

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

MICHAEL MILLER

Appellant,

v.

COUNTY OF LANCASTER, ET. AL.,  
Appellees.

Civ. No: 24-2934

(DC case: 1-24-CV-00014)

**NOTICE OF MAILING AND SERVICE OF RULE 22 APPLICATION**

Pursuant to Federal Rule of Appellate Procedure 25(d) and Third Circuit Local Appellate Rule 113.4, Appellant respectfully notifies the Court that on October 8, 2025, he mailed to the Supreme Court of the United States a Rule 22 and Rule 23 *Application for Stay and Certiorari Before Judgment* in connection with this appeal (*see Exhibit A*) and served copies of that application and supporting Appendix on all counsel of record by electronic mail.

This Notice is filed to ensure a complete record of service and to document that the Rule 22 Application remains pending before Justice Samuel A. Alito, Jr., the Circuit Justice for the Third Circuit. On October 14, 2025, Appellant received correspondence from the Supreme Court Clerk's Office stating that Robert Meek, an administrative assistant acting on behalf of the Clerk, had declined to transmit the Application to the Justice on asserted jurisdictional grounds under 28 U.S.C. §

2101(f) (*see Exhibit B*). That administrative action mirrors the clerk-issued procedures already at issue in this appeal and is placed on record to preserve continuity of the procedural history.

On October 17, 2025, Appellant mailed and served an Application to Direct Transmission of Rule 22 *Application to the Circuit Justice and to Review Administrative Impartiality (see Exhibit C)*, seeking supervisory relief from the Clerk's non-transmission.

No judicial action has occurred in this appeal since the challenged docket entries of July 28, 2025 (ECF 59–60), despite ten additional filings by Appellant raising substantive matters.

**Attachments:**

*Exhibit A* – Rule 22 Application (Oct. 8 2025)

*Exhibit B* – Supreme Court Clerk's Letter (Oct. 14 2025)

*Exhibit C* – Application to Direct Transmission (Oct. 17 2025)

Respectfully submitted,

*/s/ Michael Miller*

MICHAEL MILLER

108 North Reading Road., Ste F, 246

Ephrata, Pennsylvania 17522

717-388-0163

reaganfive@protonmail.com

October 18, 2025

## CERTIFICATE OF SERVICE

I hereby certify that this day I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

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October 18, 2025

**In the Supreme Court of the United States**

---

MICHAEL MILLER

v.

COUNTY OF LANCASTER, ET AL.

---

**APPLICATION TO STAY AND VACATE THE PURPORTED JUDGMENT OF  
THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, FOR  
ADMINISTRATIVE STAY, AND FOR CERTIORARI BEFORE JUDGMENT**

MICHAEL MILLER  
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108 N. Reading Road, F, 246  
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## I. PARTIES TO THE PROCEEDING

Applicant is Michael Miller, proceeding pro se.

Respondents are County of Lancaster, a municipal entity, and Pennsylvania Office of Open Records, who were named in the underlying action.

## II. RELATED PROCEEDINGS

1. *Miller v. County of Lancaster, et al.*, No. 1:24-cv-14 (M.D. Pa.), judgment entered Sept. 30, 2024; appeal pending, No. 24-2934 (3d Cir.), judgment entered July 28, 2025.
2. *Miller v. County of Lancaster, et al.*, No. 5:24-cv-5338 (E.D. Pa.), final judgment entered on Aug. 12, 2025; appeal pending, No. 25-2570 (3d Cir.).
3. *Miller v. Judicial Council of the Third Circuit, et al.*, No. 5:25-cv-4633 (E.D. Pa.), judgment entered Aug. 14, 2025; appeal pending, No. 25-2616 (3d Cir.).

### III. INTRODUCTION

This case presents the question whether Article III courts may displace judicial decision-making with clerk-issued directives and counterfeit judgments. The judgment below was not an adjudication at all, but a set of errant and fraudulent entries that terminated nearly 140 filings without hearings, without authentic signatures, and without Article III participation. Applicant seeks a stay, vacatur of the fraudulent entries, certiorari before judgment, and this Court’s direct exercise of supervisory authority to restore lawful adjudication.

Although the Third Circuit docket reflects a “judgment” dated July 28, 2025 (ECF 60; App. 10), that entry was signed only by the Clerk and preceded by an unsigned memorandum opinion (ECF 59; App. 1). Because such entries lack Article III participation, they are void under *Nguyen v. United States*, 539 U.S. 69 (2003). Applicant therefore invokes both Rule 23 (to stay enforcement of what purports to be a judgment) and Rule 11 (to grant certiorari before judgment, as no valid judgment of an Article III court exists).

### IV. STATEMENT

Three related appeals in the Third Circuit produced dispositive outcomes without hearings, without authentic judicial signatures, and under clerk-directed procedures.

**District Court (M.D. Pa. No. 1:24-cv-14).** Applicant filed a declaratory judgment action challenging the County’s refusal to release public records. No hearing was held. Magistrate Judge Martin C. Carlson issued recommendations

collapsing jurisdictional and merits defenses under Rule 12(b)(1), Rule 12(b)(6), and abstention. None of the magistrate judge's filings were validly signed, nor was he validly referred. Applicant filed detailed objections, but the district judge re-labeled them "general," denied de novo review, and adopted the void recommendations wholesale (App. 26).

**Court of Appeals (3d Cir. No. 24-2934).** On October 29, 2024, the Clerk's Office issued a "summary action" letter staying briefing without judicial order (App. 15). Applicant objected in real time (CA3 ECFs 14, 15). On July 28, 2025, the docket reflected a memorandum opinion with no judicial signatures (App. 1) and a "judgment" signed only by the Clerk (App. 10). Applicant challenged the order as invalid (App. 51). These entries terminated nearly 140 filings without a hearing or any adjudication on the merits and violate multiple precedents. (See ECF 61).

**Systemic Pattern Across Cases.** As documented in App. 75, four schemes recur across Applicant's appeals: judges collapsed jurisdiction and merits; they re-labeled specific objections as "general" to deny de novo review; clerks issued staff directives that were laundered into judgments; and staff filed dispositive orders without valid judicial signatures. Applicant objected (App. 15, 19, 51), but the courts corrected none of these defects, leaving a record defined by counterfeit judgments and clerk usurpation that only this Court, under its standards of stay, vacatur, and certiorari before judgment, can purge.

The Appendix documents these defects; the Case Device Chart below summarizes them for this case.

### CASE DEVICE CHART

Device	Description	Record Reference	Appendix Evidence
<b>Hearing Deprivation</b>	~140 filings resolved entirely on paper; no hearings or conferences	Entire DC & 3d Cir. record	App. 26; App. 1
<b>Jurisdiction/Merits Collapse</b>	Rules 12(b)(1) & 12(b)(6) conflated.	DC dismissal orders	App. 26; App. 78
<b>Mislabeling of Objections</b>	Judge re-labeled objections to deny review	DC ECFs 40, 55, 60, 64	App. 26; App. 75
<b>Clerk Usurpation</b>	Staff “summary action” letter stayed briefing w/out judicial order	3d Cir. ECF 11-1	App. 15
<b>Laundering of Clerk Acts</b>	Staff directives incorporated into appellate “judgment”	3d Cir. ECFs 59–60	App. 1, 10
<b>Signature Defects</b>	Magistrate reports never validly signed; unsigned 3 <sup>rd</sup> Cir. opinion; clerk-signed judgment	DC ECFs 37, 59; 3d Cir. ECFs 59–60	App. 26, 51; App. 1, 10
<b>Summary Disposition</b>	Nonprecedential memorandum & judgment with no merits ruling	3d Cir. ECFs 59–60	App. 1, 10

### V. LEGAL STANDARDS

**Stay Authority.** A Justice may stay enforcement of a judgment pending review. Factors: likelihood of success, irreparable harm, balance of equities, public interest. *Nken v. Holder*, 556 U.S. 418 (2009); *Ohio v. EPA*, 603 U.S. 279 (2024).

**Certiorari Before Judgment.** Granted when questions are “of such imperative public importance as to justify deviation from normal appellate practice.” Sup. Ct. R. 11; *Trump v. Slaughter*, No. 25A264 (2025).

**Supervisory Authority and Fraud.** This Court has both inherent supervisory authority and statutory power under the All Writs Act, 28 U.S.C. § 1651, to vacate void judgments and to purge fraud from the judicial record. Fraud “defiles the court itself” and requires complete erasure, not partial remedy. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944); *Universal Oil Prods. Co. v. Root Refining Co.*, 328 U.S. 575, 580 (1946). In *Hazel-Atlas*, the Court not only vacated the fraudulent judgment but also recalled the mandate and struck every trace of the fraud from the record.

Judgments entered without lawful judicial participation are nullities. *Nguyen*. And in *Ryder v. United States*, 515 U.S. 177, 183 (1995), the Court held that a litigant who makes a timely challenge to the constitutional validity of the officer adjudicating his case is entitled to relief. Where counterfeit adjudication occurs through clerk-signed “judgments” and unsigned “opinions”—vacatur is categorical, not discretionary.

Federal rules reinforce this requirement. Fed. R. Civ. P. 58 and 79 assign the clerk only ministerial duties of entry and record-keeping. Fed. R. App. P. 36 authorizes the clerk to enter judgment only after the court itself has rendered one. The Middle District of Pennsylvania’s Local Rule 5.6, and Third Circuit L.A.R. 113.5 and 113.9, require electronic signatures that accurately identify the judge or officer issuing an order. As the MDPA ECF Manual explains, “all signed orders will be filed electronically by the court or court personnel,” and a judge’s electronic signature attestation must be affixed in the proper format.

Counterfeit signatures, like counterfeit judgments, are not mere technical error but structural fraud on the court. Under *Hazel-Atlas* and *Ryder*, this Court has a duty to purge such devices and restore lawful Article III adjudication.

## VI. ARGUMENT

### 1. The Court Should Grant a Stay

a. **Likelihood of Success.** The court had a duty to adjudicate these constitutional claims. *Bell v. Hood*, 327 U.S. 678, 681–82 (1946); *Zwickler v. Koota*, 389 U.S. 241, 254 (1967). The district court evaded that duty when it collapsed Rule 12(b)(1) into Rule 12(b)(6), invoked abstention without a parallel proceeding (App. 26), and re-labeled specific objections as “general” to deny de novo review under § 636(b)(1). The July 28, 2025 memorandum opinion and judgment (ECF 59–60; App. 1, 10) compounded those defects: the “opinion” bore no judicial signatures, was marked nonprecedential, and the “judgment” was signed only by the Clerk. Such entries failed legal standards, all of which demand valid judicial authentication before the clerk may enter judgment. Under *Nguyen*, a judgment entered without Article III participation is a nullity. As in *Hazel-Atlas*, counterfeit devices must be purged from the record. This case is not about weighing probabilities but about whether a federal court may allow counterfeit judgments to masquerade as adjudication. Likelihood of success is therefore categorical.

b. **Irreparable Harm.** Article III adjudication cannot be retroactively supplied. Denial of adjudication is itself irreparable harm. Applicant moved repeatedly to strike or vacate defective filings (App. 51), but those motions were ignored,

confirming the injury is structural and incapable of later cure. Once adjudication is denied, the injury is complete and no later remedy can cure it.

c. **Balance of Equities.** Respondents lose nothing by authentic adjudication, while Applicant loses constitutional rights if counterfeit judgments stand. The pattern across related cases (App. 75) shows systemic misuse of clerk authority, so continued enforcement would reward fraud, while vacatur would merely restore lawful process. Equity tilts categorically toward authentic adjudication, for no party can claim reliance on fraud.

d. **Public Interest.** The public interest converges with the merits. Preserving Article III adjudication protects judicial legitimacy, while the First Amendment secures transparency in election records. Fraudulent judgments corrode confidence; authentic adjudication restores it. The First Amendment forbids government interference with the flow of information necessary for an informed electorate. *Grosjean v. American Press Co.*, 297 U.S. 233 (1936); *Capital Cities Media, Inc. v. Chester*, 797 F.2d 1164, 1167 (3d Cir. 1986). When fraudulent judgments prevent lawful publication of election records (App. 78), the interference is at its zenith. The public interest demands authentic adjudication, for counterfeit rulings corrode legitimacy while transparency sustains democracy.

## **2. All Orders and Judgments Should be Vacated.**

This Court's supervisory authority, reinforced by the All Writs Act, requires vacatur of judgments entered without judicial participation or tainted by fraud. The

record here is not one of ordinary error but of counterfeit adjudication—a chain of nullity stretching from the district court to the court of appeals.

The fraud began in the district court. The docket reflects that Magistrate Carlson was “assigned” by an anonymous verbal order, a procedure unknown to the rules. His reports and orders (DC ECF 34, 35, 36, 37, 59) bore no valid judicial signatures and appear instead to have been staff-generated writings rubber-stamped through a fictive “autopen” attribution. Each carried only a duplicated typed name, contrary to Local Rule 5.6, the Middle District’s ECF Manual, and Fed. R. Civ. P. 5(d)(3)(C), which require filings to be authenticated through the filer’s own CM/ECF account with a compliant “s/Name” attestation. If no Article III or magistrate judge ever participated, these filings were counterfeit from inception and void ab initio.

Applicant repeatedly moved the courts to explain and correct these defects, but the officers remained silent. No hearings were convened. No judge or clerk was ever seen or heard. Every dispositive outcome was issued only on paper.

The Court of Appeals compounded the defect. On October 29, 2024, the Clerk’s Office issued a “summary action” directive without judicial order (CA3 ECF 11-1), displacing Article III authority. On July 28, 2025, the docket reflected a memorandum opinion with no judicial signatures and a judgment executed only by the Clerk (CA3 ECF 59–60). Like the district court’s fictive reports, these entries carried only the appearance of adjudication. With unsigned opinions and clerk-

signed judgments, they functioned as staff-generated instruments attributed through autopen formality rather than Article III participation.

*Ryder* establishes that one who makes a timely challenge to the constitutional validity of the officer adjudicating his case is entitled to relief. Applicant objected (App. 15, 19, 51) but got no relief. Under *Hazel-Atlas* and *Ryder*, relief here is categorical: counterfeit judgments must be vacated, and the record purged of fraudulent devices.

What is at stake is not correction of error but the purge of a record defined by appearances without substance.

### **3. Certiorari Before Judgment Is Warranted (Rule 11 / Imperative Public Importance).**

Because the docketed “judgment” (ECF 60) is void for lack of Article III participation, the case remains pending in the Third Circuit; it is therefore properly before this Court in a Rule 11 posture, even as Applicant seeks a stay of enforcement under Rule 23.

Remand would be futile. The same officers who engineered these schemes would preside again, as App. 75 confirms. Unlike in *Nguyen*, where remand could cure the defect by convening a proper panel, here only this Court can provide effective relief.

Whether Article III adjudication may be displaced by clerk-issued directives and counterfeit judgments is a question “of such imperative public importance” that deviation from normal appellate practice is required. Sup. Ct. R. 11. The case

implicates both the integrity of Article III adjudication and the First Amendment's protection of an informed electorate. If staff-generated judgments can stand, then Article III yields to parody and public confidence collapses with it. As in *Trump v. Slaughter*, this Court should grant certiorari before judgment and exercise its supervisory power directly.

## VII. RELIEF REQUESTED

Because the docket reflects a purported judgment entered July 28, 2025, Applicant seeks a stay under Rule 23; because that entry is void for lack of Article III participation, the case remains pending in the court of appeals and warrants certiorari before judgment under Rule 11.

For the reasons set out above, Applicant respectfully requests that this Court:

1. **Stay Enforcement (Rule 23).** Stay the July 28, 2025 “judgment” of the United States Court of Appeals for the Third Circuit (App. 1, 10).
2. **Administrative Stay.** Enter an immediate interim stay to preserve the status quo while this Court considers the Application.
3. **Vacatur of Fraudulent Entries.** Vacate and purge the July 28, 2025 memorandum and judgment (App. 1, 10) and the October 29, 2024 clerk directive (App. 15, 19), together with any filings tainted by those counterfeit devices, as void ab initio.
4. **Certiorari Before Judgment (Rule 11).** Treat this Application as a petition for a writ of certiorari before judgment and grant it to resolve questions of

imperative public importance and because no valid judgment of an Article III court exists.

5. **Supervisory Adjudication.** Decide the constitutional questions directly, as remand would return the case to the very officers who engineered the fraud.
6. **Other Relief.** Grant such other relief as may be just and proper to restore lawful adjudication and purge fraud from the judicial record.

October 8, 2025

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Michael Miller, *Pro Se*

**VIII. CERTIFICATE OF COMPLIANCE**

This filing contains 2,271 words as determined by the word-processing system used to prepare it.

Respectfully Submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael Miller

**IX. AFFIDAVIT OF SERVICE**

I, Michael Miller, declare as follows:

1. I am the Applicant in this matter, proceeding pro se.
2. On \_\_\_\_\_, I served true and correct copies of the following filings:

APPLICATION TO STAY AND VACATE THE PURPORTED  
JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR  
THE THIRD CIRCUIT, FOR ADMINISTRATIVE STAY, AND FOR  
CERTIORARI BEFORE JUDGMENT and APPENDIX

3. Service was made by email, addressed as follows:

Michael Scarinci  
mscarinci@attorneygeneral.gov  
PA I.D. No. 323816  
Pa. Office of Attorney General  
15th Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 857-2184  
*Counsel in 24-2934*

Sarah Hyser-Staub  
sstaub@mcneeslaw.com  
PA I.D. No. 315989  
100 Pine Street  
Harrisburg, PA 17101  
717-237-5473  
*Counsel in 24-2934, 25-2570*

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on \_\_\_\_\_, at Ephrata, Pennsylvania.

\_\_\_\_\_  
Michael Miller, Applicant

**XII. DISPOSITION BY CIRCUIT JUSTICE**

*(Supreme Court Rule 22.4)*

A Justice denying an application will note the denial thereon.

- Granted
- Denied
- Referred to the Court

\_\_\_\_\_

Justice Samuel A. Alito, Jr.  
Circuit Justice for the Third Circuit

Date: \_\_\_\_\_

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

October 14, 2025

Michael Miller  
108 N. Reading Road, F, 246  
Ephrata, PA 17522

RE: Miller v. Lancaster County, Application for Stay and Certiorari Before Judgment  
USCA3 24-2934

Dear Mr. Miller:

Your application for a stay and certiorari before judgment received October 14, 2025 is herewith returned for the following reason(s):

In your case, you must first seek relief from the United States Court of Appeals for the Third Circuit. If you have sought that relief before a lower court, but that court has yet to rule, it would be legally premature for this Court to entertain an application for the same relief. This Court is without jurisdiction to entertain an application for a (stay/injunction) without an order from a circuit court. 28 USC 2101(f).

Additionally, as the Third Circuit has ruled on July 28, 2025, you may seek a petition for a writ of certiorari under Rule 10; however a petition for a writ of certiorari may not be combined with any other filing. See Rule 12.4. Please correct and resubmit as soon as possible.

Sincerely,  
Scott S. Harris, Clerk

By:

  
Robert Meek  
(202) 479-3027

Enclosures

**In the Supreme Court of the United States**

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MICHAEL MILLER

v.

COUNTY OF LANCASTER, ET AL.

---

**APPLICATION TO DIRECT TRANSMISSION OF RULE 22 APPLICATION TO  
THE CIRCUIT JUSTICE AND TO REVIEW ADMINISTRATIVE IMPARTIALITY**

MICHAEL MILLER  
Filed Pro Se  
108 N. Reading Road, F, 246  
Ephrata, Pennsylvania 17522  
717-388-0163  
reaganfive@protonmail.com

**PARTIES TO THE PROCEEDING**

Applicant is Michael Miller, proceeding pro se.

Respondents are County of Lancaster, a municipal entity, and Pennsylvania Office of Open Records, who were named in the underlying action.

**RELATED PROCEEDINGS**

1. *Miller v. County of Lancaster, et al.*, No. 1:24-cv-14 (M.D. Pa.), judgment entered Sept. 30, 2024; appeal pending, No. 24-2934 (3d Cir.), judgment entered July 28, 2025.

2. *Miller v. County of Lancaster, et al.*, No. 5:24-cv-5338 (E.D. Pa.), final judgment entered on Aug. 12, 2025; appeal pending, No. 25-2570 (3d Cir.).

*Miller v. Judicial Council of the Third Circuit, et al.*, No. 5:25-cv-4633 (E.D. Pa.), judgment entered Aug. 14, 2025; appeal pending, No. 25-2616 (3d Cir.).

**RELIEF REQUESTED**

This Application arises from a refusal by the Supreme Court's Clerk to transmit a properly filed Rule 22 application to a Justice, thereby invoking the Court's supervisory authority to enforce compliance with its own Rules and preserve the integrity of judicial process. Applicant respectfully moves this Court under Rules 1, 21, and 22 and the All Writs Act, 28 U.S.C. § 1651(a), to direct the CLERK, SCOTT S. HARRIS, to perform the ministerial duty imposed by Rule 22(1) and promptly transmit Applicant's pending Rule 22/23 Application for Stay and Certiorari Before Judgment (*Miller v. County of Lancaster*, No. 24-2934 (3d Cir.)) to Justice Samuel A. Alito, Jr., the Circuit Justice for the Third Circuit.

### **GROUND FOR RELIEF**

The issue is straightforward: whether administrative staff may interpose legal judgment to prevent a Justice from receiving a facially proper application—a question Rule 22(1) and this Court’s precedent answer in the negative. On October 14, 2025, however, the Clerk’s Office returned Applicant’s properly formatted Rule 22 Application without docketing or transmission, asserting that 28 U.S.C. § 2101(f) barred review until the Court of Appeals acted. That administrative refusal exceeds the Clerk’s authority and conflicts directly with the text and practice of Rules 22 and 23, as follows:

**a. Ministerial Duty under Rule 22(1).**

Rule 22(1) commands that an application “shall be filed with the Clerk, who will transmit it promptly to the Justice concerned if an individual Justice has authority to grant the sought relief.” This language is mandatory, not discretionary. A single Justice plainly has authority to (1) grant a stay under Rule 23, (2) consider certiorari before judgment under Rule 11, and (3) issue supervisory or All Writs Act relief under 28 U.S.C. § 1651(a). Once that colorable authority exists, transmission is not optional—it is compulsory and the Clerk’s contrary refusal *ultra vires*.

**b. Section 2101(f) Is Not a Transmission Gate.**

Section 2101(f) provides that a Justice “may stay the execution and enforcement of such judgment.” The statute presupposes an existing judicial act; it does not confer screening power on non-judicial officers. It does not authorize the Clerk to

adjudicate finality, jurisdiction, or extraordinary cause; the Clerk’s reliance on it as a jurisdictional bar therefore conflicts with the Rules and with this Court’s own practice. Rule 22 was adopted precisely to ensure that a Justice, not administrative staff, determines those questions.

**c. Controlling Precedent — *Trump v. Slaughter*, No. 25A264 (Sept. 22, 2025).**

The Clerk’s interpretation of § 2101(f) is squarely foreclosed by this Court’s disposition in *Trump v. Slaughter*, 606 U.S. \_\_\_ (2025). There, the Court granted a Rule 22/23 application filed directly from the district court—before any appellate judgment—and, in the same order, “treated the application as a petition for a writ of certiorari before judgment, and the petition [was] granted.”

*Id.* That decision confirms:

1. Section 2101(f) does not restrict a Justice’s or the Court’s power to act on a Rule 22/23 application before the court of appeals has ruled;
2. Whether extraordinary cause exists is a judicial determination for the Justice, not an administrative screening function; and
3. Transmission of such an application is mandatory under Rule 22(1) once it is facially proper.

To read § 2101(f) as the Clerk proposes would render the *Slaughter* order—and the line of in-chambers precedents it follows (*Doe v. Gonzales*, 546 U.S. 1301 (2005); *Certain Named and Unnamed Non-Citizen Children v. Texas*, 448 U.S. 1327 (1980))—anomalous. *Slaughter* thus resolves any doubt about the Justice’s

power to act on such an application before intermediate appellate review and directly contradicts the Clerk's reliance on § 2101(f) to deny transmission.

**d. Rule 23.3 Is Satisfied on Its Face.**

Rule 23.3 provides that relief should ordinarily be sought first in the lower court "except in the most extraordinary circumstances." Such circumstances are apparent here. The challenged conduct originates within the Third Circuit itself, making further resort there impracticable and self-defeating. This Court has repeatedly recognized that direct application to a Justice is proper when the court below is implicated in the alleged error. *Doe v. Gonzales*, 546 U.S. 1301 (2005) (Ginsburg, J., in chambers); *Certain Named and Unnamed Non-Citizen Children v. Texas*, 448 U.S. 1327 (1980) (Powell, J., in chambers).

**e. Institutional Integrity.**

Administrative withholding of a properly filed Rule 22 Application compromises the separation of functions within this Court. The Rules divide responsibility deliberately: the Clerk files and transmits; the Justice decides. When that sequence is reversed, the administrative office effectively interposes itself between litigants and Article III review—an inversion the Constitution does not permit. This Court has long used its supervisory authority to prevent such distortions of judicial process. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944); *Nguyen v. United States*, 539 U.S. 69, 77–79 (2003). These circumstances warrant the Court's immediate supervisory intervention, as set forth in the Authority and Relief Requested sections below.

**f. Pattern of Clerk Usurpation Confirmed.**

The conduct at issue in the present motion replicates the very abuse alleged in the underlying appeal, *Miller v. County of Lancaster*, No. 24-2934 (3d Cir.). In both settings, ministerial officers substituted their own determinations for judicial review, blocking transmission of filings and extinguishing access to an Article III adjudicator. The recurrence of the same defect at successive tiers of the federal judiciary demonstrates a systemic breakdown warranting direct corrective action by this Court to re-establish the hierarchy of judicial decision-making.

**AUTHORITY**

Rule 21 governs motions to the Court; Rule 22 creates the ministerial duty now at issue; and § 1651(a) empowers the Court to issue orders “in aid of its jurisdiction.” This motion seeks no merits determination—only enforcement of the procedural command that ensures a Justice, not staff, decides whether relief is available. See *Ex parte Republic of Peru*, 318 U.S. 578 (1943); *La Buy v. Howes Leather Co.*, 352 U.S. 249 (1957).

**RECUSAL, IMPARTIALITY, AND SUPERVISORY REVIEW**

Applicant respectfully raises a formal demand for impartial review and, where appropriate, recusal of administrative officers whose prior conduct demonstrates an apparent conflict with the duty of neutral case processing. The record of many pro se Rule 22 applications shows that Clerk Scott S. Harris and staff member Robert Meek have repeatedly returned or refused transmission of

Rule 22 applications on identical, demonstrably erroneous grounds. These repeated actions have produced inconsistent treatment of similarly situated filings and deprived Applicant of the ministerial processing that Rule 22(1) mandates.

When such administrative conduct recurs after notice, it creates at least the appearance of partiality within the Court's filing office and raises reasonable questions about the impartial administration of access to a Justice. The Supreme Court's own precedents hold that even the appearance of bias demands correction to preserve public confidence in the judiciary. *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 860 (1988); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 881 (2009).

Applicant raises this issue not to impugn motives but to safeguard the Court's own reputation for evenhanded access and to preserve confidence in the neutrality of its administrative process.

Accordingly, Applicant requests that:

1. The Clerk transmit this motion directly to Justice Alito to ensure impartial handling; and
2. Justice Alito formally review the administrative practice by which Rule 22 applications are rejected, to determine whether recusal or reassignment of involved officers is warranted.

This request is institutional: the goal is to ensure that future applications—including those of any litigant—are processed under a neutral and uniform standard consistent with Rule 22(1) and this Court's supervisory responsibility.

**RELIEF SOUGHT**

For the reasons set forth above, and under the Court's inherent supervisory power, Applicant respectfully requests the following relief:

1. **Direct the Clerk** to docket and transmit the rejected Rule 22 Application to Justice Alito for consideration under Rules 22 and 23;
2. **Enter any further order** necessary to ensure compliance with Rule 22(1) and to prevent future administrative obstruction of judicial transmission; and
3. **Grant such other relief** as may be just and proper to preserve the integrity of this Court's supervisory procedures and the uniform application of its Rules.

Respectfully Submitted,



Michael Miller

Dated: October 17, 2025

**ATTACHMENTS**

1. Clerk's Return Letter (Oct. 14 2025).
2. Applicant's *Demand for Transmission to the Circuit Justice*.

**CERTIFICATE OF COMPLIANCE**

This filing contains 1,456 words as determined by the word-processing system used to prepare it.

Dated: October 17, 2025



Michael Miller

**AFFIDAVIT OF SERVICE**

I, Michael Miller, declare as follows:

1. I am the Applicant in this matter, proceeding pro se.
2. On October 17 2025, I served true and correct copies of the following filings: *Application To Direct Transmission Of Rule 22 Application To The Circuit Justice And To Review Administrative Impartiality*
3. Service was made by email, addressed as follows:

Michael Scarinci  
mscarinci@attorneygeneral.gov  
PA I.D. No. 323816  
Pa. Office of Attorney General  
15th Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 857-2184  
*Counsel in 24-2934*

Sarah Hyser-Staub  
sstaub@mcneeslaw.com  
PA I.D. No. 315989  
100 Pine Street  
Harrisburg, PA 17101  
717-237-5473  
*Counsel in 24-2934, 25-2570*

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 17 2025, at Ephrata, Pennsylvania.



Michael Miller, Applicant

**DISPOSITION BY CIRCUIT JUSTICE**

*(Supreme Court Rule 22.4)*

A Justice denying an application will note the denial thereon.

- Granted
- Denied
- Referred to the Court

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Justice Samuel A. Alito, Jr.  
Circuit Justice for the Third Circuit  
Date: \_\_\_\_\_

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

October 14, 2025

Michael Miller  
108 N. Reading Road, F, 246  
Ephrata, PA 17522

RE: Miller v. Lancaster County, Application for Stay and Certiorari Before Judgment  
USCA3 24-2934

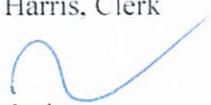
Dear Mr. Miller:

Your application for a stay and certiorari before judgment received October 14, 2025 is herewith returned for the following reason(s):

In your case, you must first seek relief from the United States Court of Appeals for the Third Circuit. If you have sought that relief before a lower court, but that court has yet to rule, it would be legally premature for this Court to entertain an application for the same relief. This Court is without jurisdiction to entertain an application for a (stay/injunction) without an order from a circuit court. 28 USC 2101(f).

Additionally, as the Third Circuit has ruled on July 28, 2025, you may seek a petition for a writ of certiorari under Rule 10; however a petition for a writ of certiorari may not be combined with any other filing. See Rule 12.4. Please correct and resubmit as soon as possible.

Sincerely,  
Scott S. Harris, Clerk  
By:

  
Robert Meek  
(202) 479-3027

Enclosures

Serial No: 10-17-2025-10-37

## Rule 22.1 — Demand for Transmission to the Circuit Justice (Miller v. County of Lancaster, No. 24-2934)

From: Mike Miller  
reaganfive@protonmail.com 

To: rmeek@supremecourt.gov   
rmeek@supremecourt.gov   
sharris@supremecourt.gov   
sharris@supremecourt.gov 

Date: On Thu, Oct 16, 2025 at 12:13 PM

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Dear Mr. Meek and Mr. Harris,

This is formal notice and demand for compliance with Supreme Court Rule 22.1 regarding your October 14, 2025 letter returning my Rule 22 Application in *Miller v. County of Lancaster*, No. 24-2934 (3d Cir.).

Rule 22.1 provides:

*“An application ... shall be filed with the Clerk, who will transmit it promptly to the Justice concerned if an individual Justice has authority to grant the sought relief.”*

1. Authority belongs to the Justice—not the Clerk. The “authority” clause in Rule 22.1 asks only whether the *category* of relief is within a Justice’s powers, not whether relief will ultimately be granted. Here, a single Justice plainly has authority (a) to consider a stay under Rule 23; (b) to consider certiorari before judgment under Rule 11; and (c) to consider supervisory/All Writs Act relief where the record alleges displacement of Article III adjudication by non-judicial officers. That colorable authority showing triggers mandatory transmission.
2. § 2101(f) is not a transmission gate. Your letter invoked 28 U.S.C. § 2101(f). That statute governs temporary stays of lawful final judgments pending certiorari; it does not authorize the Clerk to adjudicate finality, jurisdiction, or “authority” and then withhold transmission of a Rule 22 application. My filing seeks Rule 22/23 relief (including an administrative stay) and Rule 11 treatment based on a showing that the purported “judgment” is void ab initio and that clerk-issued acts displaced Article III decision-making—questions reserved to the Justice concerned, not to administrative staff.
3. Current Supreme Court practice forecloses your position. In *Trump v. Slaughter*, No. 25A264 (Sept. 22, 2025), the Court granted a Rule 22/23/11 application directly from the district court, issued a stay, and treated the filing as certiorari before judgment. That disposition confirms that § 2101(f) is not a prerequisite to transmission or review and that a Justice—not the Clerk—decides authority and extraordinary cause.

4. Rule 23.3 is satisfied on the face of the record. If you rely on Rule 23.3 (“except in the most extraordinary circumstances” relief should first be sought below), the Application itself demonstrates those circumstances: the alleged actions of the panel and the court-of-appeals clerk are the challenged conduct, making relief there impracticable and self-defeating. In-chambers practice recognizes direct resort to a Justice in precisely such situations.

Accordingly, transmit the Application immediately to Justice Samuel A. Alito, Jr., with this email and your October 14 letter, so that Justice Alito—not administrative staff—can determine whether extraordinary cause exists. If you decline, identify the specific rule, statute, or order authorizing continued withholding. Rule 1 allows rejection only for noncompliance with format or service; it does not authorize the Clerk to adjudicate authority, exhaustion, or jurisdiction—determinations committed exclusively to the Justice by Rules 22.1, 22.2–22.6, and 23.

This message preserves the record of refusal under color of law and documents my full compliance with Rules 22.1 and 23.3.

Respectfully,

**Michael R. Miller**

Pro Se Applicant

108 N. Reading Rd., Ste F-246

Ephrata, PA 17522

717-388-0163 | [reaganfive@protonmail.com](mailto:reaganfive@protonmail.com)

Sent with [Proton Mail](#) secure email.