IN THE SUPREME COURT OF THE UNITED STATES

Application of Joseph Cammarata
for Emergency Relief Pursuant to 28 U.S.C. § 2101(f),
Supreme Court Rule 23, and the All Writs Act, 28 U.S.C. § 1651

To the Honorable Samuel A. Alito, Jr.,
Associate Justice and Circuit Justice for the Third Circuit

AMENDED EMERGENCY APPLICATION FOR IMMEDIATE RELIEF TO CIRCUIT JUSTICE SAMUEL A. ALITO, JR.

IMMEDIATE INTERVENTION REQUESTED
CONTINUED WRONGFUL IMPRISONMENT AND IMMINENT IRREVERSIBLE FORFEITURE

In the Matter of Joseph Cammarata
Appeal No. 24-1381
United States Court of Appeals for the Third Circuit

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PRELIMINARY STATEMENT — IMMEDIATE RELIEF REQUIRED

William Blackstone wrote that it is better for ten guilty persons to escape than for one innocent person to suffer. Benjamin Franklin, writing in 1785, raised that number to one hundred. The principle is not merely aspirational; it is embedded in the Due Process Clause, the Eighth Amendment, and four centuries of Anglo-American jurisprudence. It is the foundation upon which this Court was built.

Joseph Cammarata has now been imprisoned for over four years under a conviction built on a legal theory that unanimous Supreme Court precedent forecloses, a precedent the prosecution suppressed, the trial court refused to acknowledge, and the appellate court has been structurally incapable of addressing. He was convicted of conduct that Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2008), establishes was lawful. He was sentenced by a judge who held personal stock in the companies whose settlements were at issue, making him a class member and potential victim of the very conduct he was adjudicating, and who never disclosed that interest. His assets remain frozen under an order that expired by operation of law more than four years ago. And the court responsible for reviewing all of this employs the prosecutor's wife in its Executive Office, voted unanimously to ignore that fact, and has been silent for more than six months.

Every day that continues is a day the Constitution is violated. The Eighth Amendment prohibits continued imprisonment under a void conviction. The Due Process Clause requires meaningful review of a deprivation that has now persisted for over four years without a single honest judicial engagement. The All Writs Act, 28 U.S.C. § 1651, exists precisely for circumstances like these, where the normal machinery of justice has broken down and no other remedy is available. Boumediene v. Bush, 553 U.S. 723 (2008); Zadvydas v. Davis, 533 U.S. 678 (2001).

Justice Alito has the authority to end it. This application respectfully and urgently requests that he do so. The harm being done each day this continues cannot be undone by an eventual ruling. Time is the one thing that cannot be restored.

INTRODUCTION

This application presents a simple question dressed in an extraordinary fact pattern: What happens when a federal appellate court cannot rule?

Not will not. Cannot.

The Securities and Exchange Commission filed a civil enforcement action against Applicant Joseph Cammarata in November 2021. The presiding judge, whose spouse is a partner at a plaintiffs' class action firm that litigated matters in the same courthouse involving the same settlement administrators at issue in this case, entered an ex parte asset freeze that expired by operation of law fourteen days later under Federal Rule of Civil Procedure 65(b)(2). He then proceeded as though it had not. He froze $78 million in assets under a void order entered without notice, without an adversarial hearing, and without the specific showing of immediate and irreparable injury that Rule 65(b)(1) requires as a prerequisite to any ex parte TRO. He scheduled that TRO hearing on the same day and at the same time as Applicant's federal bail hearing at the Federal Detention Center, Miami, Florida, where Applicant was held in custody, 1,200 miles away, and proceeded in Applicant's absence. He then, after more than a dozen canceled hearings, unaddressed due process violations, and six months of non-adjudication of Applicant's own summary judgment motion, entered summary judgment against Applicant based on collateral estoppel from a wire fraud conviction; applying preclusion that fails every one of the four required elements under Third Circuit law, importing a conviction that established no securities nexus whatsoever to satisfy Section 10(b)'s "in connection with a securities transaction" requirement.

Applicant appealed. That was March 5, 2024. It is now April 2026. The Securities and Exchange Commission has never filed a response brief. Not once. Not a single substantive page. The Third Circuit has never required them to. It has granted extension after extension, stayed the appeal, lifted the stay, received another extension request in September 2025, and then gone completely silent. For more than six months. Ninety-one docket entries. No response brief. No ruling on pending motions. No briefing schedule. Nothing.

This is not delay. This is institutional paralysis. The reason for it is visible on the face of the record.

The SEC cannot file a response brief because filing a response brief means arguing in writing, on the record, to a federal appellate court, that a wire fraud conviction with no securities nexus satisfies Section 10(b)'s "in connection with" requirement. No attorney can write those words without violating Rule 11. So they file nothing and request more time. The Third Circuit cannot rule because ruling honestly means reversing a judgment that, once reversed, unravels a related

criminal conviction, a related tax prosecution, and four years of Applicant's incarceration, while simultaneously exposing prosecutorial misconduct, judicial conflicts, and altered transcripts to public scrutiny.

There is one additional reason the Third Circuit cannot rule honestly: the spouse of the SEC prosecutor, John V. Donnelly III, is employed as an active attorney in the Executive Office of the United States Court of Appeals for the Third Circuit, the precise court before which this appeal is pending. When this conflict was raised, the court did not refer the matter to another circuit. All twelve active circuit judges voted to deny disqualification. Chief Judge Chagares authored the order. No reasons were given. A court cannot adjudicate its own structural conflict. It has now demonstrated that it will not even try.

The result is a man imprisoned for conduct that *Sprint Communications Co. v. APCC Services, Inc.*, 554 U.S. 269 (2008), a unanimous Supreme Court decision decided thirteen years before his prosecution, establishes was lawful. This controlling authority was presented directly to the Third Circuit at ECF No. 69 in Case No. 23-2110. It was never acknowledged. It was never addressed. It was never distinguished. A court that cannot confront the controlling precedent that forecloses the judgment it is being asked to review is not delaying. It is evading. His assets remain frozen under a void order. His appeal sits unanswered. And the court with jurisdiction over that appeal has a documented structural conflict it refused to acknowledge.

Justice Alito's intervention is not sought to decide this appeal. It is sought because the court that should decide it has made clear, through two years of institutional silence, that it cannot.

A NOTE ON SCOPE

The violations described in this application represent a fraction of the documented constitutional record. They have been selected because they are dispositive, verifiable on the face of the docket, and sufficient standing alone to warrant the relief requested. The full record, spanning four pending Third Circuit appeals, 93 documented constitutional violations, simultaneous hearings held 1,200 miles apart on November 9, 2021, denial of attorney's fees, Brady violations, altered transcripts, grand jury contamination, FOIA obstruction across five federal agencies, and a two-year pattern of non-adjudication, is preserved in those proceedings and in the public record at ExposeJustice.com.

This application does not ask this Court to resolve that full record. It asks only that the Court ensure the record gets an honest hearing, something the Third Circuit has now demonstrated, across two years of institutional silence, that it is structurally incapable of providing.

SECTION I — JURISDICTION AND STANDARD FOR RELIEF

This application is brought pursuant to 28 U.S.C. § 2101(f), Supreme Court Rule 23, and the All Writs Act, 28 U.S.C. § 1651. As Circuit Justice for the Third Circuit, Justice Alito has independent authority to grant a stay, order a transfer, or refer this matter to the full Court without awaiting a petition for certiorari. No such petition is required for this relief.

The three prerequisites for Circuit Justice intervention under *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010), are each satisfied:

First, there is a reasonable probability that four Justices would grant certiorari on the structural conflict question alone. A federal circuit court voting unanimously on its own disqualification, all twelve active judges, without referring the matter to another circuit, without providing any statement of reasons, presents a question of exceptional constitutional importance that this Court has never directly addressed. The intersection of 28 U.S.C. § 455(a) and the Due Process Clause in the context of a court adjudicating its own institutional conflict is precisely the kind of unresolved structural question the Court takes.

The structural conflict underlying this paralysis is not theoretical. The SEC prosecutor's spouse is an active attorney employed in the Executive Office of the same appellate court before which all four of Applicant's federal appeals are pending, and each of those appeals has been compromised by the same pattern of non-adjudication:

Appeal No. 25-1188 was stayed for one year before being denied without any substantive engagement with the issues presented.

Appeal No. 23-2110 has refused to address the dispositive exculpatory authority of Sprint, the lack of subject matter jurisdiction, the Brady violations, and Judge Kenney's failure to issue the mandatory Rule 5(f) order, each of which independently forecloses the conviction.

Appeal No. 24-1983 has been fully briefed. The Court indicated it would rule on the papers as of December 2, 2025. It has not. The issues presented include defective grand jury proceedings premised on material misrepresentations of fraud, Rule 5(f) violations, and Brady violations so pervasive they extend beyond withholding exculpatory material; the government intentionally deleted business expense records that were exculpatory in the fraud case from the tax prosecution entirely.

Appeal No. 24-1381 has been pending for over two years since the initial appeal was filed. The SEC has never filed a response brief. Not once. The Third Circuit has neither compelled a response nor ruled. It has done nothing.

This is not a court that is slow. This is a court that cannot move.

Second, there is more than a fair prospect that the underlying judgment would be reversed. As demonstrated in detail below, the district court judgment fails on three independent grounds simultaneously: the foundational TRO is void under Rule 65(b)(2); the collateral estoppel ruling fails all four required elements under controlling Third Circuit law; and the court that entered it had an undisclosed conflict of interest that was raised and never addressed. Any one of these grounds alone requires reversal.

Third, the irreparable harm is not prospective. It is ongoing and daily. Every day the void asset freeze remains in effect is another day Applicant is deprived of property seized without legal authority, property frozen under an order that expired November 18, 2021. The harm cannot be

remedied after the fact. Four years of frozen assets cannot be restored by an eventual ruling. The irreparable harm element is satisfied by the passage of time alone.

Applicant has exhausted every available remedy within the Third Circuit for years. Motions to disqualify, transfer, expedite, and compel have all been filed and either denied without explanation or left entirely unruled upon for years. There is no internal remedy remaining. What has occurred here is not procedural irregularity. It is a miscarriage of justice of the first order, one that has compounded daily for over four years without a single court willing to honestly engage with the record. The harm is ongoing, irreversible, and demands immediate attention. The Circuit Justice is the only avenue through which relief can be obtained.

SECTION II — THE VOID ORDER, THE ENGINEERED ABSENCE, AND THE COLLATERAL ESTOPPEL FRAUD

A. One Judge — Both Cases

A fact central to understanding the structural impossibility of what occurred: Judge Chad F. Kenney presided over both the SEC civil enforcement action and the related federal criminal fraud case simultaneously. He was not one of two judges whose schedules happened to conflict on November 9, 2021. He was the single judicial officer who scheduled simultaneous proceedings in his own two cases against the same defendant, at the same time, on the same day, in cities 1,200 miles apart, while that defendant was detained in federal custody, in Miami.

He obtained a conviction in his criminal case premised entirely on a legal theory that *Sprint Communications Co. v. APCC Services, Inc.*, 554 U.S. 269 (2008), binding Supreme Court precedent the prosecution suppressed in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), establishes cannot constitute a federal crime. That suppression was compounded by Judge Kenney's failure to issue the mandatory disclosure order required by the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (2020), and Federal Rule of Criminal Procedure 5(f) at arraignment, or ever. Rule 5(f) is a rule of criminal procedure; its mandatory disclosure order, had it been issued and enforced, would have required the government to disclose Sprint as exculpatory authority in the criminal case, would have exposed the absence of any viable legal theory, and would have ended the prosecution before it began. That failure in the criminal case then infected the civil proceeding: it was the unchallenged criminal conviction, built without Sprint, that Judge Kenney imported as the sole basis for collateral estoppel in the SEC case. *See United States v. Bagley*, 473 U.S. 667, 676 (1985).

Judge Kenney then imported that conviction into his civil case as the sole basis for collateral estoppel, a summary judgment that fails every element of the doctrine he purported to apply. He was therefore the architect of both the predicate judgment and the preclusive ruling built upon it. He froze $78 million under a void order in his civil case. He ensured through simultaneous scheduling that the defendant could not contest that freeze. He ignored Applicant's December 12, 2022 summary judgment motion (ECF No. 183), which was never adjudicated. He granted the SEC's summary judgment motion despite the fact that Applicant was never served with it and has

never received it to this day. He obtained the conviction. He then used it to enter summary judgment against Applicant.

The recusal implications are self-evident. *See Offutt v. United States*, 348 U.S. 11, 14 (1954) (justice must satisfy the appearance of justice). Judge Kenney's spouse — Jeanne T. Kenney, believed upon information and belief to be a partner at Hausfeld LLP in Philadelphia, litigates complex plaintiffs' class action matters in the same courthouse, involving the same settlement administrators at issue in this case. This conflict was raised. It was never addressed. It was never denied. See 28 U.S.C. § 455(a).

B. The Foundation Is Void — Rule 65(b)(2) and the Expired TRO

Everything in this case, the asset freeze, the summary judgment, the SEC enforcement action itself, rests on a single order entered November 4, 2021. That order is void. It has been void since November 18, 2021. Every court order entered after that date purporting to extend or enforce it is void ab initio.

The foundational TRO is void under Rule 65(b)(2) on multiple independent grounds, each sufficient alone to require that result. First, the TRO was entered without the specific showing of immediate and irreparable harm that Rule 65(b)(1) requires as a prerequisite to any ex parte order. Second, the same judge was simultaneously overseeing both the civil enforcement action and the related criminal case; he knew, on the face of his own docket, that Applicant was detained 1,200 miles away and required to appear at a federal bail hearing at the precise moment he convened the TRO show-cause hearing. Third, the SEC's own correspondence establishes that notice was sent by regular mail from Philadelphia on November 8, 2021, less than 24 hours before a 9:00 AM hearing, to an incarcerated individual in Miami. The SEC then altered that notice, changing the date from the 9th to the 8th, to manufacture the appearance of compliance. Notice that cannot physically arrive before a hearing is not notice. It is a legal fiction. Fourth, Applicant was never afforded any meaningful opportunity to oppose the freeze, be heard, or even receive timely notice, a due process violation that began at the moment the TRO was entered and has never been cured. Fifth, and dispositively, the TRO expired by operation of law. Under Rule 65(b)(2), a TRO entered without notice expires in no event more than fourteen days after entry. Rule 65(b)(2) permits only two exceptions to the fourteen-day limit: a subsequent hearing within the period, or consent of the adverse party. Neither occurred within the fourteen-day window. No hearing was held within fourteen days of entry. No consent was obtained within that period. The expiration was automatic, mandatory, and unambiguous.

November 4, 2021 — Judge Kenney enters ex parte Temporary Restraining Order freezing substantially all of Applicant’s assets, without notice, without an adversarial hearing, and without the specific showing of immediate and irreparable injury that Rule 65(b)(1) requires. See Winter v. Natural Resources Defense Council, 555 U.S. 7, 22 (2008); Granny Goose Foods, Inc. v. Brotherhood of Teamsters, 415 U.S. 423, 438–39 (1974). In that same order, Judge Kenney scheduled the TRO show-cause hearing for November 9, 2021 at 9:00 AM in his Philadelphia

courtroom and required all parties to meet and confer at least 24 hours beforehand. Also on November 4, 2021, the criminal court scheduled Applicant's next bail hearing for November 9, 2021 at 9:00 AM at the Federal Detention Center, Miami, Florida. That scheduling order was served on the government. Judge Kenney presided over both proceedings simultaneously. The SEC, the government, and Judge Kenney all had notice of both hearings. Every party with knowledge of both proceedings had five days to raise the conflict. None did. No accommodation was made. The simultaneous scheduling is documented on the face of two federal court records in two federal districts: the SEC show-cause hearing transcript at ECF No. 41 in Case No. 2:21-cv-04845 (E.D. Pa.), and the Miami bail hearing transcript at Document 17 in Case No. 21-MJ-04176-EGT (S.D. Fla.). Both proceedings were held at 9:00 AM on November 9, 2021. This was not an accident.

November 9, 2021 — At 9:00 AM, Judge Kenney convenes the TRO show-cause hearing in his Philadelphia courtroom. At the identical moment, Applicant is required to appear at his bail hearing at the Federal Detention Center, Miami, Florida, 1,200 miles away, where he is detained in federal custody. Applicant had received no notice of the TRO hearing and did not learn of it until after it had already concluded. Judge Kenney, who scheduled both proceedings and presided over both cases, proceeds in Applicant's complete absence. This was not a scheduling conflict. It was a scheduling decision.

November 18, 2021 — Fourteen days from entry of the TRO. Federal Rule of Civil Procedure 65(b)(2) is unambiguous: a TRO entered without notice expires in no event more than fourteen days after entry. No valid adversarial hearing was held within this period. No consent was obtained within that period.[1] The TRO expires by operation of law. Every order entered thereafter purporting to maintain or enforce the asset freeze is void ab initio. *Granny Goose Foods*, 415 U.S. at 438–39.

The $78 million asset freeze that has persisted for over four years was therefore never lawfully imposed beyond November 18, 2021. This alone, independent of every other violation in this record, requires reversal and dissolution of the freeze.

On December 12, 2022, Applicant filed his own motion for summary judgment at ECF No. 183 in the SEC enforcement action, a motion that established, on the face of the record, that no cognizable claim had been stated and that the court lacked subject matter jurisdiction over the entire proceeding. Judge Kenney never entered a ruling on it. Not once. Over a year later, in ECF No. 372 entered April 2, 2024, he claimed for the first time in a footnote that ECF No. 183 had somehow been resolved as part of a ruling on a separate cross-complaint motion. The purported

[1]1 Even accepting — which Applicant does not concede — that Judge Kenney's November 10, 2021 order purporting to extend the TRO had any legal effect, that order was itself entered without notice, without Applicant's presence, without Applicant's consent, and while the court expressly acknowledged on the record that Applicant was neither present nor represented. No valid adversarial hearing had been held. No consent was obtained within that period. Under any calculation, the TRO expired no later than November 24, 2021 — fourteen days from the defective extension order. Every enforcement order entered after November 24, 2021 is void ab initio on this ground alone, independent of the November 18th expiration.

denial, ECF No. 294, entered July 28, 2023, addressed a different motion entirely, ECF No. 285, and never referenced ECF No. 183. Applicant was never mailed notice of that order, as the docket itself reflects. A motion that required dismissal of the action was buried for over a year, then retroactively claimed to have been denied through a footnote referencing an order that never mentioned it. That is not adjudication. That is concealment. And it is a due process violation independent of every other violation in this record.

Compounding this, Applicant never received the SEC's own summary judgment motion. The record documents this: Applicant filed motions alerting the court to non-receipt, the clerk was directed to resend the filing, and mail rejection records confirm repeated failed delivery attempts. The SEC's summary judgment submission exceeded 900 pages, virtually certain to be rejected by a federal detention facility's mail processing procedures for an incarcerated recipient. Applicant was at FDC Philadelphia at the time and has never received that filing to this day. Judge Kenney was aware of the non-receipt. The record confirms it. He granted the motion anyway, based on collateral estoppel from a wire fraud conviction that satisfies none of the four required elements, against a defendant who had never seen the motion he was purportedly being given the opportunity to oppose. That is not adjudication. That is the appearance of adjudication constructed to produce a predetermined result.

The asset freeze was not merely a financial deprivation. It was a tactical one. By freezing substantially all of Applicant's assets on November 4, 2021, Judge Kenney ensured that Applicant could not retain independent civil counsel. On January 5, 2023, Judge Kenney denied a motion for release of funds for criminal defense, ECF No. 190 in Case No. 2:21-cv-04845, one day after it was filed and without a hearing. A formal fee petition submitted by Ballard Spahr LLP was never docketed and was deliberately suppressed from the official record. The only funds ever released, ECF No. 223, were restricted exclusively to appellate counsel fees, with nothing provided for post-trial motions or sentencing defense. At the February 6, 2023 motions hearing, ECF No. 314 in Case No. 2:21-cr-00427, Judge Kenney then ordered Applicant to argue loss, restitution, and forfeiture issues pro se at sentencing, confirming on the record: "right, but a supplemental, self-contained, discrete argument, you're not getting help on that one from counsel." ECF No. 314, Tr. p. 36. When asked whether Applicant was familiar with the rules of evidence, the answer was no. Judge Kenney proceeded anyway, without a full Faretta inquiry, without warning of the dangers of self-representation, and without obtaining a knowing and voluntary waiver. Four months later, at sentencing, Judge Kenney referred to Applicant on the record as "Mr. Hybrid (ph.), Mr. Hybrid", mocking a defendant he had stripped of resources, denied counsel, and then ordered to argue his own sentence. ECF No. 310, Sentencing Tr. p. 66. The freeze that created the deprivation and the orders that compounded it were all the work of the same judge, in the same two cases, serving the same purpose.

C. The Notice Was a Legal Fiction

Applicant was detained at FDC Miami at the time of the November 9th hearing. As established above, the SEC sent notice by regular mail from Philadelphia on November 8, 2021 to an

incarcerated individual in Miami. Regular mail cannot reach a federal detention facility overnight. The notice arrived after the hearing had already concluded.

Due process requires meaningful notice, that is, notice actually calculated to reach the interested party in time to permit them to appear. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). *See also Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Notice sent by regular mail on November 8th to a federal detention facility in Miami for a 9:00 AM hearing on November 9th does not meet that standard. Moreover, the Court's own TRO Order (ECF No. 4, filed November 4, 2021) expressly required that "parties shall meet and confer at least 24 hours before the hearing," stated in bold in the order itself. That requirement was never satisfied. The SEC could not have met and conferred with an incarcerated defendant 1,200 miles away on less than 24 hours' notice sent by regular mail. The notice was defective under both constitutional due process standards and the Court's own explicit order. The document proving it came from the SEC itself.

D. A Hearing That Never Happened — And Dozens That Were Canceled

The November 9, 2021 hearing was not merely the first hearing on Applicant's frozen assets. It was the only hearing that ever occurred. The docket reflects dozens of hearings scheduled in the years that followed. Not one was ever held. Each was continued, canceled, or quietly removed from the calendar. No judge ever looked Applicant in the eye across a courtroom and ruled on whether $78 million in assets could remain frozen.

Applicant has never received a meaningful opportunity to be heard on the deprivation of his property. Not once. In over four years. Under a void order. Before a conflicted judge. In a circuit whose appellate court employs the prosecutor's wife. *Mathews v. Eldridge*, 424 U.S. at 333.

The due process violation did not begin with the summary judgment. It did not begin with the collateral estoppel ruling. It began at 9:00 AM on November 9, 2021, and it has never stopped.

E. The Collateral Estoppel Ruling — Four Independent Failures

Even setting aside the void TRO, the engineered absence, and the four years of canceled hearings, the district court's summary judgment cannot stand. Under controlling Third Circuit law, collateral estoppel requires: (1) identical issues; (2) the issue was actually litigated and decided; (3) the determination was essential to the final judgment; and (4) the party had a full and fair opportunity to litigate. *Jean Alexander Cosmetics, Inc. v. L'Oreal USA, Inc.*, 458 F.3d 244, 249 (3d Cir. 2006). Every element fails. Simultaneously.

Failure One — Issues Not Identical. Section 10(b) requires proof of fraud "in connection with the purchase or sale of a security," a jurisdictional element wire fraud does not contain. 18 U.S.C. § 1343 requires only a scheme to defraud using interstate wires. Judge Kenney imported a wire fraud conviction to satisfy a securities fraud element that wire fraud cannot address. Different statutes, different elements, different jurisdictional predicates. The first element fails on its face.

Failure Two — Never Actually Litigated. The core legal question, whether the assignment transactions were lawful, was never adjudicated in the criminal case because the government suppressed the controlling authority. *Sprint Communications Co. v. APCC Services, Inc.*, 554 U.S. 269 (2008), a unanimous Supreme Court decision establishing the legality of those transactions, was never cited by the prosecution, never presented to the grand jury (which would have eliminated the indictment entirely), never ruled upon by any court at any level, and never acknowledged by the district court despite being raised by Applicant at trial. An issue whose controlling authority was suppressed in violation of Brady and withheld through the failure to issue the mandatory Rule 5(f) order was not actually litigated. It was buried. *See Blonder-Tongue Labs., Inc. v. University of Illinois Found.*, 402 U.S. 313, 329 (1971).

The Sentencing Admission. The most compelling proof comes from Judge Kenney himself. At Applicant's criminal sentencing on June 6, 2023, the government sought a securities fraud enhancement. Judge Kenney denied it, stating on the record that the securities fraud issue "is a matter better litigated in the SEC case." That is a direct judicial acknowledgment that the securities nexus had not been litigated in the criminal proceeding. The SEC filed its summary judgment motion the next day, June 7, 2023. On August 31, 2023, Kenney granted it based entirely on collateral estoppel from the criminal wire fraud conviction, applying preclusion to the exact issue he had just confirmed, in his own words, was never litigated. A judge who acknowledges on the record that an issue was not litigated, and then applies collateral estoppel to that issue the next day, has not made a legal error. He has made a legal impossibility.

Failure Three — Not Necessary to the Criminal Judgment. The criminal conviction established wire fraud. Wire fraud does not establish, and is not necessary to establish, the "in connection with a securities transaction" element of Section 10(b). The jury never found a securities nexus. That finding does not exist in the criminal record. The third element fails. *Jean Alexander Cosmetics*, 458 F.3d at 249.

Applicant repeatedly demanded a jury trial in the SEC enforcement action. The record reflects that proposed counsel Ballard Spahr advised the Court that the SEC could not prevail on the merits before a jury. The conduct of the proceedings is consistent with that assessment. On October 27, 2022, the day after the criminal conviction, Judge Kenney referred the SEC case to mediation. Applicant rejected mediation and demanded trial. Then, on June 7, 2023, the day after Applicant’s sentencing hearing, the SEC filed its summary judgment motion based on collateral estoppel from the criminal conviction. That sequence, conviction on October 26, immediate mediation referral on October 27, rejected mediation, summary judgment motion filed the day after sentencing, is not consistent with a court pursuing merits adjudication. It is consistent with a court pursuing a result. By granting summary judgment on collateral estoppel grounds that fail every required element, Judge Kenney denied Applicant his Seventh Amendment right to a jury trial in a civil enforcement action where the court lacked subject matter jurisdiction from the outset, where there was never a legally cognizable claim for relief, and where the SEC to this day

cannot file a Rule 11 compliant response brief addressing the merits. The record does not require speculation about intent. The sequence of events speaks for itself.

Failure Four — No Full and Fair Opportunity. On November 9, 2021, the date of the only SEC hearing ever held, Applicant was simultaneously required to appear at his bail hearing at FDC Miami. He was detained 1,200 miles away. The SEC proceeding went forward in his absence with no notice, no continuance, and no accommodation. The void TRO then denied him access to funds to retain independent civil counsel. His criminal defense attorney had provided written notice that his representation was limited to the criminal matter. Applicant faced the SEC proceeding without counsel, without assets, without presence, and without the Brady disclosure that would have produced Sprint. *Blonder-Tongue*, 402 U.S. at 333. The fourth element fails.

F. The Pattern of Non-Adjudication — A Court That Would Not Engage

The collateral estoppel failures are part of a documented pattern in which Judge Kenney refused to engage with any argument challenging the foundation of his own orders. *SEC v. Chenery Corp.*, 318 U.S. 80, 94 (1943). Following the summary judgment, Applicant filed successive motions raising the void TRO, the Sprint suppression, and the invalidity of the judgment. Each was denied without opinion, without citation, without a single word of legal reasoning:

ECF No. 348 (January 23, 2024) — Recusal motion denied without reasons. 28 U.S.C. § 455(a).

ECF No. 372 (April 2, 2024) — Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Motion for Relief from Void Judgment under Fed. R. Civ. P. 60(b) both denied. *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (courts have independent obligation to confirm subject-matter jurisdiction).

A judge who enters summary judgment on a doctrine that fails all four required elements, whose own sentencing record confirms the predicate issue was never litigated, and who then refuses to address a single subsequent motion challenging that judgment, has not adjudicated a case. He has closed one. The Third Circuit is now asked to review a record in which no court has ever honestly engaged with a single defense argument.

G. Why the SEC Has Never Filed a Response Brief

To file a response brief, the SEC's attorneys would be required to argue, in writing, on the record, under Rule 11, that a wire fraud conviction with no securities nexus satisfies Section 10(b)'s "in connection with" requirement; that collateral estoppel applies when the controlling precedent was suppressed, the sentencing judge confirmed the issue was never litigated, and all four elements fail; and that a judgment built on a void TRO, entered by a conflicted judge, after a hearing the defendant could not attend, should stand. No attorney can write those words. On September 3, 2025, the SEC requested sixty additional days. That request was neither granted nor denied. The deadline passed. No brief was filed. The docket, frozen at ECF No. 91 since September 12, 2025, speaks for itself. The SEC has not filed a response brief. It has not sought to

withdraw. It has done nothing. That is not a filing delay. That is an admission that no Rule 11-compliant brief can be written.

Applicant's motion for summary judgment, filed December 12, 2022 at ECF No. 183, was never ruled upon. Not denied. Not addressed. Simply not adjudicated. The SEC did not file its own summary judgment motion until June 7, 2023, more than six months later. Judge Kenney granted the SEC's motion and buried Applicant's. The institutional paralysis that now defines this appellate record did not begin at the Third Circuit. It began below.

H. The Donnelly Structural Conflict — A Court That Cannot Rule on Its Own Bias

The SEC prosecutor is John V. Donnelly III. His spouse, Jeanne T. Donnelly, is employed in the Executive Office of the United States Court of Appeals for the Third Circuit, the court before which all four of Applicant's appeals are pending. This was never disclosed. When raised, it was neither denied nor addressed.

On August 27, 2025, all twelve active circuit judges voted to deny disqualification. Chief Judge Chagares authored the order. No reasons were given. No judge recused from voting on the disqualification of the court of which they are a member. 28 U.S.C. § 455(a); Liteky v. United States, 510 U.S. 540, 548 (1994).

The situation maps directly onto *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009): due process is violated when the risk of bias is too high to be constitutionally tolerable. Here the entanglement is not financial but structural: an employment relationship between the prosecutor's spouse and the court itself. The affected court was given the opportunity to recuse and declined, unanimously, without explanation. *Offutt*, 348 U.S. at 14. A court cannot adjudicate its own structural conflict. The Third Circuit has now demonstrated that it will not try.

I. Judge Kenney's Financial Conflicts — A Judge Who Was a Class Member

The Donnelly conflict is not the only structural disqualification in this record. Judge Kenney's publicly filed financial disclosure reports for calendar years 2018, 2019, and 2020, attached hereto as Appendix Exhibits D-1, D-2, and D-3, reveal that he personally held individual stock positions in numerous publicly traded companies that were the subject of securities class action settlements. Those settlements are the precise subject matter of the prosecution he presided over. These disclosures are public records. They are undeniable. They were not previously available for examination: judicial financial disclosure reports are subject to a multi-year publication delay, and the full record of Judge Kenney's stockholdings only recently became accessible. They have never been raised in connection with any disqualification motion for that reason.

Across the three reporting years, Judge Kenney's disclosures reflect substantial individual equity holdings. In 2018, he purchased approximately 25 individual stock positions. In 2019, he held and actively traded approximately 20 positions, receiving dividends and purchasing additional shares across multiple companies. In 2020, he held approximately 18 individual stock positions plus a Fidelity 500 Index Premium Fund (FUSVX) valued at $50,001–$100,000, a broad market

index fund tracking the S&P 500 that by definition includes virtually every company subject to major securities class action settlements. The 2020 disclosure covers the final year before the prosecution was initiated in October 2021, and the last year in which Applicant filed class action settlement claims. It is the year that defines the direct overlap between Judge Kenney's holdings as a class member and Applicant's activity as a claimant.

The specific holdings that directly overlap with class action settlements in which Applicant filed claims include: Apple Inc. (AAPL), Boeing Co. (BA), Exxon Mobil Corp. (XOM), Cisco Systems Inc. (CSCO), Walmart Inc. (WMT), Danaher Corp. (DHR), Discover Financial Services (DFS), Broadridge Financial Solutions (BR), and others documented in the attached exhibits. These were not passive index fund holdings. They were individual stock positions in the specific companies whose settlement funds were allegedly diminished by the very conduct for which Applicant was prosecuted.

Securities class action settlements compensate shareholders who held stock during the class period and suffered losses. As a holder of individual positions in these companies, Judge Kenney was himself an eligible class member in the same settlements. Under 28 U.S.C. § 455(b)(4), a judge must disqualify himself where he has "a financial interest in the subject matter in controversy." The statute defines "financial interest" to include "ownership of a legal or equitable interest, however small." 28 U.S.C. § 455(d)(4). There is no de minimis exception. The statute is mandatory and self-executing.

Judge Kenney confirmed his status as a class action claimant in his own words, on the record, at Applicant's sentencing on June 6, 2023 (ECF No. 310, Case No. 2:21-cr-00427). In the midst of a colloquy about alleged victims of securities class action fraud, Judge Kenney stated from the bench: "I — I — I have invested, I've made a claim and they say, this is how much you're getting back based on all the claims that were made." This was not a hypothetical. This was the presiding judge, in his own words, confirming that he personally invested in the same type of securities and personally filed class action claims of the exact type Applicant was prosecuted for filing. That admission, combined with the financial disclosures, establishes not merely the appearance of a conflict but a direct, personal, financial conflict that 28 U.S.C. § 455(b)(4) makes mandatory grounds for disqualification.

His own words confirm the conflict. At the November 9, 2021 hearing, the very first proceeding in the SEC case, before a single piece of evidence had been presented and before the defendant had any opportunity to appear or be heard, Judge Kenney stated on the record: "I consider this a crime against the courts." That was not a considered legal conclusion. It was the reaction of an investor who believed he had been victimized. Judge Kenney later ensured this remark would not appear in the official record. Both the original transcript (ECF No. 41) and the amended transcript (ECF No. 46) render the remark as "[inaudible]." At sentencing on June 6, 2023, Mr. Cammarata quoted the remark back to Judge Kenney on the record. That portion of the sentencing transcript was also altered. The same remark was suppressed across two separate transcripts in two separate proceedings, a remark that, in light of the financial disclosures,

reveals not judicial bias in the abstract but a personal financial interest that mandated disqualification under 28 U.S.C. § 455(b)(4).

Judge Kenney was not merely a judge presiding over a case involving securities class action settlements. He was an eligible class member in the same settlements. He held the stock. He disclosed nothing. And he presided over the prosecution of the man who filed the claims. Combined with his spouse's practice at Hausfeld LLP, a plaintiffs' class action firm operating in the same courthouse, handling the same type of settlements, and the Donnelly spousal conflict at the appellate level, the structural bias in this case runs from the trial court through the court of appeals. Every layer of the judiciary responsible for this prosecution had a documented, undisclosed interest in its outcome.

SECTION III — THE STANDARD FOR RELIEF IS MET, AND THE RELIEF MUST BE COMPLETE

A. The SEC Case Is the Original Sin — Not an Isolated Error

Applicant does not seek reversal of a civil judgment in isolation. He seeks recognition of what the record establishes: that the SEC enforcement action was the instrument through which every subsequent deprivation was engineered, and that the constitutional violations originating there infected every proceeding that followed. The complaint was not brought in good faith to remedy securities violations. It was brought strategically and knowingly to accomplish what the criminal process could not: the total seizure of Applicant's assets. The Department of Justice, proceeding through the criminal case, could freeze only approximately $16 million, the amount directly traceable to the alleged offense conduct. The SEC, operating on a far lower threshold and without any meaningful showing of irreparable harm, could freeze everything. That is precisely what happened. The SEC complaint was the instrument chosen to cripple Applicant financially, to eliminate his ability to retain counsel, mount a defense, and contest either proceeding. Judge Kenney presided over both cases simultaneously, knew he was conflicted, and proceeded anyway. The prosecutor's wife was employed in the Executive Office of the very appellate court to which any appeal would be taken. The outcome was not adjudicated. It was engineered. From the moment the complaint was filed, Applicant was going to be convicted and was going to lose, not because the law required it, but because every institutional safeguard that should have prevented it had been compromised.

This Court's own precedent, and the Third Circuit's, establish the framework. In *United States v. Antar*, 53 F.3d 568 (3d Cir. 1995), the Third Circuit reversed criminal convictions because the district judge revealed that his goal from the beginning of the criminal proceeding was to enforce orders issued in a concurrent civil proceeding, to ensure conviction so he could leverage restitution. The same judge was then disqualified from the related SEC civil action, because the bias established in the criminal proceeding infected the proceeding arising from the same facts. *In re Antar*, 71 F.3d 97 (3d Cir. 1995).

Applicant's case is *Antar*, compounded at every level, documented at every step, and more egregious in every respect. In *Antar*, the bias was revealed by a single statement made after trial. Here, the bias was structural from day one: Judge Kenney presided over both proceedings simultaneously, scheduled simultaneous hearings to ensure Applicant's absence, repeatedly denied Applicant both criminal defense counsel and independent civil counsel, suppressed the controlling precedent through Brady violations and Rule 5(f) non-compliance, used his own criminal conviction as the basis for collateral estoppel in his own civil case, and acknowledged on the record the day before the summary judgment motion was filed that the securities issue had never been litigated. In *Antar*, the judge had no spousal conflict. In *Antar*, the bias stopped at the district court. Here it metastasized upward: the prosecutor's wife works in the Executive Office of the circuit court, and all twelve judges voted to ignore it.

The SEC enforcement action was the engine. It froze the assets that would have funded Applicant's defense. It suppressed the precedent that would have ended the prosecution. It manufactured the conviction that fed the related criminal tax case. Strip away the void TRO and what remains is a defendant who, from November 18, 2021 forward, faced criminal prosecution, civil enforcement, and tax charges without access to his own resources, without independent civil counsel, and without the Brady disclosure that would have produced Sprint.

B. The Cascading Invalidity — One Poisoned Well, Three Proceedings

The constitutional chain is linear, documented, and undeniable:

Step One — The Void TRO. The SEC obtained an ex parte asset freeze without notice, without a hearing, and without the required showing of irreparable harm. *Winter*, 555 U.S. at 22. That order expired November 18, 2021, or November 24, 2021 at the absolute latest, even accepting the defective extension order at face value. *Granny Goose Foods*, 415 U.S. at 438–39. Every enforcement order after that date is void ab initio.

Step Two — The Suppressed Precedent. The prosecution built its criminal case on the theory that assignment transactions constitute fraud. *Sprint*, 554 U.S. 269, establishes those assignments are lawful. Sprint was suppressed in violation of *Brady*, 373 U.S. 83, and through Judge Kenney's failure to issue the mandatory Rule 5(f) order. The prosecution was built on a legal theory that binding Supreme Court precedent forecloses. Neither the district court nor the Third Circuit has ever mentioned Sprint, addressed its controlling authority, or engaged with the absence of subject matter jurisdiction in either the civil or criminal proceedings. Not once. In over four years of litigation, across dozens of filings, the court that suppressed Sprint has never been required to confront it, and the court with jurisdiction to compel that confrontation has remained silent.

Step Three — The Corrupted Criminal Conviction. With assets frozen and Sprint suppressed, the prosecution proceeded to conviction on a theory the law does not recognize, before the same judge managing the civil freeze, whose goal, as in *Antar*, was to use conviction to leverage maximum financial recovery. *United States v. Antar*, 53 F.3d at 576. He is still doing it four years

later. On March 6, 2026, he entered forfeiture orders targeting, among other things, a $9,000 account that was a gift to Applicant from his deceased grandfather over twenty-five years ago. This is not the enforcement of a lawful judgment. This is the systematic stripping of everything Applicant has ever owned, built on a conviction that controlling Supreme Court precedent forecloses, sustained by collateral estoppel that fails every required element, flowing from a void TRO entered by a conflicted judge who knew from the beginning that no jury would ever convict on the merits. Four years later, the machine is still running.

Step Four — The Manufactured Collateral Estoppel. Judge Kenney imported his own criminal conviction into his own civil case as the sole basis for summary judgment, the day after stating on the record that the securities issue "is a matter better litigated in the SEC case." All four elements of collateral estoppel fail. *Jean Alexander Cosmetics*, 458 F.3d at 249.

Step Five — The Derivative Tax Prosecution. The tax indictment was returned September 22, 2022, three weeks before the fraud trial began, predicated entirely on the unproven fraud allegations as established fact. The government's witness used the word "fraud" or "fraudulent" no fewer than 27 times during the grand jury testimony, repeatedly characterizing the payments as "stolen money" and the transactions as a "fraud scheme," treating wholly unproven allegations as established fact before a single witness had testified at the criminal trial. The grand jury was never told about Sprint. They were never told the legal theory underlying the fraud charge had been foreclosed by unanimous Supreme Court precedent thirteen years earlier. A grand jury told 27 times that the conduct was fraud, without ever being informed that controlling authority establishes it was lawful, has been materially misled. The indictment that resulted is tainted at its inception and falls with the conviction it was designed to support.

The Brady violations in the tax case were not inadvertent. They were not selective. They were total and they were surgical. The same prosecutors who handled the fraud case possessed over $19 million in documented business expenses that would have offset all applicable tax liability. Those expenses were expressly identified in the fraud case discovery index and provided to fraud counsel, because the government's own theory in the fraud case was that Applicant needed to commit fraud to sustain an extravagant lifestyle, making his business expenses central to their own narrative. When specifically requested in the tax case, they were gone. Deleted. The tax case discovery index contains the same business accounts, with the expenses removed. That is not oversight. That is destruction of exculpatory evidence.

The Rule 5(f) violations compounded this. The mandatory disclosure order that Judge Kenney failed to issue at arraignment, or ever, would have required production of this material before trial. It was never issued. The material was never produced.

When Applicant requested all 1099 forms establishing that taxes on settlement proceeds had not only been reported but paid, the prosecution represented that none existed. At trial, Applicant produced approximately 35 of them, bearing the government's own Bates stamps, from records in his possession alone. The government confirmed with the IRS that all were valid, then dismissed them as a mere handful. That handful documented $325,000 in taxes paid.

When Applicant requested the letters that accompanied each settlement check, letters that expressly stated the proceeds were not taxable income, the prosecution again represented that none existed. Applicant had them. They came with every check. The government knew they existed. They said otherwise under Rule 11.

This was not a prosecution that withheld some exculpatory evidence. It was a prosecution that represented exculpatory evidence did not exist, and was proven wrong at trial by the defendant himself, proceeding without counsel, from a prison cell.

Step Six — The Forfeiture Orders. On March 6, 2026, the district court entered an amended order of forfeiture (ECF No. 478) and a preliminary order of forfeiture for substitute assets (ECF No. 479), seeking to permanently divest Applicant of assets based on convictions built on suppressed precedent, sustained by collateral estoppel that fails every required element, derivative of a tax prosecution built on unproven allegations. Enforcing these orders would cement every constitutional violation into a permanent, irreversible result.

From the void TRO entered November 4, 2021 to the forfeiture orders entered March 6, 2026, every deprivation flows from the same original source. The well was poisoned at the source. The relief must be complete.

C. The Three-Part Standard Is Satisfied

Certiorari probability. The structural conflict question alone, a circuit court voting unanimously on its own disqualification without referral or explanation, presents a question of exceptional constitutional importance this Court has never resolved. The cascading invalidity argument raises whether a void foundational proceeding renders all downstream proceedings equally void. And the *Antar* framework, applied to facts more egregious than *Antar* itself, raises whether the Third Circuit is required to vacate not just the SEC judgment but every proceeding tainted by the same judicial bias and prosecutorial misconduct. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010).

Fair prospect of reversal. The SEC judgment fails on three independent grounds simultaneously. Once it falls, the criminal conviction, built by the same judge on the same suppressed precedent, before a jurist whose goal was to use conviction to enforce the civil order, as in *Antar*, cannot be independently sustained. The tax conviction, derivative of the criminal conviction, falls with it. There is no honest legal basis for any of these proceedings to survive scrutiny.

Irreparable harm. Four years of a frozen $78 million estate under a void order. Incarceration that cannot be undone by an eventual ruling. March 6, 2026 forfeiture orders threatening to permanently strip substitute assets while the appeal of the authorizing judgment sits unanswered. And a circuit court whose Executive Office employs the prosecutor's wife, whose full bench voted to ignore it, will never provide honest review. *Caperton*, 556 U.S. at 884. Every day without intervention is another day of irreversible harm.

SECTION IV — RELIEF REQUESTED

Applicant respectfully requests that Justice Alito grant the following relief. Because the constitutional violations documented herein flow through every related proceeding from a common corrupted source, the relief requested is correspondingly complete:

1. Immediate Stay of All Forfeiture and Asset Freeze Orders. An order staying enforcement of the asset freeze and all forfeiture orders, including the March 6, 2026 amended forfeiture order (ECF No. 478) and preliminary order of forfeiture for substitute assets (ECF No. 479), pending transfer and resolution of Appeal No. 24-1381 and all related proceedings in a conflict-free circuit. The TRO expired November 18, 2021 at the latest. Enforcement of forfeiture orders built on that void foundation would render irreversible a harm this Court still has the power to prevent.

2. Transfer of All Four Appeals to a Conflict-Free Circuit. An order transferring Appeal Nos. 24-1381, 23-2110, 24-1983, and 25-1188 out of the Third Circuit to a circuit free of the documented structural conflict. The Third Circuit has had two years. It has demonstrated, not merely alleged but demonstrated, that it is institutionally incapable of adjudicating these proceedings honestly. Asking it to rule again is not a remedy. It is an invitation for another unreasoned denial. The only meaningful relief is removal.

3. Formal Disqualification of the Third Circuit. A formal order disqualifying the Third Circuit from further adjudication of any proceeding arising from or related to the facts at issue, including the four pending appeals and any remand proceedings, on the ground that the circuit's documented structural conflict, its unanimous self-recusal denial without explanation, and its two-year pattern of non-adjudication establish institutional bias that cannot be self-corrected. *Caperton*, 556 U.S. at 884; 28 U.S.C. § 455(a).

4. Referral to the Full Court on the Cascading Invalidity Question. Referral of this application to the full Court for consideration of whether a void foundational civil proceeding, one that failed Rule 65(b)(2), lacked subject matter jurisdiction, was conducted by a conflicted judge who simultaneously managed the related criminal case, and was built on Brady-suppressed Supreme Court precedent, renders all downstream criminal and civil proceedings equally void, requiring vacatur of all convictions, judgments, and forfeiture orders arising from that common corrupted source.

5. Such Further Relief as This Court Deems Just. Including but not limited to referral to the Judicial Council of another circuit, appointment of a special master to review the record of non-adjudication, or any other order necessary to ensure that these proceedings receive honest review before a tribunal free of the conflicts documented herein.

6. Immediate Release of Applicant Pending Resolution. An order releasing Applicant from custody pending transfer and resolution of these proceedings in a conflict-free circuit. Applicant

has now been imprisoned for over four years under a conviction built on a legal theory that this Court's own precedent in Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2008), establishes is unlawful, entered by a judge who was a class member in the settlements he was adjudicating, sustained by collateral estoppel that fails every required element, and reviewed by an appellate court whose Executive Office employs the prosecutor's wife. Continued incarceration under these circumstances constitutes irreparable harm of the most fundamental kind. The Eighth Amendment, the Due Process Clause, and this Court's inherent authority under the All Writs Act each independently support immediate release. Every day of continued imprisonment under a void conviction that no court has honestly examined is a day that cannot be restored.

CONCLUSION

The Third Circuit has a doctrine for exactly this situation. In *United States v. Antar*, 53 F.3d 568 (3d Cir. 1995), it reversed criminal convictions because the district judge's goal from the beginning was to use the criminal proceeding to enforce a concurrent civil one. It then disqualified the same judge from the related SEC civil action. The Third Circuit knew, thirty years ago, that when a judge's purpose is corrupted, when the proceeding is engineered rather than adjudicated, the remedy is not correction. It is vacatur.

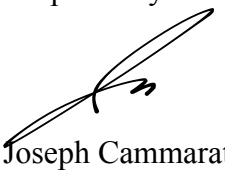
Applicant's case presents every element of *Antar* and more. The same judge managed both proceedings simultaneously. The foundational civil order was void from the moment it was entered. The criminal conviction was built on a legal theory that binding Supreme Court precedent forecloses, a precedent the prosecution suppressed in violation of Brady and the court allowed to be suppressed by failing to issue the mandatory Rule 5(f) order. The tax prosecution was derivative of that conviction, predicated on it as established fact before the fraud trial had even begun. The March 2026 forfeiture orders now seek to permanently cement the financial result of proceedings that were void at their foundation. And the court that should review all of this employs the prosecutor's wife in its Executive Office, and voted unanimously, without explanation, to ignore that fact.

This is not a request to second-guess a circuit ruling on the merits. There is no ruling on the merits. There has never been a ruling on the merits, at any level, in any proceeding, that honestly engaged with Sprint, with the void TRO, with the four collateral estoppel failures, or with the judicial and prosecutorial conflicts that pervade this record.

One void order, entered without jurisdiction, maintained by a conflicted judge, used to freeze the assets that would have funded a defense, suppress the precedent that would have ended the prosecution, and manufacture a conviction that then fed a tax case and a forfeiture proceeding, all while the appellate court responsible for review sat silent, its Executive Office staffed by the prosecutor's wife.

What *Antar* promised, that bias corrupting a proceeding from its inception requires complete relief, not piecemeal correction, and must be delivered to the man for whom it matters most.

Respectfully submitted,



Joseph Cammarata, Pro Se

Register No. 02555-506

Federal Prison Camp Montgomery

Montgomery, Alabama 36112

Dated: April 6, 2026

APPENDIX — KEY DOCKET ENTRIES AND CONTROLLING AUTHORITIES

Case No. 2:21-cv-04845 (E.D. Pa.) — SEC Civil Action

November 4, 2021 — Ex parte TRO entered; $78 million asset freeze (ECF No. 4)

November 9, 2021 — Show-cause hearing held in Applicant's absence; simultaneous bail hearing at FDC Miami

November 18, 2021 — TRO expires by operation of law, Rule 65(b)(2)

December 12, 2022, ECF No. 183 — Applicant's motion for summary judgment filed; never ruled upon

June 6, 2023 — Kenney denies securities fraud sentencing enhancement; states issue "better litigated in the SEC case"

June 7, 2023 — SEC files summary judgment motion (ECF No. 260)

August 31, 2023, ECF No. 320 — Summary judgment granted on collateral estoppel grounds

January 23, 2024, ECF No. 348 — Recusal motion denied without reasons

April 2, 2024, ECF No. 372 — Jurisdiction motion and Rule 60(b) motion denied without opinion

Appeal No. 24-1381 (Third Circuit) — SEC Civil Appeal

March 5, 2024 — Appeal docketed

January 27, 2025, ECF No. 44 — Applicant's opening brief filed

February 5, 2025, ECF No. 51 — Stay entered pending criminal appeal

August 26, 2025, ECF No. 82 — Stay lifted

August 27, 2025, ECF No. 83 — All 12 active judges vote to deny disqualification; no reasons given

September 3, 2025, ECF No. 86 — SEC requests 60 more days; neither granted nor denied

September 12, 2025, ECF No. 91 — Last docket entry; complete silence since

SEC response brief: Never filed

Case No. 2:21-cr-00427 (E.D. Pa.) — Criminal Case

December 28, 2021 — Arraignment; Rule 5(f) order never issued

August 20, 2025, ECF No. 465 — Third Circuit affirms in part, vacates in part, remands

January 27, 2026, ECF No. 477 — Pro se § 2255 motion to vacate filed; pending

March 6, 2026, ECF No. 478 — Amended order of forfeiture entered

March 6, 2026, ECF No. 479 — Preliminary order of forfeiture for substitute assets entered

Case No. 22-cr-639 (D.N.J.) — Tax Case

September 22, 2022 — Tax indictment returned; grand jury told fraud was established fact, three weeks before fraud trial began

November 15, 2023 — Guilty verdict on five counts of tax evasion

May 13, 2024 — Sentencing; post-trial motions denied orally without findings

Controlling Authorities

United States v. Antar, 53 F.3d 568 (3d Cir. 1995)

In re Antar, 71 F.3d 97 (3d Cir. 1995)

Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2008)

Hollingsworth v. Perry, 558 U.S. 183 (2010)

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)

Jean Alexander Cosmetics, Inc. v. L'Oreal USA, Inc., 458 F.3d 244 (3d Cir. 2006)

Granny Goose Foods, Inc. v. Brotherhood of Teamsters, 415 U.S. 423 (1974)

Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)

Mathews v. Eldridge, 424 U.S. 319 (1976)

Brady v. Maryland, 373 U.S. 83 (1963)

United States v. Bagley, 473 U.S. 667 (1985)

Blonder-Tongue Labs., Inc. v. University of Illinois Found., 402 U.S. 313 (1971)

Liteky v. United States, 510 U.S. 540 (1994)

Offutt v. United States, 348 U.S. 11 (1954)

SEC v. Chenery Corp., 318 U.S. 80 (1943)

Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008)

Arbaugh v. Y&H Corp., 546 U.S. 500 (2006)

28 U.S.C. § 455(a) — Judicial disqualification

28 U.S.C. § 2101(f) — Circuit Justice authority

28 U.S.C. § 1651 — All Writs Act

Fed. R. Civ. P. 65(b)(2) — 14-day mandatory TRO expiration

Fed. R. Crim. P. 5(f) — Mandatory Brady disclosure order at arraignment

Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (2020)

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2026, a copy of the foregoing Emergency Application to Circuit Justice Samuel A. Alito, Jr. was served by United States Mail, postage prepaid, upon:

Office of the Solicitor General

United States Department of Justice

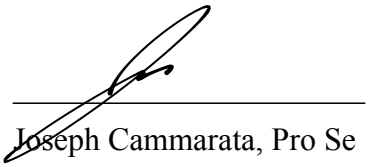
950 Pennsylvania Avenue, NW

Washington, D.C. 20530

Securities and Exchange Commission

100 F Street, NE

Washington, D.C. 20549



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