

**Subject:** Escalation & Record Preservation Notice: Unlawful Ninth Circuit Screening Practices and Filing Suppression

**To:**

Senior Staff — Senate Judiciary Committee (Chair & Ranking Member)

Senior Counsel — Senate Judiciary Subcommittees (Oversight & Federal Courts)

**Cc:**

Select Senate Chiefs of Staff (Idaho delegation; Senators Sanders, Warren, Whitehouse, Tillis, Welch)

Constitutional Accountability Partners

Institutional Oversight Observers

**Copy to Ninth Circuit Administrative Units:**

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**Cc:** Clerk Molly Dwyer; Chief Judge Mary H. Murguia

I am a federally protected whistleblower and pro se litigant who disclosed nearly three decades of systemic clinical research and regulatory misconduct, including repeated protocol violations associated with documented patient fatalities.

In a single federal matter arising from that disclosure, over a period of 160 days (five months and seven days), the same case was dismissed eight times—five by the Ninth Circuit—through actions that were void *ab initio*, meaning taken without jurisdiction or lawful authority and therefore legally null from inception. These dismissals followed a district judge's continued exercise of authority despite documented familial and institutional conflicts requiring recusal.

During this same period, all of my filings at the Ninth Circuit were sealed **without any judicial order**, my filing access was disabled **without administrative authorization**, and none of the dismissals were adjudicated on the merits. This notice preserves the administrative record concerning unlawful screening practices, filing suppression, and retaliatory interference with my constitutional right of access to the courts.

At this point, my message is direct.

My filing access in the Ninth Circuit remains disabled. The Court's actions—and its carefully timed inactions—now constitute systemic suppression and retaliation.

I am not intimidated, and I will not be deterred. I possess a complete, timestamped record of every irregularity, including: misclassification of filings; suppression of emergency motions; fictitious judgment dates; misattribution of procedural posture; selective sealing; and failures to docket filings that directly challenged those irregularities.

## **I — Screening Architecture**

What follows is not conjecture. It is grounded in the Ninth Circuit's own public description of its internal screening architecture, as articulated by its Clerk of Court.

### **I.A. Clerk of Court Molly Dwyer's Public Description of the Ninth Circuit Screening Process**

The following excerpts are taken verbatim from a public interview of Molly C. Dwyer, Clerk of Court for the United States Court of Appeals for the Ninth Circuit, conducted on or about November 3, 2022, as part of [The Portia Project podcast \(Episode 67\), hosted by Mary-Christine \(M.C.\) Sungaila](#).

These excerpts describe the Ninth Circuit's internal screening and disposition process for appeals deemed non-merits-track cases. No analysis or characterization is offered in this subsection. The excerpts are reproduced solely to preserve the Court's own description of its screening architecture.

#### **M.C. Sungaila (Host, The Portia Project):**

I do not know that people will necessarily know what staff attorneys do on the Ninth Circuit. There are, as we talked about in terms of clerkships, specific clerkship positions in particular chambers of the judges around the circuit. There are also staff attorneys. Maybe you can talk about what you did in that regard and what role they play.

#### **Molly C. Dwyer (Clerk of the Ninth Circuit):**

All the circuit courts in the country have what we call a central staff. The most famous clerks are the clerks that work for the individual judge. The less famous members of the staff are the staff attorneys. We labor in anonymity. Different circuits have different approaches. Some circuits have career staff attorneys. Some circuits like ours have limited-tenure staff attorneys. When you get into the workings of the court, you find out that lots of time and effort are put into the cases that we all learn and focus on so much in law school. The cases go to chambers and then get processed by the three judges. That is one track.

Meanwhile, there is another track of cases in every circuit court, which are the cases that are individual plaintiffs, where the law is well settled. The result is clear. If any of you out there know anything about the Ninth Circuit, you know the law is almost never clear. The result is maybe less. All pro se cases go this way. Most of our immigration and Social Security cases go this way. About as many as 2,000 cases a year get decided by this process.

The process is that you, as the staff attorney, get a case and read through the briefs and the record. In the Ninth Circuit, you orally present your recommendation to a panel of three judges. You say, “This is what the district court did. This is what your options are. I recommend you pick this one.” They will talk about it with each other and with you, and they will decide the case. At one of these sessions, a panel of three judges could decide as many as 100 cases this way.

### **That is the screening panel.**

That is our screening panel. That is what we call our screen. All of our judges have to do that once a year. It is this endless parade in a dark, airless room of people telling you things. We do our motions practice that way. Staff attorneys also do that if you have a big motion—COVID regulations pending appeal, or something like that. One of the staff attorneys will go through the pleadings that the lawyers file and talk to the panel of three judges who may or may not have had oral argument.

It is a super-cool way to dig into a complicated case and have a conversation with three judges about it based on your research and analysis of the issues. It is very different from what law clerks do, because a law clerk is devoted to their own judge. Law clerks do not go to the conference after an argument. This is a conference after an argument: “Here is what’s happening. Here is my best guess as to what you should do.” It is a lot of fun. Staff attorneys stay at our court for up to a maximum of five years, and then they cycle out to something else.

### **I.B. The Internal Contradiction in the Ninth Circuit’s Screening Framework**

The Clerk’s public description of the Ninth Circuit’s screening process contains an inherent and consequential contradiction that warrants careful examination.

On the one hand, the screening track is described as limited to cases in which “the law is well settled” and “the result is clear.” On the other hand, the Clerk immediately acknowledges that “if any of you out there know anything about the Ninth Circuit, you know the law is almost never clear.” These two propositions cannot coexist without tension. Yet they are presented as the predicate for routing entire categories of appeals—most notably all pro se cases—into a parallel disposition pipeline.

This contradiction is not merely theoretical. It defines the boundary between adjudication and administrative disposal.

### **1. The Premise of “Well-Settled Law” Versus the Reality of Ninth Circuit Jurisprudence**

The screening framework rests on the assertion that certain appeals can be reliably identified, at intake, as involving settled law and clear outcomes. However, the Ninth Circuit is widely recognized for doctrinal complexity, circuit splits, evolving constitutional standards, and fact-sensitive jurisprudence. The Clerk herself concedes this reality in the same breath as she invokes “well-settled law” as the justification for screening.

The contradiction is structural:

- If the law is almost never clear,
- and if outcomes are frequently dependent on evolving doctrine, factual nuance, or procedural posture,
- then the premise that a large, predefined class of appeals can be resolved without full judicial engagement is inherently unstable.

This instability is magnified when the screened category is defined not by subject matter or jurisdictional limits, but by litigant status—specifically, pro se status.

## **2. Throughput and Compression as a Functional Substitute for Adjudication**

The Clerk further explains that, within this screening process:

- staff attorneys orally recommend outcomes to a three-judge panel;
- panels may decide as many as 100 cases in a single session;
- approximately 2,000 cases per year are resolved through this track.

This volume is not incidental. It defines the function of the process.

At this scale, the screening panel cannot operate as a forum for individualized judicial deliberation comparable to merits-track review. Instead, it necessarily relies on compression, categorization, and heuristic sorting. Oral recommendation replaces written analysis; throughput replaces engagement; and the screening decision becomes outcome-determinative before adversarial testing occurs.

The Clerk characterizes this process as “fun” and “cool.” From an administrative perspective, it may be efficient. From a constitutional perspective, however, efficiency is not a substitute for adjudication where jurisdiction is live, rights are ongoing, and harm is irreparable.

## **3. Institutional Analogy: Screening Versus Review**

The screening framework described mirrors a pattern familiar in other regulated institutional contexts: the substitution of pre-review sorting for substantive evaluation. In such systems, the initial classification decision determines the outcome—not because the merits were resolved, but because the process is no longer permeable to novelty, deviation, or escalation once an item is routed into the disposal track.

A legitimate screening system remains permeable:

- to jurisdictional anomalies,
- to emergent constitutional questions,
- to procedural defects that cut against finality, and
- to evidence of ongoing harm requiring immediate judicial attention.

A disposal pipeline is not.

When throughput and categorization become the primary determinants of outcome, the system ceases to distinguish between cases that are simple and cases that are merely unfamiliar, inconvenient, or disruptive to administrative flow.

#### 4. The Consequence of Status-Based Routing

The Clerk’s description confirms that “all pro se cases go this way.” That admission is dispositive.

Routing all pro se appeals into a non-merits screening track—regardless of jurisdictional posture, statutory basis, or the presence of certified emergencies—creates a categorical risk that cases involving novel constitutional claims, unresolved jurisdictional conflicts, or active irreparable harm will be disposed of without lawful consideration.

The contradiction is therefore not abstract. It is operational:

- A system premised on “well-settled law”
- acknowledges that the law is rarely clear
- yet assigns an entire class of litigants to that system by default.

#### 5. Sealing as an Architectural Reinforcement of the Screening Pipeline

Within a screening system that relies on oral recommendation, high-volume disposition, and minimal written analysis, **the docket itself becomes the only external mechanism by which lawful adjudication can be verified.**

When filings routed into this screening track are sealed—particularly in pro se cases—the combined effect is to eliminate meaningful external accountability altogether. Sealing, when paired with oral presentation and summary disposition, prevents verification of:

- whether jurisdictional objections were considered,
- whether emergency motions were presented to judges,
- whether filings were accurately classified, and
- whether dismissal rested on lawful grounds or administrative convenience.

In this context, sealing does not function merely as a protective measure. It operates as a structural reinforcement of the screening pipeline itself—insulating high-throughput oral dispositions from scrutiny and correction.

Where no transcript exists, no written reasoning is issued, and docket visibility is restricted, the distinction between lawful adjudication and administrative erasure becomes impossible to assess. Accountability does not fail because of any single act; it fails because the architecture forecloses verification.

### **I.C. EDSS as the Electronic Intake Layer of the Ninth Circuit’s Second-Track Screening System**

The Ninth Circuit’s Electronic Document Submission System (“EDSS”) is publicly described as a convenience tool for unrepresented litigants. In practice, its design, routing logic, and operational constraints function as an electronic extension of the screening pipeline described by the Clerk of Court.

EDSS is **not** an electronic filing system as contemplated by the Federal Rules of Appellate Procedure. It is a **pre-docket intake portal** that routes pro se submissions into the staff-attorney screening architecture *before* they acquire judicial status, visibility, or the procedural protections attached to filed documents.

Its features reveal an integrated design: EDSS is the technological front-end of the Ninth Circuit’s non-merits track.

#### **1. EDSS Filings Are Not “Filed” When Submitted**

EDSS repeatedly warns litigants that submissions:

- “will not be considered filed until court staff upload them into CM/ECF or ACMS,”
- a process that “may take several business days.”

This is not a clerical delay. It is a **structural holding period** during which:

- emergency motions under Rule 27-3 lose temporal force,
- jurisdictional deadlines are placed at risk,
- interlocutory appeals under § 1292(a)(1) can be overtaken by events, and
- the court can sequence, suppress, or downgrade filings without record visibility.

Delay is not incidental to EDSS.

**Delay is the mechanism.**

#### **2. EDSS Users Must Declare Themselves “Paper Filers”**

Although EDSS requires electronic submission, pro se litigants must affirm:

**“I understand I am still considered a paper filer.”**

This status designation has immediate systemic consequences. EDSS users receive:

- no electronic service,
- no real-time notices,
- no CM/ECF privileges,
- no automatic timestamping, and
- no ability to monitor docket activity.

This preserves a two-tier structure:

- attorneys operate within CM/ECF, the system that drives judicial workflow;
- pro se litigants are relegated to the slower, opaque, staff-mediated intake layer.

EDSS thus enforces the same **status-based bifurcation** that defines the screening pipeline.

### 3. EDSS Requires an Existing Ninth Circuit Case Number — Except in Immigration Cases

EDSS cannot be used to initiate most appeals. A litigant attempting to file a notice of appeal electronically is redirected to:

- physical mail,
- personal delivery, or
- a separate non-EDSS intake mechanism.

The result is a pre-screening funnel:

- represented litigants initiate cases through CM/ECF;
- pro se litigants must pass through administrative intake before any filing is recognized.

This ensures that **case initiation itself** becomes part of the screening apparatus.

### 4. EDSS Filings Are Screened Before Docketing

Because EDSS submissions are not automatically docketed, they pass through layers of staff control:

- review,
- classification,
- discretionary routing,
- discretionary upload.

This mirrors the Clerk's description of the screening process, where staff attorneys:

- read filings,
- summarize the case,
- recommend outcomes orally to judges.

EDSS is, functionally, the *electronic intake valve* for the same system.

By holding filings outside the docket, EDSS allows staff to determine **what reaches judges, when, and in what form.**

## 5. EDSS Creates a Structural Visibility Gap

While a filing sits in EDSS:

- litigants cannot see it,
- opponents cannot see it,
- the public cannot see it,
- judges do not see it unless screened upward.

This visibility gap enables:

- delayed docketing,
- selective docket entry,
- retroactive entry,
- silent sealing,
- and procedural erasure of emergency filings.

A filing that never appears on the docket never gains procedural force — and no adverse action is needed to neutralize it.

## 6. EDSS Has No Basis in FRAP or Ninth Circuit Rules

The Federal Rules of Appellate Procedure recognize:

- CM/ECF electronic filing,
- paper filing,
- emergency filing procedures.

They do **not** recognize:

- EDSS,
- a pro-se-only upload portal,
- a multi-day pre-docket screening layer,
- administrative discretionary gateway steps.

EDSS exists wholly outside the rule-based procedural framework.

Its authority is administrative, not judicial — yet its effects are decisively jurisdictional.

## 7. EDSS Operationalizes Status-Based Routing

The Clerk's admission that:

**"All pro se cases go this way"**

is operationalized technologically through EDSS.

EDSS ensures that:

- pro se filings are routed through the staff-attorney screening layer;
- judges receive curated summaries, not raw filings;
- pro se appeals enter the non-merits track at inception;
- screening occurs before docket visibility, before judicial oversight, and before adversarial testing.

EDSS is not a filing convenience.

**It is the intake mechanism that enforces status-based routing into the Ninth Circuit's second-track screening system.**

### I.D. Why This Case Could Not Lawfully Be Screened

Even accepting the Ninth Circuit's disclosed screening framework as described by the Clerk, **my case could not lawfully have been routed into a non-merits screening track.** Its jurisdictional posture, statutory basis, and factual circumstances placed it **outside the category of cases for which screening was legally available at intake.**

This is not a claim of unfairness or misjudgment. **Screening in this posture was jurisdictionally foreclosed as a matter of law.** When statutory jurisdiction attaches, emergencies are certified, and access to the court remains unresolved, administrative screening is not merely inappropriate — **it is unavailable.**

This conclusion follows from objective criteria, not disagreement with outcomes.

### 1. Active Interlocutory Jurisdiction Under 28 U.S.C. § 1292(a)(1)

My appeals repeatedly invoked interlocutory jurisdiction under 28 U.S.C. § 1292(a)(1), which mandates appellate review of orders granting, denying, or constructively denying injunctive relief.

The record reflects:

- certified emergency motions seeking immediate injunctive relief,
- constructive denial through inaction while irreparable harm was ongoing, and
- protective notices of appeal explicitly invoking § 1292(a)(1).

Appeals arising under § 1292(a)(1) are not discretionary. They are not subject to summary classification based on presumed finality. **Jurisdiction attaches by operation of statute** when injunctive relief is denied, delayed, or rendered ineffective by inaction.

Routing such appeals into a screening track designed for “well-settled” outcomes is incompatible with the statute. **Once § 1292(a)(1) jurisdiction attaches, screening ceases to be an available option.**

## **2. Certified Rule 27-3 Emergency Motions**

Multiple filings in these appeals were expressly certified as emergencies under Ninth Circuit Rule 27-3. These motions sought immediate relief to halt ongoing harm, preserve jurisdiction, and prevent irreversible consequences.

Rule 27-3 exists precisely to override ordinary processing sequences. Its function is mandatory: **certified emergencies must be routed to a duty judge for prompt adjudication.**

What occurred here was not adverse screening. **It was administrative non-routing masquerading as screening.**

Failure to route certified emergencies is not an exercise of screening discretion; it is **non-performance of a required judicial function**. Screening cannot lawfully precede emergency adjudication, because emergencies are not eligible for intake disposal in the first instance.

## **3. Pending In Forma Pauperis Determinations**

Across multiple appeals, properly filed in forma pauperis applications remained pending at the time dispositive actions were taken.

No IFP application was denied on the merits prior to dismissal. Instead:

- declarations supporting indigency were misclassified,
- IFP determinations were withheld, and
- fee status was later invoked to justify dismissal or non-service.

A case cannot be screened for disposition while access to the court itself remains undecided. **Screening presupposes a litigant who has been admitted to the forum.** Where indigency determinations are pending, screening operates not as classification, but as exclusion.

## **4. Ongoing Irreparable Harm and Live Constitutional Injury**

The Clerk’s description of screening presumes cases where “the result is clear.” That presumption collapses where harm is ongoing, cumulative, and irreversible.

My filings documented:

- loss of housing through enforcement of a void writ,
- continued retaliation following protected whistleblower disclosures, and
- impairment of access to courts during live proceedings.

Cases involving ongoing irreparable harm require adjudication precisely because **delay itself determines outcome**. A process capable of resolving up to 100 cases in a single session is structurally incapable of providing the individualized, time-sensitive judicial attention that certified emergencies require.

Screening such cases substitutes administrative closure for judicial protection.

## 5. Federal Defendants and Anti-Injunction Act Exceptions

The appeals involved federal constitutional claims under 42 U.S.C. § 1983 and implicated federal defendants acting through state machinery. Requests for injunctive relief fell squarely within recognized exceptions to the Anti-Injunction Act, including:

- actions expressly authorized by Congress (§ 1983), and
- relief necessary in aid of federal jurisdiction.

These cases cannot be presumed “well-settled” at intake. They require jurisdictional analysis, not categorical routing.

## 6. Novel Constitutional and Structural Claims

The issues raised were not routine error correction. They included:

- jurisdictional divestiture and post-divestiture judicial action,
- repeated dismissals entered without lawful authority,
- structural conflicts requiring recusal, and
- systemic filing suppression impairing access to appellate review.

Novel structural claims are, by definition, incompatible with a screening model premised on settled law and predictable outcomes.

## 7. Clarification: Screening Is Not the Issue — Misapplication Is

This record does not challenge the existence of appellate screening as such. Screening is a legitimate administrative function when used within its lawful domain.

**The defect here is categorical misapplication.** Screening was invoked where jurisdiction was live, emergencies were certified, access to court was unresolved, and harm was ongoing — conditions under which screening is not authorized to operate.

## 8. Conclusion: Screening Was Jurisdictionally Unavailable

Taken together, these features establish that my case did not meet — and **could not meet** — the threshold conditions for lawful screening under the framework described by the Clerk.

This was not a matter of discretionary judgment. It was a **jurisdictional impossibility**:

- screening presumes settled law;
- this case presented unresolved jurisdiction;
- screening presumes low consequence;
- this case involved ongoing irreparable harm;
- screening presumes administrative efficiency;
- this case required immediate judicial action.

Routing this case into a screening pipeline was therefore not a neutral administrative choice. **It was the mechanism by which jurisdiction was bypassed, emergencies were neutralized, and adjudication was replaced with disposal.**

### **I.E. Notice of Non-Discretionary Constitutional Implications**

The issues documented herein do not present a discretionary administrative concern. Once disclosed and preserved on the record, they trigger non-discretionary constitutional obligations.

When a federal appellate court knowingly routes jurisdictionally live appeals—containing certified emergencies, unresolved indigency determinations, and ongoing irreparable harm—into a non-merits screening pipeline designed for “well-settled” outcomes, the result is not error correction failure. It is structural denial of Article III adjudication.

Continued sealing, filing suppression, or access disablement after notice converts the conduct from internal process failure into ongoing constitutional injury. At that point, institutional actors with oversight authority are no longer observers; they are custodians of a known violation.

### **I.F. Continuing Violation and Active Suppression**

The conduct described is not historical. It is ongoing.

As of January 14, 2026, my filing access remains disabled, emergency motions remain unrouted, and docket sealing persists without order. These conditions did not terminate upon dismissal; they intensified following notice.

Each day access remains disabled, each emergency motion remains suppressed, and each docket remains sealed constitutes a new act of constitutional injury. The violation therefore continues independently of any individual dismissal order and cannot be cured retroactively.

The next section addresses how that incompatibility was operationalized through identifiable suppression mechanisms.

## II — Suppression Mechanisms Used to Force Improper Screening Outcomes

This section identifies the administrative mechanisms through which jurisdictionally live appeals were diverted from adjudication into disposal. Each mechanism is independently verifiable. Together, they constitute an integrated suppression architecture capable of producing dismissal without merits review, judicial engagement, or lawful process.

### II.A. Misclassification of Filings to Manufacture Procedural Defects

A consistent method involved administratively recoding filings in ways that stripped them of legal force before they entered the judicial record. Because EDSS submissions remain in a pre-docket intake state until manually uploaded, misclassification occurred **before** mandatory obligations attached.

Documented patterns include:

- reclassifying sworn declarations supporting IFP applications as “correspondence,” preventing indigency review;
- downgrading Rule 27-3 certified emergencies into generic categories lacking routing pathways to chambers;
- fragmenting unified filings (NOAs, Rule 27-3 motions, All Writs Act filings, IFP materials) into isolated entries, then characterizing fragmentation as procedural error;
- recasting jurisdiction-invoking filings as mislabeled or defective, nullifying their automatic effects.

Misclassification changes nothing about a filing’s content; it changes its **legal consequence**. It produces an adjudicative outcome while appearing purely administrative.

### II.B. Withholding In Forma Pauperis Review to Block Access Without Denial

Across multiple appeals, IFP applications were neither granted nor denied. They remained in a state of administrative suspension while dispositional steps were taken.

The results were consistent:

- access to the Court of Appeals was never adjudicated;
- service never issued;
- fee status was later invoked to justify dismissal;
- no appealable ruling existed.

This is **exclusion by non-decision**, structurally indistinguishable from denial.

Screening presumes the litigant has been admitted to the forum. Withholding access while routing cases into screening collapses adjudication into **pre-admission disposal**, incompatible with Article III review.

### **II.C. Non-Routing of Certified Emergency Motions (Rule 27-3)**

Certified emergencies were accepted for submission but never routed to a duty judge. Under Ninth Circuit Rule 27-3, routing is non-discretionary. EDSS intake, however, holds all pro se filings in a staff-controlled queue that can prevent transmission.

The motions that stalled in intake sought:

- intervention to stop enforcement of a void writ;
- prevention of imminent irreparable harm;
- preservation of appellate jurisdiction during state-court interference.

Failure to route a certified emergency is not an adverse ruling. It is the **absence of required judicial action**, functionally equivalent to constructive denial. In emergency contexts, delay determines outcome.

This is not screening. It is **suppression through administrative non-movement**.

### **II.D. Identity-Based Routing: “All Pro Se Cases Go This Way”**

The Clerk’s admission that “all pro se cases go this way” confirms that routing is driven by litigant identity, not case characteristics. When applied to cases involving:

- live interlocutory jurisdiction (§ 1292(a)(1));
- unresolved IFP status;
- certified Rule 27-3 emergencies;
- ongoing irreparable harm;
- structural constitutional claims;

identity-based routing becomes categorical deprivation of appellate review.

Combined with sealing, misclassification, and non-routing, identity routing operates as **automatic disposal**.

### **II.E. Manipulation of Judgment Dates and Originating-Court Metadata**

Another mechanism involved obscuring or altering metadata required to verify appellate jurisdiction:

- insertion of incorrect or fictitious judgment dates;
- temporary removal of “Originating Court Information” from all relevant dockets (Nov. 21–23);

- silent restoration only after objection;
- discrepancies between ACMS summaries, PACER summaries, and downloaded PDFs, including blank case-summary documents.

Appellate jurisdiction depends on precise temporal sequencing. When the court itself alters or obscures that sequencing, jurisdiction becomes unverifiable and dismissal becomes administratively producible even where jurisdiction exists.

Jurisdictional ambiguity becomes the tool of suppression.

## **II.F. Sealing as an Architecture-Level Amplifier**

Sealing here did not function as a protective measure. It functioned as a visibility suppressor.

Across multiple appeals, filings were sealed without order, eliminating external oversight over:

- misclassification;
- non-routing of emergencies;
- withheld IFP adjudication;
- metadata manipulation;
- ACMS/PACER divergence;
- transmission anomalies from the district court.

Because screening dispositions occur orally and without written reasoning, the docket is the only mechanism for external verification. Sealing removed that mechanism, making the process **non-falsifiable**.

A non-falsifiable process cannot be meaningfully reviewed or corrected.

## **II.G. Filing-Access Disablement via ACMS/PACER Identity Blocking**

Immediately after the December 19 notice of intended filings, filing access was disabled at the identity level:

- ACMS froze at “Filing Category — Launch lookup modal”;
- the error persisted across browsers, devices, and networks;
- a device with no ACMS history produced the same error;
- PACER Support confirmed the block originated court-side;
- Shibboleth identity authentication was denied without order;
- the impairment recurred on multiple dates and remains unresolved.

A parallel block arose when a policy-inconsistent MFA requirement was imposed despite PACER-only status.

Under FRAP 25(a)(2), these are **court-side filing barriers**, legally equivalent to refusing to permit filing without issuing an order. They prevented:

- motions to recall the mandate;
- motions to vacate dismissals;
- Rule 60(d)(3) fraud-on-the-court submissions;
- jurisdiction-restoration notices.

The lockout prevented restoration of jurisdiction at the same moment the Court was extinguishing it.

## **II.H. Temporal Suppression: Timing Used to Preempt Judicial Review**

Timing repeatedly operated as a substantive administrative tool:

- filings were downgraded minutes after submission;
- dismissals issued immediately after jurisdiction-invoking filings;
- filing access disabled immediately after announcing December 22 filings;
- “case dismissed” labels appeared while certified emergencies remained pending.

Timing becomes outcome control:

- delays neutralize emergencies;
- premature dismissals moot notices;
- lockouts block corrective filings;
- sealing conceals that timing is being used as a tool.

This enables **disposal without adjudication**.

## **II.I. Cross-Jurisdictional Reinforcement (State and Federal)**

While Ninth Circuit access remained blocked:

- the San Diego Appellate Division issued an order served only on defendants;
- ROA entries were masked or not viewable;
- a respondent’s brief was rejected on grounds not supported by the record;
- jurisdiction-preservation notices were misrouted to the trial court;
- a policy-inconsistent MFA requirement appeared at the state-side filing portal immediately after jurisdiction-preservation submissions.

I allege no coordination in this correspondence.

But the **temporal alignment and parallel suppressive effects** across forums create a record operationally indistinguishable from coordinated interference. The simultaneity is cumulative and mutually reinforcing.

## II.J. Cumulative Effect: Administrative Disposal Without Adjudication

Individually, each mechanism disables a single safeguard. Together, they form a closed suppression architecture:

1. jurisdiction attaches →
2. emergencies are certified →
3. IFP remains unadjudicated →
4. filings are misclassified →
5. emergencies are not routed →
6. dockets are sealed →
7. metadata is altered →
8. filing access is disabled →
9. dismissal enters without merits review.

This is not erroneous adjudication.

It is **adjudication avoidance** executed through administrative mechanisms that replicate judicial outcomes without judicial participation.

The Ninth Circuit's own screening description explains the framework.

The mechanisms documented here show **how** improper outcomes were produced within that framework.