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No. 26A

Supreme Court, U.S.
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In the
Supreme Court of the United States

KATHRYN COPELAND,
Applicant,

v.

TARRANT COUNTY, TEXAS; OFFICE OF COURT ADMINISTRATION;
JUDITH WELLS; KENNETH NEWELL; AND DAVID EVANS,
Respondents.

Emergency Application for an Injunction Pending Appeal

To the Honorable Samuel A. Alito, Jr., Circuit Justice for the Fifth Circuit

Kathryn Copeland
Pro Se Applicant
1301 Solana Blvd, Building 3, Westlake, Texas 76262
(817) 789-8498 • Katie@KatieCopeland.com
Texas Bar No. 24086056

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ISSUE PRESENTED FOR EMERGENCY RELIEF

Whether temporary injunctive relief is warranted pending the Fifth Circuit appeal where Applicant sought emergency relief below, Judge Haynes twice indicated she would grant temporary relief, and Applicant faces ongoing proceedings, deadlines, sanctions, or enforcement consequences without an identified ADA Title II / § 504 accommodation pathway, written accommodation determinations, or grievance review.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Applicant Kathryn Copeland was plaintiff-appellant below. Respondents are Tarrant County, Texas; the Office of Court Administration; the Honorable Judith Wells; the Honorable Kenneth Newell; and the Honorable David Evans, each sued in an official capacity for prospective relief only. The action was dismissed under 28 U.S.C. § 1915 before service of process was effected on any Respondent. Katherine E. Owens and Stephen Andrew Lund of the Tarrant County Criminal District Attorney's Office entered appearances in the Fifth Circuit as counsel for Respondent Tarrant County, Texas. The remaining Respondents — the Office of Court Administration, Wells, Newell, and Evans — have not appeared through counsel in any proceeding.

Applicant is a natural person. No nongovernmental corporation is a party; accordingly, no corporate-disclosure statement is required under Supreme Court Rule 29.6.

RELATED PROCEEDINGS

Copeland v. Tarrant County, et al., No. 4:25-cv-00890-O (N.D. Tex.) — Dismissed with prejudice Feb. 11, 2026; Rule 59(e) motion struck Mar. 26, 2026.

Copeland v. Tarrant County, et al., No. 26-10389 (5th Cir.) — Appeal pending; injunction pending appeal denied May 6, 2026 (Judge Haynes noting she would grant temporary relief); reconsideration denied May 20, 2026 (Judge Haynes maintaining position).

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OPINIONS AND ORDERS BELOW

The Fifth Circuit's order denying an injunction pending appeal (May 6, 2026), in which Judge Haynes recorded that she would grant temporary relief, is reproduced at **App. A, 2a**. The Fifth Circuit's order denying reconsideration (May 20, 2026), in which Judge Haynes maintained that position, is at **App. B, 4a-5a**.

The district court's opinion and order dismissing the action with prejudice (N.D. Tex., No. 4:25-cv-00890-O) is at **App. C, 6a-15a**, and its order striking Applicant's Rule 59(e) motion as improperly filed while represented by counsel, with no merits review (Mar. 26, 2026), is at **App. D, 17a-18a**.

JURISDICTION

This application is addressed to Justice Alito as Circuit Justice for the Fifth Circuit. Sup. Ct. R. 22.3.

The court of appeals denied Applicant's motion for an injunction pending appeal on May 6, 2026 (App. A, 2a) and denied reconsideration on May 20, 2026 (App. B, 4a-5a). The appeal from the final judgment of the United States District Court for the Northern District of Texas remains pending before the Fifth Circuit in No. 26-10389. This Court's potential jurisdiction to review the eventual judgment of the court of appeals rests on 28 U.S.C. § 1254(1). Applicant does not presently seek certiorari before judgment. This application seeks temporary injunctive relief pending resolution of the still-pending Fifth Circuit appeal.

A Circuit Justice and this Court have authority to issue an injunction pending appeal under the All Writs Act, 28 U.S.C. § 1651(a), in aid of the Court's prospective appellate jurisdiction, and under Supreme Court Rules 20, 22, and 23. *See Brown v. Gilmore*, 533 U.S. 1301, 1303 (2001) (Rehnquist, C.J., in chambers) (a Circuit Justice may grant an injunction pending appeal where the legal rights at issue are "indisputably clear").

Applicant proceeds by application for an injunction pending appeal rather than a petition for certiorari because the court of appeals has not yet entered a merits judgment. The relief sought preserves meaningful appellate review in the pending Fifth Circuit appeal and prevents the challenged access failure from producing further compulsory proceedings or enforcement consequences before ordinary appellate review can occur.

CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

This application involves Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131–12133 and § 12203; Section 504 of the Rehabilitation Act, 29 U.S.C. § 794; and the Title II implementing regulations, 28 C.F.R. §§ 35.105, 35.106, 35.107, 35.130, and 35.134. The pertinent texts are reproduced at **App. S, 111a-126a**.

INTRODUCTION

This is a court-access case, not a custody appeal. Applicant does not ask this Court, or any federal court, to decide custody, child support, housing, or any state-law merits issue, to review any state judgment, or to direct how any judge must rule

on any motion. Applicant seeks temporary injunctive relief pending appeal to prevent Respondents from imposing new deadlines, hearings, sanctions, or enforcement consequences requiring Applicant's participation through the challenged inaccessible process unless and until a written accommodation determination issues through an identified accessible pathway.

The district court treated this case as a challenge to individual judicial accommodation rulings. It is not. Applicant challenges the absence of the entity-level process federal law requires before disabled court users are routed back to the very judges presiding over the proceedings. The requested injunction does not alter any state judgment or direct any adjudicative outcome. It preserves meaningful appellate review by preventing new compulsory proceedings, sanctions, or enforcement consequences through a process whose accessibility is the question on appeal.

The need for relief is unusual in its clarity because the central facts are documented in writing. Tarrant County's own officials have stated that the County does not handle court-related accommodation requests, does not control how judges decide them, and could locate no records of the self-evaluation, coordinator designation, public notice, or grievance procedure the regulations require. App. F, 22a; App. G, 25a; App. H, 27a; App. I, 29a-30a.

The County has not identified a compliant pathway that Applicant failed to use; instead, its written responses direct court users back to individual judges and state that court-proceeding requests do not fall under the County's ADA-compliance responsibility. Those written responses make the need for temporary protection clear:

Applicant cannot be required to exhaust or proceed through an access pathway the responsible entities have not identified.

That record directly answers the attribution rationale on which the district court relied. The district court held that county liability could not arise because the denied requests “clearly relate to judicial decisions issued by a judge, not by Tarrant County or the Office of Court Administration.” App. C at 11a. But §§ 35.105–35.107 impose duties on the public entity, not on individual judges, and those duties exist independent of any adjudicative ruling. A judge’s case-specific ruling may be judicial; the entity’s failure to maintain a designated coordinator, public notice, written process, and grievance procedure is not.

Nor does *Younger* authorize a federal court to withhold enforcement of antecedent federal access duties that exist independent of any particular state case. *Younger v. Harris*, 401 U.S. 37 (1971), remains narrow after *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69 (2013), and this application does not ask any federal court to decide state-law merits, alter a state judgment, or supervise a custody determination. It asks only for temporary protection against compulsory participation through the challenged inaccessible process while the Fifth Circuit decides whether Title II and § 504 require an identified access pathway.

Nor can Applicant be faulted for failing to exhaust a remedy the responsible entities have not identified. This Court has held that exhaustion requires “using all steps that the agency holds out,” *Woodford v. Ngo*, 548 U.S. 81, 90 (2006), and that an administrative remedy is unavailable when it operates as “a simple dead end,” is

“so opaque” that no ordinary person can navigate it, or is rendered unusable by official action. *Ross v. Blake*, 578 U.S. 632, 643–44 (2016). That is the problem here: the written record does not identify a usable route. It sends disabled court users back to individual judges while disclaiming County ADA responsibility for court-proceeding requests.

The posture also favors temporary relief. Applicant sought relief in the court of appeals, was denied, sought reconsideration, and was denied again. But Judge Haynes recorded twice that she would grant temporary relief or carry the question with the merits panel. App. A, 2a; App. B, 4a-5a. This is not a request to short-circuit orderly review. It is a request to preserve meaningful appellate review on a developed record, exactly as Judge Haynes would have done. Without interim relief, Applicant will continue to face deadlines, hearings, sanctions, and enforcement consequences requiring participation through the very process challenged on appeal before the Fifth Circuit can decide whether federal law requires an identified ADA / § 504 pathway.

STATEMENT OF THE CASE

A. Federal law requires public entities to maintain an administrative pathway for accommodation

Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity." 42 U.S.C. § 12132. The Title II regulations impose specific, antecedent administrative duties on public

entities: to evaluate their services and policies, 28 C.F.R. § 35.105; to provide public notice of Title II rights, § 35.106; and — for entities with 50 or more employees — to **designate a responsible employee to coordinate compliance** and to **adopt and publish grievance procedures** for the prompt resolution of complaints, § 35.107. Title II also prohibits retaliation and interference with the exercise of ADA rights. 42 U.S.C. § 12203; 28 C.F.R. § 35.134.

Section 504 of the Rehabilitation Act independently conditions federal financial assistance on nondiscrimination and meaningful access. 29 U.S.C. § 794. Title II borrows § 504's remedies, 42 U.S.C. § 12133, and private individuals may sue to enforce both statutes. *See Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 216–17 (2022).

This Court has recognized that Title II's application to the **courts** stands at the apex of its constitutional validity. In *Tennessee v. Lane*, 541 U.S. 509 (2004), the Court held that Title II validly abrogates state sovereign immunity "as it applies to the class of cases implicating the fundamental right of access to the courts." *Id.* at 533–34. Where Title II enforces conduct that independently violates the Fourteenth Amendment, abrogation is secure. *United States v. Georgia*, 546 U.S. 151, 159 (2006).

B. Tarrant County's written responses do not identify a court-user accommodation pathway

Applicant sought, through open-records requests and direct inquiries, the County's Title II self-evaluation, ADA-coordinator designation, public notice, and grievance procedure for court-user accommodation requests. The County responded that it had reached out to various departments and individuals regarding the Title II

ADA aspects of the request and was “unable to locate any responsive information.” App. H, 27a.

That response was consistent with the County’s repeated written position. A Tarrant County Assistant Administrator wrote that he was “not aware” how courts handle accommodation requests and treated court-proceeding requests as outside the County’s ADA-compliance responsibility. App. F, 22a. County counsel separately advised that “Tarrant County has no authority or control over state district judges,” that “the judge is the decisionmaker on accommodation requests,” and that Applicant should “contact each judge’s court manager.” App. G, 25a. The County Criminal District Attorney’s Office likewise stated that the County does not control a state judge’s accommodation decisions and that concerns with the court accommodation process were not properly before the County. App. I, 29a-30a.

These responses do not identify a compliant pathway. Instead, they route disabled court users back to the individual judge presiding over the very proceeding at issue, with no coordinator, no published procedure, no written administrative determination, and no neutral review. That is the regulatory gap §§ 35.105–35.107 were enacted to close.

C. Applicant is a qualified individual with a disability

Applicant is a licensed Texas attorney appearing pro se. On April 10, 2026, the Social Security Administration issued a Notice of Decision — Fully Favorable, finding her disabled with an established onset date of June 8, 2023. App. J, 32a-35a. That onset date **predates** the state proceedings in which she requested accommodations

and the conduct she challenges as inaccessible. Applicant submitted multiple accommodation requests in state proceedings — for communication access, written or structured proceedings, additional time, and related support — and no functioning administrative pathway existed to receive, process, document, or review them.

D. The federal proceedings, the operative pleading, and the posture below

Applicant filed suit in the Northern District of Texas seeking declaratory and prospective injunctive relief to enforce the Title II / § 504 access requirements. Her First Amended Complaint, App. L, 41a-67a (ECF 9), framed the case as one for prospective relief and was the operative statement of her claims; her counsel of record thereafter filed a Notice of Adoption and Ratification of those filings, accepting responsibility for them. App. K, 37a-39a (ECF 23).

The district court dismissed the action with prejudice on February 11, 2026. App. C, 6a-15a. As to the three judges, the court held them absolutely immune because the denied accommodations stemmed from rulings “within judicial capacity.” As to Tarrant County and OCA, the court held that Applicant had not pleaded facts showing those entities, as distinct from the judges, discriminated against her, applying the principle that “a judge’s judicial actions cannot be attributed to the county.” App. C at 10a–11a (citing *Kastner v. Lawrence*, 390 F. App’x 311 (5th Cir. 2010)). The access-infrastructure theory was presented in the First Amended Complaint and counsel’s Notice of Adoption and Ratification, but the dismissal order did not address that amended, ratified pleading on its merits. App. K, 37a-39a; App. L, 41a-67a.

No post-judgment motion was reviewed on its merits. Instead, the lower court's orders generated a parallel **Federal Post-Judgment Trap** that insulated the structural violation from standard correction. The district court struck Applicant's timely Rule 59(e) motion because it was filed pro se while she remained technically represented by unresponsive counsel. App. D, 17a-18a. Yet, when counsel subsequently attempted to file a formal motion to withdraw to cure the discrepancy, the court denied that motion as *moot* because 'the case is closed'. App. E, 20a. Later filing efforts likewise did not reach merits review through the ordinary docketing process. App. N, 77a-80a.

The structural result of this mechanical loop is absolute informational foreclosure: the applicant's pro se status was rejected because the case was open through counsel, while her counsel's exit was rejected because the case was closed to the docket. Ordinary district-court correction was thus rendered a dead end, leaving a protective direct appeal to the Fifth Circuit as the sole remaining avenue to safeguard review.

Applicant appealed and moved for an injunction pending appeal. On May 6, 2026, the Fifth Circuit denied the motion; Judge Haynes recorded that she "would grant temporarily and carry with the case for the merits panel to decide whether to maintain the injunction pending appeal." App. A, 2a. Applicant sought reconsideration; on May 20, 2026, the court denied it, and Judge Haynes stated she "would grant it along the lines of her prior footnote." App. B, 4a-5a. The merits appeal remains pending.

E. State relief is structurally unavailable: the closed loop

The state and federal procedural record shows why temporary protection is necessary. Tarrant County directs court-user accommodation requests to the individual presiding judge. App. F, 22a; App. G, 25a; App. I, 29a-30a. When the accommodation issue is then treated as a judicial ruling, the public entity disclaims responsibility for any administrative review. App. C at 11a. In the state system, subsequent filing routes have likewise directed Applicant back through permission procedures that do not provide a neutral access pathway before proceedings or enforcement consequences continue. App. N, 77a-80a; App. O, 82a, 87a; App. P, 89a-93a.

The result is not an available remedy; it is a closed loop. Applicant is told to seek access from the very proceeding whose accessibility is disputed, and then faulted for failing to identify a route the responsible entities have not identified. Under *Ross*, a remedy is not “available” when it operates as a dead end or is so opaque that no ordinary person can use it. 578 U.S. at 643–44. Temporary relief is warranted to prevent that loop from producing further compulsory proceedings, sanctions, or enforcement consequences before the Fifth Circuit resolves the pending appeal.

REASONS FOR GRANTING THE APPLICATION

A Circuit Justice may issue temporary injunctive relief in aid of this Court’s prospective jurisdiction where the applicant shows a reasonable probability of eventual review, a fair prospect of success, irreparable harm absent relief, and that the balance of equities and public interest favor relief. *Hollingsworth v. Perry*, 558

U.S. 183, 190 (2010); *Nken v. Holder*, 556 U.S. 418, 434 (2009). Because Applicant seeks an injunction rather than a stay, she also frames the requested relief narrowly and shows that her entitlement to temporary protection is clear. *Brown v. Gilmore*, 533 U.S. 1301, 1303 (2001); *Respect Maine PAC v. McKee*, 562 U.S. 996 (2010); *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers). This application does not ask the Court to grant certiorari before judgment; it asks only for temporary protection against further compulsory participation through the challenged inaccessible process while the Fifth Circuit appeal remains pending.

Applicant's narrow, process-only request meets that heightened standard. She does not ask this Court to restructure the County's ADA program, to enjoin any state judgment, or to decide any merits question. She asks only that a federally required access process be identified before further inaccessible proceedings compound. The narrower the relief, the clearer the entitlement — and Applicant has framed her request to the minimum necessary to preserve review.

I. Relief Was Sought Below and Is Unavailable From Any Other Court or Judge

Rule 23.3 requires an applicant to show "with particularity why the relief sought is not available from any other court," and, absent extraordinary circumstances, that relief was first sought below. Applicant satisfies both requirements.

Applicant sought an injunction pending appeal in the Fifth Circuit; it was denied May 6, 2026, over Judge Haynes's recorded disagreement (App. A, 2a), and

reconsideration was denied May 20, 2026 (App. B, 4a-5a). She did not bypass the court of appeals. She sought relief there first, and now seeks only interim protection while the ordinary appeal proceeds. A panel member would have preserved the question for the merits panel. Applicant asks this Court to do the same.

Relief is unavailable elsewhere. The State has identified no neutral administrative forum to resolve the federal access problem; the County disclaims authority over court-related accommodation (App. F, 22a – I, 30a); and the one state avenue identified — permission from a "local administrative judge" — routes Applicant to a named Respondent (App. O, 82a). State relief is therefore not merely uncertain; it is, as applied, structurally foreclosed. That this Court is the only forum able to preserve meaningful appellate review before further inaccessible proceedings or enforcement consequences compound is itself a reason the application should be entertained. *See* Sup. Ct. R. 20.1.

The requested relief would not freeze a lawful status quo; it would prevent the alleged access violation from continuing to produce new procedural consequences before the Fifth Circuit decides the merits.

II. Applicant Is Likely to Succeed on Appeal, or at Minimum Presents a Serious Merits Question Warranting Temporary Protection

A. The district court’s ruling is likely incorrect because it conflated judicial accommodation rulings with entity-level ADA duties

The district court dismissed Applicant’s Title II claims against Tarrant County and the Office of Court Administration on the ground that “a judge’s judicial actions

cannot be attributed to the county.” App. C at 10a-11a (citing *Kastner v. Lawrence*, 390 F. App’x 311, 316 (5th Cir. 2010)). The court reasoned that the denied accommodation requests “clearly relate to judicial decisions issued by a judge, not by Tarrant County or the Office of Court Administration.” App. C at 11a.

That holding conflates two different duties. A judge’s decision to grant or deny a specific accommodation request is a judicial act. But a county’s obligation to designate an ADA coordinator, 28 C.F.R. § 35.107(a), publish a grievance procedure, § 35.107(b), provide public notice of Title II rights, § 35.106, and conduct a self-evaluation, § 35.105, runs to the *entity* — not to the individual judge — and is satisfied or violated at the institutional level, independent of any adjudicative act. The district court never addressed whether the County or OCA had met those entity-level obligations; it collapsed both into the attribution principle and dismissed both on the same ground.

The district court’s error was to collapse two different questions into one: whether individual judges made protected judicial rulings in particular cases, and whether the public entities maintained the separate administrative infrastructure Title II requires.

That distinction controls the requested relief. Applicant does not seek to attribute any judge’s case-specific ruling to the County or OCA. She seeks temporary protection from compulsory participation through a process in which the responsible entities have not identified the administrative infrastructure Title II requires before disabled court users are routed back to the judge presiding over the proceeding. The

table below identifies the entity-level duties the attribution analysis did not separately address.

Title II Requirement	District Court's Error	Written Record
<p>Designated coordinator. Public entities with 50 or more employees shall designate at least one employee to coordinate Title II compliance. 28 C.F.R. § 35.107(a).</p>	<p>Treated denied accommodations as case-specific judicial rulings, without separately addressing whether any entity-level coordinator existed for court-user accommodation requests.</p>	<p>County counsel stated that “Tarrant County has no authority or control over state district judges.” App. G, 25a.</p>
<p>Grievance procedure. Public entities shall adopt and publish grievance procedures providing prompt and equitable resolution of Title II complaints. 28 C.F.R. § 35.107(b).</p>	<p>Treated the absence of review as part of discretionary trial management rather than as a missing administrative pathway.</p>	<p>The Assistant County Administrator wrote that because the request concerned a court proceeding and was “not falling under the County’s ADA compliance,” directing the matter to the court “considers the matter closed.” App. F, 22a.</p>
<p>Self-evaluation and public notice. Public entities shall evaluate services, policies, and practices and provide public notice of Title II rights. 28 C.F.R. §§ 35.105, 35.106.</p>	<p>Presumed that individual judicial rulings could substitute for an institutional access pathway.</p>	<p>The County’s open-records response stated it was “unable to locate any responsive information” regarding the requested Title II self-evaluation, coordinator designation, public notice, grievance procedure, and related court-access infrastructure. App. H, 27a.</p>

The timing confirms the distinction. The challenged access failure did not arise from a particular custody ruling, support order, or state-court merits decision. The Title II regulations required the public entity to maintain a self-evaluation, public

notice, coordinator, and grievance procedure decades before Applicant's state proceedings began. The state proceedings did not create the access gap; they exposed it. Because Applicant challenges antecedent entity-level duties that exist independent of any particular adjudication, *Younger* does not require federal courts to withhold temporary protection while the Fifth Circuit decides the appeal.

The Department of Justice has made clear that its authority to issue regulations implementing Title II (Subtitle A) is exclusive, and that state and local entities may not issue their own interpretations independently. Memorandum from John M. Gore, Acting Ass't Att'y Gen., Civil Rights Div., U.S. Dep't of Justice, to Federal Agency Civil Rights Directors and General Counsels, "Coordination of Federal Agencies' Implementation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act" (Apr. 24, 2018) ("[A]gencies may not issue such documents independently."). The County's position that judicial accommodation decisions are within the judge's "sole discretion," App. I, 29a-30a, is inconsistent with the federal regulatory framework, which assigns compliance responsibility to the public entity — not the individual judicial officer.

The question is recurring and important. Court systems across the country handle disability accommodation requests. If a public entity satisfies §§ 35.105–35.107 by routing all requests to the presiding judge — with no coordinator, no published notice, no grievance procedure, and no written determination — those regulations are effectively unenforceable in the judicial context. That result cannot be reconciled with *Tennessee v. Lane*, 541 U.S. 509, 533–34 (2004), which upheld Title

II's abrogation of sovereign immunity as applied to the fundamental right of access to the courts. Moreover, the County's own written admissions confirm both the violation and its ongoing character: the County "considers the matter closed," states that "the judge is the decisionmaker," and disclaims that court-related accommodation "fall[s] under the County's ADA compliance." App. F, 22a – I, 30a. The County has not identified a compliant pathway that Applicant failed to use; instead, its written responses direct court users back to individual judges and state that court-proceeding requests do not fall under the County's ADA-compliance responsibility. Those written responses make temporary protection warranted because Applicant cannot be required to proceed through a pathway the responsible entities have not identified.

B. The duty is clear and there was nothing to exhaust

To the extent the decision below rested on Applicant's supposed failure to pursue an administrative remedy, this Court's precedents foreclose that rationale. Exhaustion means "using all steps that the agency holds out, and doing so properly." *Woodford*, 548 U.S. at 90. A remedy is "unavailable" — and need not be exhausted — when it is "a simple dead end," when it is "so opaque that it becomes, practically speaking, incapable of use," or when officials "thwart" its use. *Ross*, 578 U.S. at 643–44. The County's own writings establish all three: there is no coordinator or published procedure to use (dead end and opacity, App. F, 22a – I, 30a), and the vexatious-litigant and gatekeeping mechanisms obstruct the very act of seeking review (thwarting, App. O, 82a, 87a; App. P, 89a-93a). In any event, § 1983 imposes no

exhaustion requirement. *Patsy v. Board of Regents*, 457 U.S. 496, 516 (1982). A litigant cannot be faulted for failing to navigate a pathway the responsible entity has not identified.

C. The merits favor Applicant

The regulatory duties are not discretionary. Section 35.107(a) requires a designated coordinator; § 35.107(b) requires a published grievance procedure; § 35.106 requires public notice; and § 35.105 required self-evaluation. The County's position that "the judge decides" does not answer the regulatory question; it confirms the violation. And the Fifth Circuit itself has recognized that obstructing or "filibustering" the accommodation process — including making a request pathway effectively inaccessible — is actionable. *Strife v. Aldine Indep. Sch. Dist.*, 138 F.4th 237 (5th Cir. 2025).

State courts have independently recognized that ADA obligations attach to family court proceedings and that a functioning court accommodation pathway is what enables compliance. *In re Marriage of James & Christine C.*, 158 Cal.App.4th 1261, 1267–68 (Cal. App. 2008) (reversing and remanding dissolution judgment because trial court denied disability accommodation request when no valid ground for denial existed; distinguishing the presiding judge's discretionary rulings from the institutional ADA coordinator's administrative function in processing the request).

D. The contrary authorities do not control

This is not *Daves v. Dallas County*, 22 F.4th 522 (5th Cir. 2022) (en banc), where the relief sought reached into the mechanics of bail *adjudication*; Applicant

seeks **antecedent** administrative infrastructure, not any adjudicative outcome. Nor is this a case, like others dismissed as moot, where the state proceedings have ended and no prospective relief can run; Applicant's proceedings are **ongoing**, and her injury is continuing and prospective — the precise circumstance in which *Ex parte Young* relief lies. Finally, any suggestion that §§ 35.105–35.107 furnish no private right of action misreads the claim: Applicant sues under Title II's and § 504's **express** private rights of action, *see Cummings*, 596 U.S. at 216–17, with the regulations supplying the content of the access duty — not as freestanding spending-condition claims of the sort at issue in this Court's recent private-enforcement decisions.

III. Applicant Will Suffer Irreparable Harm Absent Relief

Irreparable harm is the threshold this Court has emphasized in recent emergency matters, and Applicant meets it. The harm here is categorically different from the reparable, commercial injuries that fail that test. A business loss can be remedied by money; **a proceeding conducted without meaningful access cannot be re-run**. Once a hearing occurs without an accommodation determination, the record is created through an inaccessible process, and later appeal cannot restore the participation that was denied.

The harm is also irreparable because it is procedural and temporal. Access delayed until after a hearing, deadline, sanction, or enforcement event is access denied. Once Applicant is required to proceed without an identified accommodation pathway, the resulting record reflects the effects of inaccessible process, not meaningful participation. No later merits ruling can restore the lost opportunity to

understand, respond, present, object, preserve error, or create a record under accessible conditions.

Applicant is a federally adjudicated disabled person (App. J, 32a) facing continuing proceedings, deadlines, and enforcement consequences without any identified accommodation pathway. The injury is not the prospect of an adverse ruling; it is the production of legal consequences through a process the responsible entities have not shown includes the required ADA / § 504 pathway — and the related filing barriers that have prevented ordinary review from reaching the access question (App. N, 77a-80a; App. O, 82a, 87a; App. P, 89a-93a). These harms are present and ongoing, not speculative. The requested injunction does not preserve the current state of affairs. The current state of affairs is the alleged federal violation: ongoing compulsory participation without an identified access pathway. Rather, the requested injunction preserves meaningful appellate review by preventing the alleged violation from producing additional legal consequences before the Fifth Circuit resolves the pending appeal.

That injury is itself cognizable under the ADA because the access process is part of the protected right: a disabled litigant is harmed not only by a final adverse outcome, but by being forced to proceed through a process that prevents meaningful participation before the record is made.

IV. The Balance of Equities and the Public Interest Favor Relief

Respondents face little cognizable burden from pausing new compulsory deadlines, hearings, sanctions, or enforcement consequences until a written

accommodation determination issues through an identified accessible process. Designating a coordinator, publishing notice, and issuing a written accommodation determination are ordinary compliance steps, not extraordinary undertakings — as the Department of Justice's settlements with other Texas counties confirm such measures are routine and feasible (e.g., Galveston County, App. R, 102a-105a; Webb County, App. R, 106a-110a).

The relief requested is ordinary, administrable, and consistent with recognized access reforms: Texas's own Judicial Council has recommended that OCA develop an ADA benchbook and model ADA standards for courts and clerks. DOJ Title II agreements with Texas counties likewise require the same basic infrastructure at issue here — public notice, ADA coordination, grievance procedures, effective communication procedures, training, and written compliance mechanisms. App. R, 101a-110a.

Applicant, by contrast, faces continuing exclusion from meaningful participation in proceedings affecting fundamental rights. The public interest favors federal courts exercising the jurisdiction Congress conferred and enforcing valid federal access regulations as written, so that judicial records reflect participation rather than disability-based exclusion. The requested relief does not privilege Applicant; it requires only the access infrastructure federal law already mandates.

RELIEF REQUESTED

The requested relief is limited to prospective access procedure. It does not ask this Court to alter custody, reverse child support, void any state judgment, decide the

validity of a vexatious-litigant order, or direct the outcome of any state-court motion. It asks only for temporary protection against new compulsory participation requirements or enforcement consequences unless Respondents first identify the ADA Title II / § 504 pathway through which Applicant's accommodation requests will be received, decided in writing, and subject to review.

Applicant respectfully requests that the Circuit Justice, or the Court upon referral, enter temporary injunctive relief pending appeal that is narrow and process-only:

1. Enjoin Respondents from imposing new deadlines, hearings, sanctions, or enforcement consequences requiring Applicant's participation through the challenged inaccessible process unless and until a written accommodation determination issues through an identified accessible ADA Title II / § 504 pathway; or
2. In the alternative, enter the narrowest relief necessary to prevent new compulsory participation requirements from issuing before the Fifth Circuit resolves the merits appeal; or
3. Refer this application to the full Court under Rule 22.

Applicant expressly does not request that this Court review any state judgment, alter any custody, support, or housing determination, vacate any state order, or direct how any judge rules on any motion.

CONCLUSION

The application for an injunction pending appeal should be granted.

Respectfully submitted,

Kathryn Copeland

Dated: June 4, 2026

Kathryn Copeland

Texas Bar No. 24086056

Pro Se Applicant

1301 Solana Blvd, Building 3

Westlake, Texas 76262

(817) 789-8498

Katie@KatieCopeland.com

DECLARATION

I, Kathryn Copeland, declare under penalty of perjury under 28 U.S.C. § 1746 that the factual statements in the foregoing application are true and correct to the best of my knowledge, and that the documents reproduced in the Appendix are true and correct copies of the records described, except for redactions of sensitive personal, medical, or minor-child information.

Executed on June 4, 2026.

Kathryn Copeland
Kathryn Copeland

APPENDIX INDEX

Orders and posture	
App. A 1a-2a	Fifth Circuit Order Denying Injunction Pending Appeal, No. 26-10389 (May 6, 2026) (Haynes, J., would grant temporarily)
App. B 3a-5a	Fifth Circuit Order Denying Reconsideration, No. 26-10389 (May 20, 2026) (Haynes, J., maintaining position)
App. C 6a-15a	N.D. Tex. Opinion & Order Dismissing With Prejudice, No. 4:25-cv-00890-O (Feb. 11, 2026)
App. D 16a-18a	N.D. Tex. Order Striking Rule 59(e) Motion as Improperly Filed Pro Se While Represented by Counsel — ECF 42 (Mar. 26, 2026) — no merits review obtained.
App. E 19a-20a	N.D. Tex. Order Denying Withdrawal Motion as Moot — ECF 47 (April 14, 2026)
The County's written admissions	
App. F 21a-23a	Email from Travis Yarbrough, Tarrant County Assistant Administrator (Apr. 1, 2026)
App. G 24a-25a	Email from Steve Lund, Tarrant County (Jan. 13, 2026)
App. H 26a-27a	Tarrant County Open Records Response No. CDA-2026-897
App. I 28a-30a	Letter from Tarrant County Criminal District Attorney's Office (Apr. 30, 2026)
Disability	
App. J 31a-35a	SSA Notice of Decision — Fully Favorable (Apr. 10, 2026); onset June 8, 2023

Preservation	
App. K 36a-39a	Plaintiff's Counsel's Notice of Adoption and Ratification of Prior Filings (ECF 23)
App. L 40a-67a	First Amended Complaint for Declaratory and Prospective Injunctive Relief (ECF 9)
App. M 68a-75a	Plaintiff's Rule 59(e) Motion (ECF 39)
App. N 76a-80a	Declaration Regarding Notice of Appeal and Obstructed Filing Pathway (ECF 50)
State-forum unavailability / closed loop	
App. O 81a-87a	Correspondence with the Clerk of the Supreme Court of Texas (May 28–29, 2026)
App. P 88a-93a	Texas filing-return notices applying the vexatious-litigant designation to a notice of appeal (May 26–27, 2026)
Below-motion	
App. Q 94a-98a	Fifth Circuit Emergency Motion for Injunction Pending Appeal (ECF 15)
Public Interest and Feasibility Materials	
App. R 99a-110a	<p>R-1: Texas Judicial Council 2024 Report excerpt recommending OCA ADA benchbook and model ADA standards. (100a-101a)</p> <p>R-2: DOJ Galveston County settlement excerpt identifying Title II requirements: self-evaluation, notice, ADA coordinator, grievance procedure, effective communication, training. (102a-105a)</p> <p>R-3: DOJ Webb County settlement excerpt requiring ADA coordinator, grievance procedure, notice, and effective-communication procedures. (106a-110a)</p>
Statutory addendum	
App. S 111a-126a	42 U.S.C. §§ 12131–12133; § 12203 29 U.S.C. § 794 28 C.F.R. §§ 35.105, 35.106, 35.107, 35.130, 35.134

CERTIFICATE OF SERVICE

I, Kathryn Copeland, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that on June 4, 2026, I served one copy of the foregoing Emergency Application for an Injunction Pending Appeal and Appendix on counsel who appeared in the Fifth Circuit for Respondent Tarrant County, Texas, by U.S. First Class Mail and email, addressed as follows:

Katherine E. Owens (Lead Counsel)
Stephen Andrew Lund
Tarrant County Criminal District Attorney's Office
401 W. Belknap, Fort Worth, Texas 76196
KEOwens@tarrantcountytx.gov
SALund@tarrantcountytx.gov

Counsel for Tarrant County, Texas

Executed on June 4, 2026.



Kathryn Copeland
Pro Se Applicant
1301 Solana Blvd, Building 3
Westlake, Texas 76262
(817) 789-8498
Katie@KatieCopeland.com

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