

UNITED STATES DISTRICT COURT
Eastern District of New York

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ DEC 22 2025 ★

Lidia M. Orrego

Plaintiff(s),

-against-

Steve Savitsky et al.

Defendant(s).

NOTICE OF APPEAL

LONG ISLAND OFFICE

RECEIVED

DEC 22 2025

20-cv-7247 (SJB) (AYS) PRO SE OFFICE

Lidia M. Orrego, Plaintiff–Appellant (*and all other parties taking this appeal*), appeals to the United States Court of Appeals for the Second Circuit from (*describe the order*) the Orders reassigning the case to a previously recused judge, in violation of 28 U.S.C. § 455, and issuing void post-recusal orders, including unlawful injunctions in violation of Due Process, (*state the date that the order was entered*) entered on November 26, 2025; December 3, 2025; and December 5, 2025. Attached as Exhibits 1–4.

Plaintiff respectfully appeals from the Orders in their entirety and from each and every part thereof.

Pursuant to the rules and instructions of the United States Court of Appeals for the Second Circuit, this Notice and Supporting Papers are hereby filed:

Exhibit 5: Nov. 5, 2025 Order withdrawing pending motions pending reassignment. No. 24-cv-7247.

Exhibit 6: Nov. 17, 2025 Recusal Order (Judges Bulsara & Shields); reassignment to Judges Chen & Merkl.

Exhibit 7: Nov. 28, 2025 Plaintiff's Notice of Prior Recusal and demand for proper reassignment.

Exhibit 8: Dec. 5, 2025 Letter to Chief Judge Brodie - Recusal violations and improper docket actions.

Exhibit 9: Aug. 21, 2025 Contreras v. Bourke (Ariz. Sup. Ct.)—recused judge barred from further participation absent stated grounds and opportunity to object; prior orders vacated.

Signature

/s/Lidia M. Orrego

Name

Lidia M. Orrego

Prison ID

Address

9508 Queens Blvd., Apt. 3E

Rego Park, NY 11374

Phone

(347) 453-2234

Email

liorrego@gmail.com

{Note to inmate filers: If you are an inmate confined in an institution and you seek the timing benefit of Fed. R. App. P. (4)(c)(1), complete Form 7 (Declaration of Inmate Filing) and file that declaration with this Notice of Appeal.}

*See Rule 3(c) of the Federal Rules of Appellate Procedure for permissible ways of identifying appellants.

EXHIBIT 1



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:24-cv-07247-SJB-AYS Orrego v. Savitsky et al Case Assigned/Reassigned

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Wed, Nov 26, 2025 at 2:53 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/26/2025 at 2:53 PM EST and filed on 11/26/2025

Case Name: Orrego v. Savitsky et al
Case Number: 2:24-cv-07247-SJB-AYS
Filer:
Document Number: No document attached

Docket Text:

Case Reassigned to Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields. Judge Pamela K. Chen, Magistrate Judge Taryn A. Merkl no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website. Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (BBM)

2:24-cv-07247-SJB-AYS Notice has been electronically mailed to:

Lidia M. Orrego liorrego@gmail.com

2:24-cv-07247-SJB-AYS Notice will not be electronically mailed to:

EXHIBIT 2



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:24-cv-07247-SJB-AYS Orrego v. Savitsky et al Order

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Wed, Nov 26, 2025 at 3:57 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/26/2025 at 3:57 PM EST and filed on 11/26/2025

Case Name: Orrego v. Savitsky et al

Case Number: 2:24-cv-07247-SJB-AYS

Filer:

Document Number: No document attached

Docket Text:

ORDER: The Court will be issuing orders deciding the previously filed motions. No refiling of motions is necessary. Nor is any party permitted to call Chambers to inquire about the status of previously filed motions. The Court will be issuing further decisions and orders in due course. The litigation bar previously entered, [29], remains in place. Furthermore, no new motions, letters, or other requests may be filed by any party until further Court management orders are issued next week. So Ordered by Judge Sanket J. Bulsara on 11/26/2025. (LOG)

2:24-cv-07247-SJB-AYS Notice has been electronically mailed to:

Lidia M. Orrego liorrego@gmail.com

2:24-cv-07247-SJB-AYS Notice will not be electronically mailed to:

EXHIBIT 3



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:24-cv-07247-SJB-AYS Orrego v. Savitsky et al Order

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Wed, Dec 3, 2025 at 7:42 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 12/3/2025 at 7:42 PM EST and filed on 12/3/2025

Case Name: Orrego v. Savitsky et al
Case Number: 2:24-cv-07247-SJB-AYS
Filer:
Document Number: No document attached

Docket Text:

ORDER: The Court issues the following case management order. The Court will decide all currently pending motions, including those recently reinstated, in due course. Neither party may make any additional filings on this docket until the Court decides the pending matters. So Ordered by Judge Sanket J. Bulsara on 12/3/2025. (LOG)

2:24-cv-07247-SJB-AYS Notice has been electronically mailed to:

Lidia M. Orrego liorrego@gmail.com

2:24-cv-07247-SJB-AYS Notice will not be electronically mailed to:

EXHIBIT 4



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:24-cv-07247-SJB-AYS Orrego v. Savitsky et al Order

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Fri, Dec 5, 2025 at 11:14 AM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 12/5/2025 at 11:14 AM EST and filed on 12/5/2025

Case Name: Orrego v. Savitsky et al
Case Number: 2:24-cv-07247-SJB-AYS
Filer:
Document Number: No document attached

Docket Text:

ORDER: Pro se Plaintiff Orrego's motion for leave to appeal *in forma pauperis* ("IFP") [37] is denied for the reasons set forth in the Court's October 1, 2025 Order in this case, and the Court's June 10, 2025 Order in a related case initiated by Orrego. (See also *Orrego v. Kerrigan*, No. 25-CV-0736 (E.D.N.Y. June 10, 2025), Dkt. No. 11 (denying IFP and listing all of Orrego's prior IFP applications, all of which have been denied)). Orrego again seeks IFP status to appeal the filing injunction in this case, which is substantially similar to the subject of the request the Court denied on October 1, 2025. The Court has reviewed the record and certifies that an appeal would not be taken in good faith and IFP status is denied for the purposes of such an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this order. The Clerk of Court is also respectfully directed to mail a copy of this order to Orrego at her address of record and to record such service on the docket. Other motions remain pending, and the filing pause set by the Court's December 3, 2025 case management order remains in place. So Ordered by Judge Sanket J. Bulsara on 12/5/2025. (LOG)

2:24-cv-07247-SJB-AYS Notice has been electronically mailed to:

Lidia M. Orrego liorrego@gmail.com

2:24-cv-07247-SJB-AYS Notice will not be electronically mailed to:

EXHIBIT 5



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:24-cv-07247-SJB-AYS Orrego v. Savitsky et al Order on Motion for Leave to Appeal

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Wed, Nov 5, 2025 at 2:37 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/5/2025 at 2:37 PM EST and filed on 11/5/2025

Case Name: Orrego v. Savitsky et al
Case Number: 2:24-cv-07247-SJB-AYS
Filer:
Document Number: No document attached

Docket Text:

ORDER: In light of the impending reassignment of this case, the current motions, [22], [36], and [37], are deemed withdrawn and should be refiled consistent with the individual practices of the new Judge(s) and only with permission of the newly assigned Judge(s). So Ordered by Judge Sanket J. Bulsara on 11/5/2025. (LOG)

2:24-cv-07247-SJB-AYS Notice has been electronically mailed to:

Lidia M. Orrego liorrego@gmail.com

2:24-cv-07247-SJB-AYS Notice will not be electronically mailed to:

EXHIBIT 6



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:24-cv-07247-PKC-TAM Orrego v. Savitsky et al Order of Recusal

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Mon, Nov 17, 2025 at 1:08 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/17/2025 at 1:08 PM EST and filed on 11/17/2025

Case Name: Orrego v. Savitsky et al
Case Number: 2:24-cv-07247-PKC-TAM
Filer:
Document Number: No document attached

Docket Text:

ORDER OF RECUSAL. Type of Recusal party. Ordered by Judge Sanket J. Bulsara on 11/17/2025. Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. (BBM)

2:24-cv-07247-PKC-TAM Notice has been electronically mailed to:

Lidia M. Orrego liorrego@gmail.com

2:24-cv-07247-PKC-TAM Notice will not be electronically mailed to:

EXHIBIT 7

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

LIDIA M. ORREGO,
Plaintiff,
-against-
STEVE SAVITSKY et al.,
Defendants.

-----X

Docket No. 24-cv-07247 (SJB)(AYS)

**NOTICE OF PRIOR RECUSAL AND DEMAND FOR IMMEDIATE
REASSIGNMENT TO A DIFFERENT JUDGE**

Plaintiff Lidia M. Orrego, Pro Se, respectfully notifies the Court of the following undisputed facts:

1. On November 17, 2025, District Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields entered a formal ORDER OF RECUSAL under 28 U.S.C. § 455. The exact docket text reads:

“ORDER OF RECUSAL. Type of Recusal party. Ordered by Judge Sanket J. Bulsara on 11/17/2025. Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. (BBM)”

2. On November 26, 2025, only nine days later, the case was improperly reassigned back to the same recused judges: Judge Bulsara and Magistrate Judge Shields.

3. Recusal under 28 U.S.C. § 455(a) is mandatory and permanent. Reassignment of the same recused judges to the same case is clear error and creates an irrevocable appearance of impropriety. In re IBM Corp., 618 F.2d 923 (2d Cir. 1980); In re Cement Antitrust Litig., 673 F.2d 798 (2d Cir. 1982).

4. Such improper reassignment without notice, explanation, or opportunity to object renders all subsequent orders void ab initio, as confirmed in *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847 (1988) (vacatur required for § 455 violations undermining impartiality) and *In re Cement Antitrust Litig.*, 673 F.2d 1020 (9th Cir. 1982) (disqualified judge's authority ceases, voiding orders).

Plaintiff therefore demands that the Clerk immediately reassign this case to a different district judge and a different magistrate judge, and that all proceedings before Judge Bulsara and Magistrate Judge Shields be stayed pending reassignment.

Respectfully submitted,

Dated: November 28, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff, Pro Se
95-08 Queens Blvd, Apt. 3E
Rego Park, NY 11374
Phone: (347) 453-2234
Email: liorrego@gmail.com

EXHIBIT 8

December 5, 2025

To:

Chief Judge Margo K. Brodie
United States District Court for the Eastern District of New York
Theodore Roosevelt Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

CC:

District Judge Pamela K. Chen, Courtroom 4F, Chambers N631
Magistrate Judge Taryn A. Merkl, Courtroom 13D South
Clerk of the Court, EDNY
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Catherine O'Hagan Wolfe, Clerk of Court
Andrew Barnes, Chief Deputy Clerk

Re: Formal Demand for Administrative Action, Corrective Measures, and Written Explanation Regarding Recusal Violations, Judicial Abandonment, Clerk Misconduct, MANIPULATION OF DOCKET AND FILINGS, and Unlawful Filing Restriction

Dear Chief Judge Brodie:

I respectfully submit this formal demand, in the nature of a **Motion for Administrative corrective action**, pursuant to **28 U.S.C. §§ 137, 331–332, 351–364, 455, Federal Rules of Civil Procedure 5 and 79**, and Constitutional Due-Process and access-to-court guarantees. This letter concerns **grave procedural violations, mishandling of recusals, improper judicial involvement, MANIPULATION OF DOCKET AND FILINGS, and Clerk's Office misconduct** affecting the following cases:

- Orrego v. Knipfing et al., 20-cv-3361
- Orrego v. Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, 23-cv-6507
- Orrego v. Savitsky et al., 24-cv-7247
- Orrego v. Kerrigan et al., 25-cv-00736
- Orrego v. Wilson et al., 25-cv-00769

I write because, under federal law, you are **personally responsible for the administration of this District** and have the authority—and **statutory obligation**—to correct the unlawful conduct described below.

1. Chief Judge Responsibility and Authority

Under 28 U.S.C. § 137, you are responsible for case assignment, preventing improper assignments, and enforcing recusal rules.

Under 28 U.S.C. §§ 331–332, you are charged with ensuring supervision, discipline, and lawful functioning of the District.

Under the **Judicial Conduct and Disability Act (28 U.S.C. §§ 351–364)**, you are responsible for oversight of judicial misconduct, including failures to follow recusal law, failure to act, obstruction, and conduct prejudicial to the administration of justice.

Under 28 U.S.C. § 751 and FRCP 79(a), you are responsible for ensuring the Clerk’s Office maintains complete, accurate, and unaltered dockets.

All violations described herein fall squarely within your administrative jurisdiction.

2. Improper and Illegal Reassignment of Recused Judges Bulsara and Shields

Judges **Sanket J. Bulsara** and **Anne Y. Shields** recused themselves. **Recusal under 28 U.S.C. § 455(a) is mandatory** when impartiality might reasonably be questioned. Once recused:

- A recused judge **cannot return to the case** unless they provide a full explanation on the record and give the parties an opportunity to object.
- The judge’s jurisdiction is terminated for all further proceedings.

Second Circuit precedent confirms this:

- *United States v. Feldman*, 983 F.2d 144 (2d Cir. 1992): Recusal required for actual or apparent bias; public confidence must be preserved.
- *Pashaian v. Eccelston Properties, Ltd.*, 88 F.3d 77 (2d Cir. 1996): § 455(a) requires disqualification whenever impartiality may reasonably be questioned.
- *In re IBM Corp.*, 618 F.2d 923 (2d Cir. 1980): Recusal protects both impartiality and public confidence.
- *Floyd v. City of New York*, 770 F.3d 1051 (2d Cir. 2014): Reassignment after recusal is mandatory, and returning cannot occur without extraordinary justification.

Persuasive authority: *Contreras v. Bourke* (Ariz. Sup. Ct., 2025): Unexplained return of recused judge invalidates orders; parties must be notified and allowed to object.

In EDNY, Judges Bulsara and Shields were **reassigned without explanation** and without party notice, violating **federal recusal statutes, Second Circuit law, and Constitutional Due Process**. You have the **authority and obligation to vacate this reassignment and enforce the permanent recusal**.

3. Judicial Abandonment by District Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl

On November 17, 2025, the cases were reassigned to **Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl**. On November 21, 2025, I submitted a **32-page Letter Motion for Pre-Motion Conference** addressing Defendants' November 20, 2025, letter, requesting:

- Re-filing of the motion to vacate the **November 3, 2025 order (DE [122])** for fraud on the court
- Entry of default
- Sanctions for perjured representations

Judge Chen and Magistrate Merkl took no action, provided no acknowledgment, and provided no explanation for abandoning the cases. Subsequently, the cases were returned silently to the recused judges.

Abandonment violates:

- **Due Process Clause (Fifth Amendment)**
- **Right of access to courts (First Amendment)**
- **28 U.S.C. § 455**
- **Canon 3 of the Code of Conduct for United States Judges**
- Second Circuit precedent requiring courts to address motions (*Hernandez v. Conriv Realty*, 182 F.3d 121)

Failure to act constitutes **judicial obstruction and misconduct under 28 U.S.C. § 351**.

4. Clerk's Office Violations, MANIPULATION OF DOCKET AND FILINGS, and Refusal to File

The Clerk's Office has repeatedly engaged in **MANIPULATION OF DOCKET AND FILINGS**:

- The **November 21, 2025 Letter Motion** (32 pages, Case No. 23-cv-6507) remains undocketed.
- **DE [211]** (299 pages, Case No. 20-cv-3361) was docketed as a **single page**.
- The **November 28, 2025 Notice of Prior Recusal** could not be submitted due to an unlawful injunction.
- My email to Clerk Brenda Mahoney (Sept. 16, 2025) went unanswered. (*Exhibit A attached*)

These actions violate:

- **FRCP 5(d)(2) and (4)** – Clerk must accept filings and cannot refuse based on form
- **FRCP 79(a)** – Clerk must maintain accurate dockets
- **EDNY Local Rules 1.2 & 5.1**
- **28 U.S.C. §§ 1691 & 452**
- **Constitutional access-to-courts principles** (*Bounds v. Smith*; *Lewis v. Casey*)

All Clerk misconduct falls under your responsibility pursuant to 28 U.S.C. § 751.

5. Unlawful Filing Injunction

I was blocked from submitting legally required filings, including the **November 28 Notice of Prior Recusal**, without notice, hearing, or valid order.

Violations include:

- **FRCP 65** – injunctions require notice and hearing
- **First and Fifth Amendments** – right to petition and Due Process
- **Second Circuit precedent** (*Safir v. U.S. Lines, Inc.*, 792 F.2d 19)

This unlawful injunction must be **immediately vacated**.

6. Demand for Immediate Administrative Corrective Action

I formally demand the following:

1. Immediate **docketing of all undocketed filings**, including November 21 and November 28 submissions.
2. Correction of **altered entries**, including DE [211].
3. Written explanation for **Judge Chen and Magistrate Merkl's abandonment** of the cases.
4. **Vacatur of the reassignment** of recused Judges Bulsara and Shields.
5. Enforcement of **recusal statutes** and reassignment to non-recused judges.
6. **Removal or review** of the unlawful filing injunction.
7. Written administrative explanation for all errors and violations.
8. Administrative investigation into **Clerk's Office failures, MANIPULATION OF DOCKET AND FILINGS**, and non-responsiveness.

Under law, I am entitled to a written explanation for all corrective actions taken. Failure to respond constitutes further administrative misconduct and denial of constitutional rights.

7. Exhibits

- **Exhibit A** – September 16, 2025, email to Clerk Brenda Mahoney regarding incomplete filing of DE 211 in Case No. 20-cv-3361

- **Exhibits B** – Exhibits 1–7 attached to my **November 21, 2025, undocketed Letter Motion** are the supporting documents that included to substantiate my claims of fraud on the Court, obstruction, and improper representation. Summary of each:

Exhibit 1 – Rivkin Radler LLP - David Wilck's sworn state court filings proving representation of deceased Lewis Heller (Sup. C. Queens Index No. 714097/2024)

NYSCEF Doc. [25] – Notice of Motion, dated November 20, 2024 (both pages)

NYSCEF Doc. [26] – Affirmation, dated November 20, 2024 (page 1 and last page)

NYSCEF Doc. [137] – Affirmation, dated October 14, 2025 (page 1 and last page)

Purpose: Shows Rivkin Radler's continued representation of a deceased individual without proper substitution, demonstrating fraud and misrepresentation affecting federal filings.

Exhibit 2 – District Judge Bulsara’s November 5, 2025, recusal order

Purpose: Establishes that Judge Bulsara had recused himself, meaning any further involvement without explanation is improper.

Exhibit 3 – DE [15] – 2023 proof of service on firm Defendants

Purpose: Demonstrates prior service and representation history of the Defendants.

Exhibit 4 – DE [18] – Wilk’s appearance for firm Defendants in 2023

Purpose: Corroborates prior representation and timing of appearances.

Exhibit 5 – DE [122] – Defendants’ October 30, 2025, letter (highlighted for reference)

Purpose: Shows misleading claims by Defendants regarding representation and deadlines.

Exhibit 6 – Page 37 of DE [130] – Notice from Pro Se Office Clerk confirming submission

Purpose: Confirms my filing to the court, supporting the argument that it was ignored and undocketed.

Exhibit 7 – AO Form 475 – Request for Clerk’s Entry of Default

Purpose: Demonstrates that I properly requested entry of Default, reinforcing my claims of obstruction and improper delay.

Respectfully submitted,

/s/ Lidia M. Orrego

Lidia M. Orrego

Pro Se Litigant

95-08 Queens Blvd Apt. 3E

Rego Park, NY 11374

Phone: (347) 453-2234

Email: orregoprose@gmail.com

District Judge Pamela K. Chen
United States District Court
Eastern District of New York
Courtroom 4F - Chambers N631
225 Cadman Plaza East
Brooklyn, NY 11201



Chief Judge Margo K. Brodie
United States District Court,
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chief Judge Margo K. Brodie
EDNY
225 Cadman Plaza East.
Brooklyn, NY 11201

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Priority Mail Express®

☐ Registered Mail™

EXHIBIT 9

JUSTIA

CONTRERAS v BOURKE

Justia Opinion Summary

Roger Contreras and Nancy Bourke were involved in a marriage dissolution proceeding in Cochise County, Arizona, with a decree entered in 2011. The case saw extensive post-decree litigation. In February 2020, all Cochise County Superior Court judges, including Judge Timothy Dickerson, recused themselves from the matter without providing reasons on the record, and the case was reassigned to a Pima County judge. In 2021, Judge Dickerson became the presiding judge of Cochise County Superior Court and subsequently appointed Contreras as a justice of the peace pro tempore. In December 2022, Contreras moved to have Bourke declared a vexatious litigant, and Judge Dickerson, despite his prior recusal, ruled on the motion without explaining his re-entry or giving the parties an opportunity to object.

Judge Dickerson designated Bourke a vexatious litigant. Bourke appealed, and the Arizona Court of Appeals, Division Two, affirmed the trial court's decision, holding that Bourke had waived any challenge to Judge Dickerson's participation by failing to timely seek disqualification under relevant statutes and rules. The appellate majority did not address Bourke's argument regarding Judge Dickerson's appointment of Contreras as a justice of the peace pro tempore as a potential conflict, while the dissent argued that waiver should not apply under the Arizona Code of Judicial Conduct.

The Supreme Court of the State of Arizona reviewed the case. It held that once a judge recuses from a case, the judge remains disqualified from further participation unless the judge articulates the reasons why recusal is no longer required and allows the parties an opportunity to object. The court vacated the court of appeals' opinion, reversed the superior court's order declaring Bourke a vexatious litigant, and remanded for a different judge to rule on Contreras' motion.

Collapse Summary

IN THE
SUPREME COURT OF THE STATE OF ARIZONA

ROGER H. CONTRERAS,
Appellee,

v.

NANCY BOURKE,
Appellant.

No. CV-24-0217-PR
Filed August 21, 2025

Appeal from the Superior Court in Cochise County
The Honorable Timothy B. Dickerson, Judge (Retired)
No. DO200901390
REVERSED AND REMANDED WITH INSTRUCTIONS

Opinion of the Court of Appeals, Division Two
258 Ariz. 223 (App. 2024)
VACATED

COUNSEL:

Danette R. Pahl (argued), Pahl & Associates, Tucson, Attorney for Roger
H. Contreras

Nancy Bourke (argued), In Propria Persona

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JUSTICE CRUZ authored the Opinion of the Court, in which CHIEF JUSTICE TIMMER, VICE CHIEF JUSTICE LOPEZ and JUSTICES BOLICK, BEENE, MONTGOMERY and KING joined.

JUSTICE CRUZ, Opinion of the Court:

¶1 Arizona judges must disqualify themselves in any proceeding in which their impartiality “might reasonably be questioned.” Ariz. R. Sup. Ct. 81, Code of Judicial Conduct (“CJCR”) Rule 2.11(A). In this case, after other judicial officers in the county had recused themselves in an ongoing family court matter, the presiding judge—who had also previously recused—re-entered the case to rule on a motion to designate one of the parties as a vexatious litigant.

¶2 We hold that once a judge recuses in a case, that judge remains disqualified from presiding further in that same case unless the judge first articulates the reasons why recusal is no longer required and allows the parties an opportunity to object.

BACKGROUND

¶3 In December 2009, Roger Contreras and Nancy Bourke initiated a marriage dissolution action. The superior court entered a decree of dissolution in April 2011, after trial. Significant post-decree litigation followed.

¶4 In February 2020, all Cochise County Superior Court judges, including Judge Timothy Dickerson, recused from participation in the matter. Notably, Judge Dickerson did not provide a reason on the record for his recusal. The case was reassigned to a judge in Pima County.

¶5 In January 2021, this Court appointed Judge Dickerson to be the presiding judge of the Cochise County Superior Court. In that role, he appointed Contreras as a justice of the peace pro tempore in November 2022. He reappointed Contreras twice, in May 2023 and August 2023.

¶6 In December 2022, shortly after his first appointment by Judge Dickerson, Contreras filed a motion to have Bourke designated a vexatious litigant. Vexatious litigant determinations are generally made by the presiding judge of the superior court in the county where the motion is

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filed, rather than by the judge assigned to the particular case. *See* A.R.S. § 12-3201(A). A vexatious litigant determination is no insignificant matter. It restricts a litigant's participation in a case because "a vexatious litigant may not file a new pleading, motion or other document without prior leave of the court." § 12-3201(B). Despite having previously recused himself from the underlying dissolution case, Judge Dickerson chose to entertain the motion. He provided no explanation on the record as to the basis of the prior recusal or why recusal was no longer necessary.

¶7 In addressing the vexatious litigant motion, Judge Dickerson found no evidentiary hearing was necessary but permitted supplemental briefing. Bourke did not file a motion to disqualify but noted in passing that Judge Dickerson had previously recused in the case. Bourke stated that Contreras "wishes for the Presiding Judge, who already recused himself due to conflicts of interest, to address the merits of the Motion, instead of the assigned judicial officer." In May 2023, Judge Dickerson ruled on the motion, designating Bourke a vexatious litigant.

¶8 Bourke appealed the vexatious litigant determination. *See Contreras v. Bourke*, 258 Ariz. 223 (App. 2024). In a split decision, the court of appeals affirmed the trial court ruling, holding that Bourke had waived any challenge to Judge Dickerson's participation by failing to timely seek disqualification under A.R.S. § 12-409, Arizona Rule of Family Law Procedure 6.1(c), or Arizona Rule of Civil Procedure 42.2(d). *Id.* at 226–27 ¶¶ 8, 10.

¶9 The majority did not address Bourke's claim that, aside from his recusal and re-entry into the case, Judge Dickerson's earlier appointment of Contreras as a justice of the peace pro tempore might raise an independent basis to find a conflict requiring recusal. The dissent opined that under CJCR 2.11(A), given his prior recusal, Judge Dickerson had an independent duty to recuse himself from deciding the vexatious litigant motion and, § 12-409 notwithstanding, waiver should not apply. *Id.* at 233 ¶¶ 38–39, 237 ¶ 60 (Sklar, J. dissenting).

¶10 We granted review to resolve these issues of first impression and statewide importance. We have jurisdiction pursuant to article 6, section 5(3) of the Arizona Constitution.

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DISCUSSION

A. Prior Recusal and Re-Entry

¶11 Bourke claims Judge Dickerson’s recusal from participating in the dissolution action due to a purported conflict made him ineligible to later re-enter the case in his new capacity as the county’s presiding judge to decide the vexatious litigant motion.

¶12 We review de novo the interpretation of court rules. *State v. Whitman*, 234 Ariz. 565, 566 ¶ 5 (2014). This Court interprets judicial ethics rules using principles of statutory construction. *See Phillips v. O’Neil*, 243 Ariz. 299, 301 ¶ 8 (2017). “When a statute’s plain language is unambiguous in context, it is dispositive.” *In re Drummond*, 257 Ariz. 15, 18 ¶ 5 (2024).

¶13 The CJCR 2.11(A) provides that:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.

Comments 1 and 2 to CJCR 2.11 provide further clarification, stating in relevant part:

1. Under this rule, a judge is disqualified whenever the judge’s impartiality *might reasonably be questioned*, regardless of whether any of the [enumerated conflicts in paragraphs (A)(1) through (5)] apply.

2. A judge’s obligation not to hear or decide matters in which disqualification is required applies *regardless of whether a motion to disqualify is filed*.

(Emphases added.)

¶14 This Court articulated the standard to apply when deciding

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whether a judge's impartiality might reasonably be questioned in *State v. Smith*, 203 Ariz. 75, 79 ¶ 16 (2002):

If a situation is not one of those outlined in [CJCR 2.11(A)], but nonetheless implicates impartiality, a judge should consider "[w]hether an objective, disinterested observer fully informed of the facts underlying the grounds on which . . . disqualification [was] contemplated would entertain a significant doubt that justice would be done in the case."

Id. (citation modified) (quoting Op. 96-14 at 1 Ariz. Sup. Ct. Jud. Ethics Advis. Comm. (Nov. 21, 1996)). The same test was echoed in Opinion 98-02 of the Arizona Supreme Court Judicial Ethics Advisory Committee, which provides: "[T]he test is whether an objective, disinterested, fully informed observer would reasonably question the impartiality of the judge." Op. 98-02 at 3 Ariz. Sup. Ct. Jud. Ethics Advis. Comm. (Mar. 24, 1998). Indeed, "[o]ur system of justice depends for its survival on the support and confidence of the public. It is important, therefore, that justice not only be impartially dispensed but also that any question of unfairness or partiality be avoided." *State ex rel. Corbin v. Superior Court*, 155 Ariz. 560, 562 (1987). A judge's prior voluntary recusal and re-entry – when unexplained – leaves doubts about the reasons for the recusal unresolved.

¶15 The plain language of the rules indicates that when a judicial officer must disqualify himself or herself, the judge must do so regardless of any action by the parties. This Court previously recognized that "each [judge] has a continuing individual responsibility to exercise 'considerable introspection and intellectual honesty,' in determining whether he or she may appropriately sit upon any matter that comes before the [c]ourt." *Scheehle v. Justs. of the Sup. Ct.*, 211 Ariz. 282, 301 (2005) (quoting Op. 98-02 Ariz. Sup. Ct. Jud. Ethics Advis. Comm. (Mar. 24, 1998)).

¶16 When a judge voluntarily recuses, CJCR 2.11(A) signals that the judge acknowledges his or her impartiality might reasonably be questioned. If the disqualification is for a reason other than the judge's "personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding," the parties, having been put on notice of the basis, may waive disqualification. CJCR 2.11(A)(1), (C). And a disqualification that originally necessitates

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recusal generally does not forever bar a judge from re-entering a case if the reasons for the disqualification no longer exist. *See Scheehle*, 211 Ariz. at 301 (holding that under the unusual circumstances of that case, which included applying the rule of necessity, four justices who had previously recused from considering a matter were not forever barred from re-entering the same case).

¶17 CJCR 2.11(C) explains the step-by-step process a judge must follow if the judge believes he or she may fairly preside over a matter in which he or she was previously subject to disqualification:

A judge subject to disqualification under this rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

¶18 As previously mentioned, in February 2020, Judge Dickerson initially recused from presiding over the parties' family court matter; but two years later, now in his new role as Presiding Judge, he re-entered the same case and ruled on Contreras' vexatious litigant motion. No explanation was given to the parties as to any change in circumstance, nor was any opportunity given for either party to be heard in opposition to this re-entry into the case. The parties were entitled to such disclosure and to have the opportunity to be heard. We hold that when a judge who previously recused from a case later determines that recusal is no longer warranted, he or she must advise the parties of his or her reasons for re-entering the case and give them an opportunity to be heard.

B. Professional Relationship

¶19 Secondarily, Bourke also argues that Judge Dickerson's prior appointment of Contreras as justice of the peace pro tempore raises a conflict of interest that categorically disqualifies Judge Dickerson from determining any matter in their family case. Bourke did not meaningfully

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raise this issue before the trial court and has therefore waived it. See § 12-409; Ariz. R. Fam. Law P. 6.1(c); Ariz. R. Civ. P. 42.2(d). The court of appeals did not address this belated claim.

¶20 Despite Bourke's waiver, the facts of this unusual case implicate judicial ethics and the public's trust in our courts, and so we exercise our discretion to entertain this secondary question solely to give presiding judges guidance and clarity going forward. See *Smith*, 203 Ariz. at 79 ¶ 12.

¶21 Under A.R.S. § 22-121(A), presiding judges appoint justices of the peace pro tempore, and they also exercise administrative supervision over the justice courts in their counties. See *In re Presiding Judges' Auth. to Establish Ct. Sec. Pol'ys & Procs.*, Admin. Order No. 96-32 (1996). These administrative responsibilities, along with the fact that the powers and duties of the justice of the peace pro tempore are described as "the same as a duly elected justice of the peace," § 22-121(C), establish that the presiding judge of a county superior court stands in a supervisory relationship to the justices of the peace pro tempore.

¶22 Also, in appointing a justice of the peace pro tempore, the presiding judge must determine that the appointee is a person "[o]f good moral character." See A.R.S. § 22-122 (describing the qualifications of justices of the peace pro tempore). Therefore, because presiding judges are directly involved in appointing justices of the peace pro tempore, they hold more than an attenuated "limited professional relationship." See *Smith*, 203 Ariz. at 79-80 ¶ 16 (finding that a "[l]imited professional relationship" between a judicial officer and a court administrator who was not subject to his supervision and merely worked in the same court building was sufficiently attenuated "that an informed, disinterested observer would not entertain significant doubt that justice would be done"). Accordingly, the professional relationship between a presiding judge and his or her previously appointed justice of the peace pro tempore *may* create the appearance of a close association giving rise to an objection.

¶23 Here, by appointing Contreras as a justice of the peace pro tempore, Judge Dickerson demonstrated his belief in Contreras' character and abilities just one month before Contreras filed his vexatious litigant motion. The appointment created more than an attenuated professional tie between Judge Dickerson and Contreras.

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¶24 Nonetheless, the presiding judge and justice of the peace pro tempore professional relationship, without more, does not require recusal in every case where a presiding judge has previously appointed a justice of the peace pro tempore who now appears as a litigant.

¶25 The standard of “whether an objective, disinterested, fully informed observer would reasonably question” the judge’s impartiality remains applicable in these circumstances. Op. 98-02 at 3 Ariz. Sup. Ct. Jud. Ethics Advis. Comm. (Mar. 24, 1998). And a party who challenges a “judge’s impartiality must overcome the presumption that [superior court] judges are free of bias and prejudice.” *Stagecoach Trails MHC, L.L.C. v. City of Benson*, 232 Ariz. 562, 568 ¶ 21 (App. 2013) (citation omitted). To do so, the challenging party must “set forth a specific basis for the claim of partiality and prove by a preponderance of the evidence that the judge is biased or prejudiced.” *Simon v. Maricopa Med. Ctr.*, 225 Ariz. 55, 63 ¶ 29 (App. 2010) (quoting *State v. Medina*, 193 Ariz. 504, 510 ¶ 11 (1999)). Further inquiry might very well reveal that there is no actual partiality shown in favor of the appointee.

¶26 After a fact-intensive inquiry in *Kay S. v. Mark S.*, 213 Ariz. 373 (App. 2006)—a case involving an attorney who, from time to time, served as judge pro tempore in the same court as he practiced—the court of appeals found that an appearance of impropriety required remand. *Id.* at 374 ¶ 1. Following a dissolution of marriage trial, Mother’s counsel discovered that Father’s counsel, Everts, had not only served along with and provided coverage for the trial judge as a pro tempore, but the trial judge’s staff stated Everts was “the division’s ‘preferred’ judge pro tempore who frequently served in lieu of [the trial judge] and on whom the staff relied and preferred above any other substitute.” *Id.* at 376 ¶ 17. Mother moved to disqualify the trial judge and, following an evidentiary hearing, the presiding family court judge found no just cause for removing the trial judge. *Id.* at 377 ¶ 20. In reversing that ruling, the court of appeals concluded that, under the facts of the case, the trial judge’s “impartiality might reasonably be questioned.” *Id.* at 379 ¶ 31. Although the court did not find any actual bias, it held that the presiding family court judge should have disqualified the trial judge given all the circumstances proven. *Id.* at 380 ¶ 35.

¶27 Whether disqualification of a presiding judge on the basis of a professional relationship with a justice of the peace pro tempore he or she

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appointed is required under the facts of any given case will depend on factors such as, but not limited to: the presiding judge's involvement in the selection of the justice of the peace pro tempore, the amount of time between the appointment and litigation in question, the degree and frequency of contacts between the presiding judge and his or her appointee, and other case-specific factors that help shed light on whether the judge's impartiality might reasonably be questioned. *See Smith*, 203 Ariz. at 79 ¶ 16.

¶28 Here, we do not squarely answer the question of whether Judge Dickerson's professional relationship with Contreras, in his capacity of justice of the peace pro tempore, would have required Judge Dickerson's disqualification because, given Bourke's failure to timely object on this separate basis, we lack sufficient insight into the nature of the professional relationship between the two.

¶29 Bourke did not object to Judge Dickerson's determination of the vexatious litigant motion on the basis of his appointment of Contreras as justice of the peace pro tempore. Bourke claims she was not aware of this separate ground for disqualification in time to object. Contreras, on the other hand, provided a link to a social media post where Bourke commented regarding his reappointment as a justice of the peace pro tempore and the presiding judge's duty to obtain public comment. Thus, Bourke was on notice that Judge Dickerson had appointed Contreras as a justice of the peace pro tempore, but she failed to challenge Judge Dickerson for cause by filing a timely affidavit setting forth those grounds. *Contreras*, 258 Ariz. at 226 ¶ 8, 227 ¶ 11, 229 ¶ 17. Bourke was required to object within twenty days of her discovery of the grounds for Judge Dickerson's removal. § 12-409; Ariz. R. Fam. Law P. 6.1(a), (c); *see also* Ariz. R. Civ. P. 42.2(b), (d). We find no such objection in the record.

¶30 Though the parties enjoy the right to move to disqualify a judge for alleged bias, that right may be waived by a party who fails to timely act. *John Munic Enters., Inc. v. Laos*, 235 Ariz. 12, 15 ¶ 4 (App. 2014). This we plainly articulated in *Marsin v. Udall*, 78 Ariz. 309, 312 (1955):

Of course, one may with knowledge of the facts, consent that his case be tried before a judge he thinks is biased and prejudiced. The privilege to challenge the judge's fairness carries with it the concomitant right to willingly submit to trial. He is not compelled to exercise the right but may waive

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it.

Here, Bourke failed to timely act by alleging in the trial court that Judge Dickerson's appointment of Contreras created the type of professional relationship that gave rise to bias or prejudice in favor of Contreras. See *Simon*, 225 Ariz. at 63 ¶ 29. Her failure to timely object on this separate ground prevented the claim from being fully litigated and, after full inquiry, potentially even resolved in her favor in that forum. Instead, Bourke, having stripped from the trial court the opportunity to make detailed inquiry into the operative facts and to make an initial determination on the merits of her claim, has now waived it on appeal. See *Trantor v. Fredrikson*, 179 Ariz. 299, 300 (1994) (stating errors not raised in trial court cannot be asserted on appeal). Therefore, she is not entitled to relief due to any appearance of impropriety arising from Judge Dickerson's appointment of Contreras as a justice of the peace pro tempore.

C. Relief

¶31 Having held that Bourke was deprived of the right to know why Judge Dickerson initially recused from the case and why he thought he could re-enter it, we turn to the appropriate form of relief.

¶32 We note that, contrary to Bourke's assertion, actions taken by a judge after disqualification are voidable, but they are not void ab initio. *Conkling v. Crosby*, 29 Ariz. 60, 67-68 (1925). "A voidable judgment is one in which the court has jurisdiction over the subject matter and parties but which is otherwise erroneous and subject to reversal." *State v. Cramer*, 192 Ariz. 150, 153 ¶ 16 (App. 1998) (citing *Cockerham v. Zikratch*, 127 Ariz. 230, 234 (1980)). "An order is void if it exceeds the jurisdiction of the court or agency rendering it." *Legacy Found. Action Fund v. Citizens Clean Elections Comm'n*, 243 Ariz. 404, 406 ¶ 9 (2018); see also *Am. Asphalt & Grading Co. v. CMX, L.L.C.*, 227 Ariz. 117, 119 ¶ 11 (2011).

¶33 Here, the trial court retained jurisdiction over the parties even when Judge Dickerson entered his vexatious litigant ruling without giving them the reasons for his initial recusal and later re-entry into the case and an opportunity to be heard. Judge Dickerson's ruling was therefore voidable.

¶34 We now hold that, under CJCR 2.11(A), Judge Dickerson had an independent duty to advise the parties of those reasons and give them

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an opportunity to be heard in opposition. *See supra* ¶¶ 13–18. Ordinarily, we would remand to the superior court so that it could provide the parties with notice of the circumstances Judge Dickerson believed no longer required his recusal from presiding over the vexatious litigant motion and give the parties an opportunity to be heard. If sufficient grounds existed to overcome the initial disqualification, Judge Dickerson’s order could stand. If not, the motion would be reassigned to a different judicial officer for a new ruling.

¶35 Because Judge Dickerson has retired, however, and because nothing further would be gained by remanding for additional inquiry into the nature of Judge Dickerson’s relationship with Contreras, we remand for a new judicial officer to rule on Contreras’ vexatious litigant motion.

CONCLUSION

¶36 For these reasons, we vacate the court of appeals’ opinion, reverse the superior court’s order declaring Bourke a vexatious litigant, and remand to that court for a different judge to rule on Contreras’ motion to declare Bourke a vexatious litigant.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,

Plaintiff,

-against-

Steve Savitsky, Old Westbury LLC, John Doe,
Jane Doe

Defendants.

Affirmation of Service

24cv7247 (SJB) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I served a copy of Letter Motion Leave to File, Notice of Appeal Order Dated December 15, 2025, and Exhibits 1-9 attached, Application to Proceed IFP (36-Page) Dated December 15, 2025 upon the Defendant(s) or attorney who physical address:

Law Firm Gordon Rees Scully Mansukhani, LLP
One Battery Park Plaza, 28th Floor
New York, NY 10004

Via ECF & Notice has been electronically mailed to: kminnahdonkoh@grsm.com;
kminnahdonkoh@gordonrees.com; dlrivera@grsm.com; pcella@grsm.com

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 15, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Plaintiff - Pro Se
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APPEAL,DJI,MAGAPP,NPROSE,PROSENEF

U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:24-cv-07247-SJB-AYS

Orrego v. Savitsky et al
Assigned to: Judge Sanket J. Bulsara
Referred to: Magistrate Judge Anne Y. Shields
related Cases: [2:20-cv-03361-SJB-AYS](#)
[2:23-cv-06507-SJB-AYS](#)
[2:25-cv-00736-SJB-AYS](#)
[2:25-cv-00769-SJB-AYS](#)

Date Filed: 11/27/2024
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

Plaintiff**Lidia M. Orrego**

represented by **Lidia M. Orrego**
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PRO SE

V.

Defendant**Steve Savitsky****Defendant****Old Westbury LLC****Defendant****John Doe****Defendant****Jane Doe**

Date Filed	#	Docket Text
11/27/2024	<u>1</u>	COMPLAINT against All Defendants Was the Disclosure Statement on Civil Cover Sheet completed -No., filed by Lidia M. Orrego. (Attachments: # <u>1</u> Civil Cover Sheet) (DC) (Entered: 12/06/2024)
11/27/2024	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Lidia M. Orrego. (DC) (Entered: 12/06/2024)
11/27/2024	<u>3</u>	Pro Se Consent to Electronic Notification by Lidia M. Orrego (DC) (Entered: 12/06/2024)
12/06/2024	<u>4</u>	Clerk's Notice Re: Consent. A United States Magistrate Judge has been assigned to this case and is available to conduct all proceedings. In accordance with Rule 73 of the Federal Rules of Civil Procedure, Local Rule 73.1, the parties are notified that if all parties consent, the assigned Magistrate Judge is available to conduct all proceedings in this action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to this Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. Any party may withhold its consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.The form may also be accessed at the following link:

		https://img.nyed.uscourts.gov/files/forms/MJConsentForm.pdf (DC) (Entered: 12/06/2024)
12/06/2024	<u>5</u>	Notice of Related Cases: 20-cv-3361-JMA-AYS and 23-cv-6507-JMA-AYS The Civil Cover Sheet filed in this civil action indicates a related case. (DC) (Entered: 12/06/2024)
12/17/2024	<u>6</u>	MEMORANDUM & ORDER: Presently before the Court is pro se Plaintiff Lidia Orrego's application to proceed in forma pauperis ("IFP"). (ECF No. <u>2</u> .) As explained below, Plaintiff's financial status does not qualify her to commence this action without payment of the filing fee. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff's application to proceed IFP is DENIED. Plaintiff is directed to pay the \$405.00 filing fee by January 30, 2025 , for this case to proceed. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Memorandum & Order would not be taken in good faith and therefore IFP status is denied for the purpose of any appeal. <i>Coppedge v. United States</i> , 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to mail a copy of this Order to the pro se Plaintiff at her address of record and to note such mailing on the docket. SEE ATTACHED ORDER for details. So Ordered by Judge Joan M. Azrack on 12/17/2024. c/m (LC) (Entered: 12/17/2024)
12/19/2024		Email Notification Test – DO NOT REPLY. (LC) (Entered: 12/19/2024)
01/30/2025	<u>7</u>	CIVIL FILING FEE: \$405.00, receipt number 100018992. (AMF) (Entered: 02/03/2025)
01/31/2025		Case reassigned to Judge Sanket J. Bulsara. Judge Joan M. Azrack no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (LF) (Entered: 01/31/2025)
02/07/2025	<u>8</u>	Summons Issued as to Old Westbury LLC, Steve Savitsky. (AMF) (Entered: 02/10/2025)
02/12/2025	<u>9</u>	Notice of Related Case: 25-cv-00736 The Case was directly assigned as a related Pro Se/Habeas Case. (KS) (Entered: 02/12/2025)
02/14/2025	<u>10</u>	Notice of Related Case: 25-cv-00769 The Case was directly assigned as a related Pro Se/Habeas Case. (KS) (Entered: 02/14/2025)
04/02/2025	<u>11</u>	MOTION for Extension of Time to File <i>to Serve Defendants</i> by Lidia M. Orrego. (AMF) (Entered: 04/03/2025)
04/04/2025		ORDER: The motion for extension of time to effectuate service of process <u>11</u> is granted. Plaintiff is directed to effectuate service of process on Defendant by 5/05/2025 . So Ordered by Judge Sanket J. Bulsara on 4/4/2025. (YEP) (Entered: 04/04/2025)
04/17/2025	<u>12</u>	Letter from pro se litigant, Lidia M. Orrego RE: Clarification on Granted <u>11</u> Motion for Extension. (AMF) (Entered: 04/17/2025)
04/27/2025	<u>13</u>	AMENDED COMPLAINT against Jane Doe, John Doe, Old Westbury LLC, Steve Savitsky, filed by Lidia M. Orrego. (AMF) (Entered: 04/28/2025)
05/05/2025	<u>14</u>	Letter MOTION to Compel <i>for Service by U.S. Marshal or Alternative Service</i> by Lidia M. Orrego. (AMF) (Entered: 05/05/2025)
05/06/2025		ORDER granting in part and denying in part <u>14</u> Motion to Compel. Plaintiff's application is GRANTED in part and DENIED in part. To the extent that Plaintiff seeks an order directing the U.S. Marshals Service to serve the summons and Amended Complaint on Defendants, the motion is DENIED. Similarly, Plaintiff's request to serve Defendants by cost-reducing methods is likewise DENIED. The Court notes that on December 17, 2024, Plaintiff's application to proceed in forma pauperis ("IFP") was denied. Therefore, Plaintiff shall serve the summons and Amended Complaint in accord with the Federal Rules of Civil Procedure. However, Plaintiff's request for a 30 day extension of time to effectuate service of process is GRANTED. So Ordered by Magistrate Judge Anne Y. Shields on 5/6/2025. (DM) (Entered: 05/06/2025)

05/18/2025	<u>15</u>	AMENDED COMPLAINT against Jane Doe, John Doe, Old Westbury LLC, Steve Savitsky, filed by Lidia M. Orrego. (AMF) (Entered: 05/19/2025)
05/19/2025	<u>16</u>	MOTION for Reconsideration re <u>6</u> Order on Motion for Leave to Proceed in forma pauperis, and Order on Motion to Compel by Lidia M. Orrego. (AMF) Modified docket text on 5/20/2025 (AMF). (Entered: 05/20/2025)
05/27/2025		ORDER re <u>16</u> MOTION for Reconsideration re <u>6</u> Order on Motion for Leave to Proceed in forma pauperis,,, Order on Motion to Compel,,, filed by Lidia M. Orrego. Upon reconsideration, the Court affirms its prior ruling denying Plaintiff's request for an order directing the U.S. Marshals Service to serve the Summons and Amended Complaint on Defendants, as well as the denial of Plaintiff's request to serve Defendants by cost-reducing methods. However, Plaintiff's new request for the issuance of new Summons based on new evidence identifying Defendant's addresses is GRANTED. Additionally, Plaintiff's request for a 30-day extension of time from the issuance of the new summons to serve the Summons and Third Amended Complaint is likewise GRANTED. So Ordered by Magistrate Judge Anne Y. Shields on 5/27/2025. (DM) (Entered: 05/27/2025)
05/28/2025	<u>17</u>	Summons Reissued as to Old Westbury LLC and Steve Savitsky. (LF) (Entered: 05/28/2025)
06/10/2025	<u>18</u>	Letter from Pro Se Litigant to Pro Se Office dated June 10, 2025 Re: I am writing as a pro se plaintiff in the above-referenced case to confirm that I have not received the original summons issued on May 28, 2025 (DE <u>17</u> , Case No. 24-cv-07247-SJBAYS). (GO) (Entered: 06/10/2025)
06/10/2025	<u>19</u>	Summons Reissued as to Old Westbury LLC, Steve Savitsky. (HM) (Entered: 06/10/2025)
06/10/2025		ORDER: The motion for reconsideration of the denial of Plaintiff's application to proceed <i>in forma pauperis</i> ("IFP") <u>16</u> is denied. Plaintiff's finances have not substantially changed so as to warrant IFP status. <i>See Wrenn v. Benson</i> , 490 U.S. 89, 92 (1989); (see also Order dated June 10, 2025, <i>Orrego v. Kerrigan</i> , No. 25-CV-736 (E.D.N.Y.), Dkt. No. 11; Order dated June 10, 2025, <i>Orrego v. Wilson</i> , No. 25-CV-769 (E.D.N.Y.), Dkt. No. 6). So Ordered by Judge Sanket J. Bulsara on 6/10/2025. (YEP) (Entered: 06/10/2025)
06/10/2025	<u>20</u>	AMENDED COMPLAINT <i>FOURTH</i> against Jane Doe, John Doe, Old Westbury LLC, Steve Savitsky, filed by Lidia M. Orrego. (GO) (Entered: 06/11/2025)
06/10/2025	<u>21</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court Re: 5/27/2025 Order, by Lidia M. Orrego (GO) (Entered: 06/11/2025)
06/12/2025	<u>22</u>	Letter MOTION to Compel / <i>Request to Correct Docket Entry Description DE <u>21</u></i> , by Lidia M. Orrego. (GO) (Entered: 06/12/2025)
06/22/2025	<u>23</u>	Notice of MOTION to Vacate Order on Motion for Reconsideration,, <i>RENEW APPLICATION FOR IN FORMA PAUPERIS STATUS, AUTHORIZE SERVICE, AND EXTEND TIME TO SERVE</i> by Lidia M. Orrego. (NF) (Entered: 06/23/2025)
06/27/2025	<u>24</u>	Letter from Lidia Orrego to Judge Bulsara dated 6/26/2025 in Re: Supplemental Letter Motion to Amend DE <u>23</u> . (NF) (Entered: 06/27/2025)
06/27/2025	<u>25</u>	COPY OF <u>24</u> Letter from Lidia Orrego to Judge Bulsara dated 6/26/2025 in Re: Supplemental Letter Motion to Amend DE <u>23</u> . (NF) (Entered: 06/27/2025)
07/11/2025	<u>26</u>	Letter MOTION for Extension of Time to File (<i>To Serve the Fourth Amended Complaint, etc.</i>) by Lidia M. Orrego. (NF) (Entered: 07/11/2025)
07/13/2025		ORDER granting <u>26</u> Motion for Extension of Time to File. Plaintiff's request for a 30-day extension of time to serve the Summons and Fourth Amended Complaint is GRANTED. So Ordered by Magistrate Judge Anne Y. Shields on 7/13/2025. (DM) (Entered: 07/13/2025)
07/21/2025	<u>27</u>	NOTICE from Lidia Orrego RE: Petition for Writ of Mandamus, Motion for Permission to Appeal In Forma Pauperis, and Certificate of Service, submitted to the United States Court of Appeals for the Second Circuit on 7/16/2025 (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4) (NF) (Entered: 07/23/2025)

08/11/2025	<u>28</u>	Letter MOTION for Reconsideration <i>Alternative Service Pursuant to Fed. R. Civ. P. 4(e)(1), 4(h)(1), and 4(m), and N.Y. C.P.L.R. § 308(5); Request for Reconsideration of U.S. Marshal Service Under 28 U.S.C. § 1915(d); Resolution of Pending Motions DE 23 and 24 ; Clarification That Plaintiff's Right to Seek Recusal of Both Judges Remains Unwaived; and Request for Extension of Time to Effect Service</i> by Lidia M. Orrego. (NF) (Entered: 08/12/2025)
08/14/2025	<u>29</u>	ORDER: The motions <u>23</u> <u>28</u> are denied for the reasons stated in the attached, and Plaintiff is enjoined from making additional filings in this case, absent court order, and as set forth in the attached filing injunction. So Ordered by Judge Sanket J. Bulsara on 8/14/2025. (YEP) (Entered: 08/14/2025)
08/15/2025	<u>30</u>	MOTION for Leave to File Document <i>Clarifying That DE 28 Misrepresented, Filed Timely on August 11, 2025, Before Deadline, is Not a Repetitive Reconsideration But New Request for Alternative Service Due to Defendants' Evasion, Attached DE 28 – Traditional Service Impracticable BAD FAITH Defendants under notice – Extension Time</i> by Lidia M. Orrego. (NF) (Entered: 08/15/2025)
09/11/2025	<u>31</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>29</u> Order on Motion for Reconsideration,, Order on Motion to Vacate, by Lidia M. Orrego. (KS) (Main Document 31 replaced on 9/25/2025) (LF). (Entered: 09/16/2025)
09/11/2025	<u>32</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Main Document 32 replaced on 9/25/2025) (LF). (Entered: 09/16/2025)
09/16/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>31</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 09/16/2025)
09/16/2025		ORDER: Plaintiff Orrego has now filed multiple applications seeking leave to file additional motions and/or open new cases. Though the cover letters for these motions comply with the Court's admonition that leave be sought in a short letter with a word limit, the motions attach hundreds, if not thousands of pages of material, which not only violate the filing injunction, but are unnecessarily duplicative material. The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff. The motions seeking leave, in this case at Dkt. No. <u>30</u> , are denied. Plaintiff is prohibited from making any further filings on this docket, or using the portal available to pro se litigants, absent further order of this Court (no leave may be sought). The Clerk's Office is directed to terminate Plaintiff Orrego's access to the pro se portal, to reject and promptly return to Plaintiff any motion or document submitted by her, and not to file any submission on ECF or retain custody of such material. Plaintiff is reminded that her filing of this unnecessary material has simply impeded, delayed, and obstructed the Court's ability to resolve the merits of the case, and its ability to move this case forward, to trial (if appropriate). The Court will lift this filing injunction following resolution of the pending motions in all of her cases, in order to give her an opportunity to object, appeal, or reconsider any decision, or to make any post-decision filings attendant to trial, should the Court determine that the case should proceed to trial or further discovery. But until the Court renders such decisions, the filing injunction imposed by this order will remain in place. So Ordered by Judge Sanket J. Bulsara on 9/16/2025. (LOG) (Entered: 09/16/2025)
09/17/2025	<u>33</u>	ORDER: On September 11, 2025, Lidia Orrego, acting pro se, filed a Notice of Interlocutory Appeal <u>31</u> of this Court's August 14, 2025 Order <u>29</u> , together with an application to proceed <i>in forma pauperis</i> ("IFP") <u>32</u> . However, Orrego used the form application for IFP status in the district court rather than Form 4 of the Appellate Appendix of Forms. Upon review, it is apparent that the present application lacks the information required by Federal Rule of Appellate Procedure 24(a)(1). Accordingly, the application to proceed IFP <u>32</u> is denied without prejudice and with leave to renew on the Circuit Court's Form 4 annexed to this Order. So Ordered by Judge Sanket J. Bulsara on 9/17/2025. (LOG) (Entered: 09/17/2025)
09/18/2025	<u>34</u>	Letter from Pro Se Department to Lidia M. Orrego dated 9/18/2025. The enclosed documents are being returned without docketing or consideration for the following reason(s): Pursuant to the enclosed electronic orders So Ordered by District Judge

		Bulsara on 9/16/2025 "The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff." (NF) (Entered: 09/18/2025)
09/19/2025	<u>35</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Entered: 09/23/2025)
09/23/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>31</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 09/23/2025)
09/25/2025		Second Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. <u>31</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (LF) (Entered: 09/25/2025)
09/30/2025	<u>36</u>	Letter MOTION for Leave to Appeal <i>order of the court entered on September 16, 2025</i> by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
09/30/2025	<u>37</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
09/30/2025	<u>38</u>	NOTICE OF INTERLOCUTORY APPEAL as to Order on Motion for Leave to File, entered on 9/16/2025, by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
10/01/2025		ORDER: Pro se Plaintiff Orrego's motion for leave to appeal <i>in forma pauperis</i> <u>35</u> is denied. "An appeal may not be taken <i>in forma pauperis</i> if the trial court certifies in writing that it is not taken in good faith." <i>Romero v. DHL Express, Inc.</i>, No. 15-CV-4844, 2017 WL 2266990, at *1 (S.D.N.Y. May 6, 2017) (internal quotations and citations omitted). The "good faith" standard is objective; and it is not met when a party seeks review of a frivolous claim. <i>See Coppedge v. United States</i>, 369 U.S. 438, 444-45 (1962). Here Orrego seeks to appeal this Court's entry of a filing injunction. As this Court has repeatedly explained, the filing injunction--imposed after notice was provided--was an appropriate sanction given Orrego's repetitive filing of unnecessary material that has impeded, delayed, and obstructed the Court's ability to resolve the merits of the case. (See Order dated Aug. 14, 2025). The Court is prepared to lift the injunction following resolution of the pending motions in all of Plaintiff's cases. (See Order dated Sep. 16, 2025). A frivolous appeal of the injunction only works to further delay the resolution of these cases. The Court has reviewed the record and certifies that an appeal would not be taken in good faith. <i>See Coppedge</i>, 369 U.S. at 444-45. The application to proceed <i>in forma pauperis</i> is denied. Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this order. The Clerk of Court is also respectfully directed to mail a copy of this Order to Orrego at her address of record and to record such service on the docket. So Ordered by Judge Sanket J. Bulsara on 10/1/2025. (LOG) Modified on 10/2/2025 (EM). (Entered: 10/01/2025)
10/02/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>38</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (DC) (Entered: 10/02/2025)
11/05/2025		ORDER: In light of the impending reassignment of this case, the current motions, <u>22</u> , <u>36</u> , and <u>37</u> , are deemed withdrawn and should be refiled consistent with the individual practices of the new Judge(s) and only with permission of the newly assigned Judge(s). So Ordered by Judge Sanket J. Bulsara on 11/5/2025. (LOG) (Entered: 11/05/2025)
11/17/2025		ORDER OF RECUSAL. Type of Recusal party. Ordered by Judge Sanket J. Bulsara on 11/17/2025. Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. (BBM) (Entered: 11/17/2025)

11/18/2025	<u>39</u>	Letter MOTION for pre motion conference (<i>Urgent Request</i>) To Vacate Unlawful Pre-Filing Injunctions and to Restore Constitutional and Statutory Filing Rights/w-Exhibits) filed by Lidia M. Orrego. (MLR) (Recv'd for filing from Pro Se dept. on 11/20/2025). (MLR). (Entered: 11/20/2025)
11/26/2025		Case Reassigned to Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields. Judge Pamela K. Chen, Magistrate Judge Taryn A. Merkl no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (BBM) (Entered: 11/26/2025)
11/26/2025		ORDER: The Court will be issuing orders deciding the previously filed motions. No refiling of motions is necessary. Nor is any party permitted to call Chambers to inquire about the status of previously filed motions. The Court will be issuing further decisions and orders in due course. The litigation bar previously entered, <u>29</u> , remains in place. Furthermore, no new motions, letters, or other requests may be filed by any party until further Court management orders are issued next week. So Ordered by Judge Sanket J. Bulsara on 11/26/2025. (LOG) (Entered: 11/26/2025)
12/03/2025		ORDER: The Court issues the following case management order. The Court will decide all currently pending motions, including those recently reinstated, in due course. Neither party may make any additional filings on this docket until the Court decides the pending matters. So Ordered by Judge Sanket J. Bulsara on 12/3/2025. (LOG) (Entered: 12/03/2025)
12/05/2025		ORDER: Pro se Plaintiff Orrego's motion for leave to appeal <i>in forma pauperis</i> ("IFP") <u>37</u> is denied for the reasons set forth in the Court's October 1, 2025 Order in this case, and the Court's June 10, 2025 Order in a related case initiated by Orrego. (<i>See also Orrego v. Kerrigan</i> , No. 25-CV-0736 (E.D.N.Y. June 10, 2025), Dkt. No. 11 (denying IFP and listing all of Orrego's prior IFP applications, all of which have been denied)). Orrego again seeks IFP status to appeal the filing injunction in this case, which is substantially similar to the subject of the request the Court denied on October 1, 2025. The Court has reviewed the record and certifies that an appeal would not be taken in good faith and IFP status is denied for the purposes of such an appeal. <i>See Coppedge v. United States</i> , 369 U.S. 438, 444æ5 (1962). Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this order. The Clerk of Court is also respectfully directed to mail a copy of this order to Orrego at her address of record and to record such service on the docket. Other motions remain pending, and the filing pause set by the Court's December 3, 2025 case management order remains in place. So Ordered by Judge Sanket J. Bulsara on 12/5/2025. (LOG) (Entered: 12/05/2025)
12/10/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>31</u> Notice of Interlocutory Appeal, <u>38</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (NF) (Entered: 12/10/2025)
12/22/2025	<u>40</u>	Letter request (KS) (Entered: 12/22/2025)
12/22/2025	<u>41</u>	NOTICE OF INTERLOCUTORY APPEAL by Lidia M. Orrego. (KS) (Entered: 12/22/2025)
12/22/2025	<u>42</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Entered: 12/22/2025)
12/22/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>41</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 12/22/2025)