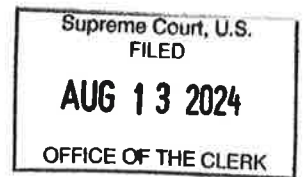


24A323  
(No. 24-5140)



**IN THE SUPREME COURT OF THE UNITED STATES**

FREDERICK PIÑA,

*Petitioner, Pro Se*

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

*Respondent.*

**MOTION TO STAY THE MANDATE OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT PENDING DISPOSITION OF PETITION FOR WRIT OF CERTIORARI**

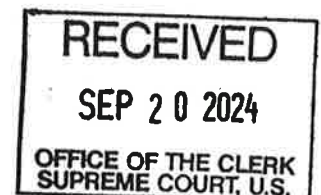
To the Honorable Justices of the Supreme Court of the United States:

INTRODUCTION:

Frederick Piña, Petitioner in the above-captioned matter, respectfully moves this Court for a stay of the mandate issued by the United States Court of Appeals for the Ninth Circuit on August 12, 2024, pending this Court's disposition of his Petition for a Writ of Certiorari, which was filed on July 21, 2024.

BACKGROUND:

1. On April 2, 2024, the United States Court of Appeals for the Ninth Circuit entered its alleged "judgment" in Case No. 23-55614, affirming the decision of the U.S. District Court for the Central District of California.
2. On July 21, 2024, Petitioner filed a timely Petition for a Writ of Certiorari with this Court, seeking review of the Ninth Circuit's decision.
3. On August 12, 2024, the Ninth Circuit issued its mandate, which would ordinarily render its judgment final and enforceable.



## ARGUMENT:

Petitioner respectfully requests that this Court stay the issuance of the mandate from the Ninth Circuit pursuant to Supreme Court Rule 23 and Federal Rule of Appellate Procedure 41(d)(2)(B), pending the Supreme Court's consideration of the Petition for a Writ of Certiorari. A stay is warranted for the following reasons:

### **1. Likelihood of the Supreme Court Granting Certiorari:**

The petition raises substantial questions of federal law that are significant and warrant the Supreme Court's review. These issues have broad implications on federal law concerning insurance disputes. The Supreme Court has established that a stay pending appeal is appropriate when there is a strong showing that the petition will succeed on the merits. See *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

### **2. Irreparable Harm:**

Without a stay, Petitioner will suffer irreparable harm as the Ninth Circuit's mandate will enable the enforcement of a judgment that could be reversed or remanded by this Court. This could result in significant and irreversible financial and legal consequences. The harm must be actual and imminent, not remote or speculative. See *Ohio Citizens for Responsible Energy, Inc. v. Nuclear Regulatory Comm'n*, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers).

### **3. Absence of Prejudice to Respondent:**

Granting a stay will not substantially prejudice the Respondent. The Respondent will merely be required to wait until the Supreme Court determines whether to grant certiorari, thereby preserving the status quo. The delay in the mandate will not cause undue hardship or prejudice to the Respondent.

### **4. Public Interest:**

The public interest favors granting a stay to ensure that important questions of federal law are fully considered by the highest court before the lower court's decision is given full effect. The Supremacy Clause of the United States Constitution requires that lower courts defer to this Court's jurisdiction. Once certiorari is sought, the lower courts must refrain from taking actions that could undermine this Court's jurisdiction. See *U.S. Const. art. VI, cl. 2*; see also *Ex parte Quirin*, 317 U.S. 1, 25 (1942).

## 5. Lack of Jurisdiction by the Ninth Circuit:

Once this Court has taken jurisdiction over the case, the Ninth Circuit no longer possesses the authority to preemptively or retroactively correct its own legal errors. As established in *United States v. American Railway Express Co.*, 265 U.S. 425, 435 (1924), lower courts must refrain from altering their decisions once an appeal has been filed and jurisdiction has transferred. The Ninth Circuit's actions in issuing a mandate while a Petition for a Writ of Certiorari is pending undermines this principle and contravenes the established doctrine of judicial hierarchy. Therefore, any actions taken by the Ninth Circuit subsequent to the filing of the certiorari petition are not only unnecessary but also legally impermissible.

### CONCLUSION:

For the foregoing reasons, Petitioner respectfully requests that this Court stay the mandate of the United States Court of Appeals for the Ninth Circuit pending the disposition of the Petition for a Writ of Certiorari.

Respectfully submitted,




Frederick Piña, *Petitioner, Pro Se*  
90 Vreeland Street, #4  
Staten Island, New York 10304-1464  
929.944.7029 voice  
pina.frederick@gmail.com

Dated: August 13, 2024

### Certificate of Service

I hereby certify that on this 13th day of August 2024, a true and correct copy of the foregoing Motion to Stay the Mandate Pending Disposition of Petition for Writ of Certiorari was served via Certified U.S. Mail to the Clerk of the Supreme Court and all counsel of record, in accordance with Supreme Court Rule 29, which governs the filing and service of documents.



08/13/2024

**EXHIBIT A:**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 12 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FREDERICK DAVID PINA,

Plaintiff - Appellant,

v.

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Defendant - Appellee.

No. 23-55614

D.C. No. 2:23-cv-02672-MCS-SK  
U.S. District Court for Central  
California, Los Angeles

**MANDATE**

The judgment of this Court, entered April 02, 2024, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT