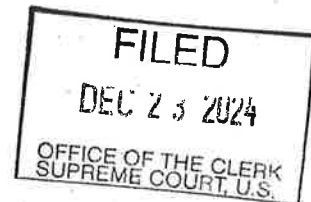


24A772

SAMUEL PFEIFFER
203 Wallabout St. Unit 1
Brooklyn, NY 11206
Tel; 718-564-4733
jericho4200@gmail.com

January 8, 2025

SUPREME COURT OF THE UNITED STATES
1 First Street N.E.
Washington D.C. 20543
ATT: Hon. Clerk of the Court



RE: Jericho Group Ltd, et al. V. Mid-Town Development Limited
USAP2 No. 21-2961

Dear Hon. Clerk:

I respectfully request on behalf of Samuel Pfeiffer, that the Court grant an extension to file a Petition for a Writ of Certiorari, until 60 days after the Second Circuit will issue an Order, on my "Motion to Recall the Mandate", filed on December 30, 2024 (DOC-340). I requested in the Motion that the Second Circuit should recall the Mandate, and vacate the Orders and Judgment of the Second Circuit, based on the "Newly Discovery" discovered on December 12, 2024, well after the issuance of the Orders and Judgment, and the Mandate, and or at least grant an extension of 60 days. The reason for my request ;

1. Is because, the Second Circuit in their Summary Order and Judgment, dated October 31, 2023, DOC-267, (copy attached hereto) stated in page 5, in DOC-267, "**Jericho and Pfeiffer also argue that the district court should "restore" its docket to its 2014 condition, because their prior counsel's incompetence caused them prejudice. This argument is frivolous, lacking any basis in law or fact**" ("P-5"). The Second Circuit also issued sanctions against Jericho and Samuel Pfeiffer. When I received this Orders and Judgment, (DOC-267), I was so shocked that I collapsed and subsequently I was hospitalized and the Doctors in the Hospital determined that I have suffered a STROKE.

Because I knew that it is Not-True, because I have never argued this *frivolous argument*, and I have never allowed any of Jericho's attorneys to argued this *frivolous argument*. Therefore, I filed a Motion for leave to file a Petition, that the Second Circuit should vacate the Orders and Judgment, dated November 4, 2013 (DOC-276), "because upon information and believe **"JERICHO AND PFEIFFER HAVE NEVER ARGUED THE ABOVE FRIVOLOUS ARGUMENT"**. The Court after Five months granted the Motion, by Order dated April 16, 2024 (DOC-292). Based on that Order I filed on September 9, 2024, a Motion for rehearing to Vacate the Orders and Judgment, because upon information and believe **"JERICHO AND PFEIFFER HAVE NEVER ARGUED THE ABOVE FRIVOLOUS ARGUMENT"**, (DOC 318). But the Second Circuit denied the Motion by Order dated September 25, 2014, where the Court stated,

"IT IS HEREBY ORDERED that the petition is DENIED" (DOC 329)- (copy attached hereto). The Court then issued a Mandate, dated October 2, 2014, (DOC 330).

I understood that the reason the Second Circuit denied the Motion, and issued a Mandate, was because the Second Circuit must have seen a letter or document from some unknown attorney that argued this *frivolous argument* on behalf of Jericho and Pfeiffer. In addition, that this unknown attorney must have argued in his letter or motion that Pfeiffer and Jericho have requested that the Court should ignore and vacate all "The Critical Document from October 2014 to January 2023". Accordingly, I had no-choice, but to find out who sent those unauthorized and fraudulent letter(s) .or motion(s) to.this Court, what exactly had that unknown attorney argue in his . . letter(s) or motion(s). Therefore, I sent a letter to the Hon. Catherine O'hagan Wolfe, The Clerk of the Court of United States Court of Appeals, dated November 18, 2024, where I requested information. I wrote,

"I respectfully request that your honor should please review page 5 of the Order dated October 31, 2021, in DOC 267 and DOC 268, and the Mandate dated October 2, 2024, in DOC 330..... The Honorable Justices of the Panel.... it seems have confirmed in the Orders DOC's 267, 268, 330, and 329, that they and you had seen documents where Jericho and Pfeiffer argued the above frivolous argument. But the orders had not referenced to the documents where Jericho and Pfeiffer argued the above frivolous argument. *Please provide me as soon as possible, with information with the name of those documents and the pages in those documents where Jericho and Pfeiffer argued the above frivolous arguments.* I have reviewed the record of appeal in the Appendix's filed in this action, plus Jericho's and Pfeiffer's opening briefs (DOC's 97 and 111), and Jericho's and Pfeiffer's reply briefs (DOC's 134 and 153), but I was not able to find any document that shows that "Jericho and Pfeiffer argued to "restore" its docket to its 2014 condition, because their prior counsel's incompetence caused them prejudice.

I have approached attorneys to possible retain them to contemplate to possibly file a Petition for a Writ of Certiorari with the Supreme Court of the United States. But they told me, that I must first show them the documents and the pages in those documents, where "Jericho and Pfeiffer argued to "restore" its docket to its 2014 condition, because their prior counsel's incompetence caused them prejudice". **They told me that without seeing those documents and the context of those documents under what circumstances Jericho and Pfeiffer argued those frivolous arguments, they could not even consider to contemplate to file a Writ of Certiorari with the Supreme Court of the United States. They also told me that no reputable law-firm or attorney will file a Petition for a Writ of Certiorari with the Supreme Court of the United States without first seeing those documents.** I told them that as far as I am concerned there is no such document. They told me so there is an "issue of fact", the Panel affirmed in the above Orders and Mandate that Jericho and Pfeiffer argued the above *frivolous argument*, and Pfeiffer affirms that Jericho and Pfeiffer had never argued the above *frivolous argument*. I was told that this issue must be resolved first before even considering to file a Petition for a Writ of Certiorari. That I should request the Court or the Clerk of the

Court to provide me information in which documents and in which pages in those documents did Jericho and Pfeiffer argued the above frivolous argument”.

Accordingly, without that information no attorney wanted to take the case, **to file a Writ of Certiorari with the Supreme Court. I recognized that they were right.**

The Hon. Clerk confirmed to me in a phone conversation on December 12, 2024, that the statements of the Second Circuit in P-5 in (DOC-267) and in the Mandate, was based on **A566**. **A566** was a three page Letter/Motion, filed by Attorney Avery Mehlman of the Law-firm of Herrick, Feinstein LLP, on behalf of Jericho Group LTD, dated December 27, 2021. Accordingly, this was “Newly Discovered Evidence” discovered well after the Orders and Judgment, and the Mandate were issued.

But this was a Game Changer; because I finally found out that the Second Circuit based their statement that **“Jericho and Pfeiffer also argue that the district court should "restore" its docket to its 2014 condition, because their prior counsel's incompetence caused them prejudice. This argument is frivolous, lacking any basis in law or fact”** in “P-5”, was based on A566! Based on this shocking discovery I filed an extensive Motion, dated December 30, 2024, (DOC-340) where I stated in page one of the Motion,

“MOTION TO ALLOW TO FILE PETITION TO RECALL THE MANDATE AND TO VACATE THE ORDERS AND JUDGMENTS, BECAUSE OF THE "NEW DISCOVERY" BECAUSE THE HON. CLERK OF THIS COURT REPRESENTED TO PFEIFFER, IN DECEMBER 2024, AFTER THE ISSUENCE OF THE MANDATE. THAT THE STATEMENTS IN "P-5" IN THE MANDATE, ORDERS AND JUDGMENT IN DOC'S 267-68 & 300 "P-5", WAS BASED ON "A566". BECAUSE THIS "NEWLY DISCOVERY" SHOWS THAT WHAT THE COURT STATED WAS NOT TRUE, BECAUSE A566 COMPLETELY CONTRADICTS WHAT WAS ALLEGED IN "P-5"! BECAUSE A566 PROVES THAT JERICHO AND PFEIFFER HAVE NEVER ARGUED THE FRIVOLOUS ARGUMENTS, THAT THE COURT ALLEGED AGAINST THEM IN "P-5". IN FACT, A566 PROVES (1) THAT A566 WAS NOT EVEN FILED ON BEHALF OF PFEIFFER, AND (2) THAT THE ARGUMENTS IN A566, WERE "EXTREMELY MERITORIOUS ARGUMENTS", a) WHY THE DISTRICT COURT SHOULD VACATE ALL ORDERS AND JUDGMENTS, AND b) WHY THE DISTRICT COURT SHOULD "RESTORE" THE CASE TO OCTOBER 2014, BECAUSE ALL THE ORDERS & JUDGMENTS OF THE DISTRICT COURT WERE *ERRONEOUS*, BECAUSE THEY WERE BASED ON ATTORNEY GROSS'S FRAUDULENT FILINGS AFTER OCTOBER 2014, AFTER GROSS WAS NO LONGER PLAINTIFFS ATTORNEY. WHEREFORE ALL THOSE FILINGS WERE NULL AND VOID, AND ALL ORDERS & JUDGMENTS MUST BE VACATED

But now that I had received from the Hon. Clerk of the Second Circuit this critical information, I could not have been able to file a Writ of Certiorari, timely, on or before December 24, 2024, because, (1) the confirmation by the Clerk, that it was based on A566, was only obtained on December 12, 2024, which would have been to a short time to retain an

attorney, plus for the Attorney to prepare and file a Writ of Certiorari, timely, on or before December 24, 2024, (2) I as a Pro Se, (who is not versed in law and case law), for sure would not have been able to prepare a Writ of Certiorari on or before December 24, 2024, and the main is (3) because it would be Premature to file a Writ of Certiorari, before the Second Circuit will first issue an Order on this Motion (DOC-340), because based on the New Discoveries and the arguments in the Motion in (DOC-340) I think that the Second Circuit will grant the Motion and Order to Recall the Mandate and Vacate the Orders and Judgments in this case, which would obviate the need to retain a reputable Attorney or law-firm which would take a lot of time and huge fees (that I don't have and will have to raise the funds), plus a lot of time to prepare and to file a Writ of Certiorari, when there is a very strong possibility that the Second Circuit will grant the Motion and recall the Mandate and vacate the Orders and Judgment.

2. I and my wife have gone through and still going through very serious trauma in our family, which was and is still life threatening, were I had to take care and deal with the Doctors, Hospitals, Case workers and Therapists, etc, plus I had to take care on their many children, our grandchildren, (from age a few months old to age 15), on a daily basis, 24/7, which took a major toll on me (especially after I suffered a Stroke and had recently a very dangerous Cellulites, which as of today is still very dangerous), and will continue for the next few weeks. In addition, I had to take care of my wife, who had suffered from very dangerous, Blood-Clots in both Lungs, Stroke, Meningitis, and very serious anxiety, where she was warned by her Doctors that is not allowed to be under any stress. In addition, her Doctor's took many tests relating to her condition, including new tests this week and warned her to have complete rest, etc. They warned her that based on the tests she could suffer in any minute, dangerous Blood-Clots in her Lungs and or also Stroke and/or Heart attack. Her Doctors ordered that she must go immediately for vacation. Wherefore, I did not have the time and will not have the time in the near future to search and retain Attorney for this Case. (I am willing to provide to the Court under seal, the information to the above).

WHEREFORE the Court respectfully should grant the requested extension.

Respectfully Yours

Samuel Pfeiffer, Pro Se

21-2961-cv

Jericho Grp. Ltd v. Mid-Town Dev. Ltd. P'ship

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1 **At a stated term of the United States Court of Appeals for the**
2 **Second Circuit, held at the Thurgood Marshall United States Courthouse, 40**
3 **Foley Square, in the City of New York, on the 31st day of October, two thousand**
4 **twenty-three.**

5
6 **PRESENT:**

7 **DENNY CHIN,**
8 **MICHAEL H. PARK,**
9 *Circuit Judges,*
10 **ANNE M. NARDACCI,**
11 *District Judge.**

12 _____

13
14 **Jericho Group Ltd,**

15
16 *Plaintiff-Appellant,*

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* Judge Anne M. Nardacci, of the United States District Court for the Northern District of New York, sitting by designation.

1 **Samuel Pfeiffer,**

2

3 *Appellant,*

4

5 **v.**

21-2961 (L),

6

22-194 (Con)

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8 **Mid-Town Development Limited**

9 **Partnership, Robert B. Goebel,**

10

11 *Defendants-Appellees.*[†]

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14 **FOR PLAINTIFF-APPELLANT:**

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19 **FOR APPELLANT:**

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22 **FOR DEFENDANT-APPELLEE**

23 **ROBERT B. GOEBEL:**

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Avinoam Y. Rosenfeld,
The Rosenfeld Law
Office, P.C.,
Lawrence, NY.

Samuel Pfeiffer, pro se,
Brooklyn, NY.

Lisa M. Solomon,
Law Offices of Lisa M.
Solomon, New York, NY.

26 Appeal from a judgment of the United States District Court for the Eastern

27 District of New York (Dora L. Irizarry, J.).

28 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,**

[†] The Clerk of Court is respectfully directed to amend the caption accordingly.

1 **ADJUDGED, AND DECREED** that the judgment of the district court is
2 **AFFIRMED.**

3 Plaintiff-Appellant Jericho Group Ltd sued Defendant-Appellees Mid-
4 Town Development LP, its lawyers, and Jericho's former attorneys (including
5 Robert Goebel) in district court raising several federal- and state-law claims.
6 Appellant Samuel Pfeiffer, Jericho's principal, was an interested party in the
7 action. After the case was dismissed, the parties disputed a settlement
8 concerning attorneys' fees, which the district court memorialized in an order that
9 preserved its jurisdiction over any subsequent disputes. We previously affirmed
10 the validity of the so-ordered settlement agreement and warned Pfeiffer against
11 "the continued filing of duplicative, vexatious, or clearly meritless appeals,
12 motions, or other papers," which could result in a leave-to-file sanction. *Jericho*
13 *Grp. Ltd v. Mid-Town Dev. Ltd. P'ship*, 816 F. App'x 559, 563–65 (2d Cir. 2020).

14 Over a year later, Goebel moved the district court for a judgment against
15 Jericho for noncompliance with the settlement agreement and nonpayment of
16 attorney's fees. The district court granted the request and then denied Jericho's
17 motion to restore the docket to its circa-2014 procedural posture. These appeals
18 followed. Jericho is represented by counsel, but Pfeiffer proceeds pro se. We

1 assume the parties' familiarity with the remaining underlying facts, the procedural
2 history, and the issues on appeal.

3 As an initial matter, the district court had subject-matter jurisdiction to enter
4 a judgment for noncompliance with the order enforcing the settlement.
5 Enforcement of a settlement agreement "is more than just a continuation or
6 renewal of the dismissed suit"; it requires an independent basis for jurisdiction.
7 *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 378 (1994). A district court
8 must "either (1) expressly retain jurisdiction over the settlement agreement, or (2)
9 incorporate the terms of the settlement agreement in the order" dismissing the
10 case. *Hendrickson v. United States*, 791 F.3d 354, 358 (2d Cir. 2015). Here, the
11 district court expressly retained jurisdiction over all disputes concerning the
12 settlement.

13 On the merits, we affirm even under the standard of review most favorable
14 to Jericho, de novo. The district court correctly concluded that Jericho had failed
15 to justify its noncompliance with the order of settlement. Jericho argued that its
16 noncompliance was justified because the order of settlement did not clearly and
17 unambiguously require Pfeiffer to execute the settlement. The order of
18 settlement adopted the magistrate judge's proposed order, which provided that

1 Pfeiffer and Jericho were jointly and severally liable for the settlement amount of
2 \$200,000, \$35,000 of which was payable upon signing of the order, with the balance
3 due in equal payments on the 15th day of each month. The order also provided
4 that, in case of default, a confession of judgment was to be entered against Pfeiffer
5 and Jericho in the amount of \$350,000. The challenged judgment was therefore
6 authorized by the earlier settlement agreement, the validity of which we have
7 previously affirmed.

8 Jericho and Pfeiffer also argue that the district court should “restore” its
9 docket to its 2014 condition because their prior counsel’s incompetence caused
10 them prejudice. This argument is frivolous, lacking any basis in law or fact. The
11 right to competent counsel does not generally apply in civil cases. *See*
12 *Guggenheim Cap., LLC v. Birnbaum*, 722 F.3d 444, 453 (2d Cir. 2013). And any
13 remedy for counsel’s alleged incompetence lies in a malpractice action, not
14 repeated collateral attacks on a valid judgment.

15 Jericho and Pfeiffer have filed numerous frivolous and untimely appeals
16 and motions in this Court, including the ones currently before us. They have
17 been warned numerous times that future frivolous filings may result in sanctions.
18 *See Jericho*, 816 F. App’x at 564–65. We thus **GRANT** Goebel’s motion for

1 sanctions against Appellants. We **ORDER** that the Clerk of Court refuse to
2 accept from Appellants any future appeal or other filing in this Court relating to
3 this matter unless they first obtain leave of the Court. We **DENY** the pending
4 motions filed by Jericho and Pfeiffer as frivolous.

5 We have considered Appellants' remaining arguments and find them to be
6 without merit. Accordingly, we **AFFIRM** the judgment of the district court.

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FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court


The signature is written in cursive and overlaps with a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "CLERK OF APPEALS".

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of September, two thousand twenty-four,

Before: DENNY CHIN,
MICHAEL H. PARK,
Circuit Judge,
ANNE M. NARDACCI,
District Judge.*

Jericho Group Ltd,

Plaintiff - Appellant,

Samuel Pfeiffer,

Appellant,

v.

Mid-Town Development Limited Partnership, Robert B.
Goebel,

Defendants - Appellees.

Appellant having filed a petition for panel rehearing and the panel that determined the appeal having considered the request,

IT IS HEREBY ORDERED that the petition is DENIED.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court




* Judge Anne M. Nardacci, of the United States District Court for the Northern District of New York, sitting by designation.

**UNITED STATES COURT OF APPEALS
FOR The SECOND CIRCUIT**

-----X
JERICHO GROUP LTD.,

Plaintiff Appellant

-against-

**MID-TOWN DEVELOPMENT LIMITED
PARTNERSHIP, et al.,**

Defendants.
-----X

21-2961; 22-194

CERTIFICATE OF SERVICE

SAMUEL PFEIFFER hereby certifies that on the 8th day of January 2025, a copy of the letter to the Honorable Clerk of the Supreme Court dated January 8, 2025 was served via first-class mail, upon the following at the address below

Lisa Solomon, Esq.,
305 Madison Ave. Suite 4700
New York, NY 10165

Dated: January 8th, 2025

Respectfully submitted,

Samuel Pfeiffer, Pro Se
203 Wallabout Street Suite 1
Brooklyn, NY 11206
Tel.: (718) 564-4733
Jericho4200@gmail.com