

**Richard Jaffe, Esq.**

April 30, 2026

The Honorable Scott Harris  
Clerk of Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Re: *Stockton v. Brown*, No. 25-606/Conference Date: May 1, 2026

Dear Mr. Harris:

Petitioners submit this letter pursuant to Rule 15.8 on the Court's decision yesterday in *First Choice Women's Resource Centers, Inc. v. Davenport*, No. 24-781. The petition is set for conference tomorrow, May 1, 2026. Petitioners request expedited distribution.

*First Choice* held, unanimously, that a § 1983 First Amendment plaintiff facing a non-self-executing state investigative subpoena has Article III standing to sue in federal court. The chilling effect of the government action is itself the injury. “[T]he value of a sword of Damocles is that it hangs—not that it drops.” Slip op. at 15.

The Court then restated the rule for federal jurisdiction over § 1983 First Amendment claims. Federal courts have a “virtually unflagging” obligation to exercise that jurisdiction. Slip op. at 14. The only exceptions are the enumerated abstention doctrines. *Id.* Prudential ripeness is not an abstention doctrine. After *First Choice*, it cannot bar a § 1983 First Amendment case where Article III standing exists.

In 2014, this Court questioned the continuing vitality of prudential ripeness. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 167 (2014). The Ninth Circuit has acknowledged that doubt. Petitioners asked the panel below to reject the doctrine in light of *Driehaus*. The panel stated that it “lack[ed] the power to abolish the doctrine altogether” (App. A 39a n.13), held that the suit was barred by prudential ripeness, and all but invited this Court to do what it could not. Petitioners then asked this Court to do so. See Question Presented 4; Pet. 20-30.

The Commission's enforcement policy remains in effect. The Federation of State Medical Boards' July 2021 COVID misinformation policy and the AMA's Young Physicians Section resolution endorsing it remain in effect.

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The sword hangs over every physician in this country who would dissent from orthodoxy and every citizen who would hear that dissent. The panel did the work needed to bring these issues before this Court. *First Choice* gives it the means to take the sword down and free the public mind. Now is the time.

Yours,

A handwritten signature in blue ink that reads "Richard Jaffe". The signature is written in a cursive, flowing style.

Richard Jaffe

cc: Counsel of Record