

Diego Rodriguez
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IN THE SUPREME COURT OF THE STATE OF IDAHO

ST. LUKE’S HEALTH SYSTEM, LTD; ST.
LUKE’S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual; NATASHA
D. ERICKSON, MD, an individual; and TRACY
W. JUNGMAN, NP, an individual,

Plaintiffs/Respondents,

vs.

DIEGO RODRIGUEZ, an individual,

Defendant/Appellant,

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee; and
PEOPLE’S RIGHTS NETWORK, a political
organization,

Defendants.

Idaho Supreme Court Case No. 51244-2023

Ada County Case No. CV01-22-06789

**EMERGENCY MOTION FOR
RECONSIDERATION AND REQUEST
FOR STAY OF ENFORCEMENT OF
APPEARANCE ORDER DUE TO
IMMINENT ARREST RISK**

COMES NOW, Defendant-Appellant Diego Rodriguez, appearing pro se, and Pursuant to this Court’s inherent authority to reconsider interlocutory orders, respectfully files this *Emergency Motion for Reconsideration* of this Court’s June 27, 2025 Order denying *Appellant’s Motion to Appear Remotely for Oral Argument*, and further requests a stay of enforcement of the appearance requirement pending resolution of this Motion. Courts retain inherent authority to reconsider interlocutory rulings in the interest of justice, especially where new facts or constitutional concerns arise.

This Court's Order compels a Florida resident to enter Idaho, where active civil contempt warrants await him—*issued by the very judge whose rulings are under appellate review*. This is not justice. It is **procedural entrapment**. The Order, unless reconsidered, places Appellant in a position where exercising his right to appeal would result in his unlawful incarceration.

I. INTRODUCTION

This motion is not made for delay or strategic advantage. It is made out of immediate necessity. On June 27, 2025, this Court entered an Order requiring Appellant to appear physically for oral argument in this appeal. However, Appellant remains subject to two active civil contempt warrants—CV01-22-06789-2-F and CV01-22-06789-3-F—issued in the same underlying trial court case currently on review. *These warrants were entered without personal service or opportunity to be heard*, and remain publicly listed in the Ada County warrant database.

Appearance in Idaho under these conditions would result in Appellant's immediate arrest and incarceration.

Oral argument has not yet been calendared, and no prejudice will result from revisiting this issue now. Appellant respectfully requests reconsideration to preserve the integrity of appellate review and to prevent irreparable constitutional harm.

II. NEWLY MATERIAL FACTS

Since the filing of Appellant's original *Motion to Appear Remotely* and his June 12, 2025 Reply, the following has occurred:

1. This Court issued a final Order on June 27, 2025, requiring Appellant to physically appear. This transforms the prior risk of arrest into an active and immediate threat.
2. Appellant remains subject to two active civil contempt warrants in the same underlying case:
 - CV01-22-06789-2-F and CV01-22-06789-3-F issued by Judge Lynn Norton in Ada County.

- These warrants are undisputed, publicly recorded, and were issued without personal service or opportunity to be heard.
3. Oral argument has not yet been calendared, meaning the issue of remote appearance is still procedurally reversible and no prejudice to Plaintiffs will result from granting this relief.

The danger is amplified because the oral argument is scheduled to address both (1) Appellees' motion to dismiss the appeal under the so-called "fugitive disentitlement doctrine" and (2) the merits of the appeal itself. That doctrine has never been explicitly adopted or applied by any Idaho appellate court, and Appellant is not a fugitive in any legal sense; he is a Florida resident facing arrest if he enters Idaho. Requiring physical attendance under these conditions would deprive Appellant of his only opportunity to be heard on either issue and impose the extraordinary sanction of dismissal—or an adverse merits ruling—without meaningful review, all under an unendorsed doctrine. Remote appearance (or a stay of the appearance requirement) is therefore essential to preserve Appellant's constitutional right to appellate review.

III. GROUNDS FOR RECONSIDERATION

A. Coerced Physical Attendance Violates Appellant's Constitutional Rights

Compelling physical appearance under active warrant threat amounts to coercive deprivation of liberty, prior to adjudication of the very orders on appeal. It creates a due process paradox: *To exercise the right of appellate review, Appellant must forfeit his freedom.* This is antithetical to the Idaho Constitution and the Due Process Clause of the Fourteenth Amendment.

If Appellant is arrested before argument is heard, he will be unable to present his appeal and the case will proceed in his absence, silencing constitutional objections that have never been adjudicated on their merits. Such a scenario defeats the purpose of appellate review entirely.

The United States Supreme Court has emphasized that "[t]he fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). That opportunity is nullified when appearance

itself guarantees arrest. Appellant's liberty interest is grave, the risk of erroneous deprivation is absolute, and the administrative burden of permitting remote argument is negligible. Under *Mathews'* flexible balancing test, due process thus requires this Court to fashion a procedure—remote appearance—that allows the appeal to be heard “*in a meaningful manner.*”

The Supreme Court has underscored that liberty is central when civil contempt threatens confinement: “*The interest in securing that freedom, the freedom ‘from bodily restraint’ lies at the core of the liberty protected by the Due Process Clause.*” *Turner v. Rogers*, 564 U.S. 431, 445 (2011). The Court further held that “... *the Due Process Clause does not automatically require the provision of counsel at civil contempt proceedings...*” but, where counsel is not required, the State must offer “*alternative procedural safeguards.*” Here, no safeguards exist; the warrants guarantee incarceration the moment Appellant appears. Remote argument—or at minimum a stay of the appearance requirement—is precisely the alternative procedure *Turner* demands, because physical compliance guarantees incarceration and silences the appeal. Appellate courts exist to safeguard rights—not to assist in their suppression. *Requiring in-person appearance under these facts would convert the courthouse into a trap rather than a forum of justice.*

Additionally, the civil contempt warrants in this case were issued without personal service or a valid opportunity to be heard, in violation of both due process and Idaho procedural law. Arrest pursuant to such defective process would itself be unlawful, and this Court should not facilitate such a deprivation by requiring physical appearance.

B. The Order Compelling Appellant's Physical Appearance is Self-defeating on its Face

Even if Appellant were to overcome the substantial financial and logistical burden of traveling over 2,000 miles to Boise, his appearance would be immediately obstructed by arrest and incarceration on active contempt warrants. Thus, Appellant could not physically attend oral argument even if he attempted to comply. The Order paradoxically mandates an act that the State itself will prevent—making compliance legally impossible and rendering the Order void of effect. This is not just impractical; it is unconstitutional.

C. No Legal Barrier Prevents Remote Appearance

This Court has full discretion over the manner of oral argument, including the authority to permit remote appearance, as an exercise of its inherent procedural power. The January 6, 2023 Order cited by Plaintiffs does not bar remote arguments; it acknowledges such discretion exists and was designed to improve access to justice post-COVID.

D. Appellant is Not Evading Justice

Appellant has:

- Timely participated in all appellate proceedings;
- Filed extensive briefing and replies;
- Clearly explained in pleadings the logistical, financial, and legal obstacles to traveling to Idaho.

He is not avoiding this Court's authority; he is invoking it. He seeks only to be heard without incarceration.

E. Plaintiffs Will Not Be Prejudiced

Plaintiffs raise no substantive legal objection to remote participation; instead they rely on personal attacks and speculation. Idaho courts have successfully conducted appellate proceedings via Zoom in the past—such as during the COVID-19 pandemic, when the Supreme Court ordered “*all appellate arguments ... to be held remote[ly] and live streamed*”¹ in November 2020 and January 2022. Appellant's participation remotely would similarly pose no obstacle to Appellees' ability to present argument or answer questions from the bench.

More importantly, respondent convenience does not outweigh Appellant's constitutional right to be heard—especially where physical compliance would lead to automatic incarceration and silence his appeal.

¹ https://isc.idaho.gov/EO/Order_In_Re_Supreme_Court_January_21_2022_Oral_Arguments_1_18_22.pdf

IV. REQUEST FOR ALTERNATIVE RELIEF

If courts condition access to justice on the forfeiture of liberty, then the constitutional right to appeal becomes a hollow formality. The integrity of this Court, and the public's confidence in Idaho's judiciary, require that no party be silenced by coercion at the threshold of appellate review. If this Court is unwilling to reverse its June 27, 2025 Order at this stage, Appellant alternatively requests:

- A temporary stay of the appearance requirement;
- That Appellant be permitted to participate remotely unless and until the contempt warrants are quashed;
- That the Court appoint counsel or allow argument by written submission only, if remote participation is denied.
- Alternatively, Appellant respectfully requests leave to designate counsel solely for purposes of oral argument. If this Court declines to permit Appellant to appear remotely due to the existence of outstanding contempt warrants, Appellant proposes to retain legal counsel to appear and argue on his behalf at oral argument. This would ensure that the appellate issues are fully presented without exposing Appellant to unlawful detention or interfering with his right to meaningful appellate review.

The Idaho Supreme Court now stands as the final guardian of due process in this matter. A refusal to act risks ratifying coercive enforcement measures that silence constitutional review. Appellant does not seek special treatment—only the basic protections owed to any citizen asserting constitutional rights before the highest court of their state.

V. CONCLUSION

This Court should not require a citizen to choose between **liberty and legal advocacy**. Appellant respectfully urges this Court to reconsider its ruling and grant this emergency request to appear remotely, or at minimum to stay enforcement of the appearance requirement until the warrant threat is resolved. No citizen should be forced to choose between liberty and lawful redress. This

Court's willingness to protect access to justice under threat of arrest will define the fairness of these proceedings.

Respectfully submitted,

DATED: June 27th, 2025

By: /s/ *Diego Rodriguez*
Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that on June 27th, 2025, I served a true and correct copy to:

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DATED: June 27th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez