

1 UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

2 DAVID STEBBINS,

PLAINTIFF/APPELLANT

3 VS.

Case No. 26-26-1556

4 JOSHUA MOON AND LOLCOW, LLC

DEFENDANTS/APPELLEES

5 **MOTION TO APPOINT COUNSEL AND FOR STAY OF PROCEEDINGS PENDING**6 **RESOLUTION OF THIS MOTION**

7 Comes now, pro se Plaintiff David Stebbins, who hereby submits the following Motion to
8 Appoint Counsel in the above-styled action.

9 I am not merely appealing the District Court's order dismissing the action for failure to
10 state a claim upon which relief can be granted under 28 USC § 1915(e). I am appealing the
11 District Court declaring me a vexatious litigant, which is sure to have long-lasting implications
12 on my future right of court access.

13 Whether or not the District Court abused its discretion in declaring me a vexatious litigant
14 is an exceptionally complex issue, and one of constitutional import.

15 In addition, there has recently come to light new evidence that the judges of the district
16 courts are biased against me due to the number of lawsuits I have filed. For more details, see
17 Case No. 26-1398 in this Court (petition for writ of mandamus), Docket Entry #17, a copy of
18 which is hereby attached as **Exhibit 1** (with the Exhibit A that was attached to that docket entry
19 also being attached hereto). This is a touchy subject that will almost certainly require the
20 expertise of effective counsel to truly unravel.

21 Therefore, in order to best facilitate a speedy and efficient resolution of this appeal, in
22 light of the complexity of the issues, the potential for judicial bias, and the constitutional
23 importance of my rights at issue, it may be best for everyone if the Court appointed counsel to
24 represent me. I therefore ask the Court to do exactly that.

25 I also ask that this entire matter – including my duty to file a petition for leave to proceed
26 on appeal in forma pauperis pursuant to FRAP 24(a)(5), my duty to file a response to Appellee's
27 Motion to Remand, and the briefing schedule – all be stayed until this Court properly resolves
28 this motion and, if granted, finds an attorney to represent me.

29 So requested on this, the 5th day of May, 2026.

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/s/ David Stebbins
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Exhibit 1

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

in re DAVID STEBBINS, Petitioner

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Case 24-1740

OPPOSITION TO MOTION TO DISMISS AS MOOT

Comes now, pro se Plaintiff David Stebbins, who hereby submits the following Opposition to Motion to Dismiss as Moot in the above-styled action.

1. There is new evidence that shows that these delays are far more sinister than mere judicial incompetence, but are instead systemic and intentional retaliation against me for exercising my First Amendment rights.
2. On May 1, 2026, I attended via zoom a Case Management Conference in Case 4:23-cv-00321-MMC (Stebbins v. Redfield) in the US District Court for the Northern District of California, before Senior Judge Maxine Chesney. That conference was video recorded by the Court. I do not have a copy of that recording and was not allowed to record the conference myself, but Judge Chesney has a copy of it, so this Court can request a copy thereof if it wants.
3. At the end of our conference, I asked Judge Chesney about the delays, since she was guilty of a few of them herself. She proceeded to admit, out loud, that this is what I get for filing so many pro se lawsuits that “aren't worth very much.” She never said my lawsuits were *frivolous*, just that there was a large *quantity* of them, and the judges believed them to be “not worth very much.” But if I am entitled to even \$1 in damages, that still means that the lawsuit was technically meritorious.
4. Therefore, if these repeated, habitual delays are in fact the result of judicial vindictiveness against me for the number of lawsuits I have filed, then that is a naked retaliation of my constitutional right to court access.

5. I even explained as much in my “Supplement to Case Management Conference Minutes, which I filed in that case on May 4, 2026. See **Exhibit A**. Notice especially how I explain how it logically follows that this vindictiveness is also considered when they decide the merits and, ultimately, how this creates a self-fulfilling prophecy, and how that self-fulfilling prophecy results in me being declared a vexatious litigant when I don't deserve it.

6. So what does that have to do with the instant petition for writ of mandamus? Well, it means that, even though the district court has finally brought the proceedings current, it is still prudent for this Court to compel a response from the district court, in order to find out (A) what was the reason for the delay, (B) will this pattern of delay continue, (C) if it was indeed, even partially, because of spite towards me for having exercised my First Amendment right to court access a bit more than they feel I should have, does that mean that they will also unfairly consider that vindictiveness when deciding the merits, and (D) if so, should that require the district judge's recusal on the grounds that he has “reveal[ed] such a high degree of ... antagonism as to make fair judgment impossible” as defined by *Liteky v. United States*, 510 US 540, 555 (1994)?

7. After all, not only is this the second time I've had to petition for a writ of mandamus in this case alone (remember that writs of mandamus are supposed to be “extraordinary writs”), but even when the district judge did bring the matter current the second time, he made numerous comments that clearly showed his vindictiveness against me, including but not limited to...

(a) Striking my Amended Complaint solely on the grounds that I did not seek leave of court to file it, even though Fed.R.Civ.P. 15(a)(1) clearly says I don't need leave of court under

8. And if *all* the judges in the entire country are likely to have this degree of antagonism (as evidenced by the fact that this happens in almost every lawsuit I file, in almost every district), to the point where recusal becomes a waste of time, then that may mean that this Court may have to

impose special, ongoing requirements on district court judges in this circuit, such as ...

- (a) requiring all district judges in the 4th Circuit to rule on all matters in my cases within 35 days of them being filed, and
- (b) to protect me from wholly arbitrary judicial rulings, requiring the judges to address, in their written orders, every argument I raise in my briefs, oppositions, and replies, with each address containing
 - i. specific findings of fact,
 - ii. with references to evidence on record or facts which are judicially noticeable to support said findings of fact,
 - iii. specific conclusions of law, and
 - iv. specific citations of law (e.g. case law, statute, executive regulation, etc.) to support said conclusions of law.

9. If every judge in the country has this degree of antagonism towards me, such drastic protections may be necessary to protect me from unconstitutional judicial vindictiveness. By that point, recusal would be a waste of time, since it's a foregone conclusion that the judge to replace him would simply be a judge who is just as vindictive as the last one.

10. For these reasons, the matter should not be dismissed as moot, as there are still pertinent matters that this Court could sort out in these proceedings. But first, it must compel the District Judge to make his own response to this petition.

11. Wherefore, premises considered, I respectfully pray that the matter not be dismissed as moot.

So requested on this, the 5th day of May, 2026.

/s/ David Stebbins
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Exhibit A

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3 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
4 DAVID STEBBINS, PLAINTIFF
5 VS. Case 4:23-cv-00321-MMC
6 SYDNEY REDFIELD, d.b.a. SIDALPHA DEFENDANTS

7 **NOTICE OF SUPPLEMENT TO DKT. 103,**
8 **CASE MANAGEMENT CONFERENCE MINUTES**

9 Comes now, pro se Plaintiff David Stebbins, who hereby submits the following Supple-
10 ment to the Court's Case Management Conference Minutes (Dkt. 103) in the above-styled action.

11 I addition to everything the dates the Court set, there is also one more thing that happened
12 at the Case Management Conference that is of note:

13 At the end of it, I asked the Court why it, as well as nearly every other judge in the
14 country, took months and months to rule on the simplest of things. The Court admitted, out loud,
15 and in no uncertain terms, that this was in retaliation for me filing lawsuits without a lawyer. She
16 admitted that my lawsuits were “not worth much,” which is different from them being frivolous.
17 For example, in Case 3:24-cv-00398-LJC in this District (Stebbins v. Baz), I received a default
18 judgment for \$1,500, which makes it “not worth much” but still meriful.

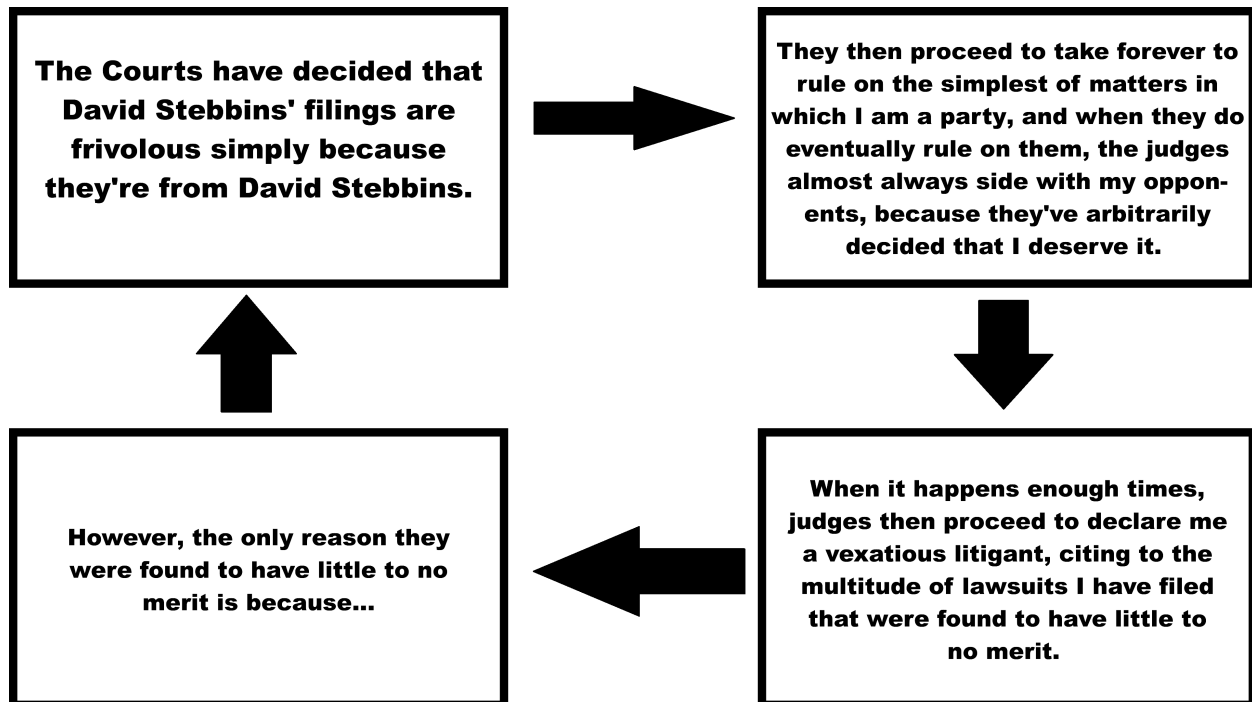
19 So by this Court's own admission, it isn't about me filing *frivolous* lawsuits, like so many
20 people claim, but simply due to the *quantity* of otherwise *nonfrivolous* lawsuits that I have filed.

21 All of this is now proven by the Court's own admission.

22 I was about to point out this next part, but the judge cut me off and ended the conference
23 right then before I had the chance to (possibly because she knew where I was going with this and
24 didn't want to risk further exposing the corruption): If federal judges all over the country are
25 willing to engage in habitual, repeated delay of simple matters out of spite for me having filed a
26 large *number* of otherwise nonfrivolous lawsuits, it stands to reason that those same judges
27 would also rule against me on the merits out of a similar level of spite. So, for example, a district
28 judge is far more likely to arbitrarily declare that videos which infringe on my copyright are fair

1 use at the pleading stage, even when he would have denied an otherwise identical motion to
2 dismiss under otherwise identical circumstances.

3 At this point, me being declared a vexatious litigant is actually the result of a self fulfil-
4 ling prophecy, rather than me *actually genuinely deserving* that designation. It becomes blatant
5 circular logic as outlined below:



6 In other words, the Court has effectively admitted that my rights are being systematically
7 violated by judges. I am not a vexatious litigant because I genuinely file frivolous lawsuits. By
8 this Court's own admission, I am wrongfully branded a vexatious litigant because the judges
9 personally don't like how I exercise my right of access to the Courts.

10 I just wanted to throw that out there, and to let everyone who follows my litigation know
11 that the admission is on video, and that video is currently in the custody of the Court, although it
12 is not being released to the public.

13 So notified on this, the 4th day of May, 2026.

14 */s/ David Stebbins*
15 David Stebbins (pro se)