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IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JEFFREY RYAN FENTON, PLAINTIFF v. VIRGINIA LEE STORY ET AL., DEFENDANTS	CASE NO. 25-5592[1]

EMERGENCY MOTION TO STAY OR EXTEND APPELLANT BRIEF DEADLINE; FOR LEAVE TO FILE DELAYED OBJECTIONS AND RECONSIDERATION OF DOC 31-1 AND DOC 42-1; FOR PANEL REVIEW; AND FOR THRESHOLD CAPTION, ACCESS, SERVICE, RECORD-CORRECTION, TRUTH-CERTIFICATION, AND NO-GOOD-FAITH / IFP RELIEF BEFORE MERITS BRIEFING

Plaintiff-Appellant Jeffrey Ryan Fenton respectfully moves for emergency relief from and concerning the June 16, 2026 appellant brief deadline. This motion is filed to prevent dismissal, default, forfeiture, or forced merits briefing under unresolved threshold defects that Plaintiff timely raised but that remain narrowed, deferred, or unresolved.

1. Plaintiff alternatively requests an extension sufficient to allow meaningful panel review and completion of threshold objection, access, caption, service, record-correction, and no-good-faith/IFP issues before merits briefing resumes;

[1] This lawsuit was originally filed on October 13, 2023, in the United States District Court for the Western District of Michigan (hereinafter "MIWD") as case no. 1:23-cv-01097. On October 25, 2024, MIWD transferred this lawsuit as ordered in ECF 127 to the United States District Court for the Middle District of Tennessee (hereinafter "TNMD") as case no. 3:24-cv-01282. The language used in the file stamps of each page filed is slightly different between the two courts. MIWD uses the term "ECF No." (which I abbreviate as "ECF"), while in place of that, TNMD uses the term "Document" (which I abbreviate as "DOC"). Both courts use the term "PageID" (which I abbreviate as "PID"). Citations to the court record in this lawsuit will be notated without the case name or number, using the starting DOC/ECF number, followed by both the beginning and ending PID. The Notice of Electronic Filing for this transfer is recorded in TNMD DOC 131, at which point the DOC/ECF number from MIWD was retained and continued, but the PID was reset after DOC 130, PID 5727, to restart at zero.

2. Plaintiff requests that the Court, at minimum, enter immediate interim relief today preventing dismissal, default, or forfeiture while this emergency motion and threshold matters are reviewed;

3. Plaintiff requests that the Court grant leave, for good cause, to file delayed objections and/or reconsideration as to DOC 31-1 and DOC 42-1;

4. Plaintiff requests that the Court refer the threshold issues to a three-judge panel or the ultimate merits panel before requiring merits briefing;

5. Plaintiff requests that the Court correct or direct review of the appellate caption based on caption-correction materials the court docketed at DOC 24, Pages 34-35, although Plaintiff submitted those materials as separate case-opening/caption materials and did not intentionally bundle them with the abeyance/continuance motion;

6. Plaintiff requests that the Court review the no-good-faith / IFP determination because the record contains nonfrivolous threshold access, service, record-correction, Rule 59, public-access, and misconduct-preservation issues; and

7. Plaintiff requests that the Court grant any relief needed to preserve appellate rights before the Court decides whether and how merits briefing should proceed, including staged briefing, corrected captioning, clarification of the appealable issues, one-substantive-issue-at-a-time briefing as a disability-related accommodation, leave to file separate papers by substantial issue, waiver or enlargement of the ordinary page limit, application of the page limit per paper/topic, or other issue-narrowing relief.

EMERGENCY POSTURE

8. DOC 45 sets the appellant brief deadline for June 16, 2026 and warns that a late brief risks dismissal for want of prosecution. Plaintiff is filing today to show that he is not abandoning the appeal and is not refusing to brief. He is asking the Court to resolve threshold matters that directly affect whether fair merits briefing is possible.

9. DOC 31-1 denied without prejudice Plaintiff's 90-day abeyance request, denied direct CM/ECF filing privileges, allowed pro se email submission through the Court's designated pro se email box, denied public-access relief without prejudice, and referred substantive relief to the ultimate merits panel. DOC 42-1 later denied IFP and adopted a no-good-faith conclusion. Those rulings now combine with DOC 45 to force merits briefing under unresolved threshold defects.

10. This delay was not caused by neglect. Plaintiff raised these threshold issues at the beginning of this appeal and in the district court before dismissal. The present emergency exists because the Court narrowed, deferred, denied without prejudice, or left unresolved the same access, caption, service, record-correction, and misconduct-preservation issues that make the appeal procedurally unready today.

11. Plaintiff has repeatedly informed the Court that fourteen-day response periods are not meaningfully accessible for substantial filings. Because of Plaintiff's disabilities, pro se status, record volume, and unresolved threshold issues, fourteen days may be consumed merely determining what must be filed before Plaintiff can research, organize the record, draft, revise, cite, format, and file a proper response. This is central to why the present objections are late and why Plaintiff requests panel review, active case management, and deadline relief. Each time the Court

refuses to apply the truth already preserved in Plaintiff's pleadings to the matter before it, Plaintiff's burden increases and meaningful justice moves further beyond reach.

I. PANEL REVIEW IS NEEDED BEFORE MERITS BRIEFING

12. DOC 31-1 already referred Plaintiff's requests for substantive relief to the ultimate merits panel. Plaintiff respectfully asks that the threshold matters now be reviewed by a three-judge panel or the ultimate merits panel before forcing the filing of an appellant brief. The issues are not merely scheduling preferences. They concern whether the appeal record, party caption, access conditions, service record, and no-good-faith framing are accurate enough for fair appellate briefing.

13. The panel-review request includes: the unresolved corrected caption; delayed objection/reconsideration of DOC 31-1; reconsideration or panel review of DOC 42-1; public-access and sealed-record issues; unresolved ECF/remote/ADA access requests; unresolved service and service-cure issues; and the Court's treatment of prior misconduct, truth-certification, and Rule 59 manifest-injustice filings.

II. THE CORRECTED CAPTION REMAINS UNRESOLVED

14. The court-docketed materials found at DOC 24, Pages 34-35 include both the verified complaint caption and an "OFFICIAL COURT OF APPEALS CAPTION FOR 25-5592 (WITH CORRECTIONS APPLIED)." Plaintiff submitted those caption-correction materials with his case-opening materials, not as part of the abeyance/continuance motion; the court or clerk later docketed or stamped them where Plaintiff found them. The Court has not corrected the caption. Plaintiff should not be forced to brief this appeal under an inaccurate or incomplete caption after the correction was already submitted.

15. The caption is not cosmetic. It identifies the parties, clarifies the party structure, and affects the public docket's presentation of this appeal. The correction includes not only names, but the distinction between individual-capacity, official-capacity, and private-actor defendants. Private attorneys do not have an official capacity, while certain judicial or governmental actors are sued only in official capacity and others are sued in both capacities. An inaccurate or incomplete caption makes the appeal appear more confused than the corrected record, and that prejudice should be corrected before merits briefing.

III. THE RECORD ALSO REQUIRES CORRECTION OF THE FALSE THRESHOLD FRAMING OF THE CASE

16. Plaintiff asks the Court to review and correct the false threshold framing that this action was properly reducible to scattered, defective, or implausible party geography rather than the corrected party structure. To the extent the record or prior rulings relied on any supposed Maryland-defendant problem or multi-state confusion, that framing was false or materially misleading. The issue involved address-template remnants and correctable address information in the original complaint, not the existence of Maryland defendants.

17. The address issue was known, disclosed, and correctable, and the reason Plaintiff objected to the court's framing is that the repeated address pattern itself showed an obvious template/remnant issue rather than bad faith. Plaintiff told court staff when filing that some addresses were incomplete, unknown, or required correction; Plaintiff did not have completed summonses and service materials on the filing day because he understood he had time to amend as of right and correct address/service information before service. The leftover South Dartmouth/template address did not create Maryland defendants or alter the party structure: the

same address appeared for multiple unrelated parties who plainly did not live together, and later summons/service materials kept those parties' names while using separate Tennessee addresses.

IV. ACCESS, ECF, REMOTE PARTICIPATION, ADA, PUBLIC-ACCESS, AND RECORD-CORRECTION REQUESTS REMAINED UNRESOLVED

18. Plaintiff repeatedly sought access and threshold relief in both district courts, including ECF access, remote participation, ADA-related accommodations, public access to filings, unsealing/minimizing redactions, service extensions, protective relief, and record correction. These issues began on the day the original complaint was filed. Plaintiff included his Tennessee ADA modification request for temporary use in this federal case, ECF 1-38, PID 2032-2045, and also filed his mother's declaration describing his disability-related legal-writing burden, inability to multitask, need to restart after interruptions, all-night legal work, and overwhelming burden, ECF 1-2, PID 49-53. Five days later, Plaintiff filed his Pro Se Application for Electronic Filing and Service, ECF 5, PID 2094-2095. The pattern continued through ECF 16, ECF 17, ECF 61, ECF 62, ECF 109, DOC 177, DOC 197, DOC 207, DOC 212, DOC 216, DOC 222, DOC 238, and related filings.

19. Plaintiff cannot fairly prepare a merits brief while the record still reflects unresolved access barriers, sealed or redacted materials, unresolved caption correction, unresolved service issues, and unaddressed requests for truthful certification and merits accountability. This is especially prejudicial because Plaintiff has now paid filing fees twice, yet remains forced to carry the entire burden of defending access, service, procedure, truth-certification, and merits preservation without any defendant having filed an honest sworn answer on the merits.

20. Plaintiff also requests clarification and record-preservation relief regarding digital-media exhibits filed in both district courts. Plaintiff did not know whether separate action was required to ensure those physical or digital exhibits are transmitted to the Sixth Circuit. Because none of the MIWD or TNMD record has been fairly adjudicated on the merits, Plaintiff needs access to and appellate preservation of everything filed to date, including digital media, sealed materials, returned/rejected materials if part of the record, and any exhibits maintained outside ordinary PDF docket entries.

21. The present posture would require Plaintiff, after paying filing fees twice and being denied meaningful access repeatedly, to compress a sprawling case, an omnibus dismissal, unresolved access and service disputes, and substantial record-correction issues into a single 30-page appellant brief. That is not a fair merits-briefing posture where no defendant has been required to file an honest sworn answer on the merits and Plaintiff has had to keep defending access, service, procedure, truth-certification, and record integrity before he can even reach the merits.

22. Plaintiff further asks the Court to confront the procedural contradiction. This case was treated as institutionally sensitive when it was transferred, when every District and Magistrate Judge in the Middle District of Tennessee recused, and when the Chief Judge of the Sixth Circuit designated an outside judge. Yet Plaintiff's case was later dismissed without hearing, without meaningful access assistance, without service assistance, without adequate ADA accommodation, without truth-certification, and without point-by-point engagement with the record-supported misconduct concerns Plaintiff preserved. If the case was serious enough to require transfer, full-

district recusal, and outside designation, it was serious enough to require careful threshold management before dismissal.

23. Plaintiff also preserves that this is not merely a disagreement with the district court's merits conclusion. Plaintiff challenges whether there was ever a valid merits adjudication at all, because the court fundamentally denied the due-process conditions necessary to be heard before judgment: meaningful access, adequate disability accommodation, reasonable service assistance, threshold clarification, truth-testing, and hearing before unresolved procedural barriers were converted into dismissal. A judgment entered without hearing or opportunity to be heard is not a valid judicial determination of the party's rights. See Windsor v. McVeigh, 93 U.S. 274 (1876).

V. SERVICE AND SERVICE-CURE ISSUES REQUIRE RECORD REVIEW

24. Plaintiff continued attempting service throughout the case and repeatedly asked for court assistance when defendants disputed, dodged, or attempted to exploit service issues. From the beginning, Plaintiff filed service/protective/access-related threshold requests, including ECF 16 (motion for extension of time to serve parties) and ECF 17 (motion for protective order). While the case was pending in Michigan, Plaintiff was attempting service under Michigan notice-based service rules, including certified/registered mail and other notice methods. Multiple defendants had actual notice, counsel involvement, public docket access, service attempts, or email/web notice, while still claiming not to have received service or at least not to have received adequate service. Under MCR 2.105(K)(3), "[a]n action shall not be dismissed for improper service of process unless the service failed to inform the defendant of the action within the time provided in these rules."

25. After transfer, Plaintiff also filed updated summonses and asked TNMD to inspect service as to the parties. Plaintiff requested that if any service effort was defective, the court initiate or direct service in the interests of justice, including through court-directed or U.S. Marshals service where appropriate. This particularly matters as to Tennessee state actors and represented state-connected parties who had notice, counsel involvement, or state participation but continued to contest whether service was sufficient. The court dismissed before meaningfully using lesser remedies or clarifying which objections remained live, cured, disputed, or moot.

26. Defendant Walker provides a concrete example. After Walker raised a federal-service objection regarding service on the United States or Attorney General, Plaintiff acted to cure that issue by serving the Attorney General's Office. Yet the court never acknowledged that cure, and no party clarified whether the objection remained live, had been cured, was moot, or required any further action. Plaintiff should not be forced to spend limited merits-brief pages guessing whether Walker's service issue remains central, cured, waived, moot, or irrelevant when Plaintiff already took corrective action and the court never clarified the effect of that cure.

27. A separate service group concerns outstanding bankruptcy-related private actors, including the remaining law-firm/attorney defendants who have been served or substantially served but have not appeared, and whom no court has yet compelled to appear. Those actors are important because ordinary immunity defenses do not apply to them in the same way, and the bankruptcy-sale sequence is one of the clearest examples of criminal impropriety alleged in this case. Plaintiff asks the Court to preserve and review these service/readiness issues before delay is later used as another ground to claim waiver, forfeiture, limitations prejudice, or default against Plaintiff.

VI. THE DISTRICT COURT DISMISSED BEFORE FIRST RESOLVING THRESHOLD MOTIONS AND ACCESS CONDITIONS

28. Plaintiff continued filing for service, access, court assistance, truthful certification, sanctions, record correction, and relief from misconduct after transfer and while awaiting meaningful adjudication. Plaintiff reasonably expected the assigned district judge to address those pending threshold filings before deciding whether dismissal was proper. Instead, the case was dismissed wholesale while Plaintiff's filings were substantially narrowed, minimized, or mischaracterized.

29. Plaintiff built the record because the court's early framing created a specific danger: if Plaintiff did not rapidly substantiate the facts, the case could be dismissed as totally implausible, completely frivolous, or devoid of merit without ever requiring defendants to answer truthfully. ECF 31 confirmed that the district court reviewed ECF Nos. 14-30, recognized that Plaintiff had paid the filing fee and could not be screened under 28 U.S.C. § 1915(e), and rejected immediate venue dismissal at that stage, but also discussed the possibility of sua sponte dismissal where allegations are deemed totally implausible, completely frivolous, or utterly devoid of merit. Plaintiff therefore filed extensive declarations and evidence, including his mother's substantial declaration and other sworn materials, to show that the facts were not frivolous and that the claims were record-supported before false doubt could harden into dismissal.

30. This is why Plaintiff asks the Court not to treat this appeal as a frivolous, elective, or profit-seeking dispute. The case concerns the forced loss of Plaintiff's home, life savings, labor, premarital and retirement resources, and the ability to meet basic needs necessary for a sustainable life. The property at issue was forced through auction for $324,359 on October 30, 2019, resold four months later for $540,000, and recently resold again for $925,000 on April 14, 2026, while

Plaintiff has preserved that he received nothing from the loss of the home and was left financially devastated. The court has been notified of these consequences, but the consequences have not been meaningfully acknowledged before the case was treated as implausible. Threshold review is therefore necessary because the case concerns due process, federal jurisdiction, property rights, and deprivation of life-sustaining resources, not an abstract grievance.

31. That posture is central to this emergency motion. The appeal is being forced into merits briefing before the Court has corrected the procedural record that explains why merits development never occurred: defendants were not required to appear and plead truthfully on the merits; service disputes were not cured; access requests were not meaningfully granted; and multiple filings seeking transparency, public access, and truthful certification were not resolved before dismissal.

VII. THE RULE 59 / MANIFEST-INJUSTICE AND FRAUD-ON-THE-COURT ISSUES ARE NONFRIVOLOUS

32. The no-good-faith finding cannot stand without panel review because Plaintiff's Rule 59 filing did more than disagree with dismissal. Plaintiff described the substance of manifest injustice, clear legal error, fraud on the court, ignored evidence, denial of access, and procedural unfairness. Plaintiff did not know the technical labels "manifest injustice" and "clear legal error," but he tried his best as a pro se litigant to explain precisely those same concepts in substance. DOC 24 specifically preserved that the Rule 59 order rejected DOC 238 through 238-3 while Plaintiff was challenging false statements, record concealment, misconduct, and access denial.

33. A pro se appellant with disability-related limitations should not lose appellate rights because the district court refused to construe the substance of his filings, denied or ignored

threshold access requests, and then certified the appeal as not in good faith. The existence of these unresolved record and access issues is itself a nonfrivolous basis for panel review.

VIII. CIRCUIT EXECUTIVE SUBMISSION SHOWS DILIGENCE AND GOOD CAUSE

34. Plaintiff also respectfully notifies the Court, only to show diligence and good cause, that he has submitted judicial-conduct materials to the Circuit Executive through the proper administrative channel. Plaintiff does not ask this motions panel to adjudicate the substance of those administrative matters here. The point is narrower: the submission required substantial, time-sensitive work to preserve threshold judicial-conduct concerns while appellate deadlines remained pending.

35. Plaintiff did not negligently choose to ignore the appellant brief. He had been working on those administrative materials since approximately October and reasonably hoped to complete that preservation work before the IFP issue was decided. Judicial-conduct rules also make timing significant: Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings permits a chief judge to conclude a complaint proceeding in whole or in part when intervening events render allegations moot or make remedial action impossible. When DOC 42-1 denied IFP and DOC 45 later set the appellant-brief deadline, the emergency accelerated. Plaintiff's decision to finish months of preservation work rather than file a compressed merits brief under an unresolved 30-page omnibus posture was good-faith diligence, not abandonment of this appeal.

36. Plaintiff also objects that his July 22, 2025 filing was not just an abeyance request. It was a motion for continuance to prepare criminal and ethics filings, with notice of judicial and professional misconduct and failure to enforce codes of conduct required to maintain a fair and impartial tribunal. DOC 31-1 reduced that filing to a 90-day abeyance request to document alleged

misconduct, then denied abeyance because no briefing schedule would issue unless and until Plaintiff received IFP or paid the filing fee. That false framing and deferral shifted time against Plaintiff even though the filing itself was heavily fortified with citations and proof offered to show good cause and why the Court needed to act before briefing. Plaintiff objects that the order did not sufficiently engage the record before concluding that grounds had not been shown, and that the public record now reflects the narrowed procedural label rather than the misconduct-notice, ethics, and fair-tribunal function of what Plaintiff actually filed.

IX. PLAINTIFF DOES NOT SEEK TO EVADE MERITS BRIEFING

37. Plaintiff is not asking the Court to excuse him from briefing the appeal. Plaintiff asks the Court to stay the brief deadline until the threshold record is meaningfully narrowed, corrected, and reviewed by a panel, including dismissal or resolution of frivolous procedural objections and clarification of what issues are properly before Plaintiff for merits briefing. Plaintiff further requests staged briefing or leave to file separate papers addressing each substantial issue. In the alternative, Plaintiff requests waiver or enlargement of the page limit in the interests of justice, or application of the 30-page limit per paper and per substantial topic, because the omnibus dismissal cannot be fairly addressed in one compressed brief without forcing Plaintiff to omit preserved issues the Court may later deem central.

X. A FIXED EXTENSION ALONE IS NOT ENOUGH WITHOUT ACTIVE CASE MANAGEMENT, ISSUE-NARROWING, AND THRESHOLD REVIEW

38. A fixed number of additional days will not cure the problem if the Court waits, leaves the same unresolved threshold defects in place, and later imposes another briefing deadline under the same distorted record. Plaintiff respectfully requests a stay or structured briefing order

under active case management, not merely a short continuance that leaves the appeal in the same impossible posture.

39. DOC 45 imposes a combined merits-brief limit of 30 pages or 13,000 words. That limit may be workable in an ordinary appeal with a narrowed record and defined issues. It is not workable here while the dismissal remains omnibus, the corrected caption remains unresolved, numerous access and service-cure requests remain unaddressed, defendants were not required to plead truthfully on the merits, and the district court's dismissal and Rule 59 rulings substantially ignored or mischaracterized Plaintiff's filings.

40. Before Plaintiff can fairly brief the merits within the ordinary page limit, the Court should either resolve the threshold matters or narrow the appeal in a way that identifies what issues must be briefed first. Otherwise Plaintiff is forced to use a limited appellant brief to answer every false premise, unresolved service objection, access denial, caption defect, immunity theory, jurisdictional theory, no-good-faith finding, and misconduct/record-correction issue at once. That would not produce fair appellate review.

41. Plaintiff therefore asks the Court to stay merits briefing until the threshold matters are meaningfully reviewed and narrowed, or to enter a staged briefing order that first addresses caption correction, IFP/no-good-faith review, abeyance/access review, service/readiness issues, record correction, and the procedural effect of the unresolved district-court access motions. The Court should either allow separate filings on each substantial issue, enlarge or waive the ordinary page limit, or apply the 30-page limit per paper and per substantial topic so that Plaintiff is not forced to guess which issue the Court will later deem central.

42. Plaintiff now requests the practical accommodation of staged, issue-by-issue briefing as the clearest accessible path forward. That is the most reasonable way to proceed in an unusually large, access-burdened, disability-affected appeal arising from an omnibus dismissal order where the courts have not credited or clarified the sufficiency of any pleading to date. Sequential or staged review would require the Court to do some narrowing work first, but that is precisely what is needed to make appellate review fair, orderly, and meaningful.

43. A staged order could first identify the issues that remain genuinely operative after caption correction, access review, service-cure review, IFP/no-good-faith review, and dismissal of unsupported or frivolous defenses. Plaintiff could then brief the remaining substantive issues one at a time, or in a narrowed sequence directed by the Court, instead of being forced to guess which of many dismissal theories and unresolved threshold disputes must be addressed simultaneously under an ordinary merits-brief limit.

44. This requested structure is also disability-related. The omnibus dismissal and lack of narrowing force Plaintiff into panic-driven overinclusion, because he must try to answer every possible premise, every defendant position, every access defect, every service dispute, and every dismissal rationale at once. A one-issue-at-a-time or staged-briefing structure would reduce needless confusion, preserve judicial resources, and allow the Court to test the actual merits rather than defaulting Plaintiff for failing to compress a sprawling, court-created procedural record into a single ordinary brief, while failing to acknowledge the sufficiency of any of Plaintiff's pleadings to date.

45. I respectfully request leave to file my supporting declaration after midnight tonight, as soon as I am physically able to complete it.

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

Executed on June 16, 2026.

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