No. 26-462

IN THE
SUPREME COURT OF THE UNITED STATES

RYAN J. HAUBER,
Petitioner,

v.

HONKAMP KRUEGER & CO., P.C.,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

---

SUPPLEMENTAL BRIEF FOR PETITIONER

Ryan J. Hauber
Pro Se Petitioner
8126 Airedale Lane
Galena, IL 61036
ryanjhauber@icloud.com
Tel: 815-281-0401

TABLE OF CONTENTS

Table of Authorities.....ii
Supplemental Brief for Petitioner.....1
1. The new matter.....1
2. The bearing on the petition.....3
Conclusion.....6

TABLE OF AUTHORITIES

Cases

Doe v. University System of New Hampshire, No. 26-cv-733-SE-TSM (D.N.H. Sept. 16 and Oct. 8, 2026).....2, 4, 5

Erickson v. Pardus, 551 U.S. 89 (2007).....2

Jackson v. University of Texas Southwestern Medical Center School of Medicine, No. 26-5596 (docketed Sept. 17, 2026).....2, 3

Parrish v. United States, 605 U.S. 376 (2025).....2

Rudometkin v. Driscoll, Nos. 25-5033, 25-7011 (D.C. Cir. Aug. 21, 2026).....1, 2, 4

Scroggins v. City of Shreveport, Louisiana, No. 26-383 (docketed Sept. 21, 2026).....3

Constitutional Provisions, Statutes, and Rules

U.S. Const. amend. V (Due Process Clause).....3

U.S. Const. amend. XIV (Due Process Clause).....3

Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq*.....2, 3, 5

Rehabilitation Act § 504, 29 U.S.C. § 794.....2, 3, 5

Fed. R. App. P. 4(a)(5), (6).....1

Fed. R. Civ. P. 56.....3

Fed. R. Civ. P. 56(c)(3).....3

Sup. Ct. R. 10.....1, 4

Sup. Ct. R. 10(a).....4

Sup. Ct. R. 10(c).....5

Sup. Ct. R. 14.5.....1

Sup. Ct. R. 15.8.....1

Sup. Ct. R. 21.....3

SUPPLEMENTAL BRIEF FOR PETITIONER

Pursuant to Rule 15.8, petitioner calls the Court's attention to two new decisions and to two petitions docketed in this Court, none of which was available at the time of his last filing. Rule 15.8 permits a supplemental brief "at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing," and requires that it "be restricted to new matter" and "follow, insofar as applicable, the form for a brief in opposition prescribed by this Rule." The petition was filed August 11, 2026; the decision described in Part 1(a) issued August 21, 2026, after the petition was filed; and the corrected copies submitted August 28, 2026 under Rule 14.5 made no substantive change. This brief is restricted to new matter.

Respondent waived its right to respond on October 7, 2026 (docket entry). Petitioner proceeds without counsel and submits this brief for the Court's information in considering the petition. Part 1 states the new decisions and the two petitions; Part 2 states the bearing of the new decisions on the considerations Rule 10 identifies.

1. The new matter.

(a) On August 21, 2026, the D.C. Circuit held that "a pro se notice of appeal should be construed as including a Rule 4(a)(5) or (6) motion if it can reasonably be read as recognizing that the appeal is late, providing reasons for that lateness, and requesting extra time to appeal," explaining that "[t]he principle that pro se filings are 'to be liberally construed' is central to that inquiry." *Rudometkin v. Driscoll*, Nos. 25-5033, 25-7011, slip op. at 10 (D.C. Cir.

Aug. 21, 2026) (quoting *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)); see *id.* at 9–10 (quoting *Parrish v. United States*, 605 U.S. 376, 387 (2025)). Because "only the district court may extend or reopen the time to appeal," the court remanded the record "for the district court to rule on Rudometkin's pending motions" and held that appeal in abeyance. *Id.* at 15, 17.

(b) On September 16, 2026, a federal district court, before summonses had issued in a self-represented plaintiff's case, ruled on the plaintiff's motion for a preliminary injunction, which it read as asking the court "to accommodate certain alleged disabilities" — granting the motion in part and denying it in part — and stated that although "neither Title II of the Americans with Disabilities Act nor Section 504 of the Rehabilitation Act applies to federal courts," the court "endeavors to grant reasonable requests for accommodations," that accommodations which "fundamentally change court proceedings, could alter the court's substantive decisions, or affect any other parties' due process rights" are "not reasonable," and that "[i]n all cases, the court will consider reasonable requests to extend deadlines." *Doe v. University System of New Hampshire*, No. 26-cv-733-SE-TSM, Doc. 6, at 2–3, 5–6 (D.N.H. Sept. 16, 2026). Neither decision addresses the question presented. Each ruled on, or remanded for a ruling on, a self-represented litigant's pending motion.

(c) Two petitions by self-represented litigants were docketed in this Court after this petition was filed and before it was docketed. On September 17, 2026, the Court docketed No. 26-5596, *Jackson v. University of Texas Southwestern Medical Center School of Medicine* (from the Fifth Circuit,

No. 25-10942), which asks, among other questions, whether Rule 56(c)(3) "permits entry of summary judgment against a nonmovant on a dispositive element without any determination whether the evidence in the summary judgment record would permit a reasonable jury to find in her favor." No. 26-5596, Pet. i. On September 21, 2026, the Court docketed No. 26-383, *Scroggins v. City of Shreveport, Louisiana* (from the Fifth Circuit, No. 25-30695), which asks, among other questions, whether summary judgment conflicts with this Court's decisions "when a court resolves competing inferences concerning qualification, accommodation, attendance, and pretext against the nonmoving employee," and, apart from its questions presented, argues a due-process issue under the Fourteenth Amendment concerning a public employee's pretermination opportunity to respond. No. 26-383, Pet. i–ii, 18–19. In No. 26-383, respondent waived its right to respond on October 10, 2026; the two petitions were distributed on October 28, 2026 (No. 26-383) and October 29, 2026 (No. 26-5596) for the Conference of November 13, 2026 (docket entries). The questions presented in those petitions are framed under the Americans with Disabilities Act, Section 504, and Rule 56; the question here is framed under the Due Process Clause of the Fifth Amendment. A motion under Rule 21 to defer consideration of this petition to the Conference of November 13, 2026 and to consider the three together is filed with this brief.

2. The bearing on the petition.

The question presented concerns a case dismissed with prejudice as a discovery sanction while the litigant's properly filed, medically supported motion for accommodations remained pending and

undecided. Pet. 1. The new decisions bear on two of the considerations Rule 10 identifies.

First, Rule 10(a) asks whether a court of appeals "has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power." In each new decision the pending motion was decided or remanded for decision: in *Rudometkin* the court of appeals held the appeal in abeyance and remanded for the district court to rule on the pending motions, *Rudometkin*, slip op. at 17; in *Doe* the court decided the self-represented plaintiff's accommodations request before summonses issued and stated that it would consider reasonable requests to extend deadlines "[i]n all cases," *Doe*, Doc. 6, at 2–3. The record here, by contrast, is this.

Respondent's motion to dismiss the case as a discovery sanction (Doc. 117) and petitioner's renewed motion for accommodations, supported by the declaration of his treating physician (Docs. 119, 119-1), were docketed the same day, March 18, 2025. Pet. 8. On June 2, 2025, with the renewed motion pending 76 days, judgment entered dismissing the case with prejudice as a discovery sanction; the renewed motion was terminated as moot. Pet. 8–9. On March 23, 2026, the court of appeals affirmed in a per curiam opinion that does not mention the renewed motion. App. A. On August 10, 2026, the district court stated that the affirmance "implicitly rejected" petitioner's arguments concerning dismissal while the motion was pending, App. F, at 19a, and that it "did not explicitly rule" on the renewed motion but had considered his PTSD arguments in his filings opposing dismissal and had not found them a basis for excusing his discovery conduct or for a further

opportunity to comply with court orders and rules. App. F, at 25a; see Pet. 10, 14. Nothing here asks the Court to revisit the findings below. Pet. 14.

Second, Rule 10(c) asks whether a court of appeals "has decided an important question of federal law that has not been, but should be, settled by this Court." *Doe* states the same premise as the petition — that the Americans with Disabilities Act "does not itself apply to the federal judiciary," Pet. 11 — in these words: "neither Title II of the Americans with Disabilities Act nor Section 504 of the Rehabilitation Act applies to federal courts." *Doe*, Doc. 6, at 2. Judicial Conference policy supplies the practice, and "[n]o rule of procedure prescribes when such requests must be decided." Pet. 11. If the Act does not apply and no rule fixes the time, whether such a request must be decided before the case ends is a question of due process. *Doe* applied due process to the order of decision, there in the defendants' favor: in denying, without prejudice, the plaintiff's request that the court preserve his potential future claims for purposes of the statutes of limitations, the court stated that "due process requires the court to provide the defendants with an opportunity to appear and make their own arguments regarding timeliness before deciding those issues in favor of the plaintiff." *Doe*, Doc. 6, at 3. On October 8, 2026, in denying the plaintiff's request for an order expediting consideration of his filings, the same court stated that "the court remains responsible for determining the order in which cases and motions will be addressed." *Doe*, Doc. 12, at 4. Whether the Clause supplies a sequencing principle when the undecided matter is the litigant's own motion for accommodations is a question that has not been, and should be, settled by this Court.

CONCLUSION

For these reasons and those stated in the petition, the petition for a writ of certiorari should be granted, the judgment of the court of appeals vacated, and the case remanded for further proceedings.

Respectfully submitted,

Ryan J. Hauber

Ryan J. Hauber
Pro Se Petitioner
8126 Airedale Lane
Galena, IL 61036
ryanjhauber@icloud.com
Tel: 815-281-0401
October 29, 2026