

No. 25-7626

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE DEVIN RANDOLPH, PETITIONER

PETITION FOR REHEARING
UNDER SUPREME COURT RULE 44.2

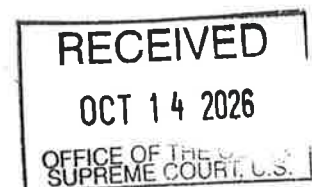
On Petition for Rehearing of the Court's October 5, 2026 Order
Denying the Petition for an Extraordinary Writ of Mandamus

Related proceeding: U.S. Court of Appeals for the Sixth Circuit, No. 26-3747

Originating action: S.D. Ohio No. 2:25-cv-284

Devin Randolph, Petitioner, Pro Se - In Forma Pauperis

Dated: October 9, 2026



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WITH APPENDIX OF SUPPORTING EXHIBITS

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Supreme Court Rule 1
Supreme Court Rule 20
Supreme Court Rules 22.4-22.5
Supreme Court Rule 29
Supreme Court Rule 33.2
Supreme Court Rules 34.2 and 34.7
Supreme Court Rule 44.1-44.6
Fed. R. App. P. 10(e)
Supreme Court Docket No. 26A414, Pike v. Tennessee
Supreme Court Docket No. 25A1250, Clark v. Clark
Supreme Court Docket No. 26A422, Randolph v. Bath & Body Works, Inc., et al.
Public-source and government materials reproduced in Appendix O and O-1.

PETITION FOR REHEARING UNDER SUPREME COURT RULE 44.2

Petitioner Devin Randolph respectfully petitions for rehearing of the October 5, 2026 order denying No. 25-7626, his petition for an extraordinary writ of mandamus. This filing does not seek to repeat the original Rule 20 arguments. It is confined to intervening circumstances of substantial or controlling effect and other substantial grounds not previously presented, particularly later-developed evidence concerning receipt, internal review, association, return, routing, public-docket treatment, and preservation of supplemental materials. The purpose of rehearing is to permit the full Court to determine the mandamus matter on an objectively reconciled record rather than on an unresolved administrative chronology.

I. RULE 44.2 STANDARD, TIMELINESS, AND THE LIMITED NATURE OF REHEARING

Rule 44.2 requires a petition for rehearing of an order denying an extraordinary writ to be filed within 25 days and limits the grounds to intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented. It also requires certification that the petition is restricted to those grounds and is presented in good faith and not for delay. The order was entered October 5, 2026. This October 9 filing is timely; the 25-day period expires October 30, 2026 and cannot be extended.

Petitioner proceeds in forma pauperis and therefore uses the 8½-by-11-inch format permitted by Rule 33.2. Rule 33.2(b) imposes a 15-page limit on a petition for rehearing and incorporates the exclusions in Rule 33.1(d), including the table of contents, table of cited authorities, and appendix. The legal petition and certification are kept within that limit. The appendix follows so the Court can compare the petition to the source record directly.

The requested rehearing is not premised on a claim that a missing public posting proves misconduct. It is premised on the narrower proposition that the administrative record should establish what the Court actually received and what materials were associated with Nos. 25-7626 and 25-7627 before the September 28 Conference. Where later-developed evidence makes that question substantial, Rule 44.2 permits the Court to reconsider the denial on a complete and verifiable record.

II. INTERVENING SIXTH CIRCUIT DEVELOPMENTS AND THE RELATED RULE 22.4 RENEWAL

Two material Sixth Circuit developments occurred on October 5, the same date as the denials now at issue. In No. 26-3747, Document 23 granted Petitioner's request insofar as the Clerk would file the limited sur-reply, expressly stated that the motion for pauper status "remains outstanding," and stated that "no briefing schedule will issue unless and until the fee is resolved." Document 24 became part of the active appellate record and preserves the continuing medical-access, filing-restriction, sealed-medical-record, and record-handling issues. Those developments were not available when the original Rule 20 petitions were prepared. See App. F-1 and F-2.

Petitioner is also submitting a renewed emergency application under Rules 22.4 and 23 to Justice Ketanji Brown Jackson in No. 26A422. The full Court is respectfully asked to review that related filing as additional preservation context. The Rule 22.4 renewal does not ask Justice Jackson individually to rehear the full Court's October 5 orders and does not replace these Rule 44.2 petitions. It addresses the continuing medical and appellate need for interim relief, the physical and administrative record surrounding No. 26A422, and preservation while the full Court considers rehearing. The contemporaneous Ratliff preservation letter is reproduced at App. W.

III. THE ADMINISTRATIVE RECORD DOES NOT ESTABLISH WHAT THE COURT RECEIVED

The central question is objective: which versions of the supplemental filings and exhibits were received, retained, returned, associated with each docket, and transmitted or otherwise made available for judicial consideration before Conference? The present public docket does not answer that question. Multiple supplemental submissions existed; some were acknowledged as "being held" or "received"; some were later returned; some returned papers lacked a visible receipt marking; and later filings expressly stated that they did not replace earlier corrected materials.

Petitioner respectfully requests a complete non-deliberative accounting, to the extent shown by records ordinarily maintained by the Clerk's Office, identifying what materials remain in the Clerk's Office's possession, what materials were returned, what were separated or retained, which version or

versions were associated with Nos. 25-7626 and 25-7627, and what was transmitted or made available for judicial consideration. That request does not seek internal judicial deliberations, draft opinions, votes, or information about what any Justice personally read. It seeks the intake, routing, retention, return, and case-association record that can be objectively verified.

Petitioner has also reported concerns about possible alteration, misuse, or obstruction involving administrative records to law-enforcement and congressional offices. One example preserved in his appellate materials concerns the EEOC chronology: a December 20, 2024 determination stating that the agency would not proceed further with its investigation, followed by a December 25 communication referencing a “fully executed Settlement Agreement” uploaded to the portal. Petitioner disputes authorizing or receiving such an agreement and seeks the underlying agreement, signatures or authorizations, portal history, and relationship to the separate “Compliance Monitoring” designation. These matters are raised to preserve evidence and obtain an audit trail, not to ask this Court to make a criminal finding in a rehearing petition.

IV. AUGUST 4 RECEIPT, AUGUST 6 DISTRIBUTION, RULE 1, AND THE AUGUST 6 CALL

Lisa Nesbitt’s August 11, 2026 Clerk’s Office correspondence is a primary-source administrative fixed point. Its subject identifies a “Correction to Previously Submitted Supplemental Brief” in Nos. 25-7626 and 25-7627 and states that the corrected submission was received August 4, 2026. August 4 preceded the August 6 distribution for the September 28 Conference. The letter later states that the papers were returned. See App. K-1. Petitioner’s August 26 written request then asked whether the corrected brief had been associated with the two docket numbers, whether it was available before distribution, whether it was transmitted or otherwise made available to the Court, and, if not, why. See App. K.

An additional objective discrepancy is visible on the returned Corrected Supplemental Brief itself. Although the Clerk’s Office later stated in writing that the corrected submission was received on August 4, 2026, the copy returned to Petitioner does not bear a visible August 4 “received” stamp

or other visible Supreme Court receipt marking identifying when it entered the Court's custody. Petitioner does not contend that the absence of a visible stamp, standing alone, proves that the filing was not received or that misconduct occurred. Rather, the absence of a visible receipt marking makes the Court's intake, scanning, routing, case-association, and return records especially important because those records should be capable of confirming when the document was received, how it was processed, whether it was associated with Nos. 25-7626 and 25-7627 before the August 6 distribution, and why the physical copy ultimately returned to Petitioner does not visibly reflect the August 4 receipt date acknowledged in the Clerk's own correspondence.

This specific receipt-marking discrepancy was not presented in the September 21, 2026 Supplemental Brief that is publicly available on the Court's website. That September 21 filing addressed later Sixth Circuit developments and related preservation issues, but it did not place before the Court the separate factual comparison between the Clerk's written acknowledgment of August 4 receipt and the absence of a visible August 4 receipt marking on the returned Corrected Supplemental Brief. Petitioner therefore presents this point here as part of the later-developed administrative record relevant to Rule 44.2's requirement of intervening circumstances or other substantial grounds not previously presented.

Before these petitions for rehearing were received by the Court, Petitioner had already provided notice of this record-preservation concern by email to congressional offices, creating an independently dated record outside the Clerk's Office that the issue existed before the present rehearing filings were received.

The August 6 recorded telephone communication adds a second fixed point. Petitioner's preserved materials reflect statements by a Clerk's Office employee that the submission was "in the file folder" and references to "the person that is reviewing this brief." Petitioner does not identify that reviewer or assign motive from the recording. Its relevance is that the corrected material appears to

have been physically present and under administrative review at approximately the same time the docket reflects distribution.

Rule 1 authorizes the Clerk to receive filings, reject noncompliant filings, and maintain the Court's records. Petitioner therefore asks that, if the Corrected Supplemental Brief was returned as noncompliant, the actual Rule-based deficiency and the administrative routing history be identified from preserved records. Rule 44.6 itself demonstrates the Court's practice of identifying a form deficiency in a timely, good-faith rehearing submission and allowing a specified correction period. Petitioner does not contend that Rule 44.6 directly governed the earlier supplemental brief; he cites the Rule to show why a specific, verifiable explanation matters when record completeness later becomes a rehearing issue.

**V. THE SUPPLEMENTAL FILINGS WERE SEPARATE AND CUMULATIVE; THE
AUGUST 6-TO-SEPTEMBER 28 REVIEW-PERIOD ISSUE**

There was not one interchangeable supplemental brief. The record developed in stages. The July 11 Rule 15.8 materials and Exhibit B addressed medical restrictions, pleading and service sequence issues, default-related questions, Vorys, Victoria's Secret, Premise Health, EEOC compliance-monitoring and settlement issues, Clerk's Office correspondence, sealed medical material, mailing and filing documentation, and preservation. The Corrected Supplemental Brief addressed different matters, including the district-court characterization of the record, ECF 11/11-1, ECF 42 and ECF 69, service and response deadlines, ECF 102-104, recorded communications associated with Exhibit C, and whether medical documentation reached the proper judicial officer.

The August 21 supplemental filing then addressed ECF No. 107 as a new appellate development and expressly requested that it be considered together with the earlier Corrected Supplemental Brief, Exhibits A through D, Kevin Carpenter's supporting letter, and the relief already requested. It expressly stated that it did not replace the Rule 20 petition, the Corrected Supplemental Brief, or Exhibits A through D. The September 21 Supplemental Brief and Exhibit E addressed still later Sixth

Circuit developments, Rule 10(e) record-settlement issues, preservation of a complete conference record, and additional medical-access matters. It did not reproduce or replace all earlier materials.

Because Nos. 25-7626 and 25-7627 were reflected as distributed on August 6 for the September 28 Conference, the timing matters. If the corrected brief, earlier supplemental submissions, Exhibits A through E, medical documentation, or related materials were not associated with the distributed record at that time, those materials could not have had the same August 6-to-September 28 period of availability for review. Petitioner does not ask the Court to disclose deliberations or identify what any Justice personally read; he asks the Court to determine, from non-deliberative administrative records, what was made available and when.

VI. APPLICATION NO. 26A422, DOCUMENT 9, PUBLIC-DOCKET TREATMENT, AND REFERRAL PRACTICE

Application No. 26A422 supplies an independently verifiable record point. The original emergency application expressly identified Appendix H as “Sixth Circuit Document 9 (attached as filed), which contains a copy of the corrected supplemental brief referenced in the appellate materials.” It distinguished ten documents physically accompanying the application from older Supreme Court materials that were merely referenced. Exhibit R-1 reproduces the Court of Appeals source record: Document 9 page 31 contains the Kevin Carpenter transmittal, followed immediately by the complete fifteen-page Corrected Supplemental Brief on Document 9 pages 32 through 46, each bearing the Sixth Circuit header for Case No. 26-3747. App. R-1.

No. 26A422 was submitted to Justice Kavanaugh and denied September 29. The public docket does not establish which appendix pages he personally read, and Petitioner does not claim that it does. But the existence of Document 9 and the Corrected Supplemental Brief was placed on the face of the application and appendix index. The original application also requested referral under Rule 22.5 if the relief was better considered by the full Court. Rule 22.5 provides that a Justice “may” refer a stay application; Petitioner does not assert that referral was mandatory.

The public record nevertheless shows that referral and individual-Justice denial are capable of being separately recorded. On September 29, No. 26A414, *Pike v. Tennessee*, expressly reflected referral by Justice Kavanaugh to the Court before denial. No. 26A422 instead reflects an individual denial by Justice Kavanaugh. No. 25A1250, *Clark v. Clark*, supplies another public comparator in which a renewed application was submitted to Justice Kavanaugh and later referred to the Court. See App. N. The relevance is procedural transparency, not an accusation of motive.

The No. 26A422 public docket identifies the September 21 stay application as a “Main Document” and does not separately identify Appendix H, Document 9, or the other physical appendices. Elsewhere, Court-hosted material has used separate “Main Document,” “Other,” and “Proof of Service” links and the express notation “Additional material from this filing is available in the Clerk’s Office.” See App. I. Petitioner does not claim every physical appendix must be posted publicly. He asks the Court to reconcile the physical submission with the public-facing record and preserve the intake, separation, routing, retention, and transmission evidence that explains the difference.

VII. PHYSICAL AND ADMINISTRATIVE RECONCILIATION: WEIGHT IS ONE AUDIT POINT, NOT THE ONLY ONE

USPS proof of delivery records the September shipment at 5 lb. 15.0 oz., or 95 ounces, delivered to the Supreme Court on September 24, 2026. See App. H. Petitioner does not contend that weight alone proves that any filing was removed, withheld, returned, or omitted. It is one external physical benchmark among several and should not be treated as the sole basis for the requested reconciliation.

The record can be tested through multiple independent points: carrier delivery data; incoming and return-package weight and packaging; page counts and paper stock; intake and mailroom records; scanning logs; receipt markings; case-management metadata; docket-association history; document-separation and routing records; return-mail records; version history for public-facing docket attachments; telephone and voicemail records; written communications; the original appendix index; and security-camera footage or other transient records still maintained under ordinary retention

schedules. If responsive footage or a record has already been routinely overwritten or deleted, Petitioner requests preservation of the ordinary retention policy, the date the record ceased to be available, and any ordinarily maintained deletion, overwrite, access, or audit information. Routine deletion itself should not be treated as proof of wrongdoing.

VIII. EXHIBIT C, THE SOLICITOR GENERAL LISTING, AND PRESERVATION FOR AUTHORIZED REVIEW

The correspondence accompanying Exhibit C stated that the material included illustrations, recorded communications, transcript material, and other documentation, and that an additional separate copy was supplied so the Court would be aware of its existence and contents. It further stated: “Should the Court determine that any portion of these materials is appropriate for referral or transmission to another appropriate entity, including the United States Marshals Service or another appropriate office, Petitioner respectfully leaves that determination to the Court’s discretion.” See App. J. Petitioner did not ask Clerk personnel to decide whether a crime occurred; he expressly left referral to the Court.

The current No. 26A422 public docket also displays the Solicitor General under “Attorneys for Respondents.” Petitioner clarifies that he—not the Court—placed the Solicitor General in his original service/preservation materials, conditionally and “for preservation only to the extent service on the United States or a federal officer is later determined to be required.” See App. P. He therefore does not rely on the later docket display as proof of a DOJ referral, appearance, or representation. He requests preservation of the non-deliberative metadata and intake history showing how that counsel listing was created.

Congressional offices have previously been placed on notice of filing, medical-access, record-handling, and preservation concerns. Those communications are not offered to direct the Court’s decision. They matter only because independent copies, screenshots, correspondence, delivery records, and other evidence exist outside the Clerk’s Office and may permit later comparison. Petitioner asks that the Court preserve its own non-deliberative record so any later lawful

congressional, Inspector General, U.S. Marshals Service, Department of Justice, or other authorized inquiry can determine what was submitted, received, retained, returned, associated, and transmitted from evidence rather than speculation.

IX. MEDICAL ACCESS, BACK/NEUROLOGIC EFFECTS, AND THE NEED FOR A WORKABLE PROCEDURE

The medical-access issue remains active. The September 27, 2025 crash report states that a vehicle ran a red light while Petitioner was in a designated crosswalk and threw him approximately fifteen feet. Cleveland Clinic neurology later documented continuing post-concussive symptoms affecting daily function and recommended a break from other responsibilities while multidisciplinary evaluation was arranged. Petitioner has also reported continuing severe back pain, headaches, fatigue, and left-side neurologic limitations. The wrist documentation restricts typing, handwriting, prolonged computer use, and repetitive wrist and hand movement. See App. S, T, and U.

Those limitations matter because sustained litigation requires prolonged sitting, screen use, concentration, typing, handwriting, printing, sorting, collating, lifting and moving document sets, travel, packaging, mailing, tracking, and repeated communications. Limited task-specific assistance from friends or family does not eliminate the medical restrictions. Kevin Carpenter's signed support letter confirms awareness of the wrist and upper-extremity limitations and explains that he cannot prepare Petitioner's written reports or legal documents on an ongoing basis. See App. R.

Petitioner therefore requests continuation of the reduced-copy medical accommodation previously used through the Clerk's Office, acceptance of sensitive medical material under the Court's applicable sealing procedures where necessary, and an opportunity to cure any form defect rather than losing medical evidence from review. The Sixth Circuit remains at the IFP/fee threshold, so a workable preservation procedure can protect access without disrupting an existing merits briefing schedule.

It should be noted that Petitioner also submitted his physicians' notes and Kevin Carpenter's supporting medical documentation to this Court for review by the Justices, but the Clerk's Office

returned those materials by regular mail, without tracking and without identifying a specific Supreme Court Rule requiring their return. Exhibit K-2 cites Article III of the Constitution, but does not identify a particular Rules-based filing deficiency. Those medical materials were not newly created materials unrelated to the proceedings below; Petitioner had already submitted the underlying medical documentation to the lower court through the applicable sealed-record process and had repeatedly raised the medical-access and sealed-record issues in the proceedings below. Petitioner therefore respectfully maintains that the administrative record should show whether those materials were associated with or routed for judicial consideration in connection with the matters before this Court or, if they were rejected, the specific Supreme Court Rule and filing deficiency that required their return. If clarification concerning the relationship between the sealed lower-court medical record, Kevin Carpenter's supporting documentation, and the materials tendered to this Court was necessary, the Clerk's Office could have contacted Petitioner to request that clarification or identify a correctable deficiency. Petitioner maintains that no such meaningful opportunity for clarification was provided and that the difficulties he experienced obtaining clear communication from the Clerk's Office materially complicated his ability to determine what medical materials had been accepted, associated, returned, or made available for judicial consideration.

X. LIMITED PUBLIC-SOURCE PRESERVATION CONTEXT

The related Rule 22.4 renewal includes a source-limited preservation section concerning publicly released DOJ/Epstein materials, Steve Bannon, Les Wexner, Leon Black, and Justice Kavanaugh's professional history. Those materials are reproduced in App. O and O-1. Petitioner does not offer them as proof that Justice Kavanaugh, any Clerk's Office employee, Wexner, Bannon, Black, or another identified person committed a crime, possessed compromising material, or participated in a cover-up. Their limited relevance is to explain why preservation of specifically identified records already submitted to the Court is a concrete request and why any recusal, conflict, or referral question should be resolved through objective procedures rather than speculation.

The source-limited institutional point is equally narrow. Justice Kavanaugh previously practiced at Kirkland & Ellis from 1997-1998 and 1999-2001. Public and government records later show that Kirkland & Ellis represented Jeffrey Epstein, including through Jay Lefkowitz and Kenneth Starr, and Kirkland has identified Limited Brands, including Victoria's Secret and Bath & Body Works, as clients in intellectual-property matters. Leslie Wexner founded and led Limited Brands. Petitioner does not assert that Justice Kavanaugh personally represented Epstein, Wexner, Limited Brands, Victoria's Secret, or Bath & Body Works, or that he participated in those later representations. App. O-1. The Court is asked only to preserve the relevant record and apply whatever disclosure, recusal, conflict, or referral procedures it determines are legally appropriate.

XI. RELIEF REQUESTED AS TO THE MANDAMUS PETITION

For these reasons, Petitioner respectfully requests that the Court vacate the October 5 denial of No. 25-7626; rehear the petition on a reconciled and complete record; direct or otherwise obtain an objective non-deliberative accounting identifying the status of the disputed supplemental and corrected materials, including what remains in the Clerk's Office's possession, what was returned, what was associated with each docket, and what was made available for judicial consideration; preserve the intake, mailroom, scanning, routing, return-mail, telephone, voicemail, security-footage, metadata, audit-history, and retention evidence described above; consider the contemporaneously submitted Rule 22.4 renewed emergency application to Justice Jackson as related preservation context; and, if the Rule 20 standard is satisfied on the complete record, issue an appropriate writ of mandamus or other lawful corrective relief directing the lower courts to address the preserved record and access issues on the complete record.

In the alternative, Petitioner requests an administrative order directing identification of the filing status and routing of the disputed materials and providing a reasonable opportunity to cure any presently correctable Rule-based deficiency before final disposition of rehearing. Petitioner further requests that any issue warranting law-enforcement, Inspector General, congressional, disciplinary,

recusal, or other authorized review be preserved and routed only through lawful channels. Nothing in this petition asks the Court to treat an allegation as an established crime, infer blackmail or concealment from financial or professional relationships, or disclose judicial deliberations.

RULE 44.2 CERTIFICATION

I, Devin Randolph, Petitioner pro se, certify that this Petition for Rehearing is restricted to intervening circumstances of a substantial or controlling effect and other substantial grounds not previously presented, as specified in Supreme Court Rule 44.2. I further certify that this petition is presented in good faith and not for delay.



/s/ Devin Randolph
Devin Randolph
Petitioner, Pro Se
Dated: October 9, 2026

**Additional material
from this filing is
available in the
Clerk's Office.**