

ORIGINAL

No. 26-124

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUL 20 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Homer P. Jordan, IV,
Petitioner,

v.

Alice Juneal Jordan,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO
THE COURT OF APPEALS OF GEORGIA
PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Due Process Clause permits a state court to convert a hearing noticed for motions into a final divorce adjudication and enter a comprehensive final judgment in a party's absence, where the notice did not identify a final trial and the court acknowledged at the outset that "the final" was not among the matters noticed.
2. Whether Title II of the Americans with Disabilities Act, as applied to state judicial services under *Tennessee v. Lane*, 541 U.S. 509 (2004), requires meaningful consideration of a pending disability-related request for continuance or accommodation before a court treats the request as abandoned and proceeds to final, sanctions-based relief against the absent requester.

PARTIES

- Petitioner Homer P. Jordan, IV was the appellant in the Court of Appeals of Georgia and the petitioner in the Supreme Court of Georgia.
- Respondent Alice Juneal Jordan was the appellee in the Court of Appeals of Georgia and the respondent in the Supreme Court of Georgia. The filed state petition states that the final decree restored her name as Alice Juneal Long. No party is a corporation, and no party has a stock ticker symbol.

DIRECTLY RELATED PROCEEDINGS

- Homer P. Jordan, IV v. Alice Juneal Jordan, Superior Court of Fayette County, Georgia, Civil Action File No. 2024V-0269. Final Judgment and Decree entered December 16, 2024.
- Homer P. Jordan, IV v. Alice Juneal Jordan, Court of Appeals of Georgia, Application No. A25D0216. Discretionary application granted February 11, 2025.
- Homer P. Jordan, IV v. Alice Juneal Jordan, Court of Appeals of Georgia, No. A25E0082. Emergency stay relief denied March 19, 2025.
- Homer P. Jordan, IV v. Alice Juneal Jordan, Court of Appeals of Georgia, No. A25A1568. Appeal dismissed December 18, 2025; reconsideration denied January 5, 2026.
- Homer P. Jordan, IV v. Alice Juneal Jordan, Supreme Court of Georgia, No. S26C0768. Certiorari denied March 17, 2026; reconsideration denied April 21, 2026.

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**IN THE
SUPREME COURT OF THE UNITED
STATES**

PETITION FOR A WRIT OF CERTIORARI

Petitioner Homer P. Jordan, IV respectfully petitions for a writ of certiorari to review the judgment of the Court of Appeals of Georgia.

OPINIONS AND ORDERS BELOW

The Court of Appeals of Georgia's unpublished order dismissing the appeal as improvidently granted and denying emergency stay relief as moot is reproduced at Appendix A. The court's unpublished order denying reconsideration is reproduced at Appendix B. The Supreme Court of Georgia's unpublished order denying certiorari is reproduced at Appendix C, and its order denying reconsideration is reproduced at Appendix D. Relevant excerpts from the petition presented to the Supreme Court of Georgia are reproduced at Appendix E. None of the orders is reported.

JURISDICTION

The Court of Appeals entered judgment on December 18, 2025, and denied timely reconsideration on January 5, 2026. App. A; App. B. The Supreme Court of Georgia denied discretionary review on March 17, 2026. App. C. Petitioner timely sought reconsideration on March 27, 2026, and that court considered and denied reconsideration on April 21, 2026. App. D.

Under Rules 13.1 and 13.3, the 90-day period runs from April 21, 2026. The ninetieth day is July 20, 2026. This petition is filed on that date through

the timely-filing method authorized by Rule 29.2. The issuance or transmission of remittitur does not alter the Rule 13 period.

The Court has jurisdiction under 28 U.S.C. § 1257(a). The Court of Appeals' dismissal terminated the granted appeal and left the trial judgment in force. The Supreme Court of Georgia was the highest court in which a decision could be had and denied discretionary review and reconsideration.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides in relevant part:

"No State shall . . . 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."

Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, provides:

"Subject to the provisions of this subchapter, 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, or be subjected to discrimination by any such entity."

STATEMENT OF THE CASE

A. The noticed hearing and pending request

This case arises from a Georgia divorce action. The superior court scheduled a hearing for December 16, 2024. Petitioner's filed state certiorari petition states that, at 7:16 a.m. that day, he filed a motion to

continue the 9:00 a.m. hearing. The motion reported illness, including pneumonia; referred to previously disclosed disabilities; and invoked accommodation rights under Title II. App. E (reproducing Ga. Cert. Pet. 8).

Petitioner did not attend. According to the transcript excerpts presented to the Georgia Supreme Court, the trial court stated at approximately 9:23 a.m. that petitioner was absent and that the "Motion to Continue has been abandoned." The court then identified what could proceed: "anything that was noticed for today, which is pretty much everything except the final." App. E (reproducing Ga. Cert. Pet. 8-9).

B. Conversion to a final adjudication

After acknowledging that "the final" was outside the matters noticed, the court heard an argument that final relief could be entered through discovery sanctions. The court responded, "So, he has notice of that." Later, it stated, "So, I think we can go forward with your presentation for Final Judgment and Decree." App. E (reproducing Ga. Cert. Pet. 8-9). The court entered a Final Judgment and Decree of Divorce that same day. Ibid.

The record thus presents a narrow notice question. The problem is not merely that petitioner missed a hearing or that sanctions were imposed. The court itself distinguished the noticed motions from "the final," then proceeded to the final adjudication in petitioner's absence after characterizing the recently filed disability-related request as abandoned. Petitioner received no new notice and no opportunity to respond to the change in the nature and stakes of the proceeding.

The state petition further reported that the decree imposed substantial financial consequences and required a \$153,117.89 supersedeas bond in cash or certified funds in connection with appeal. App. E (reproducing Ga. Cert. Pet. 9). The Court of Appeals' later order also confirms that bench warrants and arrest orders remained subjects of requested emergency relief. App. A, at A-1. Those consequences underscore that the December 16 proceeding was not a routine calendar ruling.

C. Appellate proceedings

The Court of Appeals first granted a discretionary application on February 11, 2025, and the matter proceeded as Appeal No. A25A1568. App. E (reproducing Ga. Cert. Pet. 10). After the appeal matured and the record was filed, the Court of Appeals issued a one-page order stating that, "[a]fter a thorough and careful review of the entire record," it concluded that "the application was improvidently granted." App. A, at A-1. It dismissed the appeal and denied the pending emergency stay motion and supplement as moot. *Ibid.* It gave no jurisdictional, procedural, preservation, or merits ground for the dismissal.

Petitioner sought reconsideration. The Court of Appeals denied the motion in a one-page order on January 5, 2026. App. B, at B-1. Petitioner then asked the Supreme Court of Georgia to review, among other issues, whether notice and due process permit a hearing noticed for motions to become a final divorce hearing in the absent party's circumstances, and whether Title II accommodations and sanctions-driven final relief require statewide guidance. App. E (reproducing Ga. Cert. Pet. 3, 12–17).

The state petition also expressly preserved a Fourteenth Amendment notice-and-opportunity-to-be-heard issue and explained that the unexplained dismissal prevented petitioner from knowing which federal issue, procedural requirement, or record matter the appellate court believed dispositive. App. E (reproducing Ga. Cert. Pet. 18). The Supreme Court of Georgia denied certiorari on March 17, 2026, App. C, and denied timely reconsideration on April 21, 2026, App. D.

REASONS FOR GRANTING THE PETITION

This petition presents two focused federal questions. It does not ask this Court to supervise Georgia domestic-relations law, revisit factual findings, or decide the separate state-law question concerning judicial assignment that appeared in the state petition. It asks whether notice that concededly excluded a final adjudication could support a final judgment entered moments later, and whether a state court may dispose of a pending Title II request as “abandoned” solely because the requester is absent for the disability-related reason asserted in that request.

I. The judgment conflicts with settled decisions requiring notice and a meaningful opportunity to be heard before final deprivation.

The Due Process Clause requires notice reasonably calculated to inform a person of the proceeding and an opportunity to present objections. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). The opportunity must be granted “at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). These requirements apply with particular

force when a court enters a final judgment affecting protected property and family interests.

This Court has repeatedly rejected the proposition that a later chance to seek relief necessarily cures the absence of notice before judgment. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80, 84–87 (1988), held that a default judgment entered without constitutionally adequate notice could not be sustained by requiring the defendant to show a meritorious defense. *Nelson v. Adams USA, Inc.*, 529 U.S. 460, 466–472 (2000), likewise held that due process required an opportunity to respond before personal liability was imposed; postjudgment procedures were not a substitute for the predeprivation opportunity the Constitution required.

Sanction authority does not answer the notice problem. Long before modern civil rules, *Hovey v. Elliott*, 167 U.S. 409, 413–414, 417–418 (1897), held that a court could not punish disobedience by striking a defense and entering a decree without a hearing on the merits. *Societe Internationale v. Rogers*, 357 U.S. 197, 209–212 (1958), later emphasized constitutional limits on dismissal where noncompliance was not willful. Those decisions do not disable courts from enforcing discovery orders. They establish that sanctions cannot erase the basic requirement of a fair opportunity before final adjudication.

Nor is this case controlled by *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962), which upheld dismissal for counsel's failure to attend a pretrial conference against a long record of delay. *Link* stressed the circumstances and the availability of relief under Rule 60(b). *Id.* at 632–635. Here, the trial court expressly stated that the noticed matters

encompassed "everything except the final." App. E (reproducing Ga. Cert. Pet. 8). The issue is not whether a litigant had constructive notice that misconduct could produce consequences. It is whether a court may acknowledge that final adjudication was not noticed and then conduct that adjudication immediately, without the absent party.

The state judgment cannot be reconciled with Mullane, Armstrong, Peralta, and Nelson if the record is as the filed state petition presents it. The notice identified a motions hearing; the court acknowledged the final adjudication was outside the noticed matters; and the court then converted the proceeding and entered final relief. Review is warranted to enforce the settled constitutional boundary between permissible calendar or sanction management and final adjudication without notice.

II. The Title II question warrants review because state courts are covered public services and the alleged procedure makes access self-defeating.

Title II prohibits a public entity from excluding a qualified person with a disability from, or denying that person the benefits of, its services by reason of disability. 42 U.S.C. § 12132. *Tennessee v. Lane*, 541 U.S. 509, 523, 529, 531–534 (2004), recognized that access to judicial services lies at the core of Title II and that Congress validly enforced the Fourteenth Amendment against disability discrimination in access to courts.

The procedure alleged here presents a recurring Catch-22. A litigant files a request explaining that illness and disability prevent attendance and seeks a continuance or accommodation. The court then treats the request as abandoned because the litigant does not attend the

very hearing he says he cannot attend, and it imposes final, sanction-based relief. If Title II requires only that the clerk accept the paper while allowing the court to disregard it because the requester is absent, the statutory right provides no practical access.

Petitioner does not ask this Court to hold that every disability-related request must be granted, that self-identification conclusively establishes qualification, or that ordinary procedural rules cease to apply. The narrower question is whether a state court must meaningfully consider and rule on a pending request, with notice of the consequences, before absence is treated as abandonment and used as the procedural bridge to an unnotified final adjudication. Lane's access principle requires at least that much.

This case is an appropriate vehicle for that limited question because the request, the absence, the abandonment statement, and the immediate conversion allegedly occurred in a single, transcribed proceeding. The Georgia certiorari petition expressly identified Title II, the disability-related continuance request, and the sanctions/default intersection. App. E (reproducing Ga. Cert. Pet. 3, 8, 14–17). The state's highest court had the opportunity to address the federal issue and declined review.

III. The questions recur in state adjudication and carry importance beyond this divorce.

The questions arise at the intersection of three common judicial practices: calendars that combine multiple motions, sanction requests that can become dispositive, and accommodation or continuance requests made when a disability prevents attendance. Each practice is legitimate in proper

circumstances. Their combination, however, can deprive a litigant of notice without any court expressly deciding to dispense with due process.

Family cases heighten the consequences. This Court has recognized the constitutional significance of access to divorce proceedings, *Boddie v. Connecticut*, 401 U.S. 371, 374, 376-383 (1971), and of appellate access where termination of parental status is at stake, *M.L.B. v. S.L.J.*, 519 U.S. 102, 107, 113, 120-124 (1996). This case involves divorce rather than parental-rights termination, but those decisions confirm that state-created family adjudication is not beyond ordinary due-process constraints.

A clear rule would not require federal oversight of routine state calendars. It would require only that, before a state court changes a noticed motions hearing into a final adjudication, it provide notice adequate to the new proceeding and a meaningful opportunity to respond, including meaningful disposition of a pending access request. That rule is administrable, narrow, and grounded in existing precedent.

IV. The unexplained state appellate dismissal should not insulate the federal questions from review.

The Court of Appeals' order states only that the discretionary application was "improvidently granted" after review of the full record. App. A. The order does not identify an adequate and independent state ground, a jurisdictional defect, a preservation ruling, or a merits determination. The Supreme Court of Georgia's denials likewise identify no ground. App. C; App. D.

The absence of explanation is not advanced as a freestanding constitutional violation. It matters

because this Court must determine whether the final state judgment rests on federal law, an adequate and independent state ground, or an unresolved procedural premise. See *Michigan v. Long*, 463 U.S. 1032, 1040–1041 (1983). Petitioner presented the federal notice and Title II issues to the state courts, and nothing in the dispositive orders states that either was forfeited.

If the present record leaves the basis of the state judgment uncertain, the appropriate response is not necessarily denial. This Court has vacated and remanded when uncertainty about a state court's grounds prevented intelligent exercise of federal jurisdiction. *Minnesota v. National Tea Co.*, 309 U.S. 551, 555–557 (1940); see *Bush v. Palm Beach County Canvassing Board*, 531 U.S. 70, 78 (2000) (*per curiam*). At minimum, the Court should request a response and call for the record before deciding whether an adequate state ground forecloses review.

The finality requirement is satisfied. The Court of Appeals dismissed the matured appeal, the Supreme Court of Georgia denied the only remaining discretionary review and reconsideration, and no further state appellate proceeding can decide the federal questions in this case. The status or destination of remittitur does not alter finality under Rule 13.3.

CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, the Court should vacate the judgment and remand for clarification or consideration of the preserved federal questions.

Respectfully submitted,

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July 20, 2026