

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Bieganski v. Shinn

Bieganski · No. CV-21-01684-PHX-DWL · Decided January 30, 2026

SUMMARY

The United States District Court for the District of Arizona denied Bradley Bieganski’s motion to enforce the Ninth Circuit’s mandate by issuing an unconditional writ of habeas corpus and vacating his convictions and sentences. The court stayed enforcement of the mandate pending the United States Supreme Court’s resolution of the respondents’ petition for certiorari, preserving the parties’ existing release conditions and status quo.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Dominic W. Lanza
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 30, 2026
DOCKET	CV-21-01684-PHX-DWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved to enforce the Ninth Circuit's mandate by seeking an unconditional writ of habeas corpus, prohibition of retrial, vacatur of his convictions and sentences, and termination of release conditions. Respondents opposed and alternatively sought a stay of enforcement pending resolution of their petition for certiorari.
STANDARD OF REVIEW	The court exercised its inherent docket-management authority to determine whether a stay of enforcement of the mandate was warranted, weighing the possible damage from a stay, hardship or inequity from proceeding, and the orderly course of justice.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.
PARTIES	Bradley Bieganski v. David Shinn, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- writ of certiorari
- appellate procedure
- remedies

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the district court should enforce the Ninth Circuit's mandate by issuing an unconditional writ of habeas corpus and vacating Petitioner's convictions, sentences, and agreed release conditions.
2. Whether the district court could stay enforcement of the Ninth Circuit's mandate pending resolution of Respondents' petition for certiorari.
3. Whether the parties' agreement that the release conditions would remain in place pending further judicial review supported preserving the status quo through a stay.

HOLDINGS

1. A district court may stay enforcement of an appellate mandate pending resolution of a petition for certiorari when the mandate does not specifically foreclose that approach, pursuant to the court's inherent docket-management authority.
2. Enforcement of the mandate should be stayed pending resolution of Respondents' petition for certiorari.

KEY QUOTATIONS

“Enforcement of the mandate is stayed pending the resolution of Respondents’ petition for certiorari.” (at 4)

“The district court possesses inherent authority to stay federal proceedings pursuant to its docket management powers.” (at 2)

FACTUAL BACKGROUND

The Ninth Circuit reversed the district court's denial of habeas relief and remanded with instructions to issue the writ. Before the mandate issued, the parties agreed to Petitioner's release subject to conditions that would remain in effect pending further judicial review. After the mandate issued, Respondents filed a certiorari petition, and Petitioner sought an unconditional writ and termination of the agreed release conditions while Supreme Court review remained pending.

PROCEDURAL HISTORY

This federal habeas action under 28 U.S.C. § 2254 was initially denied by the district court in July 2023. The Ninth Circuit reversed on August 12, 2025, and remanded with instructions to issue the writ; its mandate issued on October 3, 2025. Before issuance of the mandate, the parties jointly sought and obtained release subject to agreed conditions pending further judicial review. Respondents later filed a petition for certiorari, and Petitioner moved to enforce the mandate. The district court denied that motion and stayed enforcement of the mandate pending resolution of the certiorari petition.

DISPOSITION

CASES CITED

- Bieganski v. Shinn, 149 F.4th 1055 (9th Cir. 2025)
- Chinaryan v. City of Los Angeles, 122 F.4th 823, 825 (9th Cir. 2024)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Bradley Bieganski, No. CV-21-01684-PHX-DWL 10 Petitioner, ORDER 11 v. 12 David Shinn, et al., 13 Respondents. 14 15 Pending before the Court is Petitioner’s motion to enforce the mandate. (Doc. 45.) 16 For the reasons that follow, the motion is denied. 17 RELEVANT BACKGROUND 18 This is a habeas corpus action under 28 U.S.C. § 2254.

In July 2023, the Court 19 denied relief. (Doc. 31.) 20 On August 12, 2025, the Ninth Circuit reversed. Bieganski v. Shinn, 149 F.4th 1055 21 (9th Cir. 2025). The final portion of the opinion reads: “The judgment of the district court 22 is reversed and the matter is remanded to the district court to issue the writ of habeas corpus. 23 REVERSED AND REMANDED WITH INSTRUCTIONS.” Id. at 1081.

24 On September 3, 2025, the parties filed a joint motion for release. (Doc. 41.) The 25 parties “jointly move[d] this Court for an Order providing that Mr. Bieganski be released 26 pending any further judicial review of the Ninth Circuit’s Opinion vacating this Court’s 27 order denying a writ of habeas corpus and remanding with orders to grant the writ.” (Id.

28 at 1.) The parties noted that “[t]he mandate has not yet issued, and the parties have 1 stipulated to a 30-day extension of time for the Arizona Respondents to consider whether 2 to seek review of the decision....

The Arizona Respondents have not yet decided whether 3 to seek review of the Ninth Circuit decision, either by means of a petition for panel 4 rehearing or rehearing en banc to the full Ninth Circuit or a petition for writ of certiorari to 5 the United States Supreme Court.” (Id. at 2.)

The parties also stated that the Arizona 6 Respondents had “agreed not to contest” the presumption in favor of release arising from 7 the issuance of the Ninth Circuit’s decision, “contingent upon the imposition of the 8 following release conditions, which shall have effect until this Court enters final judgment 9 in this case.” (Id. at 3.)

The release conditions included the posting of a signature bond, a 10 prohibition against applying for a passport or traveling outside the United States, certain 11 travel-related reporting requirements, a prohibition against contact with the alleged 12 victims, and a requirement to appear at any federal proceedings in which Petitioner’s 13 appearance was ordered by the court.

(Id. at 3-4.) 14 That same day, the Court granted the parties’ joint motion and adopted their agreed-
15 to release conditions. (Doc. 42.) 16 On October 3, 2025, the mandate issued. (Doc. 44.) 17 On
December 10, 2025, Respondents filed a petition for certiorari with the Supreme 18 Court. (Doc.
46-1 at 3-32.) 19 On January 5, 2026, Petitioner filed a waiver of right to respond to the petition.

20 (Doc. 46 at 4.) 21 On January 9, 2026, the Supreme Court ordered Petitioner to file a response.
(Doc. 22 46-1 at 180.) 23 On January 12, 2026, Petitioner filed the pending motion to enforce the
mandate. 24 (Doc. 45.) 25 On January 22, 2026, Respondents filed a response. (Doc. 46.) 26 The
deadline to file a reply has now expired and Petitioner did not file a reply.

27 ... 28 ... 1 DISCUSSION 2 In his motion, Petitioner asks the Court to enforce the mandate by
granting him “an 3 unconditional writ of habeas corpus.” (Doc. 45 at 1.) Petitioner contends that
“[b]y 4 declaring the statute under which Mr. Bieganski was convicted invalid, the Ninth Circuit 5
has necessarily found that retrial would be inappropriate and that an unconditional writ 6 must
issue.” (Id. at 3.)

Petitioner concludes: “The Mandate issued from the Ninth Circuit 7 over three months ago. This
Court must now enforce that mandate, and Mr. Bieganski 8 respectfully requests an[] order from
this court (1) granting him an unconditional writ of 9 habeas corpus prohibiting his retrial in state
court; and (2) vacating his convictions and 10 sentences. Additionally, any terms and conditions
imposed on Petitioner pursuant to this 11 Court’s order should be vacated when this Court enters
final judgment in this case, and the 12 signature bond should also immediately be exonerated.” (Id.
at 5, citations omitted.)

13 In response, Respondents contend that “from the time the parties filed the Amended 14 Joint
Stipulated Motion for Release, on September 3, 2025, until January 12, 2026, when 15 Bieganski
filed his pending motion, Bieganski never gave any indication that he would 16 seek to enforce the
mandate until after the Supreme Court’s resolution of Respondents’ 17 certiorari petition.

Thus, based on the language in the Amended Joint Stipulated Motion 18 for Release, as well as
Bieganski’s actions (or non-actions), Respondents reasonably 19 believed that that it was not
necessary to independently request a formal stay of the 20 mandate.

For this reason alone, the Court should deny Bieganski’s motion.” (Doc. 46 at 21 4.) At any rate,
Respondents contend that the Court possesses the inherent authority to stay 22 the enforcement of
the mandate, and “because of Respondents’ reliance on the Amended 23 Joint Stipulated Motion
for Release, as well as on Bieganski’s actions and nonactions, and 24 the fact that granting the
pending motion will obstruct ‘the orderly course of justice 25 measured in terms of the simplifying
or complicating of issues, proof, and questions of 26 law’ in light of the pending Supreme Court
litigation, this Court should alternatively stay 27 enforcement of the mandate.” (Id. at 5.)

28 The Court agrees with Respondents that, under the unusual circumstances presented 1 here, a stay of enforcement of the mandate is warranted. Of course, Respondents could 2 have asked the Ninth Circuit to stay issuance of the mandate pending their pursuit of further 3 review by the Supreme Court, see Fed. R. App. P. 41(d)(1), but it is also permissible to ask 4 the district court to stay enforcement of the mandate pending the resolution of a certiorari 5 petition, at least when (as here) the mandate does not specifically foreclose that approach.

6 *Chinaryan v. City of Los Angeles*, 122 F.4th 823, 825 (9th Cir. 2024) (“Defendants are free 7 to seek a stay of the proceedings in the district court while they petition for writ of 8 certiorari. The district court possesses inherent authority to stay federal proceedings 9 pursuant to its docket management powers. When considering whether to grant such a 10 stay, courts must weigh three non-exclusive factors: (1) the possible damage which may 11 result from the granting of a stay; (2) the hardship or inequity which a party may suffer in 12 being required to go forward; and (3) the orderly course of justice measured in terms of the 13 simplifying or complicating of issues, proof, and questions of law.

Although district courts 14 must faithfully carry out both the letter and the spirit of our mandates, they are free as to 15 anything not foreclosed by the mandate. Our mandate remanded the case to the district 16 court ‘for a new trial on all of plaintiffs’ claims against the individual officers.’ We did 17 not specify a time frame or otherwise suggest that the district court lacked authority to stay 18 the case.

Thus, we leave to the district court to determine whether a stay pending a petition 19 for writ of certiorari is appropriate in this case.”) (cleaned up). Here, both sides agreed— 20 when they jointly sought relief from this Court before the mandate issued—that the agreed- 21 to release conditions would remain in place “pending any further judicial review of the 22 Ninth Circuit’s Opinion.” (Doc.

41 at 1.) Petitioner is now effectively seeking to back out 23 of that agreement, by seeking to vacate the agreed-to release conditions even though the 24 anticipated “further judicial review” remains ongoing. Under these circumstances, a stay 25 of enforcement of the mandate so as to preserve the status quo—a status quo that, again, 26 involves Petitioner already having been released from custody—is the appropriate 27 outcome.

This approach will cause little if any damage to Petitioner, will avoid hardship 28 or inequity to Respondents, and will promote the orderly course of justice measured in 1 || terms of the simplifying or complicating of issues, proof, and questions of law. 2 Accordingly, 3 IT IS ORDERED that: 4 1. Petitioner’s motion to enforce the mandate (Doc. 45) is denied.

5 2. Enforcement of the mandate is stayed pending the resolution of Respondents’ 6 || petition for certiorari. 7 Dated this 30th day of January, 2026. 8 9 =) 10 f t _o——— Dominic W, Lanza 11

United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _5-

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