23A1158

No. 23-7555

In the Supreme Court of the United States

RICKEY LYNCH
Applicant,
v.
UNITED STATES OF AMERICA
Respondent.

On Application for Emergency Relief

EMERGENCY APPLICATION FOR CONTINUED RELEASE PENDING APPEAL

IMMEDIATE RELIEF REQUESTED

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PARTIES TO THE PROCEEDING

Applicants is Rickey Lynch. Respondent is the United States of America.

The District Court previously granted Mr. Lynch request for release in November 16, 2023, pending appeal for the Second Circuit decision on writ for mandamus, but that a decision for recusal was denied on February 27, 2023. The District Court ordered Mr. Lynch to surrender by July 15, 2024. This is Mr. Lynch first request for such Emergency motion for release pending writ of certiorari.

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TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SECOND CIRCUIT:

Pursuant to this Court's Rule 23, and 18 U.S.C Section 3143(b), Applicant Rickey Lynch respectfully request that he seeks continued release pending the decisions of this Court.

Applicant self-surrender date is July 15, 2024, and respectfully that this Honorable Court, can determine a ruling before the above-mentioned date and possible an administrative stay of applicant surrender date on this matter.

Because the District Court has ordered Lynch to surrender forthwith, he also respectfully request a stay due to petitioner healing process after having a hemodialysis access surgery on April 10, 2024, in which the healing process requires between 8-12 weeks, for Lynch vein to dilate prior to initial use, that can be prong to serious infection, if not properly treated. (App.A).

INTRODUCTION

This Court should stay, pending disposition on the appeal in the Second Circuit, and any timely filed petition for certiorari, the federal district court surrender date orders on July 15, 2024 to the custody of the Bureau of Prisons, FMC Devens Medical Center Massachusetts, as well as for an administrative stay of the District Court's Order directing Applicant to self-surrender while the Court considers certiorari.

This Court has repeatedly and recently stayed or upheld stay of orders that fundamentally granted stay pending disposition of petition for a writ of certiorari. *See* ***Little v. Idaho***, 140 S.ct-2616 (2020); *See also,* **Wolf v. Cook County**, 589 U.S., 140 S.Ct. 681, 683-684, 206 L.Ed.2d-(2020), ("over the dissent of four justices, this court granted Government's application for a -stay) (Justice Sotomayor, J. dissenting from grant of stay).

The District Court will not " dispute nor there no evidence demonstrating that applicant Lynch, pose a threat or danger to the public or a flight risk if released, " and injury from further incarceration would be more great, if applicant doesn't receive the proper healing process, or treatment due to his hemodialysis access surgery. (See App. A). When the District Court in November 2023, stayed the applicant surrender date, pending the Second Circuit disposition, of petition for mandamus, in which is the center of this appeal, and four years later, nothing has changed to support a different outcome on release. Pretrial Services, Anna Lee, and the District Court Judge, Honorable Gary R. Brown will contest to these facts, that applicant Lynch, has abided all instruction and respected fully the terms of his release, without any incident, with the law, and the applicant "crime" is non-violent. **18 U.S.C. Section 3143(b)(1)(A)**. Moreover, there any claim that the applicant continued pursuit of appeal is "for the purpose of delay." **Id. section 3143(b)(1)(B).**

Applicant Lynch's petition for a writ of certiorari was filed on May 13, 2024, and docket on May 20, 2024. The writ is scheduled ("Distributed for Conference September 30, 2024"). In summary, the question presented, should a court of appeals review a judge's denial of a motion to recuse de novo or for an abuse of discretion, and whether Judge Brown himself created the appearance of impropriety when he brought the federal defender lawyer to replace applicant paid counsel, finding no grounds to have counsel appointed at public expense, that would reasonably be perceived as coercive abuse of discretion.

A stay pending appeal is properly granted and necessary here.

JURISDICTION

This Court has jurisdiction over this Application under U.S.C. Sections 1254(1), and 2101(f). This Court further has jurisdiction pursuant to 18 U.S.C. Section 3143(b), a "judicial Officer" "shall order the release" of an individual who "has filed an appeal or a petition for a writ of certiorari" if the requirements of Section 3143(b) are satisfied.

STATEMENT OF THE CASE

The background of this case is set forth in detail in applicant Lynch's petition for a writ of certiorari. Pet. 2-6. For convenience, a summary follows.

Lynch was indicted in connection with operating under his company, Bright Lights Supreme Cleaning Inc., undertook the task, hired by Nassau County Health Department, in New York of a lead-abatement project, in which the house was lead-based paint infected In Freeport, New York. In this project, Lynch faced challenges related to certification, as his Supervisor interim certification for this type of work had lapsed. The circumstances surrounding the project necessitated the presence of an individual once your certification expires, requires another supervisor to be present with a valid certification from the Environmental Protection Agency (EPA). to oversee the abatement efforts. However, this was Mr. Lynch, first incident with EPA, upon receiving his certification for lead-abatement project and the district court and EPA will not dispute this. Mr. Lynch then, in communications with the EPA, made inaccurate claims regarding the presence of a supervisor during the project and thereafter, was charged with the Toxic Substance Control Act of 1976, 15 U.S.C. Sections 2601.

Around start of the trial, Lynch defense counsel, and the Government work out a plea Agreement that was supposedly in the best interest for all parties . This agreement consisted of Lynch to plea guilty to only count 6 of the indictment of making a false statement to EPA

Agents, and all other counts in the indictment will be dismissed with prejudice, and no further criminal charges will be brought against Lynch, for failing and refusing to comply with the Toxic Substance Control Act of 1976 and federal regulations promulgated thereunder, with the abatement of lead-based paint at Freeport , and Roslyn Height Residence of New York and moreover making false statements in connection with EPA. (See App. B.).

Thereafter, the guilty plea, on July 19, 2023, Lynch's Civil Attorney's Rubin Licates, and Hanchu Chen, of Shearman & Sterling after discovering that Judge Brown was the same judge on Lynch civil class action lawsuit, for nine years, and alerted Lynch that Judge Gary R. Brown was the same judge on Lynch criminal case. Lynch defense counsel, Rosenberg, nor the Government Bagnuola, never informed, or brought up these prejudicial involvement before Lynch entered such a plea deal, that could fundamentally affect Lynch cases' fair and impartial adjudication. Indeed, Lynch fired his paid counsel Rosenberg, for not disclosing this important information of such disclosure, and Lynch Associate Pastor, Paul Robinson of Lynch Church, Saint Paul Community Baptist Church New York help Lynch to raise money for New counsel of records Samantha Chorney.

Samantha Chorney, submitted a recusal motion in regards to, Lynch's pretrial phase , before trial, that: (1) Judge Brown never disclose, his judicial involvement of the class action lawsuit, to Lynch counsel Rosenberg, nor the Government of record Bagnuola, that he presided over such class action proceedings for nine years, in which he participated directly in writing and researching pursuant to 28 Sections 455(a)(b)(1), Section 455(e), and (2) withdrawal of Lynch guilty plea, pursuant to Federal Rules of Criminal Procedure 11(d)(2)(b).

On October, 12, 2023, Judge Brown Denied Lynch, recsual motion and refer Lynch

counsel Samantha Chorney to the Grievance Committee for filing such recusal motion.

On November 14, 2023, Lynch defense counsel Samantha Chorney, filed a writ of Prohibition, ("Second Circuit corrected as a writ of mandamus"), filed in United States Court of Appeals, for the Second Circuit, and on February 27, 2024, the Second Circuit, denied the motion.

A. The Second Circuit denied Applicants' emergency motion for stay.

On June 17, 2024, the Second Circuit denied Applicants' emergency motion to stay the district court's order, by via phone conversation with Khadjah case manager for the Second Circuit and by letter with forwarding documents for such application. Here she stated to Lynch, that: the matter of the mandate of the writ, is closed and for Lynch to refer the matter to the District Court, for them to decide. (App. D). However, Lynch submitted the Application as required, to the Honorable Gary R. Brown, by via certified mailing on June 17, 2024, and Lynch has not received any response. Indeed Lynch even sent a copy to all parties for such Application for an emergency motion to stay, and all other parties did not dispute such stay to this matter. (App. E).

REASONS FOR GRANTING THE STAY

This Court will stay a district court's order while a case is pending before the court of appeals to allow the applicant to obtain a writ of certiorari from this Court when an applicant Shows "(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a

stay." ***Hollingsworth v. Perry,*** 558 U.S. 183, 1909 (2010). (per curiam); 28 U.S.C. Section 2101(f). The requirement for a stay of the district court's decision pending the Second Circuit's decision on appeal and the disposition of a petition for writ of certiorari are met here.

B. There is a reasonable probability that at least four Justice will find certiorari warranted.

The Circuits are still Intractably Divided Over the Appropriate Standard to Review Disqualification Decisions and lay bare a circuit split. This Court should grant the requested stay because there is a reasonable probability that at least four justice will vote in favor of granting certiorari.

1. The District court's recusal orders disregard this Court's binding precedent in Canon 3E(i), requiring judges to disclose any information potentially relevant to disqualification.

1. The district court's order violated this Court's precedent. As Justices John G. Roberts, Jr.; Clarence Thomas; Samuel A. Alito, Jr.; Sonia Sotomayor; Elena Kagan; Neil M.-Gorsuch; Brett M. Kavanaugh; Amy Coney Barrett; and Ketanji Brown Jackson, correctly identified, in November 13, 2023 "Code of Conduct", that entails ethic rules and principles that guide the conduct of the Members of the Court's.

These codes were in effect, when District Court Judge, Gary R. Brown, was presiding over applicant Lynch, "Civil and Criminal proceedings, repeatedly and clearly instructed all district courts, requiring judges to disclose any information potentially relevant to disqualification, that such "statements of interest" are recognized in comments 2 to canon 3E(I), which states:

> " A judge should disclose on the record information that the judge believes the parties or their lawyer might consider relevant to the question of disqualification, "even if the judge believes" there is no

real basis for disqualification." (**Supreme Court of the United States Statement of the Court Regarding the Code of Conduct)** See also 28 U.S.C. Section 455 (e). As Chief Justice Roberts said in his 2011 Report. "Judges need guidance on their ethical responsibilities." Canon Code 3E(l).

2. Here, the Honorable Judge Gray R. Brown, prior to his appointment to the district court, Judge Brown served as an "Assistant United States Attorney" ("AUSA"), in Eastern District Court. Thereafter, Judge Brown became a "Magistrate Judge" in the Eastern District Court, and participate directly in Applicant, ("Rickey Lynch") class action civil lawsuit, in researching, writing his memorandum orders of the applicant's civil lawsuit for "nine years."

This case above consist of "prison condition" in the Suffolk County Jail, when the applicant was a "pretrial detainee", that the conditions in such setting, permanently damaged applicant Lynch Kidneys, that cause applicant to be on hemodialysis treatment, for the rest of his life, and the County of Suffolk doesn't dispute it. In addition, applicant is also one of the Lead Plaintiff, who the Honorable Joanna Seybert, United States Eastern District Judge, appointed applicant to represent the damaged class in this case, that's still pending. (See - Butler et., al., vs. Suffolk County et., al., Case No. 2:2001-cv-02602 (E.D.N.Y. 2011)).

3. Applicant was indicted, on Federal Regulation of the Toxic Substance Control Act of 1976, that his company engaged in lead-based paint activities without the proper license, where the same judge Gary R. Brown became a District Court Judge, and thereafter, assigned to the Applicant criminal proceedings. (See United States of America against Lynch, Case No. cr 21-405). Here, during the applicant's pretrial phase of such proceeding before trial, Judge Brown on record, never disclosed his judicial involvement, nor participate of such class action to the applicant's counsel, Rosenberg, nor the Government Bagnuola, that he presided over such

class action lawsuit proceedings, for "nine years". Indeed, not in the "records" but via order, Judge Brown excuse, for not disclosing his prior judicial involvement, and participate in the applicant pending class action lawsuit, in which his order is showing this Court, no reason why he never disclosed as following:

> " Of course, there are factors that tend to inferentially undermine this assertion. For example, as counsel readily acknowledge, the undersigned presided as the Magistrate Judge in Mr. Lynch's case for more than a decade, as plainly reflected in public records?" (App. F).

4. Here in this Court, there is no binding fundamental jurisprudence, that this Court's practice under Canon 3E(I), were as a "district court judge", don't have to disclose, his prior involvement with the applicant because the information "reflects in public records, is unheard of, especially presiding and making ruling for "nine years" on such civil class action lawsuit, that still pending, and thereafter, proceed to same applicant criminal proceeding without disclosing such involvement to the applicant attorney's nor the government of such proceedings on the records?

Moreover, Judge Brown, further stated why he needs not disclose his prior involvement to the attorney's nor government on the record as following:

> "The matter need not be left to inference, however, as the records contains direct proof. On January 7, 2012—nearly a decade before the commencement of this criminal prosecution Mr. Lynch wrote a handwritten letter to the Clerk of the Court (which he copied to the undersigned), inquiring about several matters, noting, in his own hand, that a referral of his claims:? (App. G).

Indeed, over a "decade" before the commencement of the criminal prosecution, has no bearings, or law, that still doesn't require a Judge with knowledge of the COURT system, to disclose his prior involvement on the record with the same applicant if he knew from a prior

civil class action lawsuit, or proceedings in this Court. (See Canon 3E(I)). As Justice Thomas, J. of this Court stated in Missouri Gov't PAC, 528 U.S. 377, 428-29 (2000), ("Thomas J. dissenting) (arguing that "disclosure", rather than contribution limits, Satisfies the government's interest in preventing corruption). And Justice Thomas J., went further and stated the following:

> " The first (public interest behind the adoption of the disclosure rules) is to assure the impartiality and honesty of the State Judiciary. The second is to instill confidence in the public in the integrity and neutrality of their judges. Third is to inform the public of economic interest of the judges which might present a conflict of interest.

Here, such above-mention, establish that a reasonable person aware of all the facts would clearly question Judge Brown impartiality under 28 U.S.C. Section 455(a).

C. There is a reasonable probability that at least four Justices will vote for certiorari to resolve a circuit split.

A circuit split occurs and exists when two or more different Circuit Courts of appeals provide conflicting rulings on the same legal issue over the appropriate standard to review disqualification decisions to Title 28 U.S.C. Sections 455(a), 455 (b)(1). The Second, Fourth, Fith, Sixth, Eight, Ninth, and Eleventh, use abuse of discretion review for abuse of discretion.

The Seventh, Alaska Court of Appeals, Florida Court of Appeals, Tenn. Crim. Ct. of Appeals, Virginia Ct. of Appeals, Georgia Court of Appeals, D.C. Circuits, and recently in this year, 2024, Wisconsin Court of Appeal, all disagree and shifted from abuse of discretion to de novo review disqualification decision pursuant to 28 U.S.C. Sections 455(a), 455 (b)(1).

The courts of appeals have adopted four different rules regarding the proper standard to review a disqualification decision. The conflict is still entrenched and calls out for this Court's intervention. In the Seven Circuit, "appellate review of disqualification claim is de novo, and the standard of proof is whether a reasonable person would be convinced that the judge was biased." **Taylor v. O'Grady,** 888 F.2d 1189, 1201 (7th Cir. 1989). That court has held that "appellate review of a judge's decision not to disqualify himself... should not be deferential because "the motion of recusal put into issues the integrity of the court's judgment. " **United States v. Balistrieri,** 779 F.2d 1191, 1203 (7th Cir. 1985). Consequently, it makes little sense to defer to that challenged judgment in evaluating the motion. Indeed, "drawing all inferences favorable to the honesty and care of the judge whose conduct has been questioned could collapse the appearance of impropriety standard under Section 455(a) into a demand for proof of actual impropriety. So although the court tries to make an external reference to the reasonable person, it is essential to hold in mind that these outside observers are less inclined to credit judges' impartiality and mental discipline than the judiciary itself will be."

In re Hatcher, 150 F.3d 631, 637 (7th Cir. 1998) (quoting In re Mason, 916 F.2d 384, 386 (7th, Cir. 1990).

Moreover, while the Seventh Circuit requires parties to appeal the denial of a motion for disqualification by petitioning the appellate court for mandamus to enforce section 455(a) under the normal appellate standard" - i.e., de novo review, *United States v. Boyd, 208 F.3d 638 (7th Cir. 2000). Vacated and remanded on other grounds, 531 U.S. 1135 (2001).*

The court has adhered to this standard repeatedly over a period of decades. 1

1 Following the Seventh's Circuit's approach, at least seven states have recently shifted from an abuse of discretion to de novo standard of review for recusal motion under their own disqualification statutes. See *Phillips v. - State, 271 P.3d 457, 459 (Alaska Ct. App. 2002); Peterson v. Asklipios, 833 So.2d 262, 263 (fla. Ct. App.2002); Mayor & Aldermen of Savannah v. Batson-Cook CVo., 291 Ga. 114, 119 (2012); Powell v. Anderson, 660 N.W.2d 107, 116 (Minn. 2003); States v. Wilson, No._____,2013 ; Tenn. Crim. App.LEXIS 126, 131(Tenn. Crim. App. 2013); State v. Alonzo, 973 P.2d 975, 979 (Utah 1998); Tennant v. Mario HealthCare Found, 194 W. Va. 97, 109 (1995). As these states have examined the issue more closely, they have concluded that a de novo standard of review ensures that recusal motion will be evaluated in a fair and objective manner.*

Moreover, recently in 2024 State of Wisconsin v. James Allen Nichols, Court of Appeals District III, has held that: " Whether a judge's partiality can be reasonably be questioned is a question of law, we review de novo. (Appeal No. 2021AP1369 2024). Further, in Nathan A.- Wallace v. Blake Ballin, et al. Appeals Court Tennessee No. 8041, Court of Appeals held on a recusal motion that: "we review the denial of the motion for recusal under a de novo standard of review. In This Court in Ornelas v. United States, 517 U.S. 690 (1996) overruled earlier circuit precedent that applied an abuse of discretion standard.

In this case, the Second Circuit relied on its own precedent in ***In re Basciano,*** 542 F.3d 950, 955-56 (2d Cir. 2008), which held that a doubly deferential standard of review applies because first, the party seeking recusal on mandamus must meet the standard for a writ (i., e., a "clear and indisputable right to relief), and second, that the district court must have abused its discretion. The First Circuit has similarly embraced this "doubly deferential" standard, explaining that "relief for the party seeking recusal is only warranted if it is clear and indisputable that no reasonable reading of the record supports a refusal to recuse. *In re Bulger,* 710 F.3d 42, 45-46 (1st Cir. 2013). The D.C.

Circuit has set forth a similar rule. See in re Brooks, 383 F.3d 1036, 1038, 1041 (D.C. Cir.-2004); In re Barry, 946 F.2d 913, 914 (D.C. Cir. 1991). The Third Circuit takes an intermediate position. It has held that when a court of appeals rules on a recusal motion after the district court has already ruled, the "abused of discretion" standard applies, and not the "clear and indisputable " standard applicable to a petition for a writ of mandamus. See In re Kensington-Int'l Ltd. 368 F.3d 289, 301 93d(3d Cir. 2004)("Judge Wolin's decision not to recuse himself must be reviewed for an abuse of discretion, as it is effect, no different than an appeal from a district court's order denying recusal."). The Third Circuit embraces the "abuse of discretion" standard, in part, because of a belief that the judge below "is in the best position to appreciate the Implications of those matters alleged in a recusal motion," and to render a decision. Id. at 224 (internal quotation marks and citations omitted).

Other courts considering the issue on appeal have likewise adopted an abuse of discretion standard. These include the Fourth, Fifth, Sixth, Eighth, Ninth, and Eleventh Circuits. See United States v. Cherry, 330 F.3d 658, 665 (4th Cir. 2003); Garcia v. City of Laredo, 702 F.3d 788, 793-94 (5th Cir. 2012); Johnson v. Mitchell, 585 F.3d 923, 945 (6th-Cir. 2009); United States v. Wisecarver, 644 F.3d 764, 771 (8th Cir. 2011); United States v. -Bailey, 175 F.3d 966, 968 (11th Cir. 1999). Case law establishes that this "abuse of discretion" review is a deferential standard that draws inferences in favor of the judge's decision not to disqualify him or herself.

As discussed below, this circuit split present recurring issues of national importance and warrants a grant of certiorari and the requested stay.

2. The question that will be present to this Court involves frequently recurring issues of exceptional national importance.

As Applicant Lynch, correctly pointed out in its Emergency Application for stay, and writ certiorari , the district courts are facing a flood of requests for Conflicting Standards for obtaining counsel, substitute counsel being appointed by courts, when a defendant's already have retain counsel under the Sixth Amendment and under the Criminal Justice Act of 1964 18 U.S.C. Section 3006A.

This Court, has never established a clear standard ton apply under these circumstances. Because of this lack of guidance, lower courts have split on standard should govern and that a defendant must demonstrate good cause to succeed in a motion to substitute retained counsel, and be foist by a district court judge, to appoint a counsel of his choosing, while a defendant already has paid counsel of record.

However, this Court has yet to provide clear guidance on a standard to apply to a motion to substitute counsel when a defendant seeks to replace retained counsel with appointed counsel. As most recently as April 2016, the Eleventh Circuit held that the right choice of counsel standard should govern and that a defendant need not show any cause to support his request to substitute retained counsel. In so holding, the Eleventh Circuit rejected the First Circuit's standard that a defendant must demonstrate good cause to succeed in a motion to substitute retained counsel for appointed counsel.

United States v. Parker, 469 F.3d 57, 61 (2d Cir. 2006) (holding that the right to counsel does not guarantee the right to the same attorney throughout the proceedings); Siers v. Ryan,-773 F.2d 37, 44 (3d Cir. 1985) (noting that the right to counsel does not afford criminal defendant's the right to confidence in appointment counsel); Thomas v. Wainwright, 767 F.2d-

738, 742 (11th Cir.1985) (holding that an indigent defendant who is eligible for appointment for appointed counsel "does not have a right to have a particular lawyer represent him, nor demand a different appointed lawyer except for good cause") (internal citations omitted); United-States v. Gonzalez-Lopez, 548 U.S. 140, 151 (2006) ("The right to counsel of choice does not extend to defendants who require counsel to be appointed for them").

This Court, have no presently binding case law dictating the standard applicable in the situation in which a district court considers a defendant's motion to discharge his retained counsel and be represented by a court-appointed attorney.

Indeed, in applicant situation, there has never been no such law, nor binding case law in this Court, nor any district court's in any Circuit , that a Judge try to coerce applicant while his paid counsel was present, to be appointed by counsel of his choosing, in regards to a combination of a substitution of counsel, and recusal motion, during a "status conference" hearing. The background of this case is set forth in detail in Lynch's petition for a writ of certiorari. Pet. 3-5. Here in the United States v. Barton, No. 12-116 (2d Cir. 2013), Court of Appeals has held in a situation similar to applicant case, that:

> "Criminal Justice Act of 1964 ("CJA"), expressly provided for appointment of counsel if at any stage of the proceedings... the court finds that the defendant is financially unable to pay counsel whom he had retained."
>
> "A district court must inquired into a defendant's eligibility for appointed counsel , and not to have counsel appointed at public expense."
>
> " A district court may not do, however, is foist an unwilling attorney upon an unwilling defendant, who has actively refused the appointment of counsel and declined to demonstrate his financial eligibility under the CJA." See also, United States of America, v. Trinidad Rivera-Corona, D.C. Court of Appeals No. 2;07-cr-02020-LRS-1 (2010) (holding with the majority that district court should have conducted an "appropriate

> inquiry " into defendant's financial eligibility for mid-case appointment of counsel and an adequate analysis of whether counsel should have been appointed in the "interest of justice." 18 U.S.C. section 3006A(b).

This Court, in order to resolve the conflicting standard and abuse of discretion by the lower courts, that happen to applicant, and other's, a clear rule needs to be established to both protect the defendant's right to counsel of choice and preserve judicial efficiency and fairness to all participants in the pretrial and trial process.

D. There is at least a fair chance that the district court's decision will be overturned.

Given the reasonable probability that four Justice would grant certiorari, it is doubtful that the prospects of reversal even need to be considered. *See **In re Roche,*** - 448 U.S. 1312, 1314 n. 1 (1980) (Brennan, J., chambers) (" The consideration of prospect for reversal dovetails, to a great extent, with the prediction that four Justices will vote to hear the case. Thus, it may be that the 'fair prospect' - of - reversal criterion has less independent significance in a stay determination when review will be sought by way of certiorari."). However, even if this factor must be independently considered, it is met.

D. Applicant will suffer irreparable harm if the requested stay is not granted.

State will suffer irreparable injury if the valuation process is not stayed pending appeal, because "judicial impartiality and sixth amendment rights is a vital state interest protected by Due process "Clause" and this Court have been clear that violation of the right to due process creates irreparable harm. See ***Chicago, Burlington & Quincy Rail-road Company v. Chicago***, 166 U.S. 226 (1897).

CONCLUSION

Applicants respectfully request that this Court stay the district court's July 15, 2024 surrender date orders during the appeal before the second Circuit and through final disposition of a petition for writ of certiorari and medical healing process for hemodialysis surgery.

Respectfully submitted,

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June 24, 2024

IN THE SUPREME COURT OF THE UNITED STATES

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RICKEY LYNCH

v. Applicant, Case No. 23-7555

AFFIDAVIT OF SERVICE

UNITED STATES OF AMERICA,

Respondent.

---X

STATE OF NEW YORK)
COUNTY OF QUEENS) ss:

Rickey Lynch, duly sworn, deposes and says:

I am over 18 years of age and an applicant to this action. On June 24, I cause a copy of this application for Continued Release Pending Appeal to be served by overnight mail to be served upon the following:

Solicitor General of the United States
Room 5614, Department of Justice
950 Pennsylvania Avenue
Washington D.C. 20530-001

Honorable Gary Brown
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Sworn to before me this 24th day of June, 2024 Signature: Rickey Lynch

Notary Public
Commission Expires: 10/04/2025
(Affix Stamp or Seal)

BIANCA BERALYS MARTINEZ
Notary Public - State of New York
NO. 01MA6423177
Qualified in Queens County
My Commission Expires Oct 4, 2025

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