

Nos. 25-7626 and 25-7627

IN THE SUPREME COURT OF THE UNITED STATES

IN RE DEVIN RANDOLPH, PETITIONER

EXHIBIT E

**SUPPORTING MATERIALS AND CLARIFICATIONS ACCOMPANYING
PETITIONER'S SUPPLEMENTAL BRIEFS IN NOS. 25-7626 AND 25-7627**

**THIS EXHIBIT IS SUPPORTING MATERIAL AND IS NOT A SUPPLEMENTAL
BRIEF**

Submitted solely as supporting material, in the same practical manner as Exhibit C, for
association with Nos. 25-7626 and 25-7627 and consideration by the Court pursuant to the Rules
of this Court.

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**RELATED TO NOS. 25-7626 AND 25-7627
IN THE SUPREME COURT OF THE UNITED STATES
IN RE DEVIN RANDOLPH, PETITIONER**

EXHIBIT E

**CLARIFICATION REGARDING LESLIE H. WEXNER, JEFFREY EPSTEIN, THE
OHIO STATE UNIVERSITY, EMPLOYER-IDENTITY AND FEDERAL-REPORTING
ISSUES, JUDICIAL-ETHICS AND RECORD-INTEGRITY CONCERNS, AND THE
NEED FOR INDEPENDENT REVIEW OUTSIDE THE EXISTING OHIO SETTING**

Petitioner respectfully submits this clarification to explain the cumulative factual and institutional circumstances underlying his previously preserved request for independent review and, if legally warranted, reassignment, transfer, or another neutral mechanism for further proceedings.

Petitioner does not ask this Court at this stage to find that Leslie H. Wexner, Governor Mike DeWine, Senator Jon Husted, former Senator Sherrod Brown, Judge Michael H. Watson, any Ohio official, The Ohio State University, Bath & Body Works, any court employee, or any other public or private person committed a crime, corrupted a judicial proceeding, concealed evidence, improperly influenced a judge, or participated in Jeffrey Epstein's crimes. Petitioner recognizes that Mr. Wexner has denied knowledge of Epstein's criminal conduct and denied participating in that conduct. Nor does Petitioner contend that an adverse ruling, business relationship, university affiliation, governmental appointment, political contribution, philanthropic relationship, or economic-development project standing alone establishes bias.

The narrower concern is cumulative. Petitioner has encountered unresolved employer-identity representations involving related Bath & Body Works entities; an Ohio workers' compensation process that was formally advised of an employer-related representation made in federal court; no presently identified federal referral of that dispute in Petitioner's records; disputed medical-record receipt and docketing in the Southern District of Ohio; documented institutional relationships involving Ohio State, Wexner, and Judge Watson; and a subsequent

appeal in which the Court of Appeals ordinarily cannot itself conduct the first-instance discovery necessary to determine what actually happened. Petitioner submits that those issues should be examined from evidence rather than resolved through assumptions.

I. OHIO WAS FORMALLY ADVISED THAT BATH & BODY WORKS, ACTING AS BATH & BODY WORKS, INC., HAD DENIED PETITIONER'S EMPLOYMENT WITH BATH & BODY WORKS, INC. IN FEDERAL COURT

This is not an employer-identity issue first raised after dismissal or on appeal. Petitioner's position throughout the relevant employment and workers' compensation proceedings has been that Bath & Body Works was acting as Bath & Body Works, Inc. with respect to the employment relationship at issue. Petitioner specifically informed Ohio officials that Bath & Body Works had represented to the federal court that Petitioner was never an employee of Bath & Body Works, Inc.

The Ohio Bureau of Workers' Compensation's April 9, 2026 Notice of Informal Conference confirms that Ohio understood the substance of the allegation. The official notice identifies the matter as involving Bath & Body Works, Inc. and records Petitioner's allegation that "the Employer told a federal judge that he was never one of its employees," with the asserted consequence that there was no valid workers' compensation claim. The notice also records Petitioner's allegations concerning Premise Health's refusal to release medical records and alleged inaccuracies concerning the nature of his injury.

Petitioner clarifies the wording because the State's notice summarized the allegation more generally as a statement that Petitioner was never "one of its employees." What Petitioner reported to Ohio was more specific: Bath & Body Works had told the federal court that Petitioner was not an employee of Bath & Body Works, Inc. Petitioner regarded that representation as material because Bath & Body Works, Inc. was simultaneously the employer

identified in the Ohio workers' compensation proceeding and was the entity against which the federal employment case was proceeding.

Petitioner's April 23, 2026 BWC submission then identified the larger entity problem. Recruiting materials connected Petitioner to L Brands and Bath & Body Works; payroll records identified Bath & Body Works Logistics Services, LLC; the Ohio workers' compensation record identified Bath & Body Works, Inc.; EEOC materials identified Bath & Body Works, LLC; and federal-court filings subsequently stated that Bath & Body Works Logistics Services, LLC employed Petitioner.

Petitioner therefore does not ask this Court to treat the phrase "employment fraud" as an already adjudicated fact. The objectively narrower issue is whether materially different employer identities were used across recruiting, onboarding, payroll, tax, workers' compensation, EEOC, and federal litigation records; whether Bath & Body Works was acting as Bath & Body Works, Inc. in the relevant employment and Ohio proceedings as Petitioner maintains; and what legal entity actually carried the employment, payroll, workers' compensation, self-insurance, and federal-reporting responsibilities.

Petitioner specifically requested that Ohio review and correct the employer-identification and related tax-record issues and provide a written explanation identifying what required correction and how the State intended to address it. Whatever wording BWC ultimately used to summarize the allegation, Petitioner had specifically presented the contention that Bath & Body Works denied to the federal court that he was an employee of Bath & Body Works, Inc. The State therefore had notice that Petitioner was raising something potentially broader than an ordinary workers' compensation disagreement. Petitioner had informed Ohio not only of the disputed federal-court representation concerning whether he was employed by Bath & Body Works, Inc., but also of the related EEOC proceedings and Petitioner's contention that, after the EEOC issued the Right-to-Sue notice on December 20, an unauthorized settlement agreement

was attempted to be uploaded or entered into the EEOC matter on Christmas Day at approximately 10:30 p.m., despite Petitioner's position that he never signed or authorized such an agreement.

Petitioner further clarifies the chronology of Ohio's employment-fraud review. Petitioner's position is that Ohio initially closed the investigation on the stated ground that the State had not received a particular screenshot showing the federal-court representation concerning Petitioner's employment by Bath & Body Works, Inc. Petitioner disputes that premise and maintains that he had already provided the screenshot to Ohio. Petitioner further states that, during the first investigation and before Ohio initially dismissed or closed that investigation, Ohio did not ask him substantive questions concerning the employer-identity evidence, even though Bath & Body Works was permitted to provide a response. Petitioner presently does not know what questions, if any, were posed to Bath & Body Works during that first investigation, what materials or explanations it supplied, which Bath & Body Works entity responded, or what communications occurred between the company and Ohio investigators before the initial dismissal. This distinction was material because Petitioner maintains that the related corporate entities were separately identified for insurance and other legal purposes and therefore could not simply be treated as interchangeable when determining employment, workers' compensation, liability, payroll, or reporting responsibilities.

A week or more after Ohio closed the first investigation, according to Petitioner, the matter was reopened or otherwise permitted to continue. Ohio had also been placed on notice of Petitioner's separate doctor's-note dispute. Petitioner maintained that Bath & Body Works failed to properly read or act upon his medical restriction. During a recorded proceeding, Bath & Body Works representatives stated that the company had never received a doctor's note. Petitioner challenged that statement during the proceeding and directed Ohio to evidence that, in his view, demonstrated that the note had in fact been received and was reflected in the documentary

record. Petitioner states that, after he identified that evidence, Bath & Body Works did not continue asserting that no doctor's note had ever been received. Petitioner therefore asks that the recording and the underlying investigative, email, and medical-document records be preserved so that the competing representations can be evaluated from the record itself.

The timing of the initial closure is also relevant to the tax-credit issue discussed below. During the period in which Ohio had ended Petitioner's first investigation, and before the matter was subsequently permitted to continue, the Ohio Tax Credit Authority took action increasing tax-related treatment associated with Bath & Body Works-related entities. Petitioner does not contend that this timing alone establishes favoritism, a quid pro quo, or unlawful conduct. He identifies the sequence because the State was taking significant economic-development action concerning related Bath & Body Works entities during the same interval in which Petitioner's employer-identity investigation had been closed on a factual premise he disputes. The underlying dates, communications, evidence received, and reasons for the respective state actions therefore form part of the record Petitioner asks to have independently reviewed.

Petitioner's previously submitted preservation materials further asserted that, if BWC lacked jurisdiction to investigate a potentially false federal-court representation or other federal-reporting issue, the appropriate response was referral to an agency possessing that authority rather than treatment of the issue solely as a workers' compensation dispute. Those materials identified possible review by DOJ, FBI, IRS, SEC, or another competent federal authority while expressly declining to accuse particular Ohio officials of criminal misconduct without evidence.

Petitioner presently possesses no record demonstrating that Ohio referred the employer-identity or federal-reporting issue to the FBI, DOJ, or another federal investigative authority. Petitioner therefore does not represent that no referral occurred if one exists outside the records presently available to him. Petitioner asks for an objective answer: Was a referral made; if so, when, to whom, and concerning what issue?

II. OHIO'S OWN TAX-CREDIT RECORD MAKES THE CORPORATE-ENTITY QUESTION MATERIAL

The entity question also intersects with Ohio's own economic-development records.

Petitioner previously submitted January 28, 2026 Ohio Tax Credit Authority materials reflecting an increase in the retained baseline payroll amount associated with Bath & Body Works Direct, Inc. from \$135,000,000 to \$283,890,040 and identifying Bath & Body Works Logistics Services, LLC, using FEIN 31-1187477, as an added grantee.

Petitioner does not contend that this tax-credit action was itself unlawful. Nor should the retained-baseline-payroll figure be characterized as a direct cash payment of that amount. Its relevance is different: Ohio governmental records were capable of distinguishing among particular Bath & Body Works-related corporate entities for tax and economic-development purposes at approximately the same time Petitioner was asking Ohio authorities to determine which related entity was actually his employer and which entity bore responsibility for payroll, workers' compensation, medical handling, and representations in federal proceedings.

Petitioner also preserves, as a subject for discovery rather than as an established fact, whether any Bath & Body Works-, L Brands-, Wexner-, or affiliated entity made charitable, tax-deductible, settlement-related, insurance-related, or other financial contributions connected to The Ohio State University or the Strauss matters, and whether any such transaction had tax or accounting treatment material to the relationships at issue. Petitioner presently identifies no evidence establishing that such a transaction occurred and does not ask the Court to infer one. The reason to identify the question is that Petitioner contends the relevant corporate and institutional relationships should be tested by records rather than assumptions.

The Strauss litigation and the later congressional Wexner deposition are separate proceedings and should not be treated as causally linked. The relevant connection is instead that both generated substantial public scrutiny involving Wexner and central Ohio: Judge Watson

presided over significant Strauss litigation involving Ohio State and Wexner-related discovery, while Congress later traveled to New Albany for Wexner's deposition in the separate Epstein investigation. Petitioner cites the convergence only as context for independent review.

That juxtaposition warrants an answer based upon the underlying records rather than a presumption that the entity differences or institutional relationships were immaterial.

III. THE WEXNER-EPSTEIN HISTORY AND THE 2026 CONGRESSIONAL INVESTIGATION PROVIDE PUBLIC CONTEXT CONCERNING INDEPENDENT SCRUTINY

Petitioner does not equate his employment litigation with the Jeffrey Epstein investigation. Nor does Petitioner allege that any conduct by Jeffrey Epstein proves misconduct by Bath & Body Works or any present corporate officer. The relevance is narrower and relates to independent scrutiny of significant financial and institutional relationships centered in Ohio.

On January 23, 2026, the House Committee on Oversight and Government Reform issued compulsory process to Leslie H. Wexner in connection with its Epstein investigation. The deposition occurred on February 18, 2026 in Ohio, and the Committee publicly released the deposition video on February 19, 2026. Representative Yassamin Ansari separately announced that she would travel to New Albany, Ohio, to participate and described Wexner as the former CEO of L Brands, Inc., a retail conglomerate that once included Bath & Body Works, among other companies. Petitioner cites those public congressional statements as context, not as adjudications of wrongdoing.

Following the deposition, Representative Robert Garcia, Ranking Member of the House Oversight Committee, issued a public statement asserting that Wexner had provided substantial wealth and financial support to Epstein and stating that, according to Wexner's testimony, the FBI and DOJ had never questioned him about Epstein. Petitioner attributes those statements to Representative Garcia and does not adopt them as judicial findings.

The Associated Press material preserved by Petitioner likewise records strong statements made by Representatives Garcia, Jasmine Crockett, and Dave Min after the New Albany deposition. Garcia characterized Wexner's financial relationship with Epstein in strong terms; Crockett expressed skepticism concerning Wexner's asserted lack of awareness of financial activity; and Min criticized what he viewed as inadequate cooperation with the congressional investigation and alleged obstruction by DOJ. These are statements by identified members of Congress, not findings by Petitioner or this Court.

Petitioner also recognizes Wexner's response. Wexner stated that Epstein deceived him, denied knowledge of Epstein's crimes, and denied participating in Epstein's abuse. Petitioner therefore does not ask this Court to decide the Epstein allegations.

Accuracy is especially important here. Petitioner does not rely upon an initially reported assertion that approximately \$1 billion was transferred or provided to Epstein. The Associated Press archive itself states that Representative Garcia's spokesperson later said Garcia had misspoken regarding that amount and that the quotation was removed from the AP story.

Petitioner relies instead on the undisputed procedural context: Congress issued compulsory process, conducted Wexner's deposition in Ohio, publicly released the video, and members of Congress publicly questioned the adequacy of prior federal investigative scrutiny. That history does not prove anything concerning Petitioner's employment case. It gives context to Petitioner's separate request for a documented answer concerning whether the federal aspects of his own Ohio-reported employer-identity dispute were ever referred to competent federal authorities.

IV. THE POLITICAL AND INSTITUTIONAL RECORD CROSSES PARTY LINES; PETITIONER DOES NOT PRESENT A PARTISAN THEORY

Petitioner expressly clarifies that the issues identified here are not presented as a Republican-versus-Democratic allegation. Public scrutiny concerning Wexner, Epstein, Ohio

institutions, and the release of federal records has involved elected officials from both major parties, while campaign-finance disputes surrounding Wexner-related contributions have themselves become contested political claims.

For example, former Senator Sherrod Brown, a Democrat, publicly criticized Senator Jon Husted, a Republican, for Husted's September 2025 vote against a Democratic amendment that would have required release of Epstein-related files. Brown tied that criticism to campaign contributions from Wexner. FactCheck.org reported in June 2026 that Wexner contributions associated with Husted totaled approximately \$116,892 from 2001 through 2025, including contributions to Husted's state campaigns, Husted's Senate campaign, and the DeWine-Husted gubernatorial campaign or transition fund. FactCheck also reported that Husted later supported release of the files through unanimous consent on standalone legislation in November 2025, that Husted's campaign said it donated approximately \$34,000 in then-available Wexner contributions to charity, and that Wexner denied lobbying Husted or others to block release.

CNN likewise reported Brown's position that Husted had voted to keep the files closed only weeks after receiving a maximum contribution from Wexner, while also noting that Brown's own campaign had received contributions from Abigail Wexner and other donors whom Husted's campaign sought to connect, with varying degrees of support, to Epstein-related records.

Petitioner therefore does not adopt either campaign's characterization as a judicial fact. The relevance is that concerns regarding Wexner-related political contributions and federal transparency have been raised by officials and campaigns across party lines. Petitioner asks the Court to evaluate documentary evidence without treating the matter as a partisan accusation.

The same nonpartisan limitation applies to the congressional material. The quotations Petitioner has identified include Democratic members criticizing the handling of the Epstein investigation; other public officials, including Republicans, have supported later disclosure

measures or disputed those criticisms. Petitioner cites the record to show the existence of institutional questions and competing explanations, not to endorse a political party or electoral position.

V. WEXNER'S CONNECTIONS TO L BRANDS, OHIO STATE, AND NEW ALBANY ARE PUBLICLY DOCUMENTED

Ohio State's current public biography identifies Leslie H. Wexner as Chair Emeritus of the Wexner Medical Center Board, founder and former Chairman and CEO of L Brands, and Chair of The New Albany Company. Ohio State also credits Wexner with a central role in the development of New Albany and its international business park.

The relevance to Petitioner is not that these affiliations prove influence over his litigation. They do not. They establish that the references to Wexner, L Brands, Ohio State, and New Albany concern documented historical and institutional relationships rather than unrelated entities accidentally placed together.

Petitioner's earlier submissions preserved Wexner-related issues cautiously, asking for discovery only if evidence established a direct connection and expressly stating that public commentary, reputation, wealth, political influence, honorary status, or institutional prominence should not by themselves be treated as proof of liability or misconduct.

VI. JUDGE WATSON'S OHIO STATE RELATIONSHIP AND PRIOR OHIO EXECUTIVE-BRANCH SERVICE ARE DOCUMENTED, BUT SHOULD BE DESCRIBED PRECISELY

Petitioner's concern regarding Judge Michael H. Watson and Ohio State does not rest upon internet speculation. In *Garrett v. Ohio State University*, 60 F.4th 359 (6th Cir. 2023), the Sixth Circuit addressed recusal arguments arising from the Richard Strauss litigation and expressly discussed Judge Watson's relationship with Ohio State.

The Sixth Circuit recorded that Judge Watson served as an adjunct professor at Ohio State's Moritz College of Law. The recusal proceedings also considered his wife's business and

its relationship to Ohio State-licensed merchandise. The Sixth Circuit ultimately concluded that the adjunct professorship did not require recusal and that the district court did not abuse its discretion by denying recusal on that basis.

Petitioner also clarifies an important historical point concerning Ohio's executive branch. Judge Watson did not serve as personal legal counsel to Governor Mike DeWine. The Southern District of Ohio's official judicial biography states that Watson served as Deputy Chief Counsel and then Chief Counsel to Governor George Voinovich from 1991 through 1995. Mike DeWine served as Ohio's Lieutenant Governor under Governor Voinovich from January 1991 until November 1994. Thus, Watson and DeWine served in the same Voinovich administration during overlapping years. After DeWine served as Ohio's Lieutenant Governor during years that overlapped with Michael H. Watson's service in the Voinovich administration, Mike DeWine was elected to the United States Senate. In 2004, Senators DeWine and George Voinovich recommended Watson to the White House for appointment to the federal bench. President George W. Bush subsequently nominated Watson to the United States District Court for the Southern District of Ohio, and DeWine publicly supported Watson's confirmation in the Senate.

That distinction matters because Petitioner seeks an accurate record. The overlapping public service is a documented institutional connection; it is not proof of a personal legal relationship, continuing influence, or improper conduct.

Petitioner's earlier preservation materials also identified Judge Watson's involvement in other litigation involving Wexner, L Brands, and Ohio State. Judicial responsibility for unrelated cases does not prove bias. The concern Petitioner asks this Court to preserve is the cumulative appearance question when those documented relationships are considered alongside independent record-integrity and employer-identity disputes in Petitioner's own case.

VII. THE STRAUSS LITIGATION FURTHER ILLUSTRATES THE INSTITUTIONAL OVERLAP, WHILE ALSO REQUIRING A COMPLETE AND FAIR ACCOUNT OF JUDGE WATSON'S ACTIONS

Public reporting identified by Petitioner includes Sportico's June 3, 2026 article, "Ohio State Approves \$100M Settlement With Strauss Sex Abuse Plaintiffs." The article reported that Ohio State's Board of Trustees approved a \$100 million settlement in principle involving 279 of 280 plaintiffs then suing the university over allegations concerning former Ohio State physician Richard Strauss. The same reporting discussed Judge Watson's involvement in the Strauss litigation and reported that Wexner had served as an Ohio State trustee during years overlapping the period in which Strauss-related allegations were raised to administrators.

Petitioner does not cite those facts to assert that Judge Watson protected Wexner. Indeed, the record contains facts pointing in a different direction: in February 2026, Judge Watson denied Wexner's motion to quash the deposition subpoena and denied his alternative request for a protective order, requiring Wexner to sit for a deposition within sixty days. The Court directed counsel to coordinate the date, time, and location of that deposition. Separately, Wexner's February 18, 2026 congressional deposition concerning Jeffrey Epstein occurred at his New Albany residence after the congressional proceeding was moved from Washington, D.C., to Ohio.

The point is therefore not that every connection points toward misconduct. The point is that significant institutional relationships exist, some pointing in different directions, and their legal significance cannot responsibly be determined through speculation. Petitioner seeks neutral factual review rather than an immediate finding against any individual.

VIII. GOVERNOR DEWINE, SENATOR HUSTED, OHIO STATE, AND STATE AGENCIES OPERATE WITHIN DOCUMENTED PUBLIC STRUCTURES

Petitioner has also referred to Governor Mike DeWine, Senator Jon Husted, and other Ohio officials. Those references should be stated precisely. Ohio State's trustees are appointed

through Ohio's statutory governmental structure, and the Ohio Bureau of Workers' Compensation operates as a state institution. Those relationships do not establish that the Governor directs an individual Ohio State lawsuit, controls a federal judge, controls the Sixth Circuit, or dictated Petitioner's BWC matter.

The public record nevertheless identifies overlapping political and governmental relationships. Jon Husted served as DeWine's Lieutenant Governor and was appointed by Governor DeWine in January 2025 to fill the United States Senate seat vacated by JD Vance. Campaign-finance reporting later became part of the 2026 Senate campaign because Wexner had contributed to Husted's political campaigns and to the DeWine-Husted gubernatorial campaign or transition fund.

Petitioner cites these facts only to define the institutional and political environment in which his separate state-agency, university, economic-development, and federal-court concerns arose. Political contributions are lawful unless otherwise shown, and no contribution identified here establishes that a public official took an action because of a donor.

Petitioner therefore asks for records and neutral review rather than an inference of quid pro quo. Where a political campaign has itself alleged a relationship between donations and a later vote, while the opposing campaign disputes that characterization and points to later support for disclosure, the appropriate legal approach is to distinguish the documented contribution and voting records from competing claims about motive.

IX. NEW ALBANY'S DEVELOPMENT AND DATA-CENTER EXPANSION PROVIDE ADDITIONAL PUBLIC-PRIVATE CONTEXT

The New Albany relationship extends beyond Wexner's residence. Ohio State identifies Wexner as Chair of The New Albany Company and credits him with a central role in the development of the community and the New Albany International Business Park.

The City of New Albany reports that companies including Google, Meta, Microsoft, Amazon Web Services, Bath & Body Works, Intel, and others are located in the New Albany business environment. The City's data-center materials state that the first data-center investment occurred in 2010 and that approximately fifteen information-technology companies have constructed about forty facilities, with additional facilities announced or under construction.

Petitioner does not allege that development of those facilities is unlawful or that Wexner controls the companies occupying the business park. Petitioner's narrower point concerns the extent of public-private economic interaction in the same geographic and institutional environment.

The question of who bears infrastructure costs associated with data-center growth is itself a documented governmental policy concern. The Ohio Consumers' Counsel has warned that connecting data centers to the grid can require substantial transmission and distribution investment and has advocated consumer protections designed to prevent residential customers and small businesses from bearing costs caused by large data-center loads. OCC reports that PUCO approved AEP Ohio's data-center tariff with protections intended to require large data-center customers to bear a substantial share of the costs associated with the capacity and infrastructure they require.

Petitioner therefore does not state that Ohio has definitively forced ordinary Ohioans to pay all costs of New Albany's data centers. The accurate point is that potential cost shifting became sufficiently serious to produce formal regulatory proceedings, consumer advocacy, and special tariff protections. Petitioner cites that issue only as another example of significant interaction among private development, utilities, state policy, local economic development, and major New Albany interests.

X. THE SUPREME COURT ITSELF HAS RECOGNIZED THE IMPORTANCE OF SYSTEMATIC CONFLICT IDENTIFICATION

On February 17, 2026, the Supreme Court announced revised Rules designed in substantial part to support newly developed software for identifying potential conflicts involving the Justices. The Court's public explanation stated that the software compares information concerning parties and attorneys with lists created by each Justice's Chambers and supplements existing conflict-checking procedures.

Contemporaneous reporting identified by Petitioner includes The Washington Post's February 17, 2026 article, "Supreme Court to use software to identify justices' conflict of interests," and Courthouse News Service's article, "Supreme Court brings recusal checks into 21st century." Those reports describe the new automated screening system and the Court's effort to strengthen systematic conflict identification.

Petitioner does not contend that the Supreme Court's software proves that a conflict exists in this matter or that the software is designed to detect every kind of institutional relationship raised here. Its significance is narrower: the Court itself has recognized that information concerning parties, attorneys, and potentially relevant conflicts warrants systematic identification rather than reliance solely upon accidental discovery.

Petitioner asks for the same caution here: identify the relationships, determine their actual relevance, and do not infer either misconduct or harmlessness before the factual record is known.

XI. PETITIONER'S OWN CASE PRESENTS A SEPARATE, CONCRETE RECORD-INTEGRITY QUESTION

The institutional relationships would be substantially less important if Petitioner's own judicial record contained no independent irregularity requiring factual explanation. Petitioner submits that the medical-record chronology presents such a discrepancy.

As explained in the Emergency Application and the underlying district-court materials, ECF No. 106 later acknowledged that correspondence and medical materials subsequently docketed at ECF No. 105 had been received before the final dismissal but had not originally been docketed. Petitioner therefore seeks an objective determination concerning receipt, routing, indexing, sealing, electronic visibility, availability to the Magistrate Judge and District Judge, and the timing of docketing.

Petitioner does not ask the Supreme Court to declare that the record was intentionally "tampered with" merely because a discrepancy exists. The presently established point is narrower: material acknowledged as received before dismissal was docketed only afterward. The disputed factual question is what happened between receipt and dismissal.

A clerical mistake, a routing failure, an indexing problem, a sealed-record access problem, or intentional misconduct are materially different explanations. Petitioner asks for evidence sufficient to determine which explanation is correct rather than an assumption in either direction.

Petitioner further clarifies that the need for independent record review includes protecting the judicial officers themselves. Petitioner does not allege, without evidence, that Leslie H. Wexner, any Wexner-related person or entity, or any other outside person bribed, paid, directed, or improperly influenced a Clerk's Office employee. Nor does Petitioner presently allege that any Clerk's Office employee intentionally manipulated the record. The concern is instead that, where receipt, docketing, routing, sealing, or electronic-access records are disputed, an independent examination is necessary to determine whether any unauthorized act, outside communication, improper influence, or internal record alteration occurred.

That inquiry is important because unauthorized conduct by a clerk or other court employee could do more than affect a litigant. If a document were inaccurately entered, withheld, routed, characterized, or attributed in a manner that created a false appearance that a

judge had received, reviewed, approved, rejected, or known information that the judge had not actually received or considered, the resulting record could inaccurately attribute conduct or knowledge to the judicial officer. In an extreme circumstance, that could expose a judge to unwarranted disciplinary, ethical, or even impeachment allegations based upon a record that did not accurately reflect the judge's own actions.

Petitioner therefore submits that independent review protects both sides of the integrity question. It can determine whether the discrepancies resulted from ordinary clerical or technological error, whether any employee acted outside authorized procedures, whether any outside person communicated improperly with court personnel, and whether the docket accurately reflects what the judicial officers themselves received, knew, and decided. Petitioner does not ask the Court to presume bribery, corruption, or fabrication; he asks that the underlying access logs, routing records, communications, timestamps, docket history, and related administrative records be preserved so that those possibilities can be objectively ruled in or ruled out.

XII. THE SIXTH CIRCUIT CAN REVIEW, BUT ORDINARILY CANNOT CONDUCT THE NECESSARY FIRST-INSTANCE DISCOVERY ITSELF, AND APPELLATE-LEVEL CONFLICT SCREENING SHOULD ALSO BE PRESERVED

This creates an important procedural problem. Federal Rule of Appellate Procedure 10(e) allows correction of the appellate record when there is a dispute concerning whether the record accurately reflects what occurred in the District Court, or when material was omitted or misstated by error or accident. But Rule 10(e) is not a general device for creating an entirely new evidentiary record on appeal.

The Sixth Circuit explained in *Adams v. Holland*, 330 F.3d 398, 406 (6th Cir. 2003), that Rule 10(e)'s purpose is to make the appellate record accurately reflect what was before the

District Court, not to introduce new evidence never presented there. That distinction matters here.

Questions such as who physically received particular medical documents, who routed them, what an electronic system displayed, whether particular employees could see sealed materials, whether officials communicated with one another, whether particular employer records were reported to federal agencies, or whether particular persons possess responsive communications may require testimony, authentication, subpoenas, document production, or other evidentiary development. Those are functions ordinarily associated with trial-level factfinding, not an appellate panel deciding the case from an existing record.

The distinction is significant because the Court of Appeals may review legal and procedural errors reflected in the existing record, but the unresolved questions identified here may require evidence that cannot properly be generated for the first time by an appellate court. Petitioner therefore submits that appellate review alone does not supply the first-instance fact-development process necessary to resolve those questions.

Petitioner also respectfully preserves a related concern regarding appellate-level conflict screening. Petitioner does not contend that any member of the Sixth Circuit has a personal, financial, professional, or social relationship with Leslie H. Wexner, The Ohio State University, L Brands, Bath & Body Works, or related institutions unless such a relationship is established by the record. However, the Sixth Circuit has previously adjudicated substantial litigation involving Ohio State, Judge Watson's Ohio State affiliations, and Wexner-related matters, and the broader record reflects numerous overlapping institutional, professional, governmental, and philanthropic relationships within central Ohio. Petitioner therefore submits that appropriate conflict screening should include not only direct financial interests but any relationship or association that may be relevant under 28 U.S.C. § 455(a)'s appearance-of-impartiality standard. Petitioner seeks

disclosure and neutral review of any material connection that actually exists; he does not ask the Court to presume one merely from geography, professional association, or prior judicial service.

This concern further supports Supreme Court preservation of a neutral-review mechanism because Petitioner cannot independently know what professional, institutional, financial, or other relationships may appear in judicial conflict-screening records. The appropriate course is not to presume that such connections exist, but to ensure that they are affirmatively checked and disclosed where legally required before unresolved factual issues are returned to the same Ohio judicial environment.

The procedural history also demonstrates why the existence of the present appeal does not, by itself, provide an adequate answer to the problems now before this Court. As reflected in ECF No. 77, the Sixth Circuit previously considered Petitioner's related mandamus proceedings in Nos. 25-3655 and 25-3676. Those proceedings placed before that court substantial questions concerning the operative pleading, Bath & Body Works' response deadline and stay, default, filing restrictions, reinstatement of defendants, and Petitioner's request for reassignment or transfer. Rather than resolve those matters through extraordinary relief, the Sixth Circuit concluded that Petitioner could pursue relief in the District Court and thereafter obtain review through an ordinary appeal. Petitioner has now reached the very ordinary appellate process that the prior Sixth Circuit panel identified as the available alternative remedy. Yet that process has not supplied a timely or factually adequate means of resolving the underlying disputes. Before Bath & Body Works filed its September 14, 2026 omnibus response in the present appeal, the Court of Appeals had already been presented, through the prior mandamus proceedings and the appellate record, with substantial portions of the procedural controversy. Bath & Body Works' later participation in No. 26-3747 did not eliminate the consequences of the earlier procedural history or resolve the questions already before the Court of Appeals. Petitioner contends that its later filings instead reinforced the need for independent review of the disputed service, default,

representation, employer-identity, medical-record, and record-integrity issues that had remained unresolved throughout the federal proceedings.

The present appeal has now reached an unusual posture. The Sixth Circuit has stated that no appellee briefing schedule will issue until Petitioner's IFP status is resolved or the filing fee is paid, yet the IFP request remains unresolved. At the same time, the court denied Petitioner's request for a temporary abeyance pending this Court's September 28 Conference. The order denying that stay does not separately address the medical-accommodation component of Petitioner's request, the physician evidence, or the medical restrictions identified in the record. Petitioner does not ask this Court to infer deliberate disregard from that silence. The significance is instead that the ordinary appellate process has not yet produced a merits determination, has not resolved the threshold IFP issue, and has not supplied a mechanism for the first-instance factual inquiry necessary to determine what occurred concerning the disputed medical materials, record handling, employer identity, possible co-defendants, and related communications.

That history substantially strengthens the need for this Court to preserve extraordinary relief now. The prior Sixth Circuit panel declined mandamus because ordinary district-court proceedings followed by appellate review were said to provide an adequate alternative path. Petitioner pursued that path. Final judgment followed. The ordinary appeal now exists. Yet the factual questions that made extraordinary review necessary have not disappeared; they have become more developed, and some cannot be answered from the appellate record alone. An appellate court ordinarily reviews an existing record rather than conducting discovery, compelling witnesses, examining electronic-access logs, obtaining communications, or determining in the first instance who received, routed, withheld, or possessed disputed materials.

Accordingly, the issue before this Court is no longer merely whether another procedural path theoretically exists. The record now permits the Court to evaluate whether that path is capable of providing the timely, neutral, and factually adequate review these circumstances

require. Petitioner respectfully submits that the history of the prior mandamus proceedings, the unresolved present appeal, the medical and record-integrity questions, and the need for first-instance factual development demonstrate why preservation of this Court's extraordinary authority is necessary before the case is returned to a process that has not resolved—and structurally cannot itself investigate—those questions.

Petitioner further submits that the fairness and completeness of the EEOC administrative process are relevant to any court reviewing what followed. Where Petitioner has identified unresolved questions concerning employer identity, medical records, compliance monitoring, settlement-related activity, and the completeness of the administrative record, those matters should not be treated as though they were fully and reliably resolved before this litigation began.

That concern is compounded by the apparent imbalance in the application of procedural requirements. Petitioner does not ask to be excused from rules, deadlines, preservation requirements, or ordinary appellate procedure. He asks that those requirements be applied evenhandedly. If the Court of Appeals requires strict procedural compliance from a pro se Petitioner while substantial questions remain concerning whether defendants and other participants complied with their own obligations regarding service, response deadlines, representation, record handling, and the underlying administrative process, those unresolved questions should also receive meaningful review. Procedure should operate as a neutral framework governing all participants, not as a barrier enforced against only one side. That circumstance further supports independent review before this matter is returned to a process that has not yet resolved those underlying questions.

XIII. RETURNING ALL FACT DEVELOPMENT TO THE IDENTICAL DISTRICT-COURT ENVIRONMENT DOES NOT RESOLVE PETITIONER'S SEPARATE APPEARANCE CONCERN

That produces the central problem presented by this clarification. The Court of Appeals ordinarily cannot conduct full first-instance discovery itself. But Petitioner also questions whether unresolved issues concerning the handling of records in the Southern District of Ohio should simply be returned to precisely the same institutional environment without any independent safeguard.

Again, Petitioner does not ask the Supreme Court presently to find that Southern District personnel intentionally altered or concealed records. He asks that an environment whose own record handling is under examination not be the sole source of the factual determination concerning what happened to that record.

The appearance issue is broader because the documented background also includes Judge Watson's Ohio State adjunct professorship, prior recusal litigation concerning that relationship, his earlier service in the Voinovich administration during years overlapping Mike DeWine's service as lieutenant governor, other litigation involving Wexner and Ohio State, Petitioner's Ohio BWC and employer-identity dispute, and the wider Ohio institutional relationships described above.

Under 28 U.S.C. § 455(a), a federal justice, judge, or magistrate judge must disqualify when impartiality might reasonably be questioned. That is an objective appearance standard; it is not limited to proven intentional misconduct. Petitioner recognizes that Garrett rejected the recusal arguments presented there. Petitioner therefore does not ask the Court simply to relitigate Garrett. Petitioner's contention is that his case contains additional and materially different factual issues - including the handling of his own records - which must be evaluated on their own evidence.

XIV. THE DEFAULT ISSUE DOES NOT ELIMINATE THE NEED FOR FACTUAL AND NEUTRAL REVIEW

Petitioner further clarifies that even if this Court or the Court of Appeals ultimately concludes that Bath & Body Works was in default, a default determination would not itself resolve every issue now requiring factual development.

A default ruling may affect the procedural consequences of Bath & Body Works' failure to answer or otherwise defend, but it would not resolve the separate factual and procedural questions concerning the other possible co-defendants, including who properly belongs in the action, what role each entity or individual had, whether service was required or completed, and whether those parties possess evidence relevant to the employer-identity, medical-record, representation, or record-integrity issues. Nor would a default ruling independently determine who possessed or reviewed disputed medical materials; why materials acknowledged as received before dismissal were docketed afterward; which corporate entity actually employed Petitioner; which entity carried payroll, workers' compensation, or self-insurance obligations; whether conflicting representations were referred to federal agencies; what communications exist concerning those matters; or whether any conflict or appearance issue requires reassignment. Many of these unresolved matters may require first-instance discovery and factual development—including document production, testimony, authentication, and examination of records involving possible co-defendants—that the Court of Appeals ordinarily does not conduct itself in the first instance. Accordingly, even a ruling favorable to Petitioner on default would not eliminate the need for an appropriate trial-level process capable of developing those remaining facts.

Even if Bath & Body Works were ultimately determined to be in default and a default judgment became enforceable against it, that result would not resolve the separate claims against the other possible co-defendants. Any remaining claims against those defendants would still

require appropriate adjudication based upon each defendant's own conduct, legal obligations, defenses, and relationship to the events at issue. Those questions may require first-instance discovery concerning the identity, participation, communications, records, and potential responsibility of the additional defendants—fact development that the Court of Appeals ordinarily does not conduct in the first instance. Thus, default as to Bath & Body Works would not eliminate the need for a trial-level process capable of resolving the remaining claims and determining the responsibility, if any, of the other defendants.

Those questions remain analytically distinct from the default question.

XV. LAWFUL NEUTRAL-FORUM MECHANISMS EXIST, BUT THEIR REQUIREMENTS MUST BE RESPECTED

Petitioner does not ask this Court to disregard statutory venue requirements simply because he prefers another jurisdiction. Under 28 U.S.C. § 1404(a), a civil action may be transferred for the convenience of parties and witnesses and in the interest of justice to another district where it could have been brought, or to a district to which all parties consent. Petitioner therefore recognizes that transfer specifically to the Southern District of New York or another district must satisfy the applicable statutory requirements.

Petitioner therefore asks this Court to preserve the requested neutral-forum relief, including reassignment or transfer where legally authorized and appropriate under the governing statutes and Rules.

XVI. THE CUMULATIVE QUESTION IS NOT WHETHER ONE CONNECTION PROVES BIAS; IT IS WHETHER INDEPENDENT REVIEW IS NOW NECESSARY

Petitioner respectfully submits that no single item described above is the whole issue. The concern is the combination: Ohio formally knew that Petitioner alleged materially conflicting employer representations; multiple Bath & Body Works-related entity names appear in governmental, tax, payroll, EEOC, workers' compensation, recruiting, and federal-court records;

Ohio's Tax Credit Authority itself distinguished among related corporate entities; Petitioner presently lacks documentation showing whether the asserted federal component of the employer-identity dispute was referred to DOJ, FBI, IRS, SEC, or another federal authority; Wexner's historic relationship to L Brands and his Ohio State and New Albany relationships are publicly documented; Congress subpoenaed Wexner and traveled to Ohio in 2026 to question him concerning Jeffrey Epstein; elected officials from both parties have participated in or publicly disputed aspects of the wider Wexner/Epstein transparency controversy; Judge Watson's adjunct relationship with Ohio State and the earlier recusal litigation are documented in a published Sixth Circuit decision; Judge Watson previously served in the Voinovich administration during years overlapping Mike DeWine's service as lieutenant governor; the Southern District's own later order acknowledged receipt of Petitioner's medical materials before dismissal even though those materials were docketed afterward; the Court of Appeals ordinarily reviews a record rather than conducting the first-instance discovery necessary to determine what happened outside that record; and the Supreme Court itself has recently strengthened systematic conflict-identification procedures through automated recusal screening. Petitioner does not contend that former Governor George Voinovich was criminally charged. Public reporting reflects that Voinovich's administration was subject to investigations and controversy, including an investigation concerning unproven campaign-finance allegations, while certain officials associated with his administration separately faced ethics or criminal proceedings.

None of those facts, separately or collectively, establishes corruption as an adjudicated fact. But Petitioner respectfully submits that collectively they make independent verification more important, not less.

The appearance of justice is not protected by assuming that every connection is improper. Neither is it protected by assuming that every connection is harmless without examining the evidence. Petitioner therefore requests that the Court preserve its ability to require independent

factual review in a neutral setting outside the immediate institutional environment whose own conduct and records may require examination.

Petitioner's request is ultimately for verification, transparency, and a tribunal capable of determining disputed facts without requiring the Court of Appeals itself to conduct discovery it ordinarily cannot perform and without requiring the same district-court environment to serve as the sole factfinder concerning unresolved questions about its own record handling.

XVII. WHY SUPREME COURT ACTION IS NECESSARY TO PRESERVE A NEUTRAL AND FACTUALLY ADEQUATE PROCESS

Petitioner respectfully submits that the circumstances described above explain why action by this Court is necessary at this stage. The problem cannot be resolved simply by telling Petitioner to continue litigating the same unresolved factual questions in the ordinary appellate course. The Sixth Circuit is principally a reviewing court. It may correct or settle the appellate record, but it ordinarily does not function as a trial court conducting first-instance discovery, compelling witnesses, taking testimony, determining credibility, or developing an entirely new evidentiary record.

That limitation becomes especially important here because several disputed questions cannot be resolved solely from the face of the existing docket: who received Petitioner's medical materials; where those materials went after receipt; what was visible in the electronic or sealed-record systems; whether the judicial officers making the relevant decisions had access to those materials; what communications occurred concerning employer identity; whether the federal component of Petitioner's employer-identity allegations was referred outside Ohio; and whether additional records or witnesses exist concerning those matters.

The ordinary appellate process may identify a need for additional factual development. Petitioner's separate concern, however, is that the Southern District of Ohio itself is part of the factual record that requires examination. Petitioner's concern does not rest solely upon adverse

judicial decisions. The District Court later acknowledged that the medical materials ultimately docketed at ECF No. 105 had been received before final dismissal even though they had not originally been docketed. Petitioner disputes what occurred between receipt and dismissal and has sought preservation and review of communications and records concerning that sequence.

The appearance question also cannot be considered in isolation from the documented institutional background. Judge Watson's relationship with Ohio State as an adjunct professor was sufficiently concrete to be disclosed and litigated in prior Sixth Circuit recusal proceedings. His prior Ohio executive-branch service overlapped with Mike DeWine's service as lieutenant governor, although the verified record does not show that Watson served as DeWine's personal counsel. Wexner's relationships with L Brands, Ohio State, and New Albany are matters of public record. Congress itself traveled to New Albany in 2026 under compulsory process to question Wexner concerning Jeffrey Epstein, while members of Congress publicly raised questions about the sufficiency of earlier federal investigation. Petitioner's Ohio proceedings separately placed state officials on notice of a materially disputed Bath & Body Works employer identity and a representation allegedly made to a federal judge. None of those facts alone proves improper influence. Their significance is that they add to the reasons why unresolved factual disputes should be verified independently rather than presumed harmless or presumed wrongful.

This concern is consistent with the Supreme Court's own recent recognition that conflict identification should be systematic. In February 2026, the Court announced automated conflict-screening procedures comparing information concerning litigants and attorneys against information maintained by individual Chambers. The purpose of that system is not to assume that every relationship creates a conflict; it is to identify relationships so that their significance can be evaluated rather than overlooked.

Petitioner respectfully submits that the same principle is implicated here. There are now numerous independently documented relationships, entity discrepancies, record-handling

questions, governmental interactions, and unresolved factual issues for which a neutral fact-development mechanism would protect both the integrity and the appearance of judicial process.

This is also why the requested relief remains important even if Petitioner ultimately prevails on the default issue. A determination that Bath & Body Works was in default would address the procedural consequences of a failure to answer or otherwise defend. It would not determine what happened to the medical records, which corporate entity was Petitioner's actual employer, whether particular representations were made accurately to federal and state authorities, whether an appropriate federal referral occurred, who possesses relevant communications, or whether additional discovery concerning record handling and institutional relationships is necessary.

Petitioner therefore submits that neither available lower-court path completely resolves the present problem. The Sixth Circuit ordinarily cannot conduct the necessary first-instance discovery itself, while simply returning all factual development to the same Southern District of Ohio environment would leave unresolved Petitioner's separate record-integrity and appearance concerns.

That is the point at which this Court's supervisory and extraordinary-writ authority becomes material. Petitioner's pending Rule 20 matters already ask the Court to preserve extraordinary relief concerning reassignment or transfer. Under the All Writs Act, 28 U.S.C. § 1651(a), this Court possesses authority to issue extraordinary writs in aid of its jurisdiction when the demanding requirements for such relief are satisfied. Petitioner therefore asks this Court to preserve the requested extraordinary neutral-forum relief, including reassignment or transfer where legally authorized and appropriate under the governing statutes and Rules, before continued ordinary proceedings make the issue more difficult to remedy.

The need for Supreme Court action therefore does not depend upon the Court first finding corruption, intentional evidence tampering, or improper political influence. Waiting for

Petitioner to prove those propositions without access to the discovery necessary to investigate them would invert the problem. The requested neutral process is the means by which the facts can be determined; it should not require Petitioner to establish the ultimate facts before that neutral process exists.

Petitioner respectfully submits that this is why Supreme Court intervention is necessary: not to decide disputed allegations without evidence, but to ensure that the evidence can be developed, preserved, and evaluated through a process capable of addressing both the underlying factual questions and the appearance of impartial adjudication.

If independent review establishes ordinary clerical explanations, proper employer reporting, no material conflict, and no misconduct, that neutral record will provide that answer. If it establishes material procedural irregularity, improper record handling, unresolved federal-reporting issues, or grounds requiring reassignment or other relief, the responsible tribunal can address those matters under the applicable law.

Petitioner therefore asks this Court to act not because every documented connection proves wrongdoing, but because the combination of unresolved facts and institutional overlap now makes an independent, neutral fact-development process necessary to determine what occurred and what relief, if any, the law requires.

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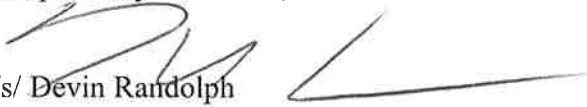
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Respectfully submitted,


/s/ Devin Randolph

Devin Randolph

Pro Se Petitioner

September 21, 2026

RELATED TO NOS. 25-7626 AND 25-7627
IN THE SUPREME COURT OF THE UNITED STATES

IN RE DEVIN RANDOLPH, PETITIONER

**EMERGENCY APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH,
ASSOCIATE JUSTICE AND CIRCUIT JUSTICE FOR THE SIXTH CIRCUIT
UNDER SUPREME COURT RULE 22 AND, TO THE EXTENT A STAY OR PAUSE IS
REQUIRED, RULE 23
FOR A TEMPORARY ADMINISTRATIVE STAY OF NONESSENTIAL APPELLATE
PROCEEDINGS AND FOR LIMITED DIRECTIONS CONCERNING THE COMPLETE
CONFERENCE RECORD**

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
Related Supreme Court Matters: Nos. 25-7626 (Mandamus) and 25-7627 (Prohibition)

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TABLE OF CONTENTS

Questions Presented	1
Emergency Relief Requested	1
Statement of the Case and Changed Procedural Posture	2
I. Rule 23.3 Is Now Satisfied Because Stay Relief Was Sought Below and Denied	4
II. The Requested Stay Has Always Included Medical Access and Accommodation	4
III. ECF Nos. 100 and 101 Used Proxy Indicators of Capacity Before the Physician Evidence Was Incorporated	6
IV. The Medical-Record Discrepancy Is Concrete and Remains Unresolved	9
V. A Short Administrative Stay Is Warranted	10
VI. The Court Should Have the Complete Accepted Conference Record	11
VII. The Sixth Circuit Order Should Be Read with Precision	13
VIII. Neutrality and the Existing Rule 20 Request for Reassignment or Transfer to a Neutral Region	14
Conclusion	16
Declaration of Devin Randolph	18
Appendix / Exhibit Index	20
Proof of Service	22-24
Certificate of Compliance with Paper Format	25

TABLE OF CITED AUTHORITIES

Cases

Boddie v. Connecticut, 401 U.S. 371 (1971)	7
Hollingsworth v. Perry, 558 U.S. 183 (2010)	10
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Liteky v. United States, 510 U.S. 540 (1994)	15
Mathews v. Eldridge, 424 U.S. 319 (1976)	7

Nken v. Holder, 556 U.S. 418 (2009)	10
Schafer v. City of Defiance Police Department, 529 F.3d 731 (6th Cir. 2008)	7
Solomon v. United States, 467 F.3d 928 (6th Cir. 2006)	14
Tennessee v. Lane, 541 U.S. 509 (2004)	6-7
Statutes and Rules	
28 U.S.C. § 455(a)	14
28 U.S.C. § 1254	3
28 U.S.C. § 1257	3
28 U.S.C. § 1404(a)	15
28 U.S.C. § 1651(a)	2, 15
28 U.S.C. § 1746	18
28 U.S.C. § 2101(f)	2-3
28 U.S.C. § 2106	14-15
28 U.S.C. § 292(d)	15
Fed. R. App. P. 10(e)	9
Fed. R. App. P. 27(a)(4)	13
Fed. R. Civ. P. 15	15
Fed. R. Civ. P. 41(b)	7, 10
6th Cir. R. 45(a)	13
Sup. Ct. R. 15.8	2, 12
Sup. Ct. R. 20	1-2, 5, 10, 12, 14-15, 17

Sup. Ct. R. 22	1-4, 14-15, 17, 20, 22, 25
Sup. Ct. R. 23	1-2, 4, 20, 22
Sup. Ct. R. 29	25
Sup. Ct. R. 33.2	25
Sup. Ct. R. 34.2	25
Other Authorities	
Supreme Court, Memorandum Concerning Deadlines for Cert-Stage Pleadings and Scheduling of Cases for Conference (Mar. 2026)	11
Supreme Court, Guidelines for Submission of Documents to the Electronic Filing System (Mar. 2026)	12

QUESTIONS PRESENTED

1. Whether, after Applicant sought a temporary stay from both the District Court and the Sixth Circuit and both courts declined to halt the proceedings, a short administrative stay is appropriate under Rules 22 and 23 to preserve the status quo while this Court considers related Rule 20 matters already distributed for the September 28, 2026 Conference.
2. Whether the stay request should be evaluated in light of its documented medical component—including physician-directed restrictions on typing, writing, prolonged computer use, and repetitive wrist activity—rather than as a request based only on the existence of pending Supreme Court proceedings.
3. Whether limited direction is appropriate to ensure that any timely, accepted corrective supplemental filing and supporting material associated with Nos. 25-7626 and 25-7627 is accurately associated with those matters and promptly made available to Chambers before conference consideration, consistent with the Court’s Rules and published filing and distribution procedures.
4. Whether a temporary stay should preserve this Court’s ability to consider the neutral-forum relief already expressly requested in the pending Rule 20 mandamus and prohibition matters and Exhibit A, including reassignment or transfer to a neutral federal district such as the Southern District of New York if the Court concludes that such relief is lawful, necessary, and warranted by the extraordinary-writ record.

EMERGENCY RELIEF REQUESTED

Applicant Devin Randolph respectfully submits this application to the Circuit Justice under Supreme Court Rule 22 and, to the extent a stay or pause is required, Rule 23. Applicant seeks narrow interim relief, not an adjudication of the underlying employment claims, default issue, disputed settlement, counsel-disqualification issue, or factual allegations concerning any public or private person.

Applicant asks for a temporary administrative stay of nonessential proceedings in Sixth Circuit No. 26-3747 through this Court's September 28, 2026 Conference and for a short period after the first order or orders disposing of, holding, or otherwise acting on Supreme Court Nos. 25-7626 and 25-7627. The stay may expressly permit the Sixth Circuit to resolve Applicant's pending in forma pauperis request and to take purely administrative or record-preservation action, while pausing merits briefing, dismissal or filing-restriction requests, and other nonessential rulings that could materially alter the appellate posture before this Court acts.

Applicant further requests, to the extent the Circuit Justice deems appropriate, limited direction that the Clerk associate and transmit to Chambers any timely and compliant supplemental or corrective material that has been accepted for filing in Nos. 25-7626 and 25-7627 before conference consideration. Applicant does not contend that every paper tendered to the Clerk must be accepted, or that Rule 15.8 by its text governs Rule 20 petitions. He asks only that accepted materials be accurately associated and routed, and that any deficiency preventing distribution be identified so it can be corrected promptly.

The application is in aid of the Court's consideration of already-pending extraordinary-writ matters under 28 U.S.C. § 1651(a), and invokes 28 U.S.C. § 2101(f) and Rule 23 only to the extent those authorities permit a stay of the judgment or proceedings connected with the judgment now on appeal. If relief is better considered by the full Court, Applicant respectfully requests referral under Rule 22.5.

STATEMENT OF THE CASE AND CHANGED PROCEDURAL POSTURE

Applicant's underlying civil action is *Randolph v. Bath & Body Works, Inc.*, S.D. Ohio No. 2:25-cv-284. The District Court entered final dismissal on July 17, 2026 through ECF Nos. 103 and 104. Applicant filed a notice of appeal, and the Sixth Circuit docketed No. 26-3747. Related Supreme Court Rule 20 matters, Nos. 25-7626 and 25-7627, concern a petition for a writ of mandamus and a petition for a writ of prohibition arising from the same underlying litigation.

They were distributed on August 6, 2026 for the Court's September 28, 2026 Conference.

Applicant does not contend that distribution predicts the merits; its significance here is timing and preservation of the Court's ability to consider the pending matters on a stable record.

On June 24, 2026, the Office of the Clerk returned Applicant's earlier filing titled "Emergency Application Under Rule 22." The Clerk's letter expressly stated that the application "was received June 24, 2026" and was being returned because the matter first had to be reviewed by a United States court of appeals or the highest state court in which a decision could be had, citing 28 U.S.C. §§ 1254, 1257, and 2101(f). The letter further stated: "Even a stay pending certiorari before judgment requires you to first seek the same relief at the Court of Appeals." The correspondence was issued in the name of Clerk Scott S. Harris and signed "By: Robert Meek." It also stated that, at that time, the docket showed no notice of appeal to the Sixth Circuit and no attempt to seek a stay there. That specific procedural circumstance has now changed. Applicant filed a notice of appeal; the Sixth Circuit docketed No. 26-3747; Applicant moved in that court for a stay of appellate proceedings; and on September 17, 2026, the Sixth Circuit denied the stay. Applicant does not contend that the June 24 letter promised relief once those steps were completed. He submits only that he has now taken the precise lower-court step the Clerk's June 24 correspondence identified as a prerequisite to renewed consideration of stay relief.

The Sixth Circuit's September 17 order also states that no briefing schedule will issue until that court grants Applicant pauper status or the \$605 filing fee is paid, and that the IFP motion will be submitted "in the normal course." The following day, the Sixth Circuit granted Applicant's separate motion to accept a corrected pro se brief while again stating that no appellee briefing schedule would issue until IFP is resolved or the fee is paid. This sequence matters to the equities: a short stay through the September 28 Conference would not interrupt an existing merits briefing schedule because the Sixth Circuit itself has said that no such schedule will issue while IFP remains unresolved.

I. RULE 23.3 IS NOW SATISFIED BECAUSE STAY RELIEF WAS SOUGHT BELOW AND DENIED

Rule 23.3 requires a stay applicant to explain why relief is unavailable elsewhere and, except in the most extraordinary circumstances, to seek the requested relief first in the appropriate court or courts below. Applicant has now done that at both levels available to him. The District Court denied the stay in ECF No. 100. The Sixth Circuit denied the appellate abeyance request in Document 15. Copies of those orders should accompany this application, together with the underlying stay motion. The June 24, 2026 Clerk correspondence from Robert Meek identified that same sequence as the reason the earlier Rule 22 application was returned; the present application is submitted after completion of that sequence.

Applicant therefore does not ask the Circuit Justice to bypass an available lower-court process. The District Court has entered final judgment. The Court of Appeals has the appeal, but it has declined to pause the matter pending this Court's September 28 consideration. The only emergency relief requested here is a short preservation measure so that the Supreme Court's already-scheduled consideration is not overtaken by additional nonessential appellate action or by avoidable medical burden in the days immediately preceding conference.

Rule 22.1 provides that an application to an individual Justice is filed with the Clerk and transmitted promptly to the Justice concerned when the Justice has authority to grant the relief. Rule 22.3 directs that the application be addressed to the Justice allotted to the Circuit from which the case arises. Ohio lies within the Sixth Circuit, and this application is therefore directed to Justice Kavanaugh as Circuit Justice.

II. THE REQUESTED STAY HAS ALWAYS INCLUDED MEDICAL ACCESS AND ACCOMMODATION

The Sixth Circuit's September 17 order describes Applicant's motion as a request to hold the appeal in abeyance pending disposition of "two mandamus petitions." That description captures the pendency of the Supreme Court matters, but it does not recite the medical component of the

requested pause. It also does not distinguish the two Rule 20 matters: No. 25-7626 is the mandamus matter, while No. 25-7627 is the prohibition matter. Applicant respectfully requests that the present application clarify both points.

The medical component predates the appeal. In ECF No. 99, titled “Plaintiff’s Statement Regarding Medical Accommodation, Sealed Review, Supreme Court Review, Rule 26(f), and Procedural Fairness,” Applicant expressly linked the requested Supreme Court stay to medical accommodation, sealed review, treatment, therapy, accident-related limitations, possible surgery, and access to court. ECF No. 100 understood the filing that way: it described ECF No. 99 as seeking a stay of discovery and deadlines, reconsideration of medical accommodation and scheduling, and a stay pending Supreme Court review.

Applicant’s physician documentation was directed to the activities required by litigation. The record describes restrictions on typing, writing, prolonged computer use, and repetitive wrist activity because those activities could aggravate the condition and interfere with healing. Conservative treatment and therapy were being used in an effort to avoid surgery, while surgery remained a possible next step if treatment failed. Applicant’s broader accident-related fatigue and reduced sustained energy were consequences of the automobile accident; speech therapy and rehabilitation were being used to help Applicant adjust to and manage those limitations, not as the cause of them.

The medical issue is therefore not whether Applicant can ever speak on a telephone, make an isolated filing, or obtain intermittent clerical help. The question is whether the courts may treat those isolated acts as proof of unrestricted capacity while disregarding physician-directed limits on the repetitive physical work needed to litigate. ECF No. 106 later stated that the physician-directed restriction against typing and writing had “no bearing on his ability to attend a telephone call.” Applicant seeks review of whether that conclusion addressed the full medical circumstances.

Applicant does not claim an unconditional right to preferred scheduling, indefinite delay, or appointed counsel. He invokes the constitutional importance of meaningful access to judicial process and asks only that documented medical restrictions not be converted into procedural forfeiture before the record is accurately settled. See *Tennessee v. Lane*, 541 U.S. 509, 532-34 (2004) (discussing the fundamental importance of access to courts and a meaningful opportunity to be heard).

III. ECF NOS. 100 AND 101 USED PROXY INDICATORS OF CAPACITY BEFORE THE PHYSICIAN EVIDENCE WAS INCORPORATED

ECF No. 100, entered by Magistrate Judge S. Courter M. Shimeall on June 17, 2026, denied the relief requested in ECF No. 99 and relied in part on Applicant's demonstrated ability to "prepare lengthy filings," "communicate by telephone," and "obtain clerical assistance." The same order also stated that a future medical-emergency request could be supported by corresponding treatment records or a signed note from a treating medical professional, together with Applicant's sworn declaration. Thus, the District Court itself identified treating-provider evidence as an appropriate form of proof while simultaneously drawing capacity inferences from the existence of filings, calls, and assistance.

Applicant does not contend that ECF No. 100 ignored the particular June 29 physician package before it had been delivered; ECF No. 100 was entered twelve days earlier. The narrower problem is sequencing. The capacity-based reasoning in ECF No. 100 was carried into the same-day Report and Recommendation at ECF No. 101, which relied on "in-person filings, voluminous filings, and phone calls, and emails to Chambers" in assessing Applicant's conduct. The physician documentation was later received by the District Court before Judge Watson entered ECF No. 103, yet ECF No. 106 acknowledged that those medical materials had not originally been docketed. The unresolved question is therefore whether the final dismissal

adopted medical-capacity assumptions before the treating-provider evidence was actually available to, and considered by, the judicial officer making the final determination.

The existence of a filing did not establish that Applicant personally typed, assembled, transported, or docketed every document. ECF No. 100 itself acknowledged that Applicant could obtain clerical assistance from others. The later record identifies concrete examples of that assistance. ECF No. 102 and Applicant's supporting clarification identify Coltin Rohn as a temporary representative who physically delivered documents to the Southern District of Ohio on June 30, 2026. Other filings explain that Applicant relied intermittently on assistance for typing, printing, scanning, organization, and transmission. Applicant was medically directed to avoid typing, writing, prolonged computer use, and repetitive wrist activity during the relevant period. Limited assistance therefore tends to explain how filings could continue despite the restriction; it does not establish unrestricted capacity to perform the prohibited repetitive work himself. Applicant therefore does not contend that ECF No. 100 literally stated that he worked alone; the challenged inference is that the volume and manner of filings demonstrated his own unrestricted capacity despite the acknowledged assistance.

A signed physician note is not self-executing and does not automatically require a stay or continuance. But it is material evidence when a court's decision turns on whether a litigant's noncompliance was willful or blameworthy. Under *Schafer v. City of Defiance Police Department*, 529 F.3d 731, 737 (6th Cir. 2008), willfulness, bad faith, or fault is a central factor in a Rule 41(b) dismissal. Due process likewise protects a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971). *Tennessee v. Lane*, 541 U.S. 509, 532-34 (2004), is cited here for the constitutional importance of access to courts and a meaningful opportunity to be heard, not for a contention that Title II of the ADA directly governs the federal judiciary. Where the court itself required treating-provider support and the provider evidence

was later in the court's possession before final dismissal, the handling and consideration of that evidence bear directly on access, fault, and procedural fairness.

The Court of Appeals has not yet entered a merits ruling adopting the District Court's medical-capacity reasoning. Bath & Body Works' Document 14 argued that ECF No. 106 and the post-dismissal docketing of the medical records at ECF No. 105 eliminated the need for further record clarification, while Applicant's Document 16 explained why receipt before dismissal but docketing only afterward leaves the central question unresolved. The Sixth Circuit's September 17 stay order did not decide that dispute or make findings concerning Applicant's medical capacity. Applicant therefore does not ask this Court to find appellate bias from the present record. He asks for a short stay so that an unresolved medical-record and access question is not compounded by further proceedings before it is meaningfully addressed.

Judge Watson's final dismissal at ECF No. 103 did not identify the treating physician's note or state that the note had been reviewed before the Report and Recommendation was adopted. ECF No. 106 later acknowledged that the medical records were received before ECF No. 103 but had not originally been docketed. The present record therefore does not establish that Judge Watson had the physician's restriction before him when he adopted the dismissal recommendation. That matters because the physician had directed Applicant to avoid typing, writing, prolonged computer use, and repetitive wrist activity through August 4, 2026, unless modified by later evaluation, and expressly requested reasonable accommodation. The note further explained that those restrictions were medically necessary for healing and that surgery could be considered if conservative treatment failed. Applicant asks that the courts evaluate that provider evidence rather than infer unrestricted capacity merely from the existence of filings, telephone calls, or assistance from others.

IV. THE MEDICAL-RECORD DISCREPANCY IS CONCRETE AND REMAINS UNRESOLVED

The medical-record issue is not based solely on Applicant's belief that a filing was overlooked.

The District Court's own later order creates the discrepancy. Applicant's June 29, 2026 package was delivered to the Southern District of Ohio and addressed to Magistrate Judge Shimeall. A separate June 30 filing became ECF No. 102 and documented receipt. ECF No. 103 then dismissed the remaining claim.

After dismissal, however, Judge Michael H. Watson entered ECF No. 106. That order acknowledged that correspondence from Kevin Carpenter and the attached medical records, later docketed as ECF No. 105, "were received before the Court issued" ECF No. 103. ECF No. 106 further acknowledged that the information had not originally been docketed and stated that it was then docketed under seal "to preserve the record for appeal." The objective issue is therefore what happened to the medical materials between receipt and dismissal, whether they were available to the judicial officer making the relevant medical and dismissal determinations, and whether later docketing cured any consequence of their earlier absence from the docketed record.

Applicant has preserved recorded communications with District Court Clerk's Office personnel concerning whether the physician note or sealed medical material could be located in the electronic system. Applicant has not asked the Sixth Circuit to infer misconduct from those recordings. His Rule 10(e) motion instead asks for an objective record-settlement process or limited remand to determine receipt, routing, indexing, sealing, visibility, and judicial availability. That is the appropriate posture because an appellate court ordinarily reviews a record rather than conducting first-instance discovery or factfinding.

This application likewise does not ask the Circuit Justice to declare that a judge, magistrate judge, or clerk committed a criminal act, intentionally altered a record, or concealed medical evidence. Those conclusions are not established by the present record. The narrower and sufficient point is that ECF No. 106 itself confirms pre-dismissal receipt and post-dismissal

docketing, while recorded Clerk communications raise a legitimate question about what the court's system displayed in the interim. A short stay permits that record issue to be handled through orderly appellate procedures rather than under continuing deadline pressure.

V. A SHORT ADMINISTRATIVE STAY IS WARRANTED

This Court has treated a stay as an exercise of judicial discretion governed by the likelihood of eventual relief, irreparable injury, the equities, and the public interest. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010); *Nken v. Holder*, 556 U.S. 418, 434 (2009). Applicant recognizes that Rule 20 relief is extraordinary and that distribution for conference does not imply a likely grant. He nevertheless submits that the combination of an imminent conference, a concrete lower-court record discrepancy, active medical restrictions, and an appellee's pending request in the Court of Appeals for dismissal or filing restrictions supplies sufficient reason for a brief preservation order.

First, the pending Rule 20 matters present serious questions already preserved in the record: the operative-pleading and service/default sequence; the medical-record handling acknowledged in ECF No. 106; the Rule 41(b) dismissal entered while physician restrictions were active; and the unresolved EEOC compliance-monitoring and settlement chronology. Applicant does not ask this application to decide those issues. He asks only that their review not be rendered less useful by additional lower-court procedural consequences during the final days before conference.

Second, the medical risk is not speculative in the ordinary sense. The physician documentation warned that repetitive wrist activity associated with litigation could aggravate the condition and interfere with healing. Applicant has already had to coordinate therapy, specialist care, and rehabilitation while preparing time-sensitive filings. A short pause protects against requiring avoidable repetitive work during a medically documented period without prejudging the ultimate merits of any accommodation request.

Third, the equities favor a narrow stay. The Sixth Circuit has already stated that no appellee briefing schedule will issue until IFP is resolved or the fee is paid. The requested stay therefore would not suspend an active merits briefing schedule. It can also be written to permit the Sixth Circuit to decide IFP and preserve the record while pausing only nonessential merits activity, dismissal or vexatious-filer relief, and other action that could materially change the posture before September 28.

Fourth, orderly administration favors knowing what action, if any, this Court takes before the parties and the Court of Appeals expend resources on overlapping issues. If the Supreme Court denies extraordinary relief, the ordinary appeal can continue. If the Court grants, holds, calls for a response, or otherwise acts in a manner affecting the posture, the Sixth Circuit can proceed with the benefit of that direction.

VI. THE COURT SHOULD HAVE THE COMPLETE ACCEPTED CONFERENCE RECORD

Applicant has repeatedly sought confirmation that corrective supplemental filings and supporting exhibits were properly associated with Nos. 25-7626 and 25-7627. The concern is administrative and record-based: what was received, what was accepted, what was returned, what was associated with each pending matter, and what was transmitted to Chambers. Applicant does not ask the Circuit Justice to infer bad faith from inconsistent or unclear communications by Clerk's Office personnel.

The Clerk's March 2026 scheduling memorandum states, in its cert-stage context, that it addresses "the practices and procedures for distribution of cert-stage filings to the Justices for consideration." It further states that, when a reply arrives after distribution but before conference, "it will be distributed to Chambers immediately upon docketing," and that "the petition, briefs in opposition/support and any other filings in the case will be forwarded to Chambers on the same day that the case is included on a conference list." Applicant recognizes that the memorandum is

written for cert-stage practice and does not contend that it expands Rule 15.8 to Rule 20 proceedings. He cites it only as the Clerk's published description of the importance of prompt Chambers distribution of accepted conference-stage materials.

Applicant also recognizes an important limitation in the Court's March 2026 electronic-filing guidelines: registration is limited to members of the Supreme Court Bar and attorneys appointed under the Criminal Justice Act. Applicant is pro se and is not asking for electronic-filing access to which he is not entitled. Because he must rely on paper submission and Clerk's Office processing, accurate receipt, association, and routing are especially important.

The Clerk's June 26, 2026 correspondence previously advised Applicant, in substance, that new matter submitted while the Supreme Court matters remained pending should be presented as a supplemental brief and comply with Rule 15.8. Applicant followed that direction in later submissions. Because Rule 15.8 by its text addresses certiorari petitions, Applicant does not ask the Circuit Justice to declare through this emergency application that Rule 15.8 independently governs Rule 20 matters. He asks instead for a practical direction: if a corrective supplemental brief or supporting material is accepted in these pending matters, it should be associated with the correct docket number and promptly transmitted to the appropriate Chambers before conference; if it is not acceptable, Applicant should be told the specific deficiency so that he can attempt a timely correction.

Applicant respectfully requests a written administrative confirmation, through the Clerk's Office or such direction as the Circuit Justice deems appropriate, identifying whether the Justices or their Chambers received the supplemental briefs, corrected supplemental briefs, and accompanying exhibits or supporting materials that were accepted for filing in Nos. 25-7626 and 25-7627. Applicant seeks confirmation of distribution only; he does not seek disclosure of any Justice's deliberations, vote, internal communications, or confidential Chambers material.

For any supplemental brief, corrected supplemental brief, exhibit, or supporting submission that was tendered but was not accepted or was not transmitted to Chambers, Applicant respectfully requests written identification of that item and, if applicable, the filing deficiency or administrative status so that he can attempt a timely correction before conference. This request is tied to the Clerk's prior direction concerning supplemental filings and to the Court's published distribution guidance. Applicant does not contend that every paper tendered to the Clerk must be accepted; he asks that materials accepted under the Court's Rules and Clerk instructions be accurately associated with the proper docket and that the distribution status of those accepted materials be confirmed in writing.

VII. THE SIXTH CIRCUIT ORDER SHOULD BE READ WITH PRECISION

The September 17 order denied the motion to hold the appeal in abeyance and then stated:

"Because the district court revoked the plaintiff's ability to proceed on appeal in forma pauperis, no briefing schedule will issue until this court has granted the plaintiff pauper status on appeal or he has paid the \$605 appellate filing fee." The "because" clause most naturally explains the absence of a briefing schedule; the order does not separately state why the pending Supreme Court conference, overlap of issues, or medical burden did not justify the requested abeyance.

The order was entered "pursuant to Rule 45(a), Rules of the Sixth Circuit," under the Clerk's name, and the transmittal letter states that "The Court issued the enclosed Order." The document does not identify an individual judge or panel. Applicant does not contend that the Clerk personally adjudicated the motion. He requests only enough clarity to identify accurately the judicial disposition being presented to this Court.

Applicant also wishes to state the timing accurately. Bath & Body Works filed its omnibus response on September 14. Federal Rule of Appellate Procedure 27(a)(4) provides a seven-day period for a reply. Applicant filed his reply on September 17, and the stay-denial order also bears September 17. The public materials presently before Applicant do not establish which

was considered first. Applicant therefore does not assert that Rule 27 categorically prohibited prompt action. He relies on the compressed sequence only as additional reason for a brief pause so that the Court of Appeals does not continue to resolve consequential issues while the Supreme Court matters are days from conference.

VIII. NEUTRALITY AND THE EXISTING RULE 20 REQUEST FOR REASSIGNMENT OR TRANSFER TO A NEUTRAL REGION

Applicant has raised broader concerns in the pending Rule 20 filings concerning representation, potential conflicts, the EEOC settlement/compliance-monitoring chronology, judicial reassignment, Ohio institutional relationships, and whether a neutral forum is necessary. Those concerns are relevant here because the emergency stay preserves the Court's ability to consider the relief already requested, but Applicant does not ask this Rule 22 application to make first-instance factual findings that any private person influenced, threatened, or controlled any judge, clerk, agency, or public official, or that any person committed a crime. The narrower request is to preserve the pending Rule 20 transfer/reassignment issue for the Court's consideration on the record submitted in those matters.

Applicant also distinguishes between an allegation of actual bias and a request designed to preserve the appearance of justice. Under 28 U.S.C. § 455(a), a federal justice, judge, or magistrate judge must disqualify when impartiality might reasonably be questioned. Separately, 28 U.S.C. § 2106 authorizes an appellate court, when a matter is properly before it, to remand and require such further proceedings as may be just under the circumstances. The Sixth Circuit treats reassignment on remand as an extraordinary remedy and considers whether the original judge could put aside previously expressed views, whether reassignment is advisable to preserve the appearance of justice, and whether the resulting duplication would be disproportionate to the gain in fairness. *Solomon v. United States*, 467 F.3d 928, 935 (6th Cir. 2006). See also *John B. v. Goetz*, 626 F.3d 356, 365 (6th Cir. 2010).

Applicant does not contend that an adverse ruling, standing alone, proves bias. See *Liteky v. United States*, 510 U.S. 540, 555 (1994). He does, however, clarify that transfer or reassignment outside the present Ohio setting is not a new request created by this Rule 22 application. The pending Rule 20 materials and Exhibit A already ask this Court to reassign or transfer the underlying matter to a neutral judge and region, expressly including the Southern District of New York if necessary to restore confidence in neutral adjudication and meaningful access to court. The corrected Rule 20 petition likewise frames the requested extraordinary relief to include reassignment or transfer to a neutral judge and region. The temporary stay requested here is therefore designed in part to preserve this Court's ability to consider relief that is already before it in Nos. 25-7626 and 25-7627, rather than allowing the appellate posture to change materially before conference.

Applicant respectfully asks the Court to consider that existing Rule 20 and Exhibit A request under the authorities governing extraordinary writs and lawful further proceedings. The All Writs Act, 28 U.S.C. § 1651(a), authorizes the Supreme Court to issue writs necessary or appropriate in aid of its jurisdiction and agreeable to the usages and principles of law; Rule 20 requires exceptional circumstances and the absence of adequate relief elsewhere. To the extent the matter is before the Court for review, 28 U.S.C. § 2106 permits the Court to remand and require further proceedings that are just under the circumstances. Applicant recognizes that any actual interdistrict transfer must also conform to applicable venue law, including 28 U.S.C. § 1404(a), and he does not ask Rule 20 to override those statutory limits. He requests that, if the Court concludes the extraordinary-writ showing is satisfied and transfer or reassignment is legally available, it grant or direct the lawful neutral-forum relief already requested, including the Southern District of New York if appropriate. Alternatively, the Court may preserve or direct consideration of reassignment to a neutral judicial officer, including an outside-circuit designation mechanism if legally warranted. See 28 U.S.C. § 292(d).

Similarly, Applicant does not ask the Court to decide in this application that Bath & Body Works was necessarily in default. The narrower appellate question is whether ECF No. 21 validly suspended the acknowledged August 20, 2025 response deadline in light of the then-existing Rule 15 posture. If the stay was valid, default did not arise from that deadline; if it was legally ineffective, the consequence is a matter for appellate review or remand. The same neutral

approach applies to the Vorys conflict issue and the disputed EEOC settlement: they remain preserved questions, not findings requested on emergency papers.

Applicant likewise does not contend that “compliance monitoring” by itself proves that an employer lied to investigators, required reinstatement or compensation, or eliminated the need for litigation. The preserved issue is the unexplained chronology: a Right-to-Sue determination, a compliance-monitoring designation, and a later communication referring to a “fully executed Settlement Agreement,” followed by counsel’s later representation that the agreement was a two-party EEOC/employer agreement to which Applicant was not a party. The application relies on that sequence only to explain why the pending Supreme Court matters and the ordinary appeal overlap.

If factual development regarding record custody, representation chronology, authentication of recordings, or other disputed matters becomes necessary, Applicant recognizes that the Court of Appeals ordinarily does not conduct discovery in the first instance. His pending appellate motions therefore request record settlement or limited remand where appropriate. A temporary stay preserves the ability of the proper court to perform that function after this Court acts.

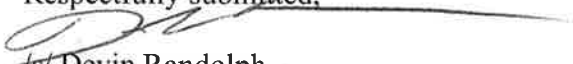
CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Circuit Justice:

1. temporarily stay nonessential proceedings in Sixth Circuit No. 26-3747 through the September 28, 2026 Conference and for fourteen days after the first Supreme Court order or orders acting on Nos. 25-7626 and 25-7627, while permitting the Sixth Circuit to resolve IFP and take purely administrative or record-preservation action;
2. to the extent appropriate, direct or confirm that every timely, compliant, and accepted supplemental brief, corrected supplemental brief, exhibit, and supporting material associated with Nos. 25-7626 and 25-7627 has been associated with the correct matter and transmitted

- to the Justices or their Chambers before conference consideration, and provide written confirmation of that distribution; if an item was not accepted or not transmitted, identify the item and any applicable filing deficiency or administrative status so Applicant may attempt a timely correction;
3. recognize for purposes of the stay application that the lower-court stay requests included documented medical-accommodation and access-to-court concerns, not merely the existence of pending Supreme Court proceedings;
 4. preserve for the Court's consideration in the pending Rule 20 matters the neutral-forum relief already requested in Exhibit A and the mandamus/prohibition filings, including reassignment or lawful transfer to a neutral federal district such as the Southern District of New York if the Court concludes that extraordinary relief is warranted and the applicable venue and jurisdictional requirements are satisfied; and
 5. alternatively, refer this application to the full Court under Rule 22.5 or grant such narrower interim relief as is necessary to preserve the Court's ability to consider the pending matters on an accurate and stable record.

Respectfully submitted,


/s/ Devin Randolph
Devin Randolph
Applicant, Pro Se
450 Alder Drive East, Apt. 302
Gahanna, Ohio 43230
(614) 828-7284
devinrandolph@myyahoo.com
Dated: September 21, 2026

DECLARATION OF DEVIN RANDOLPH

I, Devin Randolph, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge:

1. I am the Applicant and the pro se appellant in Sixth Circuit No. 26-3747.
2. Supreme Court Nos. 25-7626 and 25-7627 arise from the same district-court litigation and have been distributed for the September 28, 2026 Conference.
3. I sought a stay from the District Court and later from the Sixth Circuit. Both courts declined to grant the requested stay.
4. My physician documentation restricted repetitive wrist activity, including typing and writing, warned that such activity could aggravate the condition and interfere with healing, and reflected treatment undertaken in an effort to avoid surgery.
5. I have relied on intermittent help with certain filing-related tasks, for example docketing and assembling materials. Coltin Rohn assisted with a June 30, 2026 physical courthouse delivery. That help is not continuous legal representation or full-time clerical support.
6. I have repeatedly attempted to confirm whether medical and corrective supplemental materials were received, associated with the correct matter, and available for judicial review. I seek a short preservation period and written confirmation that supplemental briefs, corrected supplemental briefs, and accompanying exhibits accepted for filing in Nos. 25-7626 and 25-7627 were transmitted to the Justices or their Chambers before conference; I do not seek disclosure of judicial deliberations.

Executed on September 21, 2026.


/s/ Devin Randolph
Devin Randolph

APPENDIX / EXHIBIT INDEX

The attachments to this emergency application are limited to the specific lower-court and Sixth Circuit materials identified below. These documents are being physically submitted with this application because they bear directly on the Rule 22/23 stay request and the present appellate posture. Older Supreme Court materials already submitted in Nos. 25-7626 and 25-7627 are referenced in this application but are not being physically resubmitted merely by being referenced.

Appendix A: Sixth Circuit Document 2 (attached as filed).

Appendix B: Sixth Circuit Document 8 (attached as filed).

Appendix C: Sixth Circuit Document 15, including the September 17, 2026 order denying the motion to hold the appeal in abeyance.

Appendix D: Sixth Circuit Document 12 (attached as filed).

Appendix E: Sixth Circuit Document 17, including the September 18, 2026 order granting the motion to accept the corrected pro se brief.

Appendix F: Sixth Circuit Document 13 (attached as filed).

Appendix G: Sixth Circuit Document 16 (attached as filed).

Appendix H: Sixth Circuit Document 9 (attached as filed), which contains a copy of the corrected supplemental brief referenced in the appellate materials.

Appendix I: S.D. Ohio ECF No. 99, Plaintiff's Statement Regarding Medical Accommodation, Sealed Review, Supreme Court Review, Rule 26(f), and Procedural Fairness.

Appendix J: S.D. Ohio ECF No. 100, the June 17, 2026 order denying the relief requested in ECF No. 99.

**PREVIOUSLY SUBMITTED SUPREME COURT MATERIALS — REFERENCED,
NOT REATTACHED**

Applicant separately references the Supplemental Briefs, Corrected Supplemental Briefs, and accompanying exhibits and supporting materials previously submitted in Supreme Court Nos. 25-7626 and 25-7627. Except to the extent a copy is already contained within one of the Sixth Circuit documents listed above, those previously submitted Supreme Court materials are not being duplicated as appendices to this emergency application.

Applicant respectfully requests written confirmation identifying which of those previously submitted supplemental briefs, corrected supplemental briefs, exhibits, and supporting materials were accepted for filing, associated with the correct docket number, and transmitted to the Justices or their Chambers before conference consideration. If any such item was not accepted or not transmitted, Applicant respectfully requests identification of the item and any applicable filing deficiency or administrative status under the applicable Rules, so that he may attempt a timely correction.

This distinction is intentional: the ten appendices identified above are the documents physically accompanying this application; the earlier Supreme Court materials are referenced so that the Clerk can confirm the completeness of the materials already submitted and routed for consideration.

PROOF OF SERVICE

I, Devin Randolph, declare that, upon mailing of this filing, I will serve the accompanying **Emergency Application under Supreme Court Rules 22 and 23**, upon those persons presently identifiable for Supreme Court service purposes.

Applicant also identifies certain additional persons or entities for preservation and service-clarification purposes only. Applicant respectfully submits that the lower court has not yet properly identified the operative complaint or the defendants properly included in the action. Accordingly, as to any proposed, disputed, or unresolved parties, Applicant preserves the position that service obligations cannot be finally determined until the operative complaint and proper defendant list are identified. Applicant will comply with any further service obligations determined to be required after those issues are resolved.

The names and addresses of those served, or identified for preservation and service-clarification purposes, are as follows:

Vorys, Sater, Seymour & Pease LLP

52 East Gay Street

Columbus, OH 43215

Counsel of record for Bath & Body Works, Inc.; also identified in proposed ECF No. 52-1.

Petitioner preserves the Vorys / Bath & Body Works representation and service issue.

Bath & Body Works, Inc.

Three Limited Parkway

Columbus, OH 43230

Listed for preservation due to service, operative-complaint, party-identity, default, and representation issues. Petitioner preserves the position that proper service and default obligations cannot be accurately determined until the lower court properly identifies the operative complaint and proper defendant list.

Victoria's Secret & Co.

Four Limited Parkway

Reynoldsburg, OH 43068

Listed for preservation and service clarification as a respondent/defendant identified in proposed ECF No. 52-1.

Premise Health Holding Corp.

5500 Maryland Way #120

Brentwood, TN 37027

Listed for preservation and service clarification as a respondent/defendant identified in proposed ECF No. 52-1 as Premise Health Holding Corp. d/b/a LBrands Wellness Center / Premise Occupational Health Services.

Dilip Gokhale, Director of the EEOC Cleveland Field Office, in his individual capacity

U.S. Equal Employment Opportunity Commission, Cleveland Field Office

Anthony J. Celebrezze Federal Building

1240 East 9th Street

Cleveland, OH 44199

Listed for preservation and service clarification as a respondent/defendant identified in proposed ECF No. 52-1 in his individual capacity.

Solicitor General of the United States

Room 5616

Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530-0001

Listed for preservation only to the extent service on the United States or a federal officer is later determined to be required.

John/Jane Does 1-10

Identities presently unknown. No mailing address is presently available. Petitioner lists these parties because they were included in proposed ECF No. 52-1 and preserved for later identification if permitted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 21st, 2026.

A handwritten signature in black ink, appearing to read 'Devin Randolph', with a long horizontal flourish extending to the right.

/s/ Devin Randolph

Devin Randolph

Pro Se Petitioner

CERTIFICATE OF COMPLIANCE WITH PAPER FORMAT

I certify that this application was prepared on 8½-by-11-inch paper in 12-point Times New Roman and is double spaced except for indented quotations and conventional cover, heading, signature, and address formatting, consistent with Supreme Court Rule 33.2. Because the application exceeds five pages, it includes a table of contents and table of cited authorities pursuant to Supreme Court Rule 34.2. Applicant is proceeding pro se and submits the Emergency Application in the number of paper copies directed by the Clerk's Office, consistent with the filing guidance provided by Clerk's Office staff member Pipa Fisher, together with proof of service under Supreme Court Rule 29.


/s/ Devin Randolph
Devin Randolph
Applicant, Pro Se

9-21-26

OFFICIAL COURT OF APPEALS CAPTION FOR 26-3747

DEVIN RANDOLPH

Plaintiff - Appellant

v.

BATH & BODY WORKS, INC.; VORYS SATER SEYMOUR & PEASE LLP; EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION; SPITZ LAW FIRM, LLC

Defendants - Appellees

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