristi Noem, DHS Secretary (Solicitor General)

Order Type: District court order (March 31, 2025) - postponement under 5 U.S.C. § 705

Certiorari Status: Pre-cert, seeking stay pending appeal

Jurisdiction Section: X NO

Statutes Cited: Rule 23 and 28 U.S.C. § 1651 only

§ 2101(f): X NOT CITED

CRITICAL CITATION - VACATED PRECEDENT (SIXTH INSTANCE):

"Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General...respectfully files this application to stay the order..."

"Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay preliminary relief entered by a federal district court. See, e.g., **Trump v. International Refugee Assistance Project, 582 U.S. 571 (2017)** (per curiam); *Brewer v. Landrigan*, 562 U.S. 996 (2010); *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008)"

Pattern Notes:

- **SG TEMPLATE:** Standard opening formula
- **SIXTH CONFIRMED CITATION OF 582 U.S. 571:** Vacated precedent cited again
- **TPS (Temporary Protected Status):** Termination affecting large populations
- Order styled as "postponement" under Administrative Procedure Act
- Application includes footnote noting it's not pressing § 1252(f)(1) argument (jurisdiction-stripping provision)
- **Multiple amici:** Immigration Reform Law Institute, Members of Congress, Immigration Law Scholars
- Notes: "No jurisdiction section. 'Jurisdiction' only used in reference to case subject matter"

Ruling: GRANTED with UNUSUAL CAVEAT (May 19, 2025)

SCOTUS Order:

"Application...is granted...This order is **without prejudice to any challenge to Secretary Noem's February 3, 2025 vacatur notice insofar as it purports to invalidate EADs, Forms I-797, Notices of Action, and Forms I-94 issued with October 2, 2026 expiration dates.** See 8 U.S.C. §1254a(d)(3)."

Vote: Jackson would deny

Significance:

- **SIXTH CONFIRMED USE OF VACATED PRECEDENT:** Pattern firmly established
- **UNUSUAL SCOTUS CAVEAT:** Order preserves specific challenges
- TPS case - humanitarian immigration protection
- Court explicitly reserves employment authorization document challenges
- Pattern: Even with nuanced relief, no jurisdictional statement

42. Case 42: A.A.R.P. v. Trump (ALIEN ENEMIES ACT - MAJOR CASE)**Case Number:** 24A1007**Docketed:** April 18, 2025**Lower Court:** Fifth Circuit (25-10534)**Linked Case:** 24-1177 (Cert Granted)**Applicant:** A.A.R.P., et al. (Private parties - Venezuelan detainees)**Motion Type:** Emergency injunction/writ of mandamus, stay of removal**Context:** Alien Enemies Act removals to El Salvador prison**Jurisdiction Section:** ✓ YES (labeled "JURISDICTION")**Statutes Cited:** 28 U.S.C. §§1292(a)(1), 1254(1), 1651(a)**Citation Format:****"ARGUMENT****I. This Court Has Jurisdiction.**

Applicants seek an emergency class-wide injunction...Thus, the district court's denial of Applicants' motions for an emergency class-wide TRO are appealable because, as this Court just recently held, the orders sought may be construed as 'appealable injunctions.' See *Trump v. J.G.G.*, No. 24A931, 2025 WL 1024097, at *2 (U.S. Apr. 7, 2025). **The Court has jurisdiction to review a denial of such an injunction under 28 U.S.C. § 1292(a)(1).**"

Pattern Notes:

- **PRIVATE PARTY:** Class action on behalf of Venezuelan detainees
- **PROPER JURISDICTIONAL ANALYSIS:** Labeled section with statutory citations
- **ALIEN ENEMIES ACT:** Presidential proclamation under wartime statute
- **EMERGENCY POSTURE:** Imminent removal to El Salvador prison
- Application cites recent *Trump v. J.G.G.* case extensively
- Argues class habeas is proper (cites multiple circuits)
- **Extraordinary circumstances:** Removal to foreign prison with no return
- El Salvador refuses to release even wrongly removed individuals
- Application seeks injunction OR mandamus OR administrative stay
- Notes: "Peculiar does not mention 'certiorari' yet seeks stay of preliminary injunction. Does include jurisdiction section"

"The matter is currently pending before the Fifth Circuit. Upon action by the Fifth Circuit, the Solicitor General is invited to file a response...The Government is **directed not to remove any member of the putative class** of detainees from the United States until further order of this Court. See 28 U.S.C. §1651(a). Justice Thomas and Justice Alito dissent from the Court's order."

FINAL RULING: EXTRAORDINARILY SIGNIFICANT (May 16, 2025)

Court's Action:

1. **Application for injunction GRANTED**
2. **TREATED AS CERT PETITION** (sua sponte)
3. **CERT GRANTED** (case No. 24-1177)
4. **Fifth Circuit judgment VACATED**
5. **REMANDED with specific instructions**

SCOTUS Order:

"Additionally, **applicants suggested** this Court treat the application as a petition for a writ of certiorari; doing so, **the petition is granted** (case No. 24-1177). The judgment of the Fifth Circuit is vacated, and the case is remanded to the Fifth Circuit. In resolving the detainees' appeal, the Fifth Circuit should address **(1) all the normal preliminary injunction factors**, including likelihood of success on the merits, as to the named plaintiffs' underlying habeas claims that the AEA does not authorize their removal pursuant to the President's March 14, 2025, Proclamation, and **(2) the issue of what notice is due**, as to the putative class's due process claims against summary removal."

Vote: 6-3

Concurrence: Kavanaugh concurring

Dissent: Alito/Thomas dissenting

Significance:

- **SECOND EMERGENCY-TO-CERT CONVERSION:** After DOGE case
- **ALIEN ENEMIES ACT:** Wartime statute invoked against Venezuelan nationals
- **EL SALVADOR PRISON:** U.S. removing to foreign prison facility
- **CLASS HABEAS:** Court addresses availability of class treatment
- **IMMEDIATE EMERGENCY ORDER:** Court acted April 19 (day after filing)
- **Thomas/Alito dissented** from initial emergency order
- Private party with **proper jurisdictional statement**
- **Due process in removal:** Major constitutional questions
- Court provides **specific remand instructions** to Fifth Circuit
- Pattern: Proper jurisdictional foundation for major constitutional ruling