

No. 25-7626

IN THE SUPREME COURT OF THE UNITED STATES

IN RE DEVIN RANDOLPH, PETITIONER

**PETITIONER'S SUPPLEMENTAL BRIEF REGARDING INTERVENING
APPELLATE DEVELOPMENTS, MEDICAL ACCESS, AND THE COMPLETE
CONFERENCE RECORD**

In Support of the Pending Rule 20 Petition for Mandamus

From the United States Court of Appeals for the Sixth Circuit, No. 26-3747
Originating in the United States District Court for the Southern District of Ohio, No. 2:25-cv-284

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PRELIMINARY STATEMENT

This Supplemental Brief is submitted to the Court in No. 25-7626, the pending petition for an extraordinary writ of mandamus under Rule 20. Petitioner Devin Randolph submits a substantially identical brief separately in No. 25-7627 because the intervening developments concern both related matters. Rule 15.8 by its text concerns certiorari petitions; these matters arise under Rule 20. Petitioner therefore invokes only Rule 15.8's new-matter principle, the Clerk's prior handling of supplemental materials here, and the need to place post-filing developments before the Court before the September 28, 2026 Conference. The brief is prepared on 8½-by-11-inch paper within Rule 33.2's 15-page limit.

Petitioner separately designates Exhibit E to accompany this brief. Exhibit E is not a second Supplemental Brief and seeks no independent relief; like Exhibit C, it is supplied for support and clarification, providing a copy of Rule 22/23 Emergency Application, which was separately submitted as an emergency stay filing, with materials concerning medical-access, routing, appellate, and neutral-forum developments. Rule 33.2(a) expressly contemplates a filing "including any appendix thereto," and Rule 33.2(b) incorporates Rule 33.1(d)'s exclusion of "any appendix" from the applicable length calculation. These matters are Rule 20 extraordinary-writ proceedings, not certiorari proceedings. Petitioner therefore does not contend Rule 15.8 independently governs them, but cites it as guidance for supplemental material within this 15-page brief. Petitioner respectfully asks that Exhibit E be associated with Nos. 25-7626 and 25-7627 if accepted, or any deficiency promptly identified.

The new developments are concrete. The Sixth Circuit docketed the ordinary appeal as No. 26-3747. Bath & Body Works filed an omnibus response asking the Court of Appeals to deny Petitioner's motions, impose filing restrictions, and/or dismiss the appeal. On September 17, 2026, the Sixth Circuit denied Petitioner's request to hold the appeal in abeyance. On September 18, it granted Petitioner's motion to accept a corrected pro se brief. The appellate IFP

request remains unresolved, and the Sixth Circuit has stated that no appellee briefing schedule will issue until IFP is granted or the \$605 fee is paid. Sixth Cir. Docs. 14, 15, 17.

Petitioner does not ask this Court to declare the Court of Appeals, any district judge, magistrate judge, clerk, attorney, corporation, or public official guilty of misconduct based on adverse rulings or disputed inferences. He asks the Court to examine what the intervening orders actually decided, what they did not decide, and whether the unresolved medical-record and access issues make extraordinary preservation relief appropriate under Rule 20 and 28 U.S.C. § 1651(a).

I. THE INTERVENING SIXTH CIRCUIT PROCEEDINGS CHANGE THE POSTURE OF THE PENDING RULE 20 MATTERS

The September 17 order is important both for what it says and for what it omits. It describes Petitioner's motion as seeking abeyance pending disposition of "two mandamus petitions" in this Court. No. 25-7626 is the mandamus matter; No. 25-7627 is a petition for prohibition. The distinction does not by itself establish prejudice, but accuracy matters because the two Rule 20 petitions seek related but distinct forms of extraordinary relief.

The order then denies abeyance and explains that, because the District Court revoked appellate IFP, no briefing schedule will issue unless the Sixth Circuit grants pauper status or the filing fee is paid. It states that the IFP motion will be submitted "in the normal course." The order does not separately explain why the medical-accommodation component of the stay request, the physician evidence, the ECF No. 106 record discrepancy, or the imminent Supreme Court conference did not justify a temporary pause. The order was entered under Sixth Circuit Rule 45(a) under the Clerk's name, and the transmittal letter states that "The Court issued the enclosed Order"; the face of the order does not identify an individual judge or panel. Petitioner does not contend that the Clerk personally adjudicated the motion. He asks only that this Court read the order with precision.

The following day, the Sixth Circuit granted leave to file a corrected pro se brief while again stating that no appellee briefing schedule would issue until IFP is resolved or the fee paid. Thus, the appellate court has not yet entered a merits decision deciding the disputed medical-capacity issue, settling the District Court record under Rule 10(e), or adjudicating the operative-pleading, service, stay, and default sequence. Those unresolved matters remain relevant to the extraordinary-writ record rather than having been cured by the existence of the ordinary appeal.

Petitioner also submitted a reply to Bath & Body Works' September 14 omnibus response. Federal Rule of Appellate Procedure 27 permits a reply, and Petitioner used that filing to address the medical record, Thomas v. Arn, the disputed waiver theory, and the request for appellate filing restrictions. The compressed sequence matters because the stay order and Petitioner's reply both bear September 17. Petitioner does not argue that the Sixth Circuit was categorically forbidden to act before the full reply period expired; he asks the Court to consider whether the underlying medical and record questions received meaningful consideration before the request for abeyance was denied.

II. THE STAY REQUEST INCLUDES MEDICAL ACCESS AND IS ALREADY PRESERVED IN NO. 25-7626 AND THE RENEWED RULE 22/23 APPLICATION

The stay request did not originate in the Sixth Circuit and did not concern only the existence of Supreme Court proceedings. Petition No. 25-7626 expressly requested the relief set out in Exhibit A. Exhibit A included the Rule 22/23 emergency materials and a request for a stay or pause while the structural, medical-access, and record issues were reviewed. Petitioner's USPS record reflects that the corrected Supplemental Brief was delivered to the Supreme Court on August 3, 2026 at 7:52 a.m. and signed for by S. Robinson. That corrected filing likewise identified the relationship among ECF Nos. 102, 103, and 104 and the need for the complete record to reach the Justices before conference.

The original Rule 20 mandamus petition itself confirms that this relief was preserved before the present appeal. Its Question Presented asked the Court to address the structural relief in Exhibit A, provide emergency stay or pause relief if necessary, establish medical-accommodation procedures, and reassign or transfer the case to a neutral judge and region, including the Southern District of New York if necessary. The petition's Relief Requested likewise incorporated Exhibit A and identified emergency stay or pause relief, medical-accommodation procedures, correction of the Rule 26(f) record, and stabilization of proceedings. Exhibit E is therefore an update to an already-preserved request, not a new request created after the Sixth Circuit appeal.

After the ordinary appeal was filed and the Sixth Circuit denied abeyance, Petitioner prepared a renewed Emergency Application under Rules 22 and 23 directed to the Circuit Justice. That application explains that the lower-court-first requirement identified in the Clerk's June 24 correspondence has now been satisfied: the District Court denied stay relief in ECF No. 100, the Sixth Circuit denied abeyance in Document 15, and the appellate case is No. 26-3747. The renewed application asks for a narrow administrative stay of nonessential appellate proceedings through the September 28 Conference and for a short period after the Court acts, while permitting the Sixth Circuit to decide IFP and take record-preservation action.

This sequence is important because the medical request and the Supreme Court request are interconnected. ECF No. 99 sought a stay of discovery and deadlines, reconsideration of medical accommodation and scheduling, and a stay pending Supreme Court review. ECF No. 100 understood the filing in that combined posture. The Sixth Circuit's shorthand description of the later abeyance motion as awaiting "two mandamus petitions" therefore did not capture the entire medical-access basis for the requested pause.

Petitioner respectfully asks the Court to consider the stay as a preservation device, not a merits shortcut. Under Rule 23.3, the same relief was first sought below. The requested pause

would not displace an active merits briefing schedule because the Sixth Circuit itself has said that no appellee schedule will issue while IFP remains unresolved. It would instead prevent unresolved medical, record, and filing-restriction questions from producing additional consequences during the final days before conference.

III. THE MEDICAL RECORD PRESENTS AN ACCESS-TO-COURT AND RULE 41(b) QUESTION THAT HAS NOT BEEN RESOLVED

The medical issue is narrower than a claim that every adverse judicial ruling involving health violates federal law. No freestanding rule requires a judge to accept every medical assertion or grant every requested accommodation. The question is whether a dispositive assessment of capacity, fault, or ability to comply may be made without meaningfully considering treating-provider evidence the court requested and that ECF No. 106, entered after final dismissal, later acknowledged had been physically received before ECF No. 103 but was not docketed until after dismissal.

ECF No. 100 relied in part on Petitioner's ability to "prepare lengthy filings," "communicate by telephone," and "obtain clerical assistance." It also expressly stated that a future medical-emergency request could be supported by treatment records or a signed note from a treating medical professional. The same day, ECF No. 101 relied on in-person filings, voluminous filings, phone calls, and communications to Chambers in assessing Petitioner's conduct. The treating physician later directed Petitioner to avoid typing, writing, prolonged computer use, and repetitive wrist activity through August 4, 2026 unless modified, requested reasonable accommodation, and explained that the restrictions were medically necessary for healing and that surgery could be considered if conservative treatment failed.

ECF No. 106 later acknowledged that the Carpenter correspondence and attached medical records, ultimately docketed as ECF No. 105, "were received before the Court issued" ECF No. 103, but had not originally been docketed. Judge Watson's final dismissal at ECF No. 103 did

not identify the treating physician's note or state that it had been reviewed before the Report and Recommendation was adopted. The objective question is therefore whether the final decision rested on capacity assumptions before the treating-provider evidence was actually available to and considered by the judicial officer making the dispositive ruling.

That question has legal significance. Due process protects an opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). *Boddie v. Connecticut*, 401 U.S. 371, 377-79 (1971), likewise emphasizes meaningful access to judicial process. *Tennessee v. Lane*, 541 U.S. 509, 532-34 (2004), is cited for the constitutional importance of access to courts, not for a contention that Title II of the ADA directly governs the federal judiciary. And under Sixth Circuit law, willfulness, bad faith, or fault is a central factor in reviewing a Rule 41(b) dismissal. *Schafer v. City of Defiance Police Department*, 529 F.3d 731, 737 (6th Cir. 2008). When physician evidence bears directly on whether noncompliance was blameworthy or medically constrained, failure to meaningfully account for that evidence risks an erroneous deprivation.

The appellate waiver issue does not erase this problem. *Thomas v. Arn*, 474 U.S. 140, 155 (1985), recognizes that the magistrate-objection waiver rule is nonjurisdictional. Petitioner's position is not that he was automatically excused from every deadline; it is that the interests-of-justice analysis cannot be divorced from a record showing that the District Court possessed medical evidence restricting the very typing and writing required for substantial objections, while later relying on the absence of conventional objections.

Nor does the existence of filings prove unrestricted capacity. ECF No. 100 itself acknowledged clerical assistance, and the record identifies help with delivery, typing, printing, scanning, organization, and transmission. A litigant can complete isolated acts with help while still being unable safely to perform sustained repetitive work. A telephone call does not establish capacity to type and assemble lengthy filings. Sixth Circuit Document 16 further explains that

the accident caused fatigue and reduced sustained energy while speech therapy and rehabilitation were being used to help Petitioner adjust to and manage those accident-related limitations; preparing a time-sensitive reply required substantial physical and mental effort and caused him to miss another scheduled medical appointment. Petitioner therefore asks for consideration of the actual physician evidence rather than proxy indicators of capacity.

IV. THE FEBRUARY 26 RULE 26(f) SEQUENCE SHOWS WHY THE RECORD MUST BE TESTED BY DOCUMENTS RATHER THAN ASSUMPTION

The Rule 26(f) history illustrates the same need for document-based review. Bath & Body Works later stated in ECF No. 87 that it filed its unilateral Rule 26(f) report at roughly 1:30 p.m. on February 26, 2026, after attempting to contact Petitioner and receiving no response. Petitioner's preserved email to counsel is time-stamped 3:10 p.m. that day and expressly states that he did not consent to the proposed report, that no Rule 26(f) meeting had occurred, and that he was medically unable to participate because of treatment, appointments, and disability-related limitations. Petitioner also filed his own unilateral Rule 26(f) report the same day.

Petitioner states that he did not see Defendant's filing at approximately 1:30 p.m. and believed his own filing activity preceded what he later saw on the docket. The Court need not decide that factual dispute from recollection. If the exact filing sequence matters, CM/ECF receipt records, notices of electronic filing, and clerk records can establish it. The stronger point is independent of who filed first by minutes: Petitioner responded by email the same day, expressly raised medical inability and the absence of a Rule 26(f) conference, and also filed his own unilateral Rule 26(f) report.

Accordingly, the case should not turn on a generalized premise that Petitioner "did not respond in any way" without examining the full communication trail. The sequence also reinforces why medical explanations should not be discounted merely because a pro se litigant

continued trying to file something before a deadline. Continued effort can coexist with documented medical limitation.

V. MAIL, DOCKETING, AND RECORD-SETTLEMENT ISSUES REMAIN MATERIAL ON APPEAL

The post-dismissal record contains additional administrative developments. ECF No. 106 itself confirms pre-dismissal receipt and later docketing under seal “to preserve the record for appeal.” Petitioner has preserved recorded communications with District Court Clerk’s Office personnel concerning whether the physician note or sealed material could be located or viewed in the system. Petitioner does not ask this Court to infer criminal conduct from those recordings. His Rule 10(e) request in the Sixth Circuit seeks an objective record-settlement process or limited remand concerning receipt, routing, indexing, sealing, visibility, and judicial availability.

Petitioner has also raised a limited administrative concern about Supreme Court routing. The concern is that a time-sensitive application received before the September 28 Conference could, through administrative timing, reach Chambers only after conference. Petitioner does not assert as fact that Robert Meek or any other Clerk’s Office employee intends to delay or withhold the application. The renewed Emergency Application, a copy of which is included in Exhibit E, instead asks whether accepted filings were associated with the correct docket and transmitted in time for consideration. Rule 22.1 states that an application to an individual Justice is filed with the Clerk and transmitted promptly to the Justice concerned when that Justice has authority to grant the requested relief. The Court’s March 2026 scheduling memorandum, although expressly written for cert-stage practice, similarly states that a reply arriving after distribution but before conference is distributed to Chambers immediately upon docketing. Petitioner cites those procedures only to request prompt routing and written administrative confirmation for accepted materials received before the September 28 Conference.

The district docket also reflects ECF No. 109, a “Mail Returned as Undeliverable” entry stating “UNABLE TO FORWARD FOR REVIEW” and identifying the returned item as mail sent to Devin Randolph concerning the ECF No. 106 Order. ECF No. 109—not ECF No. 106—is therefore the returned-mail docket entry. Petitioner reports that he did not receive that mailing and has raised mail-routing concerns with oversight entities. This does not establish who caused any routing problem; it supports only the request for objective confirmation of what was mailed, received, docketed, associated, and transmitted for review.

An appellate court ordinarily reviews a settled record rather than conducting first-instance discovery. That is why Rule 10(e) matters. If the appellate record cannot answer what happened to physically delivered medical materials before dismissal, a limited remand or other record-settlement procedure may be required. And if broader discovery concerning party identity, corporate relationships, the alleged EEOC settlement, or document handling is warranted, that discovery must occur in a trial-level proceeding rather than be invented on appeal.

The unresolved IFP issue adds practical significance. Under *Coppedge v. United States*, 369 U.S. 438, 445 (1962), good faith for IFP purposes turns on whether the appeal presents a nonfrivolous issue, not whether the appellant has already proved entitlement to ultimate relief. ECF Nos. 102, 105, and 106 present an objective record question, and the operative-pleading, service, stay, default, representation, and EEOC issues are likewise capable of legal review. Petitioner respectfully submits that those questions should be evaluated on their substance before filing restrictions or dismissal foreclose access.

VI. THE INTERVENING PUBLIC DEVELOPMENT CONCERNING LES WEXNER SUPPORTS PRESERVING THE PREVIOUSLY REQUESTED NEUTRAL-FORUM RELIEF, NOT A FINDING OF INFLUENCE

The original mandamus petition already requested reassignment or transfer to a neutral judge and region, including the Southern District of New York if necessary, and the renewed

Emergency Application preserves that request. The request was not created by the August 2026 news cycle. It was already presented in the Rule 20 materials and Exhibit A as a proposed remedy if the Court concluded that extraordinary circumstances made neutral reassignment necessary.

That preservation is also reflected in the Sixth Circuit's earlier mandamus order. In describing the relief Petitioner had requested, the court stated that he sought transfer to a district court outside Ohio and, in the related petition, reassignment or transfer as necessary to ensure fairness and the appearance of justice. Petitioner relies on that history only to show that the neutral-forum issue predates the present ordinary appeal and has repeatedly been placed before the federal courts; he does not treat the prior order as a finding that any judge or institution was actually biased.

An August 26, 2026 public report states that Leslie Wexner stepped down as chair of the Ohio State University Wexner Medical Center Board, remained chair emeritus, and was no longer a voting member. The report identifies him as the founder of L Brands, which created Bath & Body Works and Victoria's Secret, and describes longstanding Ohio State relationships. Petitioner cites this only because prior submissions had raised the concentration of corporate, institutional, medical, and public relationships in central Ohio. Petitioner also states that, during the Ohio State portion of his care, a nurse was brought into physician appointments and identified as a "witness," while saying little or nothing during the visit; that practice made him uncomfortable and contributed to his seeking additional evaluation at Cleveland Clinic. Cleveland Clinic was named to U.S. News & World Report's 2026-2027 Best Hospitals Honor Roll and ranked No. 1 in Ohio, and Newsweek ranked it No. 3 in the world in 2026. See Cleveland Clinic, Cleveland Clinic One of the Nation's Best Hospitals (Aug. 4, 2026); Cleveland Clinic, Cleveland Clinic Ranked No. 3 Hospital in the World by Newsweek (Feb. 26, 2026). Petitioner states that his later Cleveland Clinic care heightened his questions about whether

aspects of earlier medical-record handling and privacy complied with applicable requirements, including HIPAA. He asks no HIPAA ruling here; the point is why independent medical review and the already-requested neutral-forum relief became more important as the case progressed.

The development does not prove that Mr. Wexner influenced any judge, clerk, medical provider, state official, or appellate panel, and Petitioner does not ask the Court to make that finding. *Liteky v. United States*, 510 U.S. 540, 555 (1994), cautions that judicial rulings alone almost never establish bias. The narrower request is to preserve neutral fact-finding where the record itself is disputed. If legally relevant relationships require discovery, they should be tested through evidence in an appropriate trial-level forum rather than treated as established by suspicion. The appearance standard in 28 U.S.C. § 455(a), together with the Court's remedial authority under 28 U.S.C. § 2106, supports careful attention to neutrality if reassignment becomes necessary; any venue transfer would remain subject to lawful procedures, including 28 U.S.C. § 1404(a).

VII. PRIOR CORPORATE-REFORM AND SAFETY HISTORY SUPPORTS EQUAL APPLICATION OF PROCEDURAL RULES, NOT PRESUMED LIABILITY

Petitioner's earlier filings referenced *Rudi v. Wexner*, No. 2:20-cv-3068 (S.D. Ohio), a shareholder derivative matter involving L Brands. Public settlement materials state that the settlement committed \$90 million over at least five years to management and governance measures, including policies and procedures addressing harassment, discrimination, reporting, investigation, and retaliation. The settlement materials included successors Bath & Body Works and Victoria's Secret. Petitioner does not characterize that settlement as a criminal conviction or an admission that Bath & Body Works committed the violations alleged in this case.

Petitioner's lower-court materials also included reporting concerning a January 2019 fatal workplace incident involving an L Brands/Bath & Body Works employee at a distribution facility, after which OSHA was reported to be investigating. Petitioner does not ask this Court to

determine in this supplemental filing that the company legally caused that death or violated a specific safety rule. The relevance, if any, is limited to why workplace-safety, injury, accommodation, and compliance evidence should be developed through normal fact-finding rather than dismissed by assumption.

The same caution applies to EEOC compliance monitoring. Official EEOC materials explain that compliance monitoring is used to monitor successful conciliation agreements and ensure timely compliance with their terms; successful conciliations may include relief for aggrieved individuals and equitable measures designed to prevent future discrimination. Compliance monitoring does not, by itself, prove that an employer lied to investigators, guarantee reinstatement, establish a fine, or establish liability in a later civil action. Petitioner therefore does not rely on the label alone. He relies on the unresolved chronology in his charge: the December 20, 2024 determination and right-to-sue communication, the later December 25 notification referring to a “fully executed Settlement Agreement,” the compliance-monitoring status, his position that he did not sign or authorize the agreement, and later representations from Bath & Body Works that the agreement was between the EEOC and itself.

That chronology is a proper subject for record clarification and, if necessary, discovery. It also intersects with the operative-pleading dispute: ECF No. 11, the motion for leave to amend, was terminated as moot rather than expressly granted, while ECF No. 11-1 contained Petitioner’s request for production of the disputed EEOC settlement agreement and related correspondence. ECF No. 41 later directed that ECF No. 11-1 be docketed as the Amended Complaint at ECF No. 42. The unresolved question is whether that settlement-disclosure request was ever judicially resolved before the case was narrowed and dismissed. Petitioner has already sought production or, alternatively, limited remand so the agreement, authorization, and relationship to compliance monitoring can be determined on a proper record. The Supreme Court need not resolve those facts itself; it need only preserve a path for lawful fact-finding.

Petitioner therefore frames the “number of chances” concern as equal application of procedural rules. A represented corporate party should not receive more favorable treatment because of size, resources, or institutional relationships, and a pro se litigant should not receive less protection because medical limitations make compliance harder. If Bath & Body Works was served, the legal effect of ECF No. 21 should be determined before default is accepted or rejected. If Vorys’s litigation authority began later, that chronology should be established. If default did not arise, the court should explain why under the governing rules. The point is adjudication, not punishment by label.

VIII. SECURE COURT ADMINISTRATION AND CONGRESSIONAL OVERSIGHT ARE INSTITUTIONAL CONTEXT, NOT A REQUEST FOR A POLITICAL RESULT

Petitioner’s prior materials mentioned the importance of institutional awareness concerning judges and judicial administration, which in a broader sense bears on institutional security and the Court’s communications with Congress. On July 14, 2026, Justices Elena Kagan and Amy Coney Barrett appeared before House and Senate appropriations subcommittees concerning the Supreme Court’s fiscal-year 2027 budget request, with security needs a central subject. Petitioner does not ask this Court to tell Congress how to vote or to resolve an appropriations question.

The relevance is institutional. Physical security, cybersecurity, secure handling of submissions, accurate docket association, and reliable transmission of accepted filings help ensure that judges decide cases on the record actually submitted. Petitioner’s experience may be available to Congress or another oversight body if that body independently determines it is relevant, but congressional oversight is not a substitute for judicial adjudication of an unresolved EEOC-settlement dispute in an open case, and Petitioner recognizes that inquiry into disputed merits while litigation remains pending may raise institutional concerns. If the Court concludes that information here warrants investigation outside the issues properly adjudicated in this case,

Petitioner asks that any referral or transmission use a lawful federal channel with jurisdiction, such as the Department of Justice, an Inspector General, or another appropriate federal oversight authority. No policy conclusion is necessary to require a complete and accurately routed conference record.

IX. RELIEF REQUESTED

Petitioner respectfully requests that the Court accept and consider this Supplemental Brief in No. 25-7626 as a limited update concerning intervening appellate and public developments; consider the separately submitted renewed Rule 22/23 Emergency Application and supporting materials submitted as Exhibit E, together with the stay request already preserved in No. 25-7626 and Exhibit A; and ensure that the accepted corrected Supplemental Brief delivered August 3, 2026, Exhibit C, Exhibit E to the extent accepted, and other accepted supplemental materials in Nos. 25-7626 and 25-7627 are accurately associated with the appropriate docket and available to the Justices or Chambers before conference consideration.

Petitioner further requests such lawful relief as is necessary to preserve meaningful review, including a short administrative stay of nonessential Sixth Circuit proceedings while permitting IFP and record-preservation action; appropriate consideration of the Rule 10(e) record-settlement issue; vacatur, remand, reassignment, or other corrective relief if warranted by the Court's review; and preservation of the previously requested neutral-forum remedy, including transfer or reassignment outside the present region if the Court determines that such relief is legally available and necessary.

Petitioner does not ask the Court to decide disputed allegations about Mr. Wexner, Bath & Body Works, Vorys, the EEOC, court personnel, mail personnel, or any public official without evidence and appropriate procedure. Nor does he ask the Court to label the Sixth Circuit "biased" merely because it denied a stay. He submits that the September 17 order did not address the medical component of the stay, that the medical-record discrepancy remains unresolved, and that

adopting contested capacity assumptions without first settling that record would perpetuate rather than cure the due-process and access concerns already presented.

At this point, Petitioner seeks preservation of access. Both lower courts have declined the requested stay, the ordinary appeal remains procedurally unsettled, the IFP motion remains pending, and the Supreme Court conference is imminent. Petitioner respectfully submits that interim action by this Court is the presently requested mechanism capable of preserving the status quo through conference without forcing additional litigation activity under unresolved medical-access conditions.

For avoidance of doubt, Exhibit E should not be docketed or construed as another Supplemental Brief. Like Exhibit C, it is a separately labeled supporting appendix/exhibit. Exhibit E includes a copy of Petitioner's renewed Rule 22/23 Emergency Application together with source documents and clarifications supporting this filing. This Supplemental Brief is submitted to assist the Court by identifying intervening developments and directing the Court to the supporting materials; it does not replace the Emergency Application. After the Sixth Circuit denied abeyance, Petitioner attempted to obtain a stay from this Court through that Emergency Application based on the changed appellate posture and the intertwined medical-access issues. If the Clerk determines that Exhibit E must be associated, docketed, or labeled differently, Petitioner respectfully requests notice of that administrative treatment and an opportunity to cure before conference.

Respectfully submitted,
/s/ Devin Randolph 
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Dated: September 21, 2026



SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

June 26, 2026

Devin Randolph
450 Alder Dr. E
Apt 302
Gahanna, OH 43230

RE: Letter to the Clerk's Office with Attachments

Dear Mr. Randolph:

In reply to your letter or submission, received June 25, 2026, I regret to inform you that the Court is unable to assist you in the matter you present.

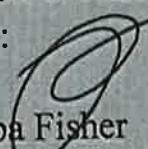
Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court. The Court does not give advice or assistance or answer legal questions on the basis of correspondence.

To the extent you are attempting to file a supplemental brief while a case is currently pending concerning new matter or material not available at the time of filing the petition, your document must be titled as such and comply with Rule 15.8.

If you are intending to submit an application, please see the attached letter dated on June 24, 2026.

Your papers are herewith returned.

Sincerely,
Scott S. Harris, Clerk
By:


Pipa Fisher
(202) 479-3019

Enclosures

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK

1 First Street, N.E.
Washington, D.C. 20543

September 21, 2026

Re: Supplemental Briefs — Nos. 25-7626 and 25-7627; Conference of September 28, 2026

To the Clerk of the Court:

Please accept the enclosed Supplemental Briefs in Nos. 25-7626 and 25-7627 and associate each brief, together with its accompanying exhibits and supporting materials, with the proper pending Rule 20 matter. These submissions present intervening and clarifying matters that arose after Petitioner's earlier filings.

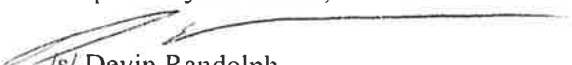
Petitioner respectfully notes the Court's distribution procedures. Supreme Court Rule 20.5 provides that, once the applicable response conditions are satisfied, the Clerk will distribute the documents to the Court for its consideration. **The Clerk's March 2026 Guidance on Scheduling**, while written for certiorari-stage practice, further **explains that filings in a case are forwarded to Chambers when the case is placed on a conference list and that a filing arriving after distribution but before conference may be distributed to Chambers promptly upon docketing**. Petitioner cites that guidance only as the Clerk's published description of conference-stage distribution and does not contend that Rule 15.8 independently governs these Rule 20 matters.

Because Nos. 25-7626 and 25-7627 are scheduled for the September 28, 2026 Conference, Petitioner respectfully requests that any enclosed supplemental material accepted for filing be promptly docketed, associated with the correct matter, and transmitted or otherwise made available to all nine Justices or their Chambers before conference consideration.

Petitioner also respectfully requests written administrative confirmation, or a simple administrative identification, of the Supplemental Briefs, exhibits, and supporting materials that were accepted and transmitted or otherwise made available to the Justices for the September 28 Conference. If any enclosed item is not accepted, associated with the proper docket, or transmitted for conference consideration, Petitioner respectfully requests identification of that item and the applicable **Rules-based deficiency** or administrative status so that any timely correction may be attempted. If an item is returned under the Clerk's filing procedures, Petitioner respectfully requests that the specific Supreme Court Rule or Rules forming the basis for the return be identified.

This request concerns only receipt, docketing, association, and distribution. Petitioner does not seek disclosure of any Justice's deliberations, views, votes, internal communications, or confidential Chambers material. Petitioner respectfully asks only that the administrative record clearly reflect what accepted materials were before the Court for conference consideration.

Respectfully submitted,


/s/ Devin Randolph
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