

**United States Court of Appeals
District of Columbia Circuit**

Sai
Petitioner

v.

Case Number: 14-1005

United States Postal Service (USPS)
Respondent

**Motion for reconsideration or reconsideration *en banc*
of stay of proceedings**

On July 31, this Court denied [1505421] my unopposed motion [1499627] for stay pending appeal of its denial of my unopposed motion to file an IFP affidavit under seal [1492737, 1498885, 1498887]. As this Court has been notified [1502240, 1503656, 1504531], I applied to Chief Justice Roberts for extension of time to file for *certiorari*, and was granted until November 30 to do so.

I recognize that it is the final opinion of this Circuit that IFP affidavits must be made public.¹ I also recognize that, if I neither pay this Court's filing fee nor obtain IFP

¹ I do not know *why* this Court disagrees with the 1st Circuit or distinguishes my motion from *Boston Herald v. Connolly*, as its opinion only cited a *general* presumption in favor of the publicity of *judicial* documents. (The 1st Circuit held that an equivalent affidavit was not a judicial document and that, even if it were, privacy interests would override that general presumption.) Nevertheless, I respect this Court's authority to deny my motion without further explanation.

status, my case must be dismissed for lack of prosecution.

I believe that I *do* qualify for IFP status, and am willing to submit to this Court an affidavit of my finances — if I am permitted to do so under seal and *ex parte*.

However, it is a matter of principle to me that I should not be required to disclose it to the public or a legal adversary, and filing a public affidavit of my finances would prevent review of this Court's decision.

I can neither afford to pay this Court's fee, nor in good conscience file a public affidavit. As such, with all due respect, I cannot comply with this Court's order.

If stay is not granted (and the case is dismissed), and I am not granted *cert* or the order is upheld on review, then I would need to re-file the matter anew. Doing so would waste this Court's resources, the respondent's, and my own.

If instead the proceedings are stayed, then the case can be simply continued after review, allowing me to respond to this Court's order based on any changed financial or legal circumstances (or have the case dismissed if there is no change).

This Court's order denying stay of this case pending review (lest it be dismissed) puts coercive pressure on me — both to do something I cannot in good conscience

do, and to forego review of an issue of Constitutional rights.

This has a significant chilling effect, and wastes judicial resources.

Therefore, in the interests of justice, I respectfully ask this Court to reconsider (or reconsider *en banc*) granting a stay of proceedings pending review.

If, upon reconsideration, the Court denies my motion for stay, then I ask that the case be dismissed without prejudice, as I cannot comply with order #1505421.

Respectfully submitted,

Sai, *petitioner pro se*

dccc@s.ai

+1 510 394 4724

4023 Kennett Pike #54514, Wilmington, DE 19807

Circuit Rule 28(a)(1)(A) statement: All parties appearing in this court are listed in the caption. There are no intervenors or *amici*.

Certificate of service

I hereby certify that on August 7, 2014, I filed this paper via the Court's CM/ECF system, through which the respondent is registered and will be served.