

Supreme Court, U.S.
FILED
DEC - 3 2024
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24A562

IN THE SUPREME COURT OF THE UNITED STATES

IN THE MATTER OF IKECHUKWU HYGINUS OKORIE, PETITIONER

IKECHUKWU HYGINUS OKORIE

PETITIONER

VERSUS

SUPREME COURT CASE # (To be assigned)

Court of Appeals Docket # : 24-60605

Mandamus Petition Docket Court of Appeals Docket #: 24-60613

Lower Court Case Number: 2:24-CV-00091-KS-MTP

UNIVERSITY MALL, LLC, et al.,

APPELLEES

APPLICATION FOR EMERGENCY STAY

TO THE HONORABLE JUSTICE SAMUEL ALITO, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:

COMES NOW, Applicant, **Dr. Ikechukwu Hyginus Okorie**, and respectfully submits this **Application for Emergency Stay** pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f). Applicant seeks to stay the execution of a **Writ of Habere Facias Possessionem** issued by the U.S. District Court for the Southern District of Mississippi (Case No. 2:24-CV-00091-KS-MTP), which authorizes eviction from Applicant's property located at **3700 Hardy Street, Hattiesburg, Mississippi**, pending resolution of a **Petition for Writ of Mandamus** currently before the U.S. Court of Appeals for the Fifth Circuit (Case No. 24-60613).

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SUPREME COURT, U.S.

INTRODUCTION

This Application arises from extraordinary circumstances involving judicial misconduct, procedural irregularities, and immediate irreparable harm. Despite a pending Petition for Writ of Mandamus seeking to disqualify the presiding district court judge for conflict of interest and procedural defects, the district court issued and began enforcing a writ of possession, causing Applicant to face imminent eviction from property critical to the provision of healthcare services.

Immediate intervention is necessary to preserve the status quo, prevent irreparable harm to Applicant and the local community, and protect the integrity of the judicial process.

FACTUAL BACKGROUND

1. Applicant is the owner and operator of **Inland Family Practice**, a medical facility located at 3700 Hardy Street, Hattiesburg, Mississippi, which provides essential healthcare services, including opioid addiction treatment, chronic illness management, and urgent care for vulnerable populations.
2. On **December 2, 2024**, the presiding judge in Case No. 2:24-CV-00091-KS-MTP issued a **Writ of Habere Facias Possessionem**, authorizing eviction of Applicant and seizure of the property.
3. The writ was delivered to the **U.S. Marshal** for enforcement on the same day, with execution now imminent or already underway.
4. Applicant's **Petition for Writ of Mandamus**, filed with the U.S. Court of Appeals for the Fifth Circuit, remains pending. The mandamus petition seeks the disqualification of the presiding judge under 28 U.S.C. § 455(a) due to a conflict of

interest (the judge is a named defendant in a related federal lawsuit filed by Applicant) and procedural irregularities.

PROCEDURAL HISTORY

1. **Mandamus Petition:** Applicant filed a Petition for Writ of Mandamus with the Fifth Circuit, challenging the impartiality of the district court judge and the fairness of rulings in the underlying case.
2. **Emergency Motion to Stay:** Applicant also filed an Emergency Motion to Stay the execution of the writ of possession with the Fifth Circuit, which remains pending.
3. **Issuance of Writ:** The district court issued the writ of possession on December 2, 2024, despite the unresolved mandamus petition and emergency motion.

LEGAL ARGUMENT

1. Likelihood of Success on the Merits

- Applicant's mandamus petition presents strong grounds for relief, including violations of judicial impartiality under 28 U.S.C. § 455(a) and procedural irregularities that undermine the integrity of the proceedings.
- The district court judge's continued involvement in the case, despite being a named defendant in a related lawsuit filed by Applicant, raises serious concerns about fairness and impartiality.

2. Irreparable Harm

- Execution of the writ will cause immediate and irreparable harm by:

- Disrupting critical healthcare services provided at 3700 Hardy Street, endangering the health and safety of patients who depend on Applicant's practice.
- Causing significant financial losses and reputational damage that cannot be remedied through monetary damages.

3. Balance of Equities

- The harm to Applicant and the community far outweighs any inconvenience to the opposing party, who retains legal remedies to resolve possession disputes.

4. Public Interest

- Granting a stay serves the public interest by preserving access to essential healthcare services and protecting the integrity of the judicial system.

RELIEF REQUESTED


WHEREFORE, Applicant respectfully requests that the Honorable Justice Samuel Alito, as Circuit Justice for the Fifth Circuit, issue an order:

1. **Staying the execution of the Writ of Habere Facias Possessionem** issued by the U.S. District Court for the Southern District of Mississippi (Case No. 2:24-CV-00091-KS-MTP) pending resolution of the mandamus petition before the Fifth Circuit.
2. Granting such other and further relief as this Court deems just and proper.

ATTACHMENTS:

1. Relevant lower court orders, including the writ of possession.
2. Mandamus petition filed in the Fifth Circuit.
3. Emergency Motion to Stay filed in the Fifth Circuit.
4. Affidavit detailing irreparable harm and urgency.

Respectfully Submitted, this 2nd day of December, 2024.



Ikechukwu Hyginus Okorie
4500 Hillcrest Rd. Ste.185
Frisco TX 75035

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024_, I sent the foregoing to the Appellee's attorneys herein to their respective addresses.

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This 2nd day of December, 2024.



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**IN THE UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
IN THE MATTER OF IKECHUKWU HYGINUS OKORIE, DEBTOR**

IKECHUKWU HYGINUS OKORIE

APPELLANT

VERSUS

CASE NO. 24-60605

Lower Court Case Number: 2:24-CV-00091-KS-MTP

UNIVERSITY MALL, LLC, et al.,

APPELLEES

EMERGENCY MOTION TO STAY EXECUTION OF WRIT

COMES NOW, Plaintiff-Appellant, Ikechukwu Hyginus Okorie, and respectfully files this Emergency Motion to Stay Execution of the Writ of Habere Facias Possessionem issued in Case No. 2:24-CV-00091-KS-MTP by the United States District Court for the Southern District of Mississippi. Plaintiff-Appellant seeks immediate relief to prevent irreparable harm resulting from the enforcement of the writ, which has been delivered to the U.S. Marshal for execution, and to preserve the appellate process.

I. RELIEF REQUESTED

Plaintiff-Appellant respectfully requests this Honorable Court:

1. Issue an immediate stay of the execution of the Writ of Habere Facias Possessionem.
2. Provide other and further relief as this Court deems just and proper.

II. GROUNDS FOR RELIEF

1. Irreparable Harm:

Execution of the writ will dispossess Plaintiff-Appellant of property critical to his residence and business operations, causing significant harm that cannot be remedied through monetary compensation.

2. Procedural Irregularities:

The underlying judgment and writ are marred by:

- o Denial of motions for case consolidation.
- o Conflict of interest by the presiding judge.
- o Procedural deficiencies undermining due process.

3. Likelihood of Success on Appeal:

Plaintiff-Appellant's appeal presents substantial legal questions, including violations of due process, procedural fairness, and judicial impartiality.

4. Urgency:

The writ has been hand-delivered to the U.S. Marshal for immediate execution, creating an imminent risk of harm.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Appellant respectfully requests that this Honorable Court:

1. Grant an immediate stay of the execution of the Writ of Habere Facias Possessionem;
2. Maintain the status quo pending resolution of this appeal; and
3. Grant such other and further relief as the Court deems just and proper.

Exhibit A – Executed Writ

Exhibit B- Affidavit

Respectfully Submitted, this 2nd day of December, 2024.



Ikechukwu Hyginus Okorie
4500 Hillcrest Rd. Ste.185
Frisco TX 75035

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024_, I sent the foregoing to the Appellee's attorneys herein to their respective addresses.

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This 2nd day of December, 2024.


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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNIVERSITY MALL, LLC, Plaintiff

v.

Civil Action No. 2:24-cv-00091-KS-MTP

IKECHUKWU OKORIE, ROYAL
OAKS RENTAL PROPERTIES, LLC
INLAND FAMILY PRACTICE, LLC, Defendants

WRIT OF HABERE FACIAS POSSESSIONEM

**THE STATE OF MISSISSIPPI
TO THE UNITED STATES MARSHAL**

WHEREAS, on November 21, 2024, Plaintiff, University Mall, LLC, received a Judgment in the United States District Court against Defendants, Ikechukwu Okorie, Royal Oaks Rental Properties, LLC, and Inland Family Practice, LLC, the same being Civil Action No. 24-cv-00091-KS-MTP, that Plaintiff should have and recover possession of the land and property lying and being situated in Forrest County, Mississippi and being more particularly described as follows:

Commence at the Northeast corner of the NW1/4 of the SW1/4 of Section 7, Township 4 North, Range 13 West, Forrest County, Mississippi, and run South for a distance of 40 feet to the South line of Hardy Street; thence run West along the South line of Hardy Street for a distance of 18.5 feet to the West line of South 37th Avenue to and for the Point of Beginning; Thence run South 00°05' East along the West line of South 37th Avenue for a distance of 150 feet; thence run West and parallel with the South line of Hardy Street for a distance of 150 feet; thence run North 00°05' West for a distance of 150 feet to the South line of Hardy Street; thence run East along the South line of Hardy Street for a distance of 150 feet back to the Point of Beginning, the same being a part of the NW1/4 of the SW1/4 of Section 7, Township 4 North, Range 13 West, Forrest County, Mississippi.

more commonly known as: 3700 Hardy Street, Hattiesburg, Mississippi 39401. (The "Property").

NOW, THEREFORE, you, the officer to whom this Writ is directed, are hereby commanded to cause Ikechukwu Okorie, Royal Oaks Rental Properties, LLC, and Inland Family Practice, LLC, and any items of personal property left in or on the dwelling located on the Property herein before described, to be forthwith removed from said land and Property, and that you deliver the peaceful possession of said land and Property to said Plaintiff, University Mall, LLC. *KJ.*

WITNESS MY HAND AND SEAL OF COURT, this the ^{*2nd*}~~27th~~ day of ^{*December*}~~November~~, 2024.



KEITH STARRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
IN THE MATTER OF IKECHUKWU HYGINUS OKORIE, DEBTOR

IKECHUKWU HYGINUS OKORIE

APPELLANT

VERSUS

CASE NO. 24-60605

Lower Court Case Number: 2:24-CV-00091-KS-MTP

UNIVERSITY MALL, LLC, et al.,

APPELLEES

AFFIDAVIT OF DR. IKECHUKWU OKORIE

I, Dr. Ikechukwu Okorie, being duly sworn, depose and declare under penalty of perjury as follows:

1. Immediate Execution of the Writ

1. On December 2, 2024, a Writ of Habere Facias Possessionem was issued by the United States District Court in Case No. 2:24-CV-00091-KS-MTP and hand-delivered to the U.S. Marshal for enforcement.
2. Execution of the writ is imminent, creating an urgent need for judicial intervention to prevent irreparable harm to me, my business, and the local community.

2. Lack of Proper Notice

1. I did not receive adequate notice of the foreclosure sale of the property at 3700 Hardy Street, Hattiesburg, Mississippi, as required under Mississippi law and the Federal Rules of Bankruptcy Procedure.
2. The lack of notice deprived me of the opportunity to:
 - Cure the alleged default.
 - Contest the foreclosure proceedings.
 - Protect my ownership and possessory interests in the property.
3. The absence of proper notice violates my due process rights and undermines the legitimacy of the foreclosure sale and subsequent writ.

3. Critical Healthcare Services at Risk

1. My medical practice, located at 3700 Hardy Street, provides essential healthcare services to the community, including:
 - **Opioid Addiction Treatment:** Addressing the opioid crisis through medically supervised recovery programs.
 - **Chronic Illness Management:** Treating patients with diabetes, hypertension, and other long-term conditions.
 - **Urgent and Emergency Care:** Delivering life-saving interventions to patients in need of immediate attention.
2. These services are indispensable to many in the community, particularly vulnerable populations with limited access to alternative healthcare.
3. Eviction from the property would disrupt these services, endangering the health and safety of numerous patients.

4. Irreparable Harm

1. If the writ is executed, I will face severe and irreparable harm, including:
 - **Disruption of Patient Care:** Many patients depend on my practice for continuity of care and would face significant delays or loss of medical services.
 - **Financial Losses:** The forced closure of my practice would result in substantial economic harm, including loss of revenue and resources.
 - **Reputational Damage:** Eviction would undermine the trust and goodwill I have cultivated in the community over many years.
2. The broader community would also suffer, as the closure of my practice would exacerbate healthcare disparities and reduce access to critical services.

5. Pending Legal Challenges

1. I have filed an appeal in the Mississippi Supreme Court (Case No. 2024-CP-00462), directly challenging the validity of the foreclosure sale and the title claimed by University Mall, LLC.
2. This appeal raises significant legal issues, including:
 - The failure to provide proper notice of the foreclosure sale.
 - Procedural deficiencies that undermine the legitimacy of the foreclosure and title transfer.
3. A favorable ruling in the Mississippi Supreme Court would invalidate the foreclosure sale, rendering the writ and eviction moot.

6. Necessity of a Stay

1. Premature enforcement of the writ would render the appellate process moot and cause irreparable harm to my practice and the community.

2. A stay would:
 - o Preserve the status quo while legal challenges to the foreclosure and writ are resolved.
 - o Prevent conflicting rulings between the federal appellate process and the Mississippi Supreme Court.
3. I respectfully request that this Court grant a stay of execution of the writ to allow for proper adjudication of the legal and procedural issues at stake.

DECLARATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: December 2, 2024

Dr. Ikechukwu Hyginus Okorie



Ikechukwu Hyginus Okorie
4500 Hillcrest Rd. Ste.185
Frisco TX 75035

**IN THE UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
IN THE MATTER OF IKECHUKWU HYGINUS OKORIE, DEBTOR**

IKECHUKWU HYGINUS OKORIE

PETITIONER

CASE NO. 24-60613

Lower Court Case Number: 2:24-CV-00091-KS-MTP

**SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR WRIT OF
MANDAMUS**

**TO THE HONORABLE JUDGES OF THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT:**

COMES NOW, Petitioner, Dr. Ikechukwu Hyginus Okorie, and respectfully submits this Supplemental Brief in support of his Petition for Writ of Mandamus. Petitioner brings to the Court's attention new developments that underscore the urgency and necessity of mandamus relief.

I. RECENT DEVELOPMENTS

1. On December 2, 2024, the presiding judge in Case No. 2:24-CV-00091-KS-MTP issued a Writ of Habere Facias Possessionem against Petitioner, authorizing immediate eviction and possession of the property located at 3700 Hardy Street, Hattiesburg, Mississippi.

2. The writ was hand-delivered to the U.S. Marshal for enforcement on the same day, signaling imminent action.
3. This action occurred despite the pending mandamus petition seeking disqualification of the presiding judge due to conflict of interest and allegations of procedural irregularities.

II. ADDITIONAL GROUNDS FOR RELIEF

1. Continued Involvement by the Conflicted Judge:

The presiding judge, named as a defendant in a related federal lawsuit filed by Petitioner, has continued to issue rulings directly affecting Petitioner's interests. This dual role as adjudicator and defendant violates 28 U.S.C. § 455(a), which mandates disqualification where impartiality might reasonably be questioned.

2. Irreparable Harm:

Enforcement of the writ will result in Petitioner's eviction from the property, disrupting critical healthcare services provided at the premises and causing harm to both Petitioner and the community that cannot be remedied through monetary damages or post-appeal relief.

3. Judicial Misconduct and Procedural Irregularities:

- The denial of Petitioner's motion to consolidate related foreclosure and eviction cases has led to inconsistent rulings.
- Allegations of off-the-record communications and procedural defects remain unresolved, further undermining confidence in the proceedings.

III. PRAYER FOR RELIEF

Petitioner respectfully requests that this Honorable Court:

1. Expedite consideration of the pending mandamus petition in light of the recent issuance of the writ.
2. Issue a writ of mandamus disqualifying the presiding judge in Case No. 2:24-CV-00091-KS-MTP.
3. Direct the District Court to vacate all rulings issued by the conflicted judge, including the Writ of Habere Facias Possessionem.
4. Stay enforcement of the writ pending resolution of the mandamus petition.
5. Grant such other and further relief as this Court deems just and proper.

EXHIBITS

1. **Exhibit A:** Writ of Habere Facias Possessionem issued on December 2, 2024.
2. **Exhibit B:** Affidavit of Dr. Ikechukwu Okorie dated December 2, 2024, detailing the urgency and necessity of mandamus relief.

Respectfully Submitted, this 2nd day of December, 2024.



Ikechukwu Hyginus Okorie
4500 Hillcrest Rd. Ste.185
Frisco TX 75035

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024, I sent the foregoing to the Appellee's attorneys herein to their respective addresses.

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This 2nd day of December, 2024.



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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
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EASTERN DIVISION**

UNIVERSITY MALL, LLC, Plaintiff

v.

Civil Action No. 2:24-cv-00091-KS-MTP

IKECHUKWU OKORIE, ROYAL
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INLAND FAMILY PRACTICE, LLC, Defendants

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WITNESS MY HAND AND SEAL OF COURT, this the ^{*2nd*}~~27th~~ day of ^{*December*}~~November~~, 2024.


KEITH STARRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES COURT OF APPEALS

FIFTH CIRCUIT

IN THE MATTER OF IKECHUKWU HYGINUS OKORIE, DEBTOR

IKECHUKWU HYGINUS OKORIE

APPELLANT

VERSUS

CASE NO. 24-60605

Lower Court Case Number: 2:24-CV-00091-KS-MTP

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APPELLEES

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2. Execution of the writ is imminent, creating an urgent need for judicial intervention to prevent irreparable harm to me, my business, and the local community.

2. Lack of Proper Notice

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2. The lack of notice deprived me of the opportunity to:
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 - Protect my ownership and possessory interests in the property.
3. The absence of proper notice violates my due process rights and undermines the legitimacy of the foreclosure sale and subsequent writ.

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2. These services are indispensable to many in the community, particularly vulnerable populations with limited access to alternative healthcare.
3. Eviction from the property would disrupt these services, endangering the health and safety of numerous patients.

4. Irreparable Harm

1. If the writ is executed, I will face severe and irreparable harm, including:
 - **Disruption of Patient Care:** Many patients depend on my practice for continuity of care and would face significant delays or loss of medical services.
 - **Financial Losses:** The forced closure of my practice would result in substantial economic harm, including loss of revenue and resources.
 - **Reputational Damage:** Eviction would undermine the trust and goodwill I have cultivated in the community over many years.
2. The broader community would also suffer, as the closure of my practice would exacerbate healthcare disparities and reduce access to critical services.

5. Pending Legal Challenges

1. I have filed an appeal in the Mississippi Supreme Court (Case No. 2024-CP-00462), directly challenging the validity of the foreclosure sale and the title claimed by University Mall, LLC.
2. This appeal raises significant legal issues, including:
 - The failure to provide proper notice of the foreclosure sale.
 - Procedural deficiencies that undermine the legitimacy of the foreclosure and title transfer.
3. A favorable ruling in the Mississippi Supreme Court would invalidate the foreclosure sale, rendering the writ and eviction moot.

6. Necessity of a Stay

1. Premature enforcement of the writ would render the appellate process moot and cause irreparable harm to my practice and the community.

2. A stay would:

- Preserve the status quo while legal challenges to the foreclosure and writ are resolved.
- Prevent conflicting rulings between the federal appellate process and the Mississippi Supreme Court.


3. I respectfully request that this Court grant a stay of execution of the writ to allow for proper adjudication of the legal and procedural issues at stake.

DECLARATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: December 2, 2024

Dr. Ikechukwu Hyginus Okorie



Ikechukwu Hyginus Okorie
4500 Hillcrest Rd. Ste.185
Frisco TX 75035