No. 24A 789

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2025

In re: DEON D. COLVIN

Applicant,

V.

743 Fairmont Street NW LLC
Hon. Donald W. Tunnage, Assoc. Judge

Respondents

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EMERGENCY APPLICATION FOR A STAY OF JANUARY 15TH RULINGS & FURTHER PROCEEDINGS IN THE D.C. SUPERIOR COURT FOR CASES # 2019-CA-008113 B & #2024-CAB-007438 PENDING THE FILING & DISPOSITION OF A PETITION FOR WRIT OF MANDAMUS TO THE SUPREME COURT

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DIRECTED TO THE HONORABLE JOHN ROBERTS, CHIEF JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR THE D.C. CIRCUIT PURSUANT TO RULE 23(3)

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DEON D. COLVIN
Pro Se Applicant
(Non-Attorney)

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APPLICATION FOR A STAY OF PROCEEEDINGS IN THE D.C. SUPERIOR COURT[1] [2]

To the Honorable John Roberts, Chief Justice of the Supreme Court and Circuit Justice for

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[1] Petitioner is *pro se*. The pleadings of *pro se* litigants are provided liberal construction by the Court. *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972) ("allegations of the *pro se* complaint...we hold to less stringent standards than formal pleadings drafted by lawyers"); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)("A document filed *pro se is* to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers"); *Hall v. Bellmon*, 935 F. 2d 1106, 1110, n.3 (10th Cir. 1991)("The *Haines* Rule applies to all proceedings involving a *pro se* litigant").

[2] On February 4th, 2025 Petitioner filed a Petition for Rehearing En Banc with the D.C. Court of Appeals on its denial of stay, which is currently pending. This Court will consider a motion for stay while a lower court reconsiders its ruling.

the District of Columbia Circuit:

Under this Court's Rules 20, 22, and 23 as well as 28 U.S.C.§ 1651 (a) and 28 U.S.C. § 2101 (c), Petitioner Deon D. Colvin ("Petitioner") respectfully requests an order staying the trial court's January 15th rulings and further proceedings in the D.C. Superior Court for case # 2019-CA-008113 B, pending the filing and disposition of a petition for writ of mandamus. The relief sought—disqualification of Judge Donald W. Tunnage from proceedings pursuant to 28 U.S.C. § 455 (a) and Rule 2.11 (A) of the Code of Judicial Conduct, District of Columbia Courts (2018), on the grounds his impartiality might reasonably be questioned, and a stay of his January 15th rulings and further proceedings—was first sought in the D.C. Court of Appeals on January 24th and January 27th, 2025, via documents titled Fifth Petition for Writ of Mandamus, and Opposed Motion for Stay of Proceeding & Judge Tunnage's January 15th Rulings Pending Disposition of Petitioner's Petition for Writ of Mandamus, respectively. The D.C. Court of Appeals DENIED both filings. *See* Appendix 1. The rulings sought to be reviewed are Judge Tunnage's oral rulings denying my Third Motion to Disqualify Judge Donald W. Tunnage, Fourth Motion to Disqualify Judge Donald W. Tunnage, and Praecipe Requesting the Immediate Disqualification of Judge Donald W. Tunnage. *See* Appendix 2. The relief sought—a stay of *all* Judge Tunnage's Jan 15th rulings and further proceedings, and his disqualification—is not available from any other Court because there was not enough time to apply for a stay at the trial court level, because on January 15th, 2025 Judge Tunnage denied my Motions to Disqualify and Praecipe and ordered document production by Defendant by on February 15th, 2025. Applicant seeks to preserve the status quo and had less than thirty (30) days to submit all motions for stay and allow time for opposition filings. Applicant thus filed a motion for stay at the only other Court that could grant the stay—the D.C. Court of Appeals—and my motion was denied. The Court also denied my petition for writ of mandamus requesting the Court issue a writ

directing Judge Tunnage to disqualify from the proceedings. Thus, Applicant applies to this honorable Court for an order for a stay of rulings and further proceedings pending the filing and disposition of Applicant's petition for writ of mandamus. Applicant also requests a stay of proceedings in D.C. Superior Case # 2024-CAB-007438 for the time related reasons discussed and due to Respondent's appearence of bias.
above. This related case involves the same parties, (Deon Colvin-Plaintiff, 743 Fairmont Street NW LLC-Defendant), identical issues (allegations of contract breaches of the parties' lease agreement by Defendant), and is scheduled to start proceedings with Respondent presiding on **February 28th, 2025**.

REASONS WHY A STAY IS JUSTIFIED & THE FACTS RELIED UPON

A stay is justified for the for the following reasons:

1. Judge Tunnage ("Respondent") denied my Third Motion to Disqualify Judge Donald W. Tunnage and Fourth Motion to Disqualify Judge Donald W. Tunnage ("Motions to Disqualify"), prior to the briefing period prescribed by Super. Ct. R. Civ. P. 12-I. The motions were filed on January 13th and 14th, 2025, respectively, and the judge denied them on January 15th, 2025 *before Defendant even received the motions* and could file opposition. Thus, the denials were procedurally improper. *See* Appendix 2.
2. Judge Tunnage also denied my motions based on the grounds I was wrong on the facts and the law. Judge Tunnage's rulings on the facts and law are not supported by substantial evidence in the record, and thus the rulings were legally improper and an **ABUSE OF DISCRETION**. Koon v. United States, 518 U.S. 81, 100 (1996)("A district court by definition abuses its discretion when it makes an error of law."); Allen v. Yates, 870 A. 2d 39, 50 (D.C. 2005)("a trial court abuses its discretion when it rests its conclusions on incorrect legal standards").
3. On January 15th, 2025, Judge Tunnage denied my Plaintiff's Praecipe Requesting

Immediate Disqualification of Judge Donald W. Tunnage ("Praecipe"), which requested his disqualification based on *his own understanding the facts, circumstances, the federal statute requiring disqualification* (28 U.S.C. § 455(a)), *the ethical obligations to disqualify described in* Rule 2.11(A) of the Code of Judicial Conduct, District of Columbia Courts (2018), and D.C. Court of Appeals case law, which states a judge should disqualify whenever his impartiality might reasonably be questioned, irrespective of any motion filed. In re MC Appellant, 8 A. 3d 1215 at n. 22 ("we note that a judge has an independent obligation to recuse when required by the Code of Judicial Conduct, whether or not prompted by a party's motion"); Canon 2, Rule 2.11, cmt. [2] of the Code of Judicial Conduct, District of Columbia (2018)("A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed."). This denial was legally and ethically improper.

4. On January 15th, 2025, Judge Tunnage issued rulings on prospective motions attached to Applicants' motions for leave, which he should not have ruled on, **and essentially ruled for Defendant to produce discovery responses and for the parties to execute other directives for prospective motions that have yet to be filed with the Court, and that I have yet to be granted permission to file, and that have not been briefed by the parties pursuant to Rule 12-I**, which was erroneous, procedurally improper, and premature. *See* Appendix 2.
5. On January 15th, 2025, Judge Tunnage went on to issue other rulings and set a pre-trial conference for April 9th, 2025. This was legally improper in light of the circumstances, facts and law presented in my Motions to Disqualify and Praecipe.
6. On January 10th, 2025 I filed an application with this Court for an extension of time to file a petition for a writ of certiorari in a related matter: Supreme Court Case # 24A682.

7. On January 15th, 2025, this Court granted my application and extended the time to **March 23rd, 2025** to file my petition. *See* Appendix 3.
8. With a pre-trial conference scheduled for April 9th, I must execute Super. Ct. R. Civ. P. 16 (c)-(e) requirements starting in March (*e.g.*, meet with Defendant's counsel, exchange documentary exhibits, file a joint pre-trial statement, file any motions in *limine*, prepare *voir dire* questions, etc.) around the same time my petition for certiorari is to be submitted.
9. The reason I was granted an extension is because I am *pro se, in forma pauperis*, I have no computer, I draft my documents at the D.C. public library where there is a 20-page printing limit, my writ of mandamus for that a case is 400 pages, and it was not possible for me to produce the 13 copies I would need to meet Supreme Court requirements for a petition for writ of certiorari in the 90-day time allotted.
10. My printing and resource limitations persist, and Judge Tunnage's January 15th Rulings, which should not have been rendered, only add to the challenges I have related to that matter.
11. **If a stay is not granted, I will not have the time or resources to file a writ of certiorari for that case (S.C. case # 24A682). I will essentially be constructively deprived of my right to self-representation in that matter, a right I am guaranteed by statute.** *See* **28 U.S.C. 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct their causes therein.").**
12. Thus, for reasons noted in ¶ 1-5, a stay of the January 15th rulings is justified.
13. Thus, for reasons noted in ¶ 5-11 a stay of further proceedings is justified.

REASONS WHY A STAY IS JUSTIFIED—PART II: LEGAL ARGUMENT IN SUPPORT OF A STAY

"To obtain a stay pending the filing and disposition of a petition for writ of mandamus, an applicant must show a fair prospect that a majority of the Court will vote to grant mandamus and a likelihood that irreparable harm will result from the denial of a stay. Before a writ of mandamus may issue, a party must establish that (1) "no other adequate means [exist] to attain the relief he desires," (2) the party's "right to issuance of the writ is "clear and indisputable," and (3) "the writ is appropriate under the circumstances." Hollingsworth v. Perry, 558 U.S. 183, 190 (2010).

I. THERE IS A FAIR PROSPECT THAT A MAJORITY OF THE COURT WILL VOTE TO GRANT MANDAMUS

There is a fair prospect that the majority of the Court will vote to grant mandamus because (1) the factual allegations and circumstances that comprise my petition are irrefutably true (*i.e.*, what I claim Judge Tunnage (Respondent) did is not in dispute, (2) it is axiomatic that an "objective observer" might reasonably question Judge Tunnage's impartiality because of these factual allegations and circumstances, (3) the factual allegations and circumstances display a clear and deep-seated favoritism for Defendant or antagonism toward Applicant that makes fair judgment impossible; (4) it is evident from the factual allegations and circumstances presented that Judge Tunnage has an apparent bias and . that is overpowering. In short, all of the above bias markers that are required for a valid motion to disqualify under § 455(a) and the Rule 2.11 (A) of the Code of Judicial Conduct, District of Columbia Courts (2018) ("Code of Judicial Conduct") are present in abundance in my Fifth Petition for A Writ of Mandamus that was submitted to the D.C. Court of Appeals, and the Court simply did not execute the law, and granting the writ is necessary to correct a significant legal error made by the Court. Furthermore, my Fifth Amendment right to a fair tribunal is being violated by the D.C. Court of Appeals' denial

of my Fifth Petition for A Writ of Mandamus. To wit, my six (6) claims of the appearance of bias spanning my two Motions to Disqualify are based on the following factual allegations and circumstances.

One. Judge Tunnage was dishonest in claiming the authority to rule on opposed motions prior to full briefing, and routinely ruled on my motions without allowing an opposition filing, or allowing me to file a reply brief. He told me he had this authority just prior to denying one of my opposed motions with allowing Defendant to file an opposition. An objective observer fully informed that the judge does not have this authority, that the D.C. Super. Ct. Rule 12-I clearly states that for opposed motions the opposing party must file an opposition and the moving party is allowed to file a reply, and that he was dishonest with a *pro se, in forma pauperis* litigant who cannot afford legal representation on matters of civil procedure might reasonably question Judge Tunnage's impartiality and believe he is biased against me, *does not want to hear my arguments, and wants to be able to dispose of my motions whenever he sees fit, rather than follow civil procedure*, and that justice might not be served by the Judge in the case. His dishonesty on a fundamental issue and willingness to deprive me of civil procedure on my motions displays a high antagonism toward me that would make fair judgment impossible because if Judge Tunnage does not want full briefing to occur on issues I bring to the court, and for me to be heard on matter to the extent the rules allow, then rendering fair judgment where I am concerned is impossible. Finally, the fact that Judge Tunnage would be dishonest about something as fundamental to legal proceedings as motions practice—which goes to the very heart of the ability to be heard, a core principle of the D.C. Code of Judicial Conduct (Rule 2.6 states a judge should accord all parties in a proceeding the right to be heard according to the law) indicates a bias exist within Judge Tunnage that is ***overpowering*** as an impulse.

Two, Judge Tunnage was dishonest in ruling on my motion seeking clarification (Motion for

Relief from the Court's June 28th Order). Rather than squarely answering my question of what authority he relied upon to deny me the opportunity to file a reply brief, he mischaracterized my motion as a 3rd attempt to have him revisit his ruling and reverse his decision. In short, he ignored my request via mischaracterizing my motion. In so doing, *Judge Tunnage displayed he cannot and will not be honest on fundamental issues concerning civil procedure*. An objective observer might reasonably question his impartiality and conclude that *if he is willing to fabricate facts in ruling on my motion, that he has a strong bias against me* and that justice might not be done in the case. That the judge would be dishonest about the very *contents* of my motion *displays a deep-seated and unequivocal antagonism toward me that makes fair judgment impossible*. Judge Tunnage's blatant fabrication—when he had no reason to engage in such behavior, displays that he has a predisposition of bias against me that is ***overpowering*** as an impulse.

Three. Judge Tunnage failed to execute pronouncements he made regarding my outstanding discovery requests. After having me convert my four motions to compel discovery responses into two praecipes, and claimed that he would order responses for the requests in one praecipe and have hearings the contents of the second praecipe, he ordered responses for the first praecipe but then suspended discovery after Defendant did not respond to all the requests to have a hearing on liability, which he said would clarify what discovery needed to be produced. After I filed a motion to disqualify, Judge Tunnage never held the hearing on liability, or any hearings on my second praecipe, or addressed the still unfulfilled requests from my first praecipe. At the next scheduled status conference (July 16th, 2024) Judge Tunnage said nothing about his pronouncements and scheduled a pre-trial conference. I was the only party with outstanding discovery requests, so Judge Tunnage's failure to execute his discovery pronouncements only affected me. According to the Code of Judicial Conduct, Judge Tunnage is

to be prepared for all status conferences. *See* Rule 2.5 (a judge should be prepared to perform his responsibilities and to promptly disposed of Court business). An objective observer, knowing Judge Tunnage's responsibility to prepare for court proceedings and manage the case, might reasonably question Judge Tunnage's impartiality for failing to execute his discovery pronouncements *and conclude there is no good reason he never returned to them*. His failure to execute his discovery pronouncements since making them, which only hurt me and helped Defendant, displays a favoritism for Defendant or antagonism toward me which makes fair judgment impossible, and a bias that is overpowering.

Four. Judge Tunnage prematurely closed discovery at his July 16th status hearing and set a date of January 15th, 2025 for a pre-trial hearing, even after I called to his attention that there were discovery issues still outstanding. He did not seem to remember *any* of his discovery pronouncements, and went full steam ahead toward a pre-trial conference with myriad of my discovery requests without responses and without the hearing stated he would have for some of my requests. It is not believable or plausible that a judge who has been managing a case with outstanding discovery a major issue, and who is supposed to prepare for hearings in order dispose timely of issues before the Court would just forget *all* of his discovery pronouncements for my discovery requests, and the fact that he was going to address them after a hearing on liability, which he never held. This conduct might cause a fully informed, objective observer to reasonably question Judge Tunnage's impartiality, displays favoritism toward Defendant or antagonism toward Plaintiff that makes fair judgement impossible, and an overpowering bias for the reasons noted in *Three* above.

Five. Judge Tunnage failed to rule timely on my discovery related motions. On September 6th, 2024, I filed a motion for leave that attached a prospective motion listing all of the Judge's unacted upon discovery pronouncements. On November 16th 2024, I filed a second motion for

leave that attached a prospective motion requesting that Defendant identify and complete the discovery responses it had provided. Judge Tunnage did not rule on my motions for leave even though a pre-trial conference was scheduled for January 15th 2025 and Super Ct R. 16 requires the parties to exchange all documents it intends to use at trial, amend the complaint (if needed), agree what claims are needed, prepare a joint pre-trial statement, submit *voir dire* questions, submit motions in *limine*, etc.). The judge failed to rule even though at the July 16th, 2024 hearing *he stated that he would "consider" any motions I filed pertaining to discovery and told the parties to be mindful of pre-trial conference requirements*. Judge Tunnage's failure to rule on my motions for leave prior to the pre-trial conference left me unable to execute Rule 16 requirements due to not having all the documents I may use at trial; and put me in the position that if I did execute Rule 16 requirements without the discovery I would be committing to an inferior presentation of my case. *All of this occurred after I informed the judge in two notices to the Court that I intended to file a motion for leave to amend my complaint based on information obtained in discovery. See* Appendix 4 and 5. Judge Tunnage was aware—*or should have been aware after I filed my discovery motions in September and November 2024*—that I did not have all the discovery I was entitled to and that because of that I could not reasonably cognize my case and execute the required Rule 16 proceedings prior to the pre-trial conference, and that if I tried to do so, I would severely compromise the presentation of my case. An objective observer, looking at the facts and the judge's responsibility to rule timely on the business before the Court, and how long I had been waiting to get responses to my discovery requests (*i.e.* two years!!) under this Judge's direction, might reasonably question the Judge's impartiality, believe the judge is biased against me and may not want me to have the evidence to present my case. For the judge to allow me to go into pre-trial proceedings without adequate discovery to complete pre-trial proceedings—and knowing if I complete the requirements I would be

committing myself to an inferior presentation of my case—displays a clear and deep-seated antagonism against me or favoritism toward the Defendant that would make fair judgment impossible. Judge Tunnage's conduct was overpowering in its effect on the case as it prevented me from cognizing my case, executing Rule 16 requirements and moving forward with prosecution. The fact that he would fail to rule on my discovery motions prior to a pre-trial conference in a case that has been in proceedings for 5 years (since December 2019), and for discovery I have been trying to get and that has been on his docket for two years (since January 2023) displays a bias exists within him that appears to be overpowering, making him incapable of executing good and fair judgment in this matter.

Six. Judge Tunnage failed to take appropriate action upon be presented with information in a motion by Petitioner that indicated the likelihood of serious lawyer misconduct by Defendant's Counsel (*i.e.*, disobedience of a court order) *and Code of Conduct violations by the immediate prior Judge* (refusal to sanction pursuant to Super Ct. R. Civ. P. 37 (b)(2)(C)), after being presented with a motion for sanctions, pursuant to Rule 37 (b)(2)(C)). Judge Tunnage took the "action" of telling me he was not going to consider or revisit any rulings by the former judge, which was to do nothing. According to Rule 2.15 (C) and (D) and cmt. [2] of the Code of Judicial Conduct, the judge was to take "appropriate action" that would prevent me from being harmed by the conduct and to prevent recurrence. Judge Tunnage's failure to act appropriately showed bias against me and for the Defense's counsel, favoritism and antagonism toward the same, and an overpowering bias against me and for the Defendant. Hence, because there is a fair prospect that a majority of the Court will look at the above facts and vote to grant mandamus, a stay should be granted.

II. THERE IS A LIKELIHOOD THAT IRREPARABLE HARM WILL RESULT FROM THE DENIAL OF A STAY

There is a likelihood that irreparable harm will result from denial of a stay. I have been

granted an extension of time until **March 23, 2025** to file a writ of certiorari in a related matter: Superior Court case# 24A682. The grounds for that extension was that I am *in informa pauperis*, I currently have no computer, I used the D.C. Public Library to draft legal documents, I am limited to printing 20 pages per day per the library's limit, and at that rate I was unable to produce a copy of my 400-page writ of mandamus and other documents the Court requires for a certiorari petition in the allotted 90-day period. *See* Appendix 4. If a stay of proceedings is not granted, it will be impossible for me to file a writ of certiorari by March 23rd, as I will need to file Rule 60 motions with Respondent on his errant rulings on my *Third* and *Fourth Motions to Disqualify* and motions for leave, a discovery motion on my Praecipe of Disputed Requests per the Court's January 15th ruling, *see* Appendix 2, and, because a pre-trial conference is scheduled for April 9th, 2025, prepare for Rule 16 pre-trial conference proceedings (*e.g.*, meeting with opposing counsel to exchange documentary exhibits, joint preparation of pre-trial statement, prepare *voir dire* questions, motion in *limine*, etc.) in March 2025, around the time my petition is due. **Thus, unless a stay is invoked, my opportunity to file a petition for a writ of certiorari will be irretrievably lost and I will suffer irreparable harm by not being able to represent myself in that matter**. This Court does not allow any further extensions of time, so a lack of stay will constructively impede my right to self-representation before the Court, guaranteed by statute. See 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.")

A second reason I will suffer irreparable harm if a stay is not granted is because Judge Tunnage's failure to take appropriate action that would prevent me from being harmed by the attorney misconduct and the Judge's Code violations, is conduct that has traumatized me. It is conduct that crossed the rubicon from *apparent* bias to *actual bias*. By failing to

prevent me from being harmed, and by protecting the attorney's misconduct, Respondent showed actual bias for the attorney and against me. By failing to take appropriate action to prevent harm and recurrence, and in fact doing nothing at all, Respondent became complicit in the harm, and a judge who is complicit in harm done to a party in a matter is unfit to be a judge in that matter. If a stay is not granted and I have to continue in proceedings with a Judge *that I know is biased*, it will cause me severe mental distress. Proof of the trauma was most recently unearthed at the January 15th pre-trial conference, where I was uncontrollably screaming at the Judge that he should not be on my case.[3] It is well established that when a judge refuses to recuse when he has an apparent bias, it harms the party affected by the bias. *See* In re John Henry Moore, 955 R. 3d 384, 390 (4th Cir. 2020)("...the improper denial of a recusal motion when a judge's impartiality reasonably might be questioned harms not only the Defendant, but also the judicial system and the public confidence it enjoys."). I *need* a stay until dispensation of my upcoming petition, for any further violation of my 5th Amendment right to an impartial tribunal *for any length of time* will cause me irreparable mental injury and trauma (for I will not be able to comprehend how any legal system could allow such) and in so doing cause me irreparable harm.

III. PETITIONER HAS NO OTHER ADEQUATE MEANS TO ATTAIN THE RELIEF HE DESIRES

This Court issues a writ when the Petitioner has no other adequate means to attain the relief he desires. Hollingsworth v Perry, 558 U.S. 183, 190 (2010). I have no other adequate means to attain Judge Tunnage's disqualification from this case. Judge Tunnage has summarily denied my § 455 (a) motions requesting disqualification based on the appearance of bias.

[3] See transcript of January 15, 2025 Pre-trial Conference/Status Hearing. I ordered the transcript and it should be available on February 22nd, 2025.

Judge Tunnage also denied my Praecipe Requesting Immediate Disqualification, which requested he disqualify immediately based on his own understanding of the facts, circumstances, law, and the ethical requirements enshrined in the Code of Judicial Conduct, irrespective of my motions. Judge Tunnage denied that request as well. The basis of prompt action on § 455 (a) motions is to preserve public confidence in the judiciary, *i.e.*, when it *appears* a judge may be biased, he does not continue to judge.[4] My valid § 455(a) motions require prompt action to preserve public confidence, not a decision upon appellate review. Thus, it is clear I have no other way to obtain the prompt relief I am entitled to by statute—28 USC §455 (a)—and Rule 2.11(A) of the Code of Judicial Conduct, District of Columbia Courts (2018), except for a writ of mandamus. Thus, a writ is appropriate.

IV. THE PARTY'S RIGHT TO ISSUANCE OF THE WRIT IS "CLEAR AND INDISPUTABLE"

This Court issues a writ of mandamus when it is "clear and indisputable" that the Petitioner is entitled to it. *See* Hollingsworth v Perry, 558 U.S. 183, 190 (2010). By presenting claims that satisfy the Court's "objective observer," and "favoritism and antagonism," standards for intra-judicial appearance of bias pursuant to 28 U.S.C. ¶ 455(a), *see* Liljeburg v. Health Services Acquisition Corp., 486 U.S. 847, 859-860, 865 (1988) and Liteky v. United States, 510 U.S.

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[4] Liljeburg v. Health Services Acquisition Corp., 486 U.S. 847, 859-860, 865 (1988)(the purpose of 455(a) is to promote public confidence in the integrity of the judicial process by avoiding even the appearance of impropriety); In Re: Khalid Shaikh Mohammad, 866 F. 3d 473, 475 (D.C. Cir.2017)("As to…whether Petitioner has "no other adequate means to attain the relief he desires….this court has explained that mandamus is an appropriate vehicle for seeking recusal of a judicial officer during the pendency of a case, as "ordinary appellate review" following a final judgment is "insufficient" to cure "the existence of actual or apparent bias" –"[w]ith actual bias…because it is too difficult to detect all of the ways that bias can influence a proceeding" and "[w]ith apparent bias" because it "fails to restore public confidence in the integrity of the judicial process" (citation omitted)).

540, 551, 555-556, and the District of Columbia's "overpowering" standard, *see* Plummer v. United States, 870 A. 2d 539, 547 (D.C. 2005), Petitioner has cleared the Court's "clear and indisputable" bar for a writ of mandamus. *See* Section I above. Thus, a writ is appropriate.

V. THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES

This Court issues a writ because "[it] is appropriate under the circumstances." Hollingsworth v. Perry, 558 at 190. The six (6) claims of appearance of bias that were first presented to Respondent in motions on January 13th and 14th, 2025, and incorporated in my Fifth Petition for Writ of Mandamus that was presented to the D.C. Court of Appeals and denied, and sketched briefly above at I, establish and make clear that a writ of mandamus is appropriate in this matter.

VI. CONCLUSION

A stay of the aforementioned D.C. Superior Court proceedings pending the filing and disposition of a petition for writ of mandamus should be granted.

Respectfully Submitted Date

Deon D. Colvin 2-11-25

Deon D. Colvin
Petitioner, Applicant (*Pro Se*)

CERTIFICATE OF SERVICE

I, Deon D. Colvin, certify that I have this day served the foregoing **Emergency Application for a Stay of January 15th Rulings & Further Proceedings in the D.C. Superior Court for Cases # 2019-CA-008113 B and # 2024-CAB-007438 Pending the Filing & Disposition of a Petition for Writ of Mandamus to the Supreme Court, Appendix 1-5, & Certificate of Service (31-page document)** by United States Postal Service, First Class

Mail addressed to Respondent's Counsel William P. Cannon III, 7501 Wisconsin Avenue, Suite 1000W, Bethesda MD 20814, and Respondent Hon. Donald W. Tunnage, Assoc. Judge, Superior Court of the District of Columbia, Moultrie Building, Suite #2420, 500 Indiana Avenue, NW Washington, D.C. 20001.

This the 11th day of February, 2025.

Deon D. Colvin
Petitioner, Applicant (*Pro Se*)

APPENDIX 1

District of Columbia
Court of Appeals

No. 25-OA-0004

IN RE DEON D. COLVIN **2019-CA-008113-B**

BEFORE: Beckwith and Shanker, Associate Judges, and Steadman, Senior Judge.

ORDER

On consideration of petitioner's application for a waiver of fees and costs, his lodged petition for a writ of mandamus wherein he requests that the court direct Judge Tunnage to recuse himself from case 2019-CA-008113-B, and his lodged motion for a stay pending disposition of his petition for a writ of mandamus, it is

ORDERED that petitioner's application for a waiver of fees and costs is granted, the Clerk shall file the lodged petition for a writ of mandamus nunc pro tunc to January 24, 2025, and the Clerk shall file the lodged motion. It is

FURTHER ORDERED that the petition for a writ of mandamus is denied. *See In re M.O.R.*, 851 A.2d 503, 509 (D.C. 2004) (explaining that a writ of mandamus "should only be issued in exceptional circumstances" and that a petitioner must show a "clear and indisputable" right to the relief sought) (internal quotation marks omitted); *see also Plummer v. United States*, 870 A.2d 539, 547 (D.C. 2005) ("Generally. . . legal rulings against appellants, of course, do not constitute grounds for recusal, for any prejudice must stem from an extrajudicial source. . . . Although a showing that a judge's alleged prejudice comes from an extrajudicial source may not be required when the circumstances are so extreme that a judge's bias appears to have become overpowering, [appellant] has not satisfied this most exacting standard.") (citation, alterations, and internal quotation marks omitted). It is

FURTHER ORDERED that the motion for a stay pending disposition of the petition for a writ of mandamus is denied as moot.

PER CURIAM

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APPENDIX 2

Case Summary

Case No. 2019-CA-008113-B

01/15/2025
Remote Pretrial Conference Hearing (2:30 PM) (Judicial Officer: Tunnage, Donald Walker)
MINUTES - 01/15/2025

Remote Pretrial Conference Hearing (04/09/2025 at 2:30 PM) (Judicial Officer: Tunnage, Donald Walker)
Held and Continued;
Journal Entry Details:
Coursmart 516. Plaintiff Colvin present remotely pro se. Attorney Cannon present remotely for Defendant. Plaintiff's Third and Fourth Motions to Disqualify, filed 1/13/2025 and 1/14/2025, and Plaintiff's Praecipe Seeking Immediate Disqualification filed 1/15/2025 are DENIED. Plaintiff's 12/9/2024 Motion for Continuance of the Pretrial Conference is DENIED AS MOOT; this hearing is converted to a Status Hearing, and a Remote Pretrial Conference is set for 4/9/2025 at 2:30 pm. Plaintiff's 9/17/2024 Motion for Relief from the July 8 Order and for Leave to File Plaintiff's Amended Fourth Motion to Compel Supplemental Discovery is DENIED. Plaintiff's 9/6/2024 Motion for Leave of Court to File Plaintiff's Motion to Complete Discovery is DENIED IN PART as to Requests 4 and 6; once Plaintiff locates the email from Ms. Cerny regarding the placement of security, Plaintiff must file a praecipe with the actual email attached by 1/16/2025, at 5:00 pm, and upon receipt, the Court will amend its ruling regarding Request 6 as appropriate. Plaintiff's 9/6/2024 Motion for Leave of Court to File Plaintiff s Motion to Complete Discovery is GRANTED IN PART as to Requests 2, 3, and 5, and Defendant must file by 2/15/2025 the names of all persons who managed from 9/12/2021 to 12/17/2021, their last known addresses, reasons for separation, and who made that decision; Defendant must also resubmit the narrative response for Request 5 and have the employee sign and date it. Plaintiff's 11/16/2024 Opposed Motion for Leave of Court to File Plaintiff's Motion for Defendant to Identify and Complete its Praecipe Responses is GRANTED; Defendant is to identify which documents respond to which request by 2/15/2025. Plaintiff may not file a motion requesting the pretrial be continued until he receives the 02/15/25 discovery. Plaintiff is granted leave to file a motion related to his Praecipe of Disputed Requests. SPJ/DWT;
Parties Present: Primary Attorney Cannon, William III
Plaintiff Colvin, Deon D.
Held and Continued

01/15/2025
Notice to Court (Praecipe) Filed
Supplement to Plaintiff's Fourth Motion to Disqualify Judge Donald W. Tunnage
Docketed On: 01/15/2025
Filed By: Plaintiff Colvin, Deon D.

01/15/2025
Notice to Court (Praecipe) Filed
Plaintiff's Praecipe Requesting the Immediate Disqualification of Judge Donald W. Tunnage
Docketed On: 01/15/2025
Filed By: Plaintiff Colvin, Deon D.

01/16/2025
Notice to Court (Praecipe) Filed
Plaintiff;s Praecipe Of Emails Between Raven Cerny & Keisha Alfred
Docketed On: 01/16/2025
Filed By: Plaintiff Colvin, Deon D.

01/21/2025
Correspondence Filed
Notice of Additional Time Granted by Judge Tunnage to File Plaintiff's Praecipe of Email Between Raven Cerny & Kiesha Alfred
Docketed on: 01/21/2025
Filed by: Plaintiff Colvin, Deon D.

01/29/2025
Amended Order Entered on Docket (Judicial Officer: Tunnage, Donald Walker)
Amended Order Compelling Document Production issued and e-served to Defendant and mailed to Plaintiff on 01/29/25.
Signed on: 01/29/2025

01/29/2025 Notice

04/09/2025
Remote Pretrial Conference Hearing (2:30 PM) (Judicial Officer: Tunnage, Donald Walker)

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Financial Information

APPENDIX 3

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

January 15, 2025

Mr. Deon D. Colvin
743 Fairmont Street, NW
#211
Washington, DC 20001

Re: Deon D. Colvin
v. Superior Court of the District of Columbia
Application No. 24A682

Dear Mr. Colvin:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on January 15, 2025, extended the time to and including March 23, 2025.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Sara Simmons
Case Analyst

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APPENDIX 4

Superior Court of the District of Columbia
CIVIL DIVISION

DEON COLVIN	*	
	*	
Plaintiff,	*	
	*	
vs.	*	**2019 CA 008113 B**
	*	**Judge Donald W. Tunnage**
743 FAIRMONT STREET NW, LLC	*	**Next Event: Settlement**
	*	**Conference 05.11.23**
Defendant.	*	

PLAINTIFF'S NOTICE OF INTENT TO FILE A MOTION FOR LEAVE TO AMEND COMPLAINT

Deon D. Colvin ("Plaintiff"), *in propria persona*, pursuant to Super Ct. Civ. P. Rules 15 (a)(3) and (d) respectfully submits this Plaintiff's Notice of Intent To File A Motion For Leave To Amend Complaint. In support of this notice, Plaintiff states the following:

1. This document is to serve reasonable notice that Plaintiff will file a motion for leave to amend his complaint *based on information he has obtained in discovery about this matter since the filing of his last complaint.*
2. Plaintiff anticipates this filing will occur no later than fifteen (15) days after discovery is complete.
3. If Plaintiff's intent to file said motion changes, he will notify the Court accordingly.

Date: May 5th, 2023

Respectfully Submitted,

DEON D. COLVIN

Deon D. Colvin

Plaintiff (*Pro Se*)
743 Fairmont Street, N.W. #211
Washington, D.C. 20001

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T: 216-396-8512
E-mail: DeonColvin@aol.com

Points and Authorities

1. Super. Ct. R. Civ. P. Rule 15.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May 2023 that the foregoing PLAINTIFF'S NOTICE OF INTENT TO FILE A MOTION FOR LEAVE TO AMEND COMPLAINT was filed with the court and that a copy was sent to Defendant 743 Fairmont Street NW LLC **via email and USPS regular mail** to signed counsel (William P. Canon III) at:

William P. Cannon III #996689.
7501 Wisconsin Avenue, Suite 1000W
Bethesda, MD 20814
bcannon@offitkurman.com

Counsel for Defendant

Deon D. Colvin

Deon D. Colvin -Plaintiff

APPENDIX 5

Superior Court of the District of Columbia
CIVIL DIVISION

DEON COLVIN	*	
	*	
Plaintiff,	*	
	*	
vs.	*	**2019 CA 008113 B**
	*	**Judge Donald W. Tunnage**
743 FAIRMONT STREET NW, LLC	*	**Next Event: Status Conference**
	*	**01.30.24**
Defendant.	*	

PLAINTIFF'S SECOND NOTICE OF INTENT TO FILE A MOTION FOR LEAVE TO AMEND COMPLAINT

Deon D. Colvin ("Plaintiff"), *in propria persona*, pursuant to Super Ct. Civ. P. Rules 15(a)(3) and (d) respectfully submits this Plaintiff's Second Notice of Intent to file a Motion for Leave to Amend Complaint. In support of this notice, Plaintiff states the following:

1. This document—a follow up to Plaintiff's first notice—is to serve reasonable notice that Plaintiff will file a motion for leave to amend his complaint also to *supplement the record related to claims in his complaint, to include claims that are not in his complaint for various reasons, and to clear up defects in pleading.*
2. Plaintiff anticipates this filing will occur no later than **thirty (30) days** after discovery is complete.
3. If Plaintiff's intent to file said motion changes, he will notify the Court accordingly.

Date: December 15th, 2023

Respectfully Submitted,

DEON D. COLVIN

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Plaintiff (*Pro Se*)
743 Fairmont Street, N.W. #211
Washington, D.C. 20001
T: 216-396-8512
E-mail: DeonColvin@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December 2023 that the foregoing PLAINTIFF'S SECOND NOTICE OF INTENT TO FILE A MOTION FOR LEAVE TO AMEND COMPLAINT was filed with the court and that a copy was sent to Defendant 743 Fairmont Street NW LLC **via email and USPS regular mail** to signed counsel (William P. Canon III) at:

William P. Cannon III #996689.
7501 Wisconsin Avenue, Suite 1000W
Bethesda, MD 20814
bcannon@offitkurman.com

Counsel for Defendant

Deon D. Colvin -Plaintiff