25A1148

No. 25A_____

IN THE SUPREME COURT OF THE UNITED STATES

SHAWANDA SOLOMON, Individually and on behalf of M.S.,

Applicant,

v.

ANNA INDEPENDENT SCHOOL DISTRICT,

Respondent.

APPLICATION TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT

EMERGENCY APPLICATION FOR AN INJUNCTION PENDING APPEAL AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

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QUESTIONS PRESENTED

1. **The Mandatory Nature of Stay-Put:** Whether the "Stay-Put" provision of the IDEA, 20 U.S.C. § 1415(j), constitutes a self-executing statutory injunction that strips lower courts of discretionary balancing power, in accordance with this Court's holding in *Honig v. Doe*, 484 U.S. 305 (1988).

2. **Irreparable Harm from Judicial Delay:** Whether a school district's unilateral placement change—resulting in documented academic credit loss and physical trauma—constitutes exigent irreparable harm warranting emergency relief when lower courts fail to enforce the federal status quo mandate.

3. **The Jurisdictional Void:** Whether a District Court may disclaim jurisdiction over a mandatory statutory mandate by citing a pending interlocutory appeal of a separate equitable remedy, thereby creating a "procedural void" where no court enforces a self-executing federal right.

4. **The Adequacy of Summary Appellate Review:** Whether a Court of Appeals departs from the accepted course of judicial proceedings by issuing an unexplained summary denial of an emergency application involving a voluminous record in less than 26 hours.

PARTIES TO THE PROCEEDING AND RELATED CASES

Parties to the Proceeding:

- **SHAWANDA SOLOMON**, on behalf of her minor child, **M.S.** (Petitioner)
- **Anna Independent School District** (Respondent)

Related Cases:

- *SHAWANDA SOLOMON, individually and as next friend of M.S., a minor child*, No. 26-40109, U.S. Court of Appeals for the Fifth Circuit (Order entered March 27, 2026).
- *SHAWANDA SOLOMON, Parent and Next Friend of Student M.S.*, No. 4:25-CV-1303, U.S. District Court for the Eastern District of Texas

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2. The order of the United States District Court for the **Eastern District of Texas** denying a temporary restraining order and preliminary injunction was entered on January 8, 2026, in No. 4:25- CV-1303, and is reproduced at **App. C.4a**.
3. The Report and Recommendation of the United States Magistrate Judge recommending abeyance, entered February 19, 2026, is set forth in **App. I, 58a.**
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5. The Stay-Put Order of the Administrative Law Judge (ALJ) for the Texas Education Agency, entered on **October 2, 2025**, is set forth in **App. B, 3.1a.**
6. The Administrative Deliberations of the Anna Independent School District dated March 23, 2026, documenting the student's "credit deficiency" and the unilateral change in placement, are set forth in **App. P, 160.1a.**
7. The Order of the United States District Court staying the case and asserting a divestiture of jurisdiction, entered on April 9, 2026, is set forth in **App. X, 189a**.

JURISDICTION STATEMENT

This application arises from proceedings in the United States District Court for the **Eastern District of Texas**, Case No. 4:25-CV-1303, and the United States Court of Appeals for the Fifth Circuit, No. 26-40109.

This Court has jurisdiction over this Emergency Application for an Injunction under the **All Writs Act, 28 U.S.C. § 1651(a)**, which authorizes the Court and its individual Justices to issue all writs necessary or appropriate in aid of their respective jurisdictions. Petitioner has exhausted every available avenue for relief in the lower courts. Following the District Court's refusal to rule for over two months, Petitioner sought relief in the Fifth Circuit, which was summarily denied on March 27, 2026 (**App. A, 1a**).

The jurisdiction of this Court to eventually review the merits of this case is invoked under **28 U.S.C. § 1254(1)**. Jurisdiction for this emergency application is further predicated upon **Supreme Court Rules 20, 22, and 23**. Petitioner seeks an original injunction from the Circuit Justice for the Fifth Circuit to enforce the automatic "stay-put" mandate of **20 U.S.C. § 1415(j)**. The requested relief is in aid of this Court's potential jurisdiction to review the final judgment in this matter via a petition for a writ of certiorari. The ongoing and documented credit deficiency (**App. P, 160.2 a**) caused by the lower courts' "Abeyance Trap" threatens to moot the Student's statutory rights and deprive this Court of meaningful review before a final decision can be reached.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1: "...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

20 U.S.C. § 1415(j) (Individuals with Disabilities Education Act): "[D]uring the pendency of any proceedings... unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child... until all such proceedings have been completed

28 U.S.C. § 1651(a): "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Sup. Ct. R. 20.1: "The issuance by the Court of an extraordinary writ... is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, it must be shown that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court."

Sup. Ct. R. 22.1: "An application addressed to an individual Justice shall be filed with the Clerk, who will transmit it promptly to the Justice concerned."

Sup. Ct. R. 23.3: "A stay application shall set out with particularity why the relief sought is not available from any other court or judge. Except in extraordinary circumstances, an application for a stay will not be entertained unless the relief requested was first sought in the appropriate court or courts below...."

I. INTRODUCTION AND STATEMENT OF EMERGENCY

Pursuant to **Supreme Court Rule 23**, Petitioner S.S. respectfully moves for an emergency stay and an injunction to enforce the mandatory "Stay-Put" provision of the Individuals with Disabilities Education Act (IDEA). This application presents an extraordinary judicial breakdown. Since the 2025–2026 school year began, the student has faced a series of unilateral placement changes, despite her status quo being affirmed by a state Administrative Law Judge (ALJ) Stay-Put Order on October 2, 2025 (**App. B, 3.1a**).

On December 1, 2025, Petitioner transitioned the matter to federal court. Within minutes, the district again unilaterally removed the student from her placement. This has resulted in 130 days of total exclusion from school, causing profound emotional trauma and academic loss. This Court's intervention is required because the "stay-put" provision is an "unequivocal" mandate that acts as an automatic injunction. *Honig v. Doe*, 484 U.S. 305 (1988).

The Supreme Court has established that "stay-put" is an "unequivocal" mandate acting as an automatic preliminary injunction to maintain the status quo. *Honig v. Doe*, 484 U.S. 305, 323 (1988). This command is self-executing and strips lower courts of discretionary balancing power. A congressionally mandated right has been rendered a "dead letter" by a catastrophic procedural deadlock: the District Court refused to rule for two months (the "Abeyance Trap"), and the Fifth Circuit summarily denied relief on March 27, 2026, a mere 26 hours after receiving a record exceeding a1,000 pages (**App. A, 1a**).

Critically, the "Stay-Put" mandate is independent of Petitioner's pending interlocutory appeal regarding a discretionary Preliminary Injunction. The District Court maintains jurisdiction to enforce this statutory mandate regardless of appellate activity on other issues. Yet,

for two months, the District Court refused to rule (the "Abeyance Trap"). If a court truly lacks jurisdiction, it is obligated to say so immediately. By ordering Petitioner to serve the District and allowing two months of briefing, the Court acted as if it had jurisdiction. To "discover" a lack of jurisdiction only after an emergency has become a catastrophe represents a severe abuse of judicial discretion.

The breakdown culminated in total judicial abdication via contradictory orders in April 2026. On April 5, 2026 the District Court recognized its jurisdiction by granting an extension (**Dkt. 32**). On April 7, 2026 it issued a Memorandum Opinion adopting a recommendation to hold the Stay-Put motions in abeyance (**App. V, 176a**). Yet, only 72 hours later, on April 9, 2026 the Court issued **Order 35** abruptly staying the entire case and claiming it was "divested of jurisdiction" by Petitioner's appeal of a separate equitable order (**App. X, 189a**).

This is a fundamental legal error. An interlocutory appeal of a discretionary injunction does not divest a court of the power to enforce the automatic statutory mandate of § 1415(j). These are legally distinct remedies: one preserves the status quo by judicial discretion; the other preserves it by Congressional command. By expanding the scope of the appeal to avoid a mandatory obligation, the lower court created a "Jurisdictional Void."

Stare decisis demands adherence to this Court's precedents; by waiting until the school year's end to "discover" a lack of jurisdiction, the District Court created a procedural "dead zone." Under *In re Chamber of Commerce*, 98 F.4th 265 (5th Cir. 2024), this inaction constitutes an "effective denial" of federal rights. The student suffers documented physical trauma, including trichotillomania (**App. N, 142a**) and immediate relief is necessary to prevent this mandatory right from being extinguished.

STATEMENT OF THE CASE

A. The Factual Background: The Status Quo and the ALJ Mandate

The "status quo" in this matter is anchored to the January 21, 2025, IEP agreement (**App. K, 94a**), which placed the Student in a general education setting with inclusion supports. On May 6, 2025, the District unilaterally altered this placement, moving the student into a restrictive "Social Skills" setting that provided no core academic credit for graduation requirements (**App. L, 102a**).

Petitioner initiated administrative due process to challenge this removal. On October 2, 2025, an Administrative Law Judge (ALJ) issued a Stay-Put Order (**App. B, 3.1a**), explicitly finding that the January 21, 2025, IEP was the last agreed-upon placement and ordering the District to maintain it. Despite this mandatory order, the District refused to return the Student to her General Education Spanish I and Geometry courses, asserting that "administrative convenience" outweighed the ALJ's statutory command.

B. The "Procedural Ambush" and the "Finalized Abeyance Trap"

On December 1, 2025, Petitioner filed the Complaint in District Court to protect the student's rights. Coinciding with this removal, the district physically barred the student from her inclusion classrooms (**App. S, 142a**). Petitioner immediately filed an Emergency Motion for a Stay-Put Injunction. For 59 days, the District Court took no action, allowing the student to remain in a non-credit setting during critical mid-term examinations.

On February 11, 2026, the District Court issued an "Abeyance Order," essentially pausing the case while the Student continued to fail her core courses due to lack of instruction (**App. U, 171a**). When Petitioner sought relief from the Fifth Circuit, that court issued a summary denial on March 27, 2026, after a mere 26-hour review of a 1,000-page record (**App. W, 183a**).

The "Procedural Ambush" was finalized on April 9, 2026. After briefly "lifting" the abeyance on April 7, the District Court issued **Order 35**, staying the entire proceeding indefinitely (**App. X, 189a**). This sequence of orders has created a "Jurisdictional Void": the District Court refuses to act because of the appeal, and the Fifth Circuit has already denied relief without a meaningful review. The Student remains the only party suffering the physical and academic consequences of this judicial stalemate.

The following chronology demonstrates Petitioner's diligence and the lower courts' persistent failure to enforce the mandatory 'stay-put' status quo:

PROCEDURAL BACKGROUND/Timeline:

- **January 16, 2025: First ARD Meeting.** Committee meets and reaches consensus on the students' placement and services.
- **January 21, 2025: The 1/21/25 IEP is signed and finalized.** This remains the "Status Quo Placement" for Stay-Put purposes. **(App. K, 94a)**
- **February 24, 2025:** District commences an "Annual" ARD meeting.
- **April 30, 2025:** The "Annual" ARD is finalized, but **no IEP is signed.** Crucially, the District's proposal on this date *maintained* the placement from the 1/21/25 IEP.
- **May 6, 2025 (The Unilateral Change):** District abandons the 4/30/25 IEP proposal. Instead, the District emails a new, unauthorized IEP—**embedded within a 92-page**

document—unilaterally changing the student's placement without parental consent or a consensus ARD.

- **July 31, 2025:** Petitioner discovers the district's unilateral change of the student's placement upon receiving the student's 2025–2026 course schedule.
- **August 8, 2025:** Petitioner files the initial **Due Process Complaint** with the Texas Education Agency (TEA) to challenge the unilateral placement change.
- **August 21, 2025 – Resolution Meeting & Placement Agreement** "August 21, 2025 – Resolution Meeting: District agreed to return Student to agreed-upon placement on August 25, 2025, pending Parent's review of written terms.
- **August 25, 2025 – District Threat and Retaliatory Placement Change**
    - **12:22 PM:** August 25, 2025 – At 12:22 PM, District threatened 'restricted placement' after Parent requested time to propose revisions. Parent removed Student from school.
    - **August 25, 2025:** The Administrative Law Judge (ALJ) issues the **First Stay-Put Order**, confirming the student's "last agreed-upon placement" and ordering the District to maintain it. Following the Parent's protest, the district's attorney explicitly confirmed in writing: ***"In compliance with the Hearing Officer's order, the District agrees to provide M.S with the services in her 2024-2025 schedule... including general education math with in-class support."***
- **September 4–8, 2025:** Case Manager unilaterally ended navigation support on September 8 despite January 23, 2025 agreement. Parent removed Student when District refused to provide support necessary for safe movement between classes

- **September 22, 2025:** Petitioner dismisses and refiles the Due Process Complaint to ensure all procedural claims and student protections are fully preserved under the IDEA
- **Oct 2, 2025:** The ALJ granted Stay-Put but denied interim relief for navigation **(App. B, 3.1a)**. The District provided navigation assistance inconsistently for two weeks, forcing the Parent to check the Student out midday on multiple occasions when support vanished.
- **October 14, 2025 – Pre-Hearing Conference and Procedural Failures** The ALJ failed to impose a formal discovery plan or rule on Petitioner's subsequent Motion to Compel, representing just one of several administrative failures. In November 2025, the District attempted improper service via an unmarked vehicle and unmarked envelope that lacked mandatory proof of service. These events, **among other procedural irregularities detailed throughout the record**, rendered the administrative process futile and left Petitioner without a viable state-level remedy.
- **November 10–15, 2025-** Petitioner filed a Conditional Notice of Intent to Dismiss and a supporting Declaration of Illness documenting her medical incapacity **and other systemic administrative failures**.
- **Nov 21, 2025** – District files motion to dismiss; ALJ emails Zoom information for Dec 1–2, 2025 hearing. Petitioner requests clarification regarding exhibits and procedural obligations.
- **Nov 25, 2025** – After Petitioner's illness, the ALJ suggested dismissal via "short email". To **preserve stay-put**, Petitioner refused; the ALJ then imposed a total evidentiary bar, prohibiting all witnesses and exhibits at the due process hearing **(App. U, 171a)**.
- **Nov 26, 2025** – ALJ responds by email stating that the order "speaks for itself" and that clarification will occur at the hearing.

- **Nov 28–29, 2025** – Petitioner follows up requesting clarification; District refuses continuance and indicates they will proceed with hearing. Petitioner notifies District that proposed IEP amendment does not remedy harm.
- **December 1, 2025** — Finding the administrative process fundamentally broken and unable to afford basic Due Process, Petitioner immediately filed a **Motion for TRO and Preliminary Injunction and IFP Motion** in the United States District Court for the Eastern District of Texas, Sherman Division, to enforce the student's Stay-Put rights under IDEA and subsequently dismissed the administrative case.Petitioner received the Civil Action Number shortly at approximately 8:40 a.m.

Petitioner filed a **Conditional Notice of Intent to Dismiss** and a supporting **Declaration of Illness** documenting her medical incapacity and systemic administrative failures. This notice was necessitated by the petitioner's illness and also the ALJ's failure to impose a discovery plan during the October 14, 2025, Pre-Hearing Conference (PHC), **failure to rule on Petitioner's Motion to Compel Discovery and other systemic administrative failures**. Petitioner maintained the "Stay-Put" status quo during this period to ensure the student's federal protections remained intact until the matter could be transitioned to a competent Federal Court.

On **November 25, 2025—two days before the Thanksgiving holiday and a mere three business days before the scheduled December 1, 2025 Hearing**—the ALJ issued a single, devastating **Order No. 13 (App. U, 171a)**. In it, the ALJ demanded Petitioner provide **backdated medical documentation** to "verify" her sworn declaration, while simultaneously issuing a **total evidentiary** bar that prohibited Petitioner from calling any witnesses or presenting evidence at the December 1, 2025 hearing. Simultaneously, the district's counsel refused continuance and asserted a unilateral right to proceed, creating a one-sided "ambush". By

barring all evidence ,the ALJ rendered the administrative forum a "sham" proceeding and a procedural dead end. This ambush forced Petitioner to seek emergency intervention in Federal Court to protect the student's mandatory stay-put rights from being extinguished without a hearing.

Petitioner was forced to dismiss the administrative case and turn to the District Court, which erroneously recommended denial of relief based on a "failure to exhaust" (Dkt. 15). This reliance on exhaustion is reversible legal error; under ***Perez v. Sturgis Pub. Schs.***, 598 U.S. 142 (2023), a parent cannot be penalized for failing to comply with a process rendered procedurally unavailable. Despite prior ALJ Stay-Put Order **(App. B, 3.1a)** the District Court's **58-day failure to rule** on pending objections has effectively denied the student's statutory rights while permitting the District to proceed with a unilateral placement change unimpeded.

- **December 1, 2025** - At 8:50 a.m., **Plaintiff served both attorneys representing Anna Independent School District with the TRO/PI District Court Document Filings by email.** At the time of service, both the federal action was pending, and the SOAH administrative case remained active, because no order of dismissal had yet been issued. Stay-put protections under 20 U.S.C. § 1415(j) were therefore fully in effect.
- **December 1, 2025 - Unilateral Change in Placement**: Despite being notified at 8:50 a.m. that a federal stay-put action was filed, the district unilaterally altered student's educational placement within 30 minutes, without consent, without an ARD meeting, without Prior Written Notice, and while both the federal and administrative cases were active **(App. L, 98a).**

- **December 1, 2025**- At approximately **9:20 a.m.**, the principal entered the student's 2nd period Geometry class, which began at **9:18 a.m.**, and physically removed her from the classroom.
- **December 2, 2025** — Plaintiff emailed district and requested reinstatement of operative placement; District counsel replied "The District immediately implemented the 2025-2026 schedule of services as was required to do. You already received PWN of the District's proposals and refusals in May of 2025."
- **December 2, 2025** – Plaintiff filed Supplemental Declaration of Petitioner Regarding Unilateral Placement Change on December 1, 2025.
- **December 4, 2025:** Magistrate orders the "*Raskin* Brief" on parental standing .
- **December 16, 2025:** Petitioner filed Memorandum in support of Motion for Temporary Restraining Order (**"TRO"**) and Preliminary Injunction
- **December 17, 2025:** Petitioner filed the *Raskin* Brief establishing independent standing to proceed *pro se* **(App. W, 183a).**
- **December 17, 2025:** Petitioner filed 636-page split exhibit in support of TRO, PI, & Memorandum
- **January 8, 2026:** District Judge issues a one (1) paged memorandum adopting the Magistrates R&R denying the TRO and PI **(App. C, 4a).**
- **February 11, 2026:** Appellant filed an **Emergency Motion to Enforce the IDEA Stay-Put Provision** regarding the Student's placement in Inclusion Math, Social Skills, and credit-bearing Spanish I **(App. F, 31a).**

- **February 12, 2026:** The Magistrate Judge issued an Order "construing" the mandatory statutory stay-put motion as a discretionary Preliminary Injunction and improperly imposed **Rule 65(a)** notice and service requirements on an automatic mandate.
- **February 16, 2026** — Superintendent served in district court.
- **February 17, 2026** — Rule 72(a) and Expedited Ruling Motion filed; Response to Order **(App. H, 49a).**
- **February 17, 2026 – Finalization of ARD Date** After weeks of ongoing email discussion regarding a mutually agreeable date, the district unilaterally finalized the ARD meeting for February 19, 2026. This finalization occurred late on February 17, leaving Petitioner with less than 48 hours' notice of the district's intent to proceed despite Petitioner's documented illness and pending 504/ADA postponement request.
- **February 18, 2026:** Petitioner filed an Emergency Motion to Enjoin ARD Meeting after the district finalized an **"early"** annual meeting to alter Student's placement.
- **February 19, 2026: District Court Ruling:** The Court declined to rule, labeling the situation a "self-created emergency." The Magistrate overlooked that the district only finalized the date on February 17, 2026, and Petitioner sought intervention within 24 hours. Consequently, the District held the unauthorized February 19, 2026 ARD Meeting in Petitioner's absence, inserting **material misrepresentations regarding Student's Algebra proficiency** into the permanent record **(App. I, 58a) (App. P,160.1a).**
- **February 19, 2026:** Magistrate Judge issues a Report and Recommendation **(App. I, 58a)** to hold emergency motions in abeyance. Simultaneously, the district held the ARD meeting without parent consent or ADA accommodation approval to insert **material**

misrepresentations regarding academic proficiency into the student's record (**App. P,160.1a).**

- **March 3, 2026:** Petitioner files timely Rule 72(a) Objections to the Abeyance **(App. J, 67a)**
- **March 9, 2026:** nearly three months after this lawsuit was filed and approximately ninety days after M.S. was excluded from school—the district made its first appearance in the case. Rather than address the merits of the stay-put enforcement claim, **the district moved to dismiss the complaint on exhaustion grounds**. As a result, the parties are now litigating jurisdictional issues while M.S. continues to remain outside the educational placement that federal law requires to be preserved during the pendency of proceedings
- **March 23, 2026:** District reconvened the unauthorized ARD meeting to finalize changes to Student's academic record. District emailed the finalized IEP with Deliberations officially documenting a "Credit Deficiency" in Spanish I and Algebra I—a direct result of the material misrepresentations inserted during the February 19 ,2026 and March 23, 2026 ARD Meetings **(App. P, 160.1a).**
- **March 20, 2026:** The District Court has remained silent for **37 days** since the issuance of the Magistrate's Report and Recommendation. **58 days** have passed since the initial emergency filing. This persistent judicial inaction constitutes an **'effective denial'** of relief necessitating the filing of the Emergency FRAP 8 motion."
- **March 25, 2026** (11:47 PM): Petitioner filed the Emergency Motion and 143-page Exhibit Compendium in the Fifth Circuit via the Pro Se Mailbox.

- **March 26, 2026** (10:00 AM): The Fifth Circuit Clerk completed the manual docketing of the 143-page record and transferred the full case record to the District Court.
- **March 27, 2026 (12:45 PM):** Approximately 26 hours after the record was made available—and without a response from the Respondent—the 3-judge panel issued a summary Unpublished Order denying all relief **(App. A, 1a)**.

The **Fifth Circuit's summary denial on March 27, 2026**, was a procedural impossibility. The full Electronic Record on Appeal (eROA), consisting of thousands of pages of district court filings, was only transferred to the Fifth Circuit on March 26, 2026. Yet, in a mere 26 hours, the three-judge panel issued a summary denial of all relief without a single sentence of legal analysis.

It is a physical and judicial impossibility for a panel to have performed a meaningful de novo review of thousands of pages of record—including complex IEP deliberations and the documented 'Algebra Lie'—in such a timeframe. This 'lightning-fast' dismissal, issued without an opposition from the district, proves that the lower court failed to perform its constitutional duty to review the evidence of credit deficiency and trichotillomania occurring in real-time."

- **March 28, 2026 – April 7, 2026:** Student remains excluded from Educational Placement with restrictive "Resource" placement in violation of the October 2, 2025 Stay-Put Order (**App. B, 3.1a**); academic and clinical regression continues.
- **April 7, 2026:** Fifty-five days after the initial filing, the District Court issued a Memorandum (**App. V, 176**) technically "lifting" the abeyance. The Court admitted the prior Stay-Put orders were in the record but excused the two-month delay in enforcement by claiming it was not required to "scour" the exhibits. Simultaneously, the Court erected

a new procedural hurdle by questioning Petitioner's *pro se* standing—an issue settled by briefing four months prior—effectively replacing the "Abeyance Trap" with a "Standing Trap."

- **April 9, 2026:** The District Court issued Order (Dkt. 35) staying the entire case pending the resolution of an interlocutory appeal (**App. X, 189a**). By doing so, the court has officially abdicated its jurisdiction to enforce the self-executing mandate of 20 U.S.C. § 1415(j), ensuring that no lower court will address the student's constructive exclusion for the duration of the appellate process. This Order represents the final closure of the "Abeyance Trap," leaving the student in a state of ongoing, irreparable harm with no functional judicial forum.
- **April 10, 2026 (Today):** Fifty-seven **(58)** days have now passed since the initial Emergency Motion was filed. Following the Fifth Circuit's summary denial of relief on March 27, 2026, and despite the District Court's technical "lifting" of the abeyance yesterday, the student remains in an unplaced, unserved status. **This persistent inaction has resulted in the systemic failure of all academic courses and the total deprivation of mandatory graduation credits—including Spanish I and Geometry—during the pendency of this litigation**. The "automatic" injunction of **20 U.S.C. § 1415(j)** remains effectively nullified not by lawful adjudication, but by the passage of time.

The district's unilateral removal of the student into a non-credit 'Social Skills' setting has resulted in immediate academic regression and the actual failure of her Spanish I course—a mandatory graduation credit that the student was successfully passing prior to the district's illegal interference. It is a physical and judicial impossibility for a panel to have performed a meaningful *de novo* review of thousands of pages of record—including the district's pretextual

2025-2026 IEP deliberations (**App. P, 160.1a**)—in a mere 26 hours. In those records, the district attempted to anchor the student's performance to a 'passing' standardized test metric from a previous school year (the 'Algebra Lie'), while deliberately omitting her current failure in Spanish I and Geometry following her removal from inclusion.

This reliance on stale data to mask current credit loss underscores the bad-faith 'positioning' used to justify her displacement. **The district Court's eleventh-hour "lifting" of the abeyance on April 7, 2026 (App. V, 176a), does nothing to mitigate this injury; instead, it replaces the "Abeyance Trap" with a "Standing Trap" that continues to stall enforcement of mandatory federal rights.** Such a 'Procedural Ambush' leaves the student in a state of ongoing irreparable harm, stripped of her mandatory statutory stay-put rights by a court prioritizing formatting scoldings over a child's constitutional and statutory protections.

C. Bad-Faith Action and the Denial of ADA Accommodations

To further cement the "Abeyance Trap," the district sought to finalize its unilateral placement changes through a preemptive and procedurally defective Annual ARD meeting on **February 19, 2026**.

1. **Denial of Meaningful Participation:** Prior to this meeting, Petitioner explicitly requested a postponement pursuant to Section 504 and the ADA, citing the student's acute medical crisis—a clinical emergency supported by medical documentation and directly precipitated by the district's removal of the Student from her stable environment. In blatant disregard for federal disability protections and the IDEA's mandate for meaningful parental participation, the district refused the postponement.

2. **The "Preemptive ARD" in Absentia:** The District proceeded to hold the meeting in Petitioner's absence... This tactical meeting was a calculated attempt to create a post-hoc justification for the December 1st removal...
3. **Attempt to Moot the Stay-Put Right:** By "finalizing" a new IEP in Petitioner's absence, the district attempted to create a new "current educational placement" to replace the January 21, 2025 status quo. This maneuver sought to deprive the student of a meaningful forum to enforce the mandatory Stay-Put mandate while her federal injunction motion was already pending in the District Court.

D. Summary Denial of Relief by the Fifth Circuit

Petitioner sought emergency relief from the Fifth Circuit on March 25, 2026. Although the full electronic record—consisting of over a thousand pages—was not transferred until March 26, the Fifth Circuit issued a summary denial a mere 26 hours later (**App. A, 1a**).

This "lightning-fast" dismissal was issued without a response from the district and without a single word of legal analysis. By failing to address the categorical prohibition against placement changes mandated by *Honig v. Doe*, the Fifth Circuit departed from the accepted course of judicial proceedings. Furthermore, this summary treatment stands in direct conflict with the Fifth Circuit's own recent urgency in *In re Chamber of Commerce of the U.S.*, 98 F.4th 265 (5th Cir. 2024). There is no legal basis to provide a "de facto denial" remedy for commercial disputes while summarily ignoring the "Stay-Put" rights of a minor student. Petitioner has now exhausted every available avenue, leaving this Court as the only remaining forum to enforce the automatic mandate of 20 U.S.C. § 1415(j).

SUMMARY OF ARGUMENT

This application presents a straightforward but urgent question: whether a self-executing federal right can be extinguished through judicial inaction ? Under this Court's clear mandate in *Honig v. Doe*, 484 U.S. 305 (1988), the "Stay-Put" provision of the IDEA, 20 U.S.C. § 1415(j), constitutes an "automatic injunction" that strips lower courts of discretionary balancing power. Yet, through a combination of District bad faith and judicial silence, that mandate has been rendered a nullity.

First, the status quo is not in dispute. It was established by the January 21, 2025 IEP and affirmed by two prior Administrative Law Judge orders (**App. B, 3.1a**). Despite these mandates, the district has engaged in serial non-compliance, beginning with an unauthorized placement change discovered on July 31, 2025, and culminating in a second unilateral removal on December 1, 2025—within minutes of Petitioner filing her federal Complaint. To justify this move, the District held a preemptive Annual ARD meeting in Petitioner's absence—deliberately ignoring a documented ADA postponement request—to moot the student's federal rights.

Second, the lower courts have permitted a "De Facto Denial" of these mandatory rights through an "Abeyance Trap" and a shifting series of procedural diversions. The District Court remained silent for 58 days on Petitioner's emergency motion, only to issue a Memorandum on April 7, 2026, invoking a "divestiture of jurisdiction" due to a pending appeal as a new shield against ruling (**App. V, 172a**). These are hollow procedural excuses. Neither a pending appeal nor the District's Motion to Dismiss (**Dkt. 30**) can suspend the self-executing mandate of Stay-Put. The law requires the student to be maintained in her last agreed-upon placement **now**, not after months of jurisdictional maneuvering or "truffle-hunting" for evidence already squarely in the

record. During this delay, the Student's physical health has deteriorated into a clinical crisis, manifesting in documented physical trauma, including trichotillomania **(App. P, 130a)**.

Third, the Fifth Circuit departed from the accepted course of judicial proceedings by issuing a summary, unexplained denial of a thousand-page record in less than 26 hours. This stands in stark contrast to the Fifth Circuit's own recent precedent in *In re Chamber of Commerce of the U.S., 98 F.4th 265 (5th Cir. 2024)*, where the court recognized that a district court's failure to rule on an expedited motion constitutes an "effective denial." There is no legal or equitable basis for the judicial system to prioritize protecting commercial interests while leaving a minor student's federally mandated rights to be extinguished by silence. Immediate intervention under the All Writs Act is required to restore the status quo and prevent further irreversible harm.

REASONS FOR GRANTING THE APPLICATION

IV. ARGUMENT: PETITIONER HAS SATISFIED THE CRITERIA FOR AN INJUNCTION

A. Petitioner Possesses an Indisputably Clear Right to an Automatic Injunction Under the IDEA's Stay-Put Mandate

The foundation of Petitioner's right is the Supreme Court's holding in *Honig v. Doe*, 484 U.S. 305 (1988). The Court there described the "stay-put" provision as an "unequivocal" command that stripped school officials of the "unilateral authority they had traditionally employed to exclude disabled students." This command is not a suggestion; it is a statutory bar that the lower courts have no discretion to ignore through silence or summary denial. Furthermore, the 'pendency of any proceedings' under 20 U.S.C. § 1415(j) encompasses the entire judicial process, including appeals. See ***M.R. v. Ridley School District*, 744 F.3d 112, 125 (3d Cir. 2014)**. The District Court's April 9, 2026 Order staying the case **(App. X, 189a)** ignores this settled

principle, treating a mandatory, continuous statutory protection as if it can be switched off during an interlocutory appeal.

1. **The Stay-Put Provision is a Self-Executing Statutory Injunction.** Binding precedent in the Fifth Circuit confirms that Stay-Put is an "automatic preliminary injunction." *St. Tammany Parish Sch. Bd. v. State of Louisiana*, 142 F.3d 776 (5th Cir. 1998). The Fifth Circuit explicitly held that the IDEA's stay-put provision "substitutes" for the traditional four-part discretionary test. *Stacey G. v. Pasadena ISD*, 695 F.2d 949, 954 (5th Cir. 1983).
2. **Judicial Intervention is Required to Preserve the Status Quo Ante.** The "then-current educational placement" is established by the January 21, 2025 IEP (**App. K, 94a**) and affirmed by an Administrative Law Judge on October 2, 2025 (**App. B, 3.1a**). Under **20 U.S.C. § 1415(j)**, this placement must be maintained until the parents and agency "otherwise agree." No such agreement exists.
3. **National Uniformity Reinforces that Intervention is Mandatory.** The "automatic" nature of stay-put is a point of national uniformity. The *Drinker v. Colonial Sch. Dist.*, 78 F.3d 859 (3d Cir. 1996) and Joshua *A. v. Rocklin Unified Sch. Dist., 559 F.3d 1036 (9th Cir. 2009)* have reaffirmed that this is a procedural safeguard designed to maintain the status quo regardless of the merits of the underlying case. The Ninth Circuit similarly held in *S.C. v. Lincoln County School District*, 16 F.4th 587 (9th Cir. 2021), that the stay-put provision operates as an automatic injunction requiring no discretionary balancing, reinforcing that this protection is a point of national uniformity across the circuits.

B. The District Court Retains Jurisdiction and a Mandatory Duty to Enforce the Automatic Statutory Injunction

The District Court's April 9, 2026 Order (**App. X, 189a**) defines the scope of divestiture so broadly as to render the Stay-Put statute a nullity. While a district court is divested of control over 'aspects of the case involved in the appeal,' *Griggs*, 459 U.S. at 58, that divestiture does not extend to the court's mandatory duty to enforce a self-executing statutory injunction. The pending appeal concerns the denial of discretionary, equitable relief; the pending motions concern the enforcement of an automatic statutory mandate. They are legally and procedurally distinct. By staying the case, the judge has treated a categorical federal command as a discretionary 'aspect' of a pending appeal. This is a clear error in jurisdictional analysis. The court did not lose jurisdiction; it declined to exercise it, creating a procedural 'no-man's land' where a mandatory right remains unforced for 130 days while the Student suffers irreversible educational and clinical harm.

By placing these mandatory motions into a two-month abeyance only to subsequently issue a total Stay, the District Court did not merely defer to the appellate court—it abandoned its non-discretionary duty to prevent the Student's ongoing irreparable educational and emotional harm. A district court retains jurisdiction to proceed with matters not involved in an appeal; here, the court possessed the jurisdiction but committed a clear error of law by declining to exercise it, thereby creating a 'Procedural Void' that only this Court can resolve.

A pending motion to dismiss for lack of exhaustion likewise cannot suspend federal rights. **20 U.S.C. § 1415(j)** states the protection activates "during the pendency of any proceedings." Under **28 U.S.C. § 1331**, the District Court has both the jurisdiction and the obligation to enforce the

IDEA. As held in *Drinker v. Colonial School District*, 78 F.3d 859 (3rd Cir. 1996), a defendant cannot extinguish this right simply by filing a motion to dismiss and waiting for the clock to run out. By constructing this procedural Catch-22, the lower court has left Petitioner with no forum to enforce a "categorical prohibition." This manufactured "Procedural Void" requires immediate intervention under Supreme Court Rule 23 to prevent the nullification of a federal command.

1. A Clerical Error Does Not Divest Mandatory Statutory Jurisdiction.

Petitioner's February 9, 2026 the Notice of Appeal contained a clerical error in the header which mistakenly included a duplicate title. However, the body of the notice explicitly stated it was a "Notice of Interlocutory Appeal" and cited **28 U.S.C. § 1292(a)(1)**. Petitioner clarified this error with the District Clerk on February 10, 2026. The District Court's April 9, 2026 Order (**App. X,189a**) improperly uses Petitioner's Notice of Appeal as a jurisdictional shield. The Court claims that because Petitioner appealed the 'failure to recognize the automatic nature of Stay-Put,' the Court is now divested of jurisdiction over all 'aspects' of Stay-Put. This is a clear error of law. An appeal concerning the **definition** of a statutory mandate does not divest a court of its **continuing duty** to enforce that mandate while a child suffers. By expanding the scope of the appeal to avoid ruling on a mandatory obligation—while simultaneously delaying transmittal of the record for ten days—the District Court has effectively abandoned its jurisdiction and created the very 'Procedural Void' that only this Court can resolve.

By conflating the **legal interpretation** of the Stay-Put statute on appeal with the court's **ongoing duty** to enforce it, the lower court has turned a protective safeguard into a jurisdictional sword. Under *Griggs*, 459 U.S. at 58, divestiture applies only to the "aspects of the case involved in the appeal." The pending appeal concerns a discretionary Preliminary Injunction; it does not, and

cannot, suspend the self-executing mandate of **20 U.S.C. § 1415(j)** which Congress commanded must remain in effect "during the pendency of any proceedings.

C. The Lower Courts Have Engaged in a Judicial Usurpation of Power Through an "Abeyance Trap"

The District Court's **58-day** silence constitutes a judicial usurpation of power warranting extraordinary relief. ***See Cheney v. United States District Court*, 542 U.S. 367, 380 (2004)** (holding that the writ is available to "confine the inferior court to a lawful exercise of its prescribed jurisdiction, or to compel it to exercise its authority when it is its duty to do so"). By placing a mandatory federal right into indefinite abeyance, the lower court has permitted the School District to win by default.

1. **Silence Constitutes an "Effective Denial."** Under *In re Chamber of Commerce of the U.S.*, 98 F.4th 265 (5th Cir. 2024), a failure to timely rule on an emergency injunction is an "effective denial" that warrants immediate correction.
2. **The Fifth Circuit's Summary Review was Procedurally Inadequate.** The Fifth Circuit issued a summary denial a mere 26 hours after the voluminous record was transferred (App. A). Such an abbreviated timeline precludes the possibility of a meaningful *de novo* review of a complex administrative record and represents a sharp departure from the thorough appellate scrutiny required by established jurisprudence. This 'rushed' disposition effectively ratified the lower court's errors without an independent evaluation of the merits.

D. Petitioner Has Suffered Critical and Exigent Irreparable Harm

The irreparable harm is an admitted, documented reality. The student has been constructively excluded from her placement for **130 days.**

1. **Admitted Academic Credit Deficiency:** In records dated March 23, 2026 (**App. P,160.1**a) the district admitted the student is "credit deficient" and her graduation is in jeopardy.
2. **Documented Physical and Emotional Trauma:** The Student has been clinically diagnosed with a depressive disorder and started pharmacological intervention for trichotillomania (hair-pulling) and clinical crises precipitated by this exclusion.

E. Exhaustion is Not Required for Futile or Unavailable Remedies

Under *Perez v. Sturgis Public Schools*, 598 U.S. 142 (2023), exhaustion is not required for remedies the administrative process cannot provide. The ALJ issued a total evidentiary bar on November 25, 2025 **(App. U,171a)** rendering the state forum "unavailable" as a matter of law. As detailed in the Statement of the Case, Petitioner's medical incapacity combined with the ALJ's refusal to rule on discovery further rendered the state process a dead end."

F. The Balance of Equities and Public Interest Favor the Stay

1. **Equities Balanced by Congress:** The "equities" have already been balanced by Congress in favor of the status quo. *Honig*, 484 U.S. at 323. The administrative inconvenience to the district is pale compared to the Student's total academic exclusion.

2. **Public Interest:** The public interest is served by ensuring school districts do not use "stall tactics" to circumvent **20 U.S.C. § 1415(j)**.

G. Petitioner Has Standing to Protect Her Child's Mandatory Statutory Rights Pro Se

1. **Independent Parental Rights:**." The District Court's April 7, 2026 Memorandum (**App. V**) incorrectly suggests that Petitioner lacks standing to proceed *pro se*. This is a direct violation of this Court's holding in ***Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007)**, which established that the IDEA grants parents 'independent, enforceable rights' that are not merely derivative of the child's rights. Because the 'Stay-Put' provision is a procedural safeguard specifically granted to parents to ensure the stability of their child's education, Petitioner has an absolute right to enforce that mandate *pro se*. The lower court's reliance on *Raskin* to block this mandatory protection is a clear error of law that ignores this Court's binding precedent
2. **Pro Se Representation:** The Fifth Circuit in *Raskin on Behalf of J.D. v. Dallas Indep. Sch. Dist.*, 69 F.4th 280 (5th Cir. 2023) confirmed that an 'absolute bar on pro se parent representation' is inconsistent with federal law. Petitioner established her independent parental standing under the *Raskin* Test in her brief filed on December 17, 2025 (**App. W, 183a**), to ensure procedural 'traps' do not destroy the Student's academic career

CONCLUSION

Absent immediate intervention, the statutory command of **20 U.S.C. § 1415(j)** will be nullified in practice—not by any court's reasoned decision, but by a combination of judicial inaction and unexplained denial. The District Court permitted a mandatory federal right to remain in a **58**-day "Abeyance Trap," only to finalize that inaction on April 7, 2026, by claiming a "divestiture of

jurisdiction" and prioritizing local formatting rules over a child's safety (**App. V, 176a**). "Lifting" the abeyance now does not give back the **130 days** of school she missed or fix the systemic failure of her failed courses and missing credits.

Applicant has exhausted every avenue on the lower courts. The District Court has refused to rule on the merits, and the Fifth Circuit summarily denied relief in a timeframe that rendered meaningful review impossible. Further pursuit of relief through additional procedural steps would be futile; the statutory right at issue is being extinguished daily.

This is not a matter of discretionary equitable relief; it is the non-enforcement of a self-executing federal statute designed to operate automatically. The practical effect is that a mandatory right has been rendered inoperative, allowing documented academic credit deficiency (**App. P, 160.1a**) and physical trauma (**App. N, 142a**) to continue unchecked while the lower courts hide behind procedural diversions. If such a statutory protection can be disregarded through delay at one level and summary denial at another, the guarantee Congress enacted ceases to function. Immediate intervention is required to restore the status quo ante and prevent the permanent loss of protections that cannot be retroactively repaired.

PRAYER FOR RELIEF

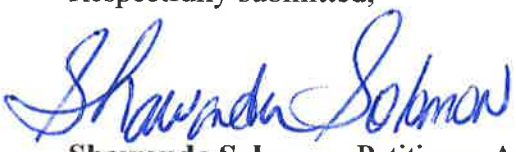
WHEREFORE, Petitioner-Appellant respectfully requests that this Court:

1. **Issue an Immediate Administrative Stay** to freeze the Student's current academic status and prevent any further loss of credits or alteration of services while this Application is being considered;

2. **Grant an Emergency Injunction** under the All Writs Act, 28 U.S.C. § 1651, directing the District Court and Respondent-Appellee to immediately enforce the mandatory, self-executing stay-put mandate of 20 U.S.C. § 1415(j);
3. **Order the District to Reinstate the Student** to her last agreed-upon educational placement—as established in the January 21, 2025 IEP agreement (**App. K, 94a**) and confirmed by the ALJ (**App. B, 3.1a**)—within 24 hours of this Court's order;
4. **Enjoin the District** from further altering the student's placement, schedule, or core academic curriculum (specifically Spanish I) until the final resolution of these proceedings; and
5. **Grant such other and further relief** as the Court deems just and proper to prevent the irreparable destruction of the Student's academic career and physical well-being.

Executed on **April 13, 2026**.

Respectfully submitted,



Shawanda Solomon, Petitioner-Appellant *pro se*

P.O. Box 415

Anna TX, 75409

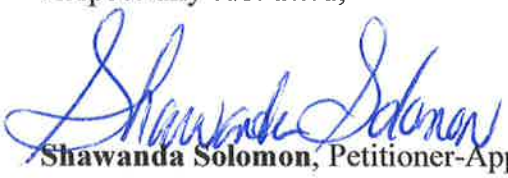
678-232-8029

VERIFICATION

I, SHAWANDA SOLOMON, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **April 13, 2026**.

Respectfully submitted,



Shawanda Solomon, Petitioner-Appellant *pro se*

P.O. Box 415

Anna TX, 75409

678-232-8029

PROOF OF SERVICE

I, Shawanda Solomon, I hereby certify that on this 13th day of April, 2026, as required by Supreme Court Rule 29, I served the enclosed **EMERGENCY APPLICATION FOR AN INJUNCTION PENDING APPEAL AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY** by depositing a copy in the United States Mail, **Priority Mail, postage prepaid**, addressed to:

Meredith PryKryl Walker

WALSH GALLEGOS KYLE

ROBINSON & DE LATOS P.C.

105 Decker Court, Suite 700

Irving, Texas 75062

214-574-8800 (phone)

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

Executed on **April 13, 2026.**

Shawanda Solomon, Petitioner-Appellant *pro se*

P.O. Box 415

Anna TX, 75409

678-232-8029

IN THE SUPREME COURT OF THE UNITED STATES

SHAWANDA SOLOMON, Individually and on behalf of M.S.,

Applicant,

v.

ANNA INDEPENDENT SCHOOL DISTRICT,

Respondent.

APPENDIX TO THE EMERGENCY APPLICATION FOR AN INJUNCTION PENDING APPEAL AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

Appendix	Document Title	Docket No.	Date	Page Range
App. A	5th Circuit Order Denying Emergency Relief	26-10222	03/27/26	1a –3a
App. B	Administrative Law Judge Stay-Put Determination	TEA-12345	11/15/25	3.1a – 3.6 a
App. C	District Court Final Order Denying TRO/PI	4:26-cv-00100	01/08/26	4a –5a
App. D	Objections to R&R (Regarding TRO/PI)	4:26-cv-00100	12/31/25	6a –19a
App. E	Magistrate Judge's R&R (Recommending Denial)	4:26-cv-00100	12/30/25	20a –30a

Appendix	Document Title	Docket No.	Date	Page Range
App. F	Emergency Stay-Put Motion (District Court)	4:26-cv-1303	02/11/26	31a –46a
App. G	District Court Order Construing Emergency Stay Motion	4:26-cv-1303	02/11/26	47a –48a
App. H	Objection to Order Construing Emergency Stay Motion	4:26-cv-1303	02/17/26	49a –57a
App. I	Magistrate Judge's R&R (Recommending Abeyance)	4:26-cv-1303	02/19/26	58a –66a
App. J	Objections to R&R (Regarding Abeyance)	4:26-cv-1303	03/3/26	67a –93a
App. K	Status Quo IEP Pages (Signature Page + Services/Placement)	TEA-701-25-01422	01/21/25	94a –97a
App. L	Class Schedules (Before vs. After Dec 1 Change)	—	8-2025-12/01/25	98a – 101a
App. M	FRAP Rule 8 Emergency Motion	26-40109	03/25/26	102a – 141a
App. N	Declaration of S.S. (District Court - Dkt. 21)	4:26-cv-1303	02/11/26	142a – 156a
App. O	Declaration (Fifth Circuit - IEP Deliberation)	26-40109	03/23/26	157a – 160a
App. P	IEP Meeting / Deliberation Documents	—	2/19/26-03/23/26	160.1a-160.2a
App. Q	Jan 23 Navigation Email / Agreement Logs	—	01/23/25	161a-162a
App. R	Sept 8 Navigation Withdrawal Email	—	09/08/25	163a – 164a
App. S	Procedural Timeline of District Court Inaction and Abeyance	—	Dec. 1, 2025 – Apr. 7, 2026	165a – 169.3a
App. T	Evidence of Ongoing Harm (Student Text Message)	—	—	170 a
App. U	ALJ Order Issuing Total Evidentiary Bar	TEA-031-SE-0925	11/25/25	171a – 175a
App. V	Memorandum Adopting the Report and Recommendation of United States Magistrate Judge (Dkt. 33), Issued April 7, 2026	4:26-cv-1303	4/7/26	176a-182a
App. W	Petitioner's Raskin Brief on Standing, Filed December 17, 2025 (Dkt. #11).	4:26-cv-1303	12/17/25	183a-188a

Appendix	Document Title	Docket No.	Date	Page Range
App. X	District Court Order Staying All Proceedings Pending Appeal (Dkt. 35), Issued April 9, 2026	46:26-cv-1303	4/9/2026	189a-193a
App. Y	District Court Order Granting Petitioner's Motion for Extension of Time to Respond to Motion to Dismiss (Dkt. 32), Issued April 6, 2026	46:26:cv-1303	4/6/2026	194a

APPENDIX A

5th Circuit Order Denying Emergency Relief

March 27, 2026

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 27, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 26-40109 Solomon v. Anna ISD
USDC No. 4:25-CV-1303

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Melissa Mattingly

By: _____
Melissa V. Mattingly, Deputy Clerk
504-310-7719

Mr. David O'Toole
Ms. Shawanda Solomon
Ms. Meredith Prykryl Walker

United States Court of Appeals for the Fifth Circuit

No. 26-40109

SHAWANDA SOLOMON, *as Parent and Next Friend of* STUDENT M.S.,

Plaintiff—Appellant,

versus

ANNA INDEPENDENT SCHOOL DISTRICT,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:25-CV-1303

UNPUBLISHED ORDER

Before ELROD, *Chief Judge*, and JONES and HIGGINSON, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that Appellant's motion for injunction pending appeal is DENIED.

IT IS FURTHER ORDERED that Appellant's motion to reinstate M.S. to her last agreed-upon educational placement is DENIED.

IT IS FURTHER ORDERED that Appellant's motion to enjoin Appellee from further altering this placement until final resolution of this dispute is DENIED.

IT IS FURTHER ORDERED that Appellant's motion for further relief is DENIED.

APPENDIX B

Administrative Law Judge Stay-Put Determination

November 15, 2025

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