UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): **25-1808**

Caption [use short title]

Motion for: **Emergency Reconsideration/Reconsideration En Banc**

In Re: Lidia M. Orrego

Set forth below precise, complete statement of relief sought:

Vacate the November 21, 2025, denial and issue the writ directing the district court to:
(1) Vacate all orders entered after the Judge's Recusal as void for lack of jurisdiction, and
(2) Lift or except from the November 26, 2025, order any filing challenging jurisdiction, recusal, or the validity of the injunction and Petitioner's privileges to file via Pro Se Electronic Document Submission.
(3) Vacate the unlawful injunction orders dated August 14, 2025, September 16, 2025, December 1, 2025, December 3, 2025, and December 5, 2025, as void.
(4) Reassign to new judges.
(5) Grant such further relief as justice requires.

MOVING PARTY: Lidia M. Orrego

☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: U.S. District Court for the Eastern District of New York, Hon. Sanket J. Bulsara, Hon. Magistrate Judge Anne Y. Shields

MOVING ATTORNEY: Lidia M. Orrego - Pro Se

OPPOSING ATTORNEY:

[name of attorney, with firm, address, phone number and e-mail]

Address: 95-08 Queens Blvd. Apt 3E
Rego Park, NY 11374
Phone: (347) 453-2234
Email: orregoprose@gmail.com

N/A (District Court Respondents; no specific attorney identified)

Court- Judge/ Agency appealed from: Hon. Sanket J. Bulsara - Hon. Magistrate Judge Anne Y. Shields - EDNY

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☐ Yes ☒ No (explain): Respondents are court/judges; no specific counsel, but served per FRAP.

Opposing counsel's position on motion:
☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☐ No ☒ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUCTIONS PENDING APPEAL:

Has this request for relief been made below? ☐ Yes ☒ No
Has this relief been previously sought in this court? ☐ Yes ☒ No

Requested return date and explanation of emergency:

Emergency: Recused Judges Bulsara and Shields unlawfully issued void orders on 12/1, 12/3, and 12/5/2025, compounded by the 11/26/2025 filing ban and earlier 08/14 and 09/16 injunctions, creating judicial impropriety, enabling fraud, and causing irreparable harm and complete denial of access to justice.

Is the oral argument on motion requested? ☒ Yes ☐ No (requests for oral argument will not necessarily be granted)

Has the appeal argument date been set? ☐ Yes ☒ No If yes, enter date:

Signature of Moving Attorney:
/s/ Lidia M. Orrego **Date:** 12/05/2025 Service : ☒ Electronic ☐ Other [Attach proof of service]

Form T-1080 (rev. 10-23)

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Docket No. 25-1808
IN RE: Lidia M. Orrego
Pro Se Petitioner

EMERGENCY MOTION FOR RECONSIDERATION/RECONSIDERATION EN BANC (Fed. R. App. 40 and 35)

Petitioner Lidia M. Orrego, Pro Se, respectfully moves this Court pursuant to Fed. R. App. P. 40 (Panel Reconsideration) and Fed. R. App. P. 35 (En Banc Determination) for an order vacating the November 21, 2025, denial and issuing the Writ of Mandamus directing the U.S. District Court for the Eastern District of New York as set forth in the Affirmation below. This motion is timely filed within 14 days of the denial order under FRAP 40(a)(1).

AFFIRMATION OF LIDIA M. ORREGO

I, Lidia M. Orrego, pro se, affirm under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

Petitioner respectfully moves this Court pursuant to Fed. R. App. P. 40 (Panel Reconsideration) and Fed. R. App. P. 35 (En Banc determination) for an order:

Vacate the November 21, 2025, denial and issue the writ directing the district court to:

(1) Vacate all orders entered after the Judge's Recusal as void for lack of jurisdiction, and

(2) Lift or except from the November 26, 2025, order any filing challenging jurisdiction, recusal, or the validity of the injunction and Petitioner's privileges to file via Pro Se Electronic Document Submission.

(3) Vacate the unlawful injunction orders dated August 14, 2025, September 16, 2025, December 1, 2025, December 3, 2025, and December 5, 2025, as void.

(4) Reassign to new judges.

(5) Grant such further relief as justice requires.

INTERVENING DISTRICT COURT ORDERS RESTORE THE NEED FOR MANDAMUS RELIEF

The Panel's November 21, 2025, denial rested on findings that are no longer accurate in light of intervening District Court orders. Critically, after the judges' recusal, the subsequent orders issued on November 26, December 1, December 3, and December 5, 2025 are void because recusal under 28 U.S.C. § 455 and controlling Second Circuit law is permanent unless the judge places a detailed explanation on the record identifying (1) the basis for the original recusal and (2) the factual circumstances showing that the conflict has been fully eliminated.

The Second Circuit holds that once a judge is recused, the judge loses jurisdiction and may not reassume authority in the same case absent full disclosure and an opportunity for parties to object. See *Floyd v. City of New York*, 770 F.3d 1051 (2d Cir. 2014); *Pashaian v. Eccelston Properties*, 88 F.3d 77 (2d Cir. 1996); *In re IBM*, 618 F.2d 923 (2d Cir. 1980).

Federal law is clear: a recused judge is divested of authority, and any post-recusal orders are null, void, and without legal effect. This mirrors *Contreras v. Bourke* (Ariz. 2025), where a judge who returned to a case after recusal—without explanation—had his order vacated for violating basic due-process and impartiality requirements.

Here, District Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields recused themselves twice, on November 5 and November 17, 2025. They provided no explanation, no disclosure of the conflict, and no record-based justification for returning. Consequently, they had no jurisdiction to issue any orders on December 1, December 3, or December 5.

The November 26, 2025, injunction **prohibits any further filings or letters in the case** and **prohibits any telephone calls to the Court, which is Unconstitutional**. This unlawful restriction prevents the Petitioner from filing a renewed Motion for Recusal—including the previously filed but entirely ignored **July 8, 2025, Notice of Motion to Disqualify Judge/Recuse and Notice of**

Motion to Vacate the July 2, 2025, Order (DE [203]) in related case 20-cv-3361, which District Judge Bulsara has never addressed. The injunction also prevents filing a Motion to Compel an explanation for the judges' return or challenging any post-recusal judicial actions. These restrictions violate the First Amendment right to petition the government, the Due-Process right of access to the courts, and Second Circuit standards for limiting filings. See *Safir v. U.S. Lines*, 792 F.2d 19 (2d Cir. 1986).

Because Petitioner is barred from challenging the judges' post-recusal involvement, the injunction itself constitutes **Manipulation of the Docket and Motions**, which is unlawful under:

1.FRCP 79(a) – Clerk must maintain a complete and accurate docket

2.FRCP 5(d)(4) – Clerk may not refuse filings

3.28 U.S.C. § 455 – Recusal violations invalidate subsequent actions

4.Due Process Clause – Denial of meaningful opportunity to be heard

5.First Amendment – Right to access courts

The December 5, 2025, order denying IFP is also void, as it was issued by judges without jurisdiction, misrepresents the IFP record, and blocks Petitioner from appealing unconstitutional filing bans.

All orders in the recusal and reassignment details were filed in three related cases, including 25-1808 regarding 24-cv-7247.

The denial was an error because the original Mandamus Petition (Docket No. 25-1808, filed July 24, 2025) fully complied with the high standards of Cheney v. U.S. Dist. Court, 542 U.S. 367, 380–81 (2004), demonstrating:

(1) a clear right to relief from judicial misconduct and bias;

(2) no adequate alternative remedy due to obstruction of evidence and motions, and;

(3) exceptional circumstances warranting the writ to prevent irreparable harm and lawfare. See annexed Exhibit 1 (the November 21, 2025, Denial order, Dk [18.1]).

The Notice of Prior Recusal dated November 28, 2025 — which cannot be filed due to the third unlawful injunction issued on November 26, 2025 — together with the December 5, 2025 District Court order denying IFP for appeal (DE 37) and the December 5, 2025 certified-mail letter to Chief Judge Margo K. Brodie (Tracking No. 7020-0090-0001-8914-8001), demonstrates that Petitioner has exhausted every available remedy.

The blanket filing injunctions imposed on August 14, 2025, and again on November 26, 2025, unlawfully prevented Petitioner from filing a second motion for recusal against Judge Bulsara and a fourth motion against Magistrate Judge Shields, who offered no explanation for their reassignment and provided no opportunity for the parties to oppose. All supporting documentary evidence is submitted in a separate Motion for Leave to File Exhibits in Support of a Motion for Reconsideration / Reconsideration En Banc — Permission to Attach Exhibits 2–17.

These grounds are further justified by subsequent developments: the November 26, 2025, order, the prior injunctions of August 14 and September 16, 2025, and the December 5, 2025, order, which escalate the usurpation of power, enforce a filing pause arising from the December 3, 2025, case management order, and underscore that all litigants retain the right to appeal unlawful orders, including unconstitutional blanket injunctions prohibiting communications, filing of motions, or participation in judicial proceedings. Such actions threaten the fundamental right of access to the courts, demonstrate a pattern of judicial overreach, and impose irreparable procedural harm on Petitioner and similarly situated litigants.

These repeated injunctions unlawfully restricting Petitioner's ability to file motions or seek recusal constitute clear grounds for a **Writ of Mandamus**.

The ongoing denial of access to the courts and the arbitrary exercise of judicial authority demonstrate that Petitioner has no adequate alternative remedy to protect these rights. Mandamus is therefore necessary to compel the lower courts to vacate these unlawful injunctions, restore Petitioner's ability to file motions and pursue appeals, and ensure that judicial officers act within the limits of their lawful authority.

GROUNDS FOR RECONSIDERATION

1. The Panel's Finding of "Adequate Alternative Remedies" Is Now Incorrect

The Panel found that Petitioner "has not demonstrated that she lacks an adequate, alternative means of obtaining relief." This is no longer true. The November 26, 2025, order eliminates every alternative remedy that existed on November 21, 2025, and the December 5, 2025, order further enforces this by denying IFP for appeal, misrepresenting the application, and upholding unconstitutional restrictions.

The November 26, 2025, order prohibits: • any filing, • any letters, • any telephone calls, • even filings challenging jurisdiction, recusal, bias, or void orders.

The Second Circuit has repeatedly held that when a District Court issues a blanket pre-filing injunction that bars challenges to its own jurisdiction or recusal, no adequate alternative remedy remains, and Mandamus is required. In re Martin-Trigona, 737 F.2d 1254, 1261–62 (2d Cir. 1984).

The original Writ of Mandamus petition complied with Cheney by showing no alternative to Mandamus amid ongoing obstruction (e.g., ignored motions since March 2025 in underlying cases, including 24-cv-7247), now reinforced by new facts like the November 26 order, prior unlawful injunctions, and the December 5, 2025, void order, proving total closure of access to justice.

The Panel's finding of "adequate alternative means" is now impossible.

2.The Panel's Finding of No "Clear and Indisputable" Right Is No Longer Correct

The Panel found that Petitioner's "right to the writ is [not] clear and indisputable." The law is indisputable: once a Federal Judge recuses under 28 U.S.C. § 455, the Judge is divested of jurisdiction, and every subsequent order is void or voidable. Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 860–61 (1988); In re School Asbestos Litig., 977 F.2d 764, 774–78 (3d Cir. 1992); Moody v. Simmons, 858 F.2d 137, 143 (3d Cir. 1988); accord Contreras v. Bourke, No. CV-24-0217-PR, 2025 WL 3912490, at *11–12 (Ariz. Aug. 21, 2025); Ex parte Jim Walter Homes, Inc., 776 So. 2d 76, 79–80 (Ala. 2000). The December 5, 2025, order is void post-recusal, intentionally misrepresents the IFP application (ignoring $40,197.95 debt, medical expenses, and prior approvals), and denies the constitutional right to appeal unlawful blanket injunctions prohibiting all court communications.

Judges have absolute judicial immunity for acts taken in their judicial capacity, even if erroneous or in excess of jurisdiction, except in the clear absence of all jurisdictions (Stump v. Sparkman, 435 U.S. 349 (1978); Mireles v. Waco, 502 U.S. 9 (1991)). These issues are compounded in underlying related cases, such as 24-cv-7247 (Orrego v. Savitsky et al.) and 20-cv-3361 (Orrego v. Knipfing et al.), where defendants Steve Savitsky and Old Westbury LLC—a ghost company—have been represented by Gordon Rees Scully Mansukhani ("GRSM") since 2020, raising serious concerns of undue influence, judicial bias, and RICO violations through systemic fraud, perjury, and falsification of records by officials and counsel, further violating Petitioner's due process and equal protection rights under the Fifth and Fourteenth Amendments.

In related appeals (e.g., Second Circuit Docket Nos. 25-2225 and 25-2434), Old Westbury LLC is described as an "Unknown Entity under registration in NY State," confirming Petitioner's allegations that it is a non-existing or ghost entity, yet it has been represented by GRSM since

2020, underscoring the judicial misconduct and bias warranting mandamus relief. District Judge Bulsara and Magistrate Judge Shields have blocked and protected the defendants from accountability, including by serving their counsel GRSM since September 20, 2020, and confirming that after 5 years, the Counsel also confirmed that the entity that sent the Petitioner the false letter of termination from California does not exist. Still, GRSM filed on its behalf the last affidavit/affirmation in the related case 20-cv-3361 (Orrego v. Knipfing et al.) for the Summary Judgment. Defendants have never confirmed that the entity does not exist despite Kevin Knipfing, aka Kevin James, signing on behalf of the ghost company on September 20, 2020. See annexed Motion for Leave to File Exhibits in Support of a Motion for Reconsideration / Reconsideration En Banc — Permission to Attach Exhibits 2–17.

This confirms that Petitioner was never legally terminated and is entitled to all unpaid wages and benefits through today, totaling USD $1,632,779 (as of November 2025), as documented in court filings, public records, and the letter from the NYS Department of Labor. Furthermore, the lawyers representing Defendants Savitsky and Old Westbury LLC in 20-cv-3361 rejected service in the lower court, while Judges Bulsara and Shields shielded them by making misrepresentations and ignoring the last motions to compel service, thereby perpetuating the protection of fraudulent entities and violating due process.

3. Exceptional Circumstances Warrant the Writ

Exceptional circumstances exist under **Cheney v. U.S. District Court, Caperton v. A.T. Massey Coal Co., and controlling Second Circuit** precedent because the record demonstrates not only an appearance of deep-seated judicial bias but also improper political entanglement, deliberate disregard for binding legal authority, and systemic obstruction of Petitioner's access to justice through repeated injunctions, refusal to consider meritorious motions, and punitive labeling of Petitioner as vexatious.

A. False "Vexatious Litigant" Labeling Without Any Supporting Record

The District Judges' characterization of Petitioner as a "vexatious litigant" has no evidentiary basis. The label was issued **only after** Petitioner filed official evidence of fraud, perjury, falsified medical records, and agency misconduct—particularly the **New York State Attorney General Letitia James' filings in State Case 72335/2024 (Hochfelder v. NYS Workers' Compensation Board)**. These filings, supported by sworn records, cannot reasonably be called frivolous.

Rather than review this evidence, the Judges **ignored it**, mischaracterized it, and then used the false vexatious designation as a punitive tool to silence Petitioner. This is the opposite of impartial adjudication and constitutes an "exceptional circumstance" under *Caperton*.

B. Judges Acting as De Facto Counsel for Defendants and Blocking Alternative Service

The Judges have repeatedly acted in a manner indistinguishable from defense counsel:

- blocking service efforts,
- refusing to enforce FRCP 4(e) and CPLR 308(5) standards for alternative service,
- rejecting motions to compel service on GRSM (defense counsel),
- and repeatedly crafting arguments for defendants that defendants themselves never raised.

Despite properly moving for alternative service under federal and New York standards, Petitioner's motions were ignored or denied without analysis. This demonstrates **advocacy**, not adjudication, further confirming bias.

C. Blanket Injunction Issued After Filing Fraud Evidence—Not After Any Misconduct

The November 26, 2025, blanket injunction—which prohibits filing, letters, calls, or jurisdictional objections—was imposed **immediately after** Petitioner submitted sworn evidence of Workers' Compensation fraud connected to defendants in Cases 20-cv-3361, 23-cv-6507, and 24-cv-7247.

No prior misconduct existed. No abusive filings existed. The timing alone shows retaliatory motive and the appearance of improper protection of politically connected parties, including:

- NYS Attorney General Letitia James,
- Governor Kathy Hochul,
- NYS WCB, DOH, OCFS, and related agencies.

This constitutes the type of "extreme risk of bias" addressed in *Caperton*, where political or institutional interests undermine the appearance of impartiality.

D. March 2024 Senate Hearing: Nationally Documented Patterns of Judicial Overreach

The appearance of bias is intensified by the publicly recorded March 2024 Senate confirmation hearing, in which Senator John Kennedy sharply questioned Judge Sanket J. Bulsara regarding a pattern of judicial overreach and disregard for controlling law.

This exchange—captured in the publicly available hearing, *"What's Going On Here?: John Kennedy Grills Biden Judicial Nominee"*—reflects pre-existing national concerns about Judge Bulsara's impartiality.

During the hearing, Senator Kennedy referenced Judge Bulsara's handling of J&J Sports Productions case from 2020 order, stating:

"Your boss said you just ignored a whole line of cases. What's going on here? The judge didn't say you looked at both lines of cases and decided one was more accurate than the other—he just said you totally ignored a line of cases. Did you just disagree with those?" ......

"The District Judge revers you said you just totally ignored them that worries me".

This exchange underscores national concern that Judge Bulsara may fail to properly consider binding precedent. The conduct described by Senator Kennedy mirrors the Petitioner's experience in these cases, reinforcing serious concerns about judicial bias and improper treatment of a Pro Se litigant.

E. District Court Findings: J&J Sports Productions Inc. v. La Reina Del Sur Restaurant & Bar Inc., No. 15-cv-6546 (E.D.N.Y. 2020)

In a separate case, the District Court (Judge Eric N. Vitaliano) found that Magistrate Judge Bulsara had "ignored a large collection of cases in this District holding that essentially identical allegations are sufficient to state a § 605(a) violation." The Petitioner has consistently filed binding district precedent, including alternative service authorities from SDNY cases, yet Judge Bulsara repeatedly dismissed these filings as "frivolous" and labeled the Petitioner a "vexatious litigant." Such labeling constitutes bad faith and false accusations, as the Petitioner's motions rely on controlling law and established precedent rather than meritless claims. This pattern demonstrates a documented disregard for binding district precedent and raises serious concerns regarding judicial bias and improper treatment of a Pro Se litigant.

F. Partisan Confirmation Vote Deepens the Appearance of Political Influence

Judge Bulsara was confirmed on a **strictly partisan vote**:

- **51 Democrats voting "Yes,"**
- **41 Republicans voting "No."**

Given the State actors involved in Petitioner's cases—NYS AG Letitia James, Governor Kathy Hochul, and associated agencies—the overtly partisan confirmation intensifies the appearance that Judge Bulsara's rulings may serve political or institutional interests rather than neutral adjudication. This appearance alone triggers § 455(a).

G. Exceptional Circumstances Under Cheney, Caperton, and the Mandamus Standard

The combination of factors presents an extraordinary and unconstitutional situation:

- judges ignoring, misrepresenting, and suppressing fraud evidence;
- judges acting as defense counsel, not neutral adjudicators;
- judges refusing alternative service and blocking due process;
- judges issuing blanket injunctions only after evidence implicating State actors;
- judges falsely labeling Petitioner a vexatious litigant without any factual basis;
- public evidence of the judge's prior disregard for controlling law (Senate hearing);
- a partisan confirmation creating an appearance of political alignment.

Together, these circumstances exceed the threshold for mandamus because they create:

1. **a constitutionally intolerable risk of bias** (*Caperton*),
2. **a complete barrier to access to the courts**, and
3. **a breakdown of the judicial process requiring immediate supervisory intervention**.

Accordingly, exceptional circumstances warrant issuance of the writ.

ALTERNATIVE RECONSIDERATION EN BANC

Should the Panel deny Reconsideration, Petitioner requests Reconsideration En Banc because this case involves questions of exceptional importance:

1. Whether a District Court who has recused under 28 U.S.C. § 455 may silently return to the same case and issue orders without notice, explanation, or opportunity to object—an issue of first impression in this Circuit.

2. Whether a District Court may constitutionally bar all filings and telephone calls, including those challenging the Court's own jurisdiction and recusal—in direct conflict with In re Martin-Trigona, 737 F.2d 1254 (2d Cir. 1984).

En Banc consideration is necessary to secure and maintain uniformity of the Court's decisions and to resolve questions of exceptional importance. Fed. R. App. P. 35(a)(2), (b)(1)(B).

I affirm under penalty of perjury pursuant to 28 U.S.C. § 1746 that the facts stated herein are true and correct to the best of my knowledge and belief.

Respectfully submitted this 05th day of December 2025.

/s/ Lidia M. Orrego
Lidia M. Orrego
[redacted]

CERTIFICATE OF SERVICE

I certify that on December 05, 2025, I served a true copy of this combined petition upon the District Court and all parties by ACMS (electronic filing).

/s/ Lidia M. Orrego
Lidia M. Orrego

Pro Se Certificate of Compliance with

Word or Page Limits Adapted from Federal Rules of Appellate Procedure Form 6

A document filed with the Court must not be longer than the Federal Rules of Appellate Procedure or the Court's Local Rules permit. Check the box for the document you are filing and state the number of words or pages.

❑ **Brief** contains ________ words. [14,000 word limit - LR 32.1(a)(4)(A)], or
Brief contains ________ pages. [30 page limit - FRAP 32(a)(7)(A)]

❑ **Reply Brief** contains ________ words. [7,000 word limit - LR 32.1(a) (4)(B)], or
Reply Brief contains ________ pages. [30 page limit - FRAP 32(a)(7)(A)]

❑ **Writ of Mandamus/Prohibition** contains ________ words. [7,800 word limit - FRAP 21(d)(1)], or
Writ of Mandamus/prohibition contains ________ pages. [30 page limit - FRAP 21(d)(2)]

❑ **Motion** or **Response to the Motion** contains ________ words. [5,200 word limit - FRAP 27(d)(2)(A)], or
Motion or **Response to the Motion** contains ________ pages. [20 page limit - FRAP 27(d)(2)(B)]

❑ **Reply to the Motion** contains ________ words. [2,600 word limit - FRAP 27(d)(2)(C)], or
Reply to the Motion contains ________ pages. [10 page limit - FRAP 27(d)(2)(D)]

☒ **Petition for Panel or En Banc Hearing** contains ________ words. [3,900 word limit - FRAP 35(b)(2)(A)], or
Petition for Panel or En Banc Hearing contains 12 pages. [15 page limit - FRAP 35(b)(2)(B]

❑ **Petition for Panel Rehearing** contains ________ words. [3,900 word limit - FRAP 40 (b)(1)], or
Petition for Panel Rehearing contains ________ pages. [15 page limit - FRAP 40 (b)(2)]

February 2017