

ORIGINAL

No. 26-472

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In the Supreme Court of the United States

KRISTEN DEMARJIAN,

Petitioner,

v.

LLOYD ARNOLD, ET AL.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Petitioner brought a civil-rights action as Ryburn's next friend, alleging that state interference prevented him from seeking relief personally or through counsel when the action began. The district court dismissed the action and barred further filings on his behalf because petitioner was not a lawyer. Accepting the complaint's allegations as true for review, the court of appeals held the omitted next-friend inquiry harmless under the rule against nonlawyer representation.

When an adult prisoner allegedly cannot initiate a civil-rights action personally or through counsel because of state-imposed barriers, may a nonlawyer who claims next-friend status submit an initial complaint seeking court-supervised restoration of access, or does 28 U. S. C. § 1654 require dismissal without inquiry into the asserted need for that limited procedure?

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PARTIES TO THE PROCEEDINGS

Petitioner, and plaintiff-appellant below is Kristen Demarjian, in her capacity as the next friend of Gustav Ryburn.

Respondent and plaintiff below is Gustav Ryburn. He is not joining this petition and is a respondent under this Court's Rule 12.6. Respondents, and defendants-appellees below are Lloyd Arnold, William Wilson, Brian English, Kelsi Williams, and unknown Indiana Department of Correction officials.

RELATED PROCEEDINGS

United States District Court (ND Ind.):

Ryburn v. Arnold, No. 3:25-cv-01028-CCB-SJF
(Dec. 16, 2025) (dismissing the action without prejudice)

Ryburn v. Arnold, No. 3:25-cv-01028-CCB-SJF
(Dec. 17, 2025) (judgment entered)

Ryburn v. Arnold, No. 3:25-cv-01028-CCB-SJF
(Jan. 6, 2026) (declining to construe the submission as a postjudgment motion and directing that a new action be opened)

Ryburn v. Arnold, No. 3:26-cv-00015-HAB-AZ
(Jan. 28, 2026) (denying temporary injunctive relief and permitting amendment)

United States Court of Appeals (CA7):

Ryburn v. Arnold, No. 26-1024 (Jul. 7, 2026) (district court affirmed)

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Cite as: Pet. for Cert.

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Appendix B

Order [dismissal without prejudice], United States District Court for the Northern District of Indiana, South Bend Division, *Gustav Ryburn v. Lloyd Arnold, et al.*,
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Order [directing separate action], United States District Court for the Northern District of Indiana, South Bend Division, *Gustav Ryburn v. Lloyd Arnold, et al.*,
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Opinion and Order, United States District Court for the Northern District of Indiana, *Gustav Ryburn v. Lloyd Arnold, et al.*,
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The Seventh Circuit's nonprecedential order is unreported and is reproduced in the Appendix at App. 1–4. Its judgment is reproduced in the Appendix at App. 18. The Northern District of Indiana's dismissal order is unreported and is reproduced in the Appendix at App. 5–6. Its judgment is reproduced in the Appendix at App. 7–8. The Northern District of Indiana's January 6, 2026, order is unreported and is reproduced in the Appendix at App. 9–10. Its screening opinion and order in the separate action is reproduced in the Appendix at App. 11–17.

JURISDICTION

The Seventh Circuit entered judgment on July 7, 2026. App. 18. This Court's jurisdiction is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS AND RULES INVOLVED

The First Amendment to the United States Constitution provides:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Section 1 of the Fourteenth Amendment provides:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State

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wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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."

28 U.S.C. § 1654 provides: "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."

42 U.S.C. § 1983 provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

For the purposes of this section, any Act of Congress applicable exclusively to the District of

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Columbia shall be considered to be a statute of the District of Columbia.”

Federal Rule of Civil Procedure 11(a) provides:

“(a) SIGNATURE. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented. The paper must state the signer’s address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.”

Federal Rule of Civil Procedure 17(c)(2) provides:

“(2) *Without a Representative.* A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.”

STATEMENT OF THE CASE

A. The alleged barriers and the request for court access

Gustav Ryburn is an Indiana prisoner. According to the verified complaint, he had relied for years on dictating legal filings to petitioner Kristen Demarjian, his longtime partner and holder of his power of

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attorney, through telephone calls, video visits, and electronic messages. The complaint alleged that withheld or returned court mail, interference with outgoing legal correspondence, and obstruction of attorney communication prevented him from using ordinary channels to reach the courts. Verified Complaint 3, 5–6, 8–10, ND Ind. ECF No. 1.

The complaint alleged years of obstructed attorney visits across multiple facilities, as part of a broader pattern of interference with court access. It further alleged that counsel attempted multiple scheduled visits beginning in early September 2025, but staff failed to produce Ryburn for any of them. The missed appointment on September 18, 2025, was one documented example: counsel waited more than an hour without Ryburn being produced. Verified Complaint 5, 10–11, ND Ind. ECF No. 1.

The alleged restrictions intensified when the Indiana Department of Correction (IDOC) permanently revoked telephone and visitation contact with Demarjian on September 24, 2025, and electronic messaging with her was suspended beginning November 20, 2025. Although Ryburn could still communicate with a few other personal contacts, the complaint alleged that none could assist with filings or court communication. It alleged that the combined restrictions eliminated his remaining means of seeking relief personally or through counsel and attributed them to retaliation for protected activity. Verified Complaint 6–10.

On December 12, 2025, Demarjian filed the verified complaint against IDOC officials in the Northern District of Indiana, No. 3:25-cv-01028-CCB-SJF. The

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caption identified her as Ryburn's next friend. The complaint invoked 42 U. S. C. § 1983 and federal jurisdiction under 28 U. S. C. §§ 1331 and 1343. Invoking *Whitmore v. Arkansas*, 495 U.S. 149 (1990), Demarjian alleged Ryburn's inability to proceed, her longstanding relationship with him, dedication to his interests, and history of assisting his court communications. Verified Complaint 1-4.

The complaint sought restoration of court access, reserved broader constitutional claims for later proceedings, and disclaimed review of Ryburn's conviction. The accompanying motion for a temporary restraining order (TRO) sought relief without notice restoring reliable court communication and confidential attorney access, restoring communication with Demarjian, and suspending the challenged communication and retaliatory restrictions. It also requested temporary placement in a federally operated facility or, if unavailable, a federally contracted facility outside state or local correctional control, alleging that involvement by facility and statewide officials made an IDOC transfer inadequate. Verified Complaint 4-5; TRO Motion 7-10, ND Ind. ECF No. 2.

Restoring court access was also necessary, the complaint alleged, so Ryburn could seek relief for unresolved medical conditions. It identified symptoms consistent with post-concussive neurological injury, seizure-like episodes, partial vision loss following an assault, complications from prior surgery, and untreated dental deterioration. It alleged that the communication blackout obstructed his ability to seek or document care despite repeated requests for evaluation and treatment, and expressly reserved those

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medical claims for later proceedings once access was restored. Verified Complaint 5, n. 1, ND Ind. ECF No. 1.

B. Dismissal and Ryburn's signed submission

On December 16, 2025, four days after filing, the district court dismissed the action without prejudice under 28 U.S.C. § 1654 because Demarjian was not an attorney and could not represent Ryburn. It stated that Ryburn could proceed personally or through counsel and directed that he receive a blank complaint form. The order directed Demarjian "to not file anything else on behalf of Gustav Ryburn" and warned that further filings could result in sanctions. It did not assess her asserted next-friend qualifications or adjudicate the requested emergency relief. Dismissal Order 1, ND Ind. ECF No. 5.

After dismissal, Ryburn submitted a prisoner complaint bearing the original case number, received on January 2, 2026, and docketed as ECF No. 8. Signed under penalty of perjury, it adopted the facts in Demarjian's filing as accurate and true to the best of his comprehension and knowledge. Ryburn specifically alleged diminished capacity from brain injuries that had gone untreated for years and impaired his ability to fully prepare and organize information already filed with the court. He also reported denial of law-library access, danger from transmitting the material through legal channels, and an announced restriction on tablet access. Prisoner Complaint 1, 3-6, ND Ind. ECF No. 8.

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On January 6, 2026, the district court declined to construe the submission as a Rule 59(e) or Rule 60(b) motion because Ryburn had not filed such a motion or explained why the dismissal was erroneous. It directed the clerk to open a new action using the submission. The original action remained closed. Order 1–2, ND Ind. ECF No. 9.

C. Proceedings in the separate action

In the resulting action, No. 3:26–cv–00015–HAB–AZ, the district court screened an amended complaint on January 28, 2026. Relying in part on Ryburn’s handwritten filings and the absence of alleged prejudice to specific litigation, it held that the pleading did not plausibly state a denial-of-court-access claim, denied the TRO, and permitted amendment. After the court struck an intervening pleading for failure to use the required prisoner-complaint form, Ryburn submitted a second amended complaint alleging continuing interference with attorney visits and legal coordination and seeking prospective relief. Opinion and Order 2–6, ECF No. 17; Order 1, ECF No. 20; Second Amended Complaint ¶¶ 55–58, ECF No. 21, all in No. 3:26–cv–00015–HAB–AZ.

D. The Seventh Circuit’s decision

This petition arises from the appeal of the original dismissal. Demarjian argued that the district court should have adjudicated her asserted next-friend standing to seek restoration of Ryburn’s court access so that he could thereafter litigate personally. She distinguished that initial role from conducting his merits litigation and requested vacatur of both the

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dismissal and the filing restriction. Respondents argued that she could not file for Ryburn without a lawyer even if she met the next-friend requirements, and relied on his later filing to contest inaccessibility. Her reply argued that his later filing did not cure the access problems alleged when this action began or show that he could have initiated it without her assistance. Opening Brief 8–11, 13, CA7 ECF No. 10; Appellees' Brief 8–10, CA7 ECF No. 14; Reply Brief 8–9, CA7 ECF No. 17.

On July 7, 2026, the Seventh Circuit affirmed in a nonprecedential order. It recounted the complaint's allegations as true for purposes of review, drawing reasonable inferences in Demarjian's favor. It noted Ryburn's multiple submissions in the separate action and described that case as ongoing at the time of its decision. The panel nevertheless held the original dismissal final as to Demarjian because the district court had finished with her case and prohibited further filings on Ryburn's behalf under threat of sanctions. Appellate Order 2–3, CA7 ECF No. 19.

The panel expressly addressed Demarjian's argument that the district court had failed to analyze next-friend standing. It held the omission harmless: "It was harmless because, absent extremely narrow circumstances not applicable here, a next friend who is a non-lawyer may not litigate on behalf of another person." Citing *Elustra v. Mineo*, 595 F.3d 699, 706 (CA7 2010), it declared those narrow circumstances inapplicable and affirmed without an individualized determination of whether Demarjian satisfied the asserted next-friend requirements. Appellate Order 3.

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REASONS FOR GRANTING THE PETITION

The unresolved distinction is between conducting another person's litigation and submitting an initial request for court-supervised restoration of the means by which that person can proceed personally or through counsel. Petitioner has not identified a circuit split on whether § 1654 permits the latter role when state interference allegedly blocks both ordinary means of access. She seeks review under Supreme Court Rule 10(c) because that threshold question determines whether alleged obstruction of court access can itself prevent a request to end the obstruction from receiving judicial consideration. Resolving it would clarify how federal courts can preserve access to civil-rights remedies while enforcing limits on nonlawyer representation. The petition rests on the question's importance to the availability of judicial relief, not on novelty alone. Here, the panel held the omitted next-friend inquiry harmless because petitioner was not an attorney. Appellate Order 2-3, CA7 ECF No. 19.

- I. The Court should settle whether next-friend procedure is available when state interference blocks access to court**
 - A. The question determines whether an alleged obstruction can prevent a request to end it**

When state interference prevents an injured person from reaching court personally or through counsel, an instruction to use those channels does not explain how to obtain relief from the interference. Rejecting

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every initial submission by a nonlawyer can leave the injured person unable to present the very claim needed to restore access. The importance of the question lies in that consequence: whether federal procedure preserves a way to ask for judicial protection when both ordinary means of invoking it are allegedly blocked.

The complaint and TRO motion sought restoration of the legal correspondence and attorney access allegedly obstructed by state officials. The petition thus concerns an asserted inability to seek relief from those barriers, beyond the ordinary difficulties of incarceration or need for legal assistance. Verified Complaint 2-6, 8-10, ND Ind. ECF No. 1; TRO Motion 8-10, ND Ind. ECF No. 2.

The question reaches beyond these particular restrictions. *Whitmore* recognized inaccessibility as a possible basis for next-friend standing and noted uses of the procedure outside habeas for minors and incompetent persons. This case asks how those access principles apply when state interference allegedly prevents an adult from seeking civil-rights relief. *Whitmore*, 495 U.S., at 162-165.

B. *Elustra* makes the purpose and effect of the filing relevant

The panel relied on *Elustra* to hold the omitted inquiry harmless, stating that the "extremely narrow circumstances" permitting nonlawyer participation were "not applicable here." *Elustra*, however, examined whether rejecting a particular submission would defeat the protective purpose of the representation rule. Its reasoning shows why a court should

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consider what the next friend is asking to do. Appellate Order 3, CA7 ECF No. 19; *Elustra*, 595 F.3d, at 705–707.

In *Elustra*, the minor plaintiffs had counsel through judgment but briefly lacked counsel during the period for seeking reconsideration. Their mother submitted a timely Rule 59(e) motion as next friend; replacement counsel soon appeared and effectively ratified it. The Seventh Circuit considered both § 1654 and Rule 11(a), which requires an unrepresented party to sign personally. It gave effect to the motion because disregarding it would harm the minors and frustrate the rule intended to protect them, while preserving the general prohibition on nonlawyer representation. *Elustra*, 595 F.3d, at 704–707; Fed. Rule Civ. Proc. 11(a).

Elustra does not itself authorize petitioner's filing. Ryburn had no comparable ratification by counsel before dismissal, and petitioner asks the Court to recognize a different, initial-filing exception. The reason to consider that exception is also different: according to the complaint, the alleged obstruction included access to counsel itself. The proposed exception would be limited to asking a court to assess and, if warranted, restore Ryburn's ability to proceed personally or through counsel; it would not authorize petitioner to conduct the ensuing litigation.

**C. A next-friend inquiry is compatible
with limits on nonlawyer
representation**

Considering a proposed next friend's qualifications does not require allowing that person to conduct the litigation without counsel. In *Rodgers*, the court

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examined whether the plaintiff could litigate personally and whether the proposed next friend had shown a qualifying relationship. It denied next-friend status without prejudice and warned that a layperson could not file briefs for another person. *Shuffler*, *Rabold*, and *Jacob* likewise assessed the asserted inability to proceed and rejected next-friend status on their respective records, without deciding that a qualified nonlawyer could conduct another person's civil-rights litigation. Examining next-friend status and enforcing limits on nonlawyer representation are therefore not mutually exclusive. Petitioner asks this Court to decide whether § 1654 permits dismissal without considering the asserted need for a limited initial next-friend submission when specific, supported allegations describe state-imposed barriers preventing the injured person from proceeding personally or through counsel. *Rodgers v. Sinker*, No. 1:15-cv-00174 (Colo. July 15, 2015); *Shuffler v. State of Arizona*, No. 3:25-cv-08238 (Ariz. Jan. 12, 2026); *Rabold v. The Syndicate-Monroe County, Pennsylvania Charter*, No. 3:06-cv-02474 (MD Pa. Jan. 4, 2007); *Jacob v. Herff-Jones, Inc.*, No. 1:04-cv-01654 (MD Pa. Aug. 18, 2005).

D. This case presents the legal question for decision

The parties presented this question to the court of appeals. Petitioner sought consideration of her asserted next-friend basis for obtaining restoration of access and distinguished that initial role from conducting Ryburn's merits litigation. Respondents argued that even a qualified next friend could not file for

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Ryburn without a lawyer. The panel accepted the complaint's allegations as true for review but held that petitioner's nonlawyer status made the missing next-friend inquiry harmless. Opening Brief 8–11, CA7 ECF No. 10; Appellees' Brief 9, CA7 ECF No. 14; Appellate Order 2–3, CA7 ECF No. 19.

The Court can decide that legal premise while leaving petitioner's qualifications, the effect of the original and later submissions, and any entitlement to relief for the district court to assess on remand. Sections III.A–B explain the record questions that would remain under the requested rule.

The prospective filing prohibition also remains part of the judgment under review. The panel relied on that prohibition and the accompanying sanctions warning in holding the dismissal final as to petitioner, permitting review of her appeal under 28 U.S.C. § 1291. Although the appellate order is nonprecedential, it expressly applied the representation rule to sustain a judgment that continues to restrict her filings on Ryburn's behalf. Review can determine whether that legal premise supports the dismissal and prohibition; the requested relief concerning the prohibition is addressed in Section III.C. Dismissal Order 1, ¶¶ (3)–(4), ND Ind. ECF No. 5; Appellate Order 2–3, CA7 ECF No. 19.

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II. Traditional next-friend practice supports a limited procedure under judicial control**A. Section 1654 should accommodate a limited next-friend procedure when state interference prevents access to court**

Section 1654 permits parties to "plead and conduct their own cases personally or by counsel." Petitioner asks the Court to read that provision together with traditional next-friend practice to allow a qualified next friend to submit a civil claim seeking restoration of the injured person's access to court. The court would supervise that limited participation while the alleged barriers to proceeding personally or through counsel are addressed. 28 U. S. C. § 1654.

Next-friend status and authority to conduct litigation are separate questions. Petitioner does not contend that satisfying *Whitmore* alone would authorize her to conduct Ryburn's civil-rights litigation without counsel. She proposes a narrower rule: where specific, supported allegations show that state conduct prevents the injured person from submitting an initial request personally or through counsel, the court may receive and consider a proposed next friend's filing for the limited purpose of determining whether protective, court-supervised steps are needed to restore those ordinary means of access. The court would decide the proposed next friend's qualifications and the permissible scope and duration of any participation before authorizing that limited role.

Section 1983 supplies the underlying civil remedy for deprivations of federal rights under color of state

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law. The requested next-friend procedure concerns how Ryburn may invoke that remedy when the alleged barriers prevent him from proceeding personally or through counsel. 42 U. S. C. § 1983.

In *Barber*, this Court upheld a suit to enforce a wife's existing alimony decree after her husband moved to another State. The wife could bring the case in her own name with a next friend's assistance despite the legal restrictions on her ability to sue. The Court also discussed a South Carolina case in which a wife sued a sheriff through a next friend after he allowed her husband to escape custody. The state judge explained that refusing that procedure would cause a "failure of justice" because no means would remain to enforce the alimony decree. These examples show the concern behind traditional next-friend practice: a legal right must have a usable means of enforcement. *Barber v. Barber*, 21 How. 582, 590-591, 596-600 (1859).

Modern next-friend doctrine likewise treats inability to reach court as a distinct concern. *Whitmore* identified inaccessibility, mental incompetence, or a similar disability as possible explanations for why the real party cannot appear personally. It required an adequate explanation of that inability and dedication to the injured person's interests, placing the burden on the proposed next friend. But *Whitmore* expressly left undecided whether a next friend may invoke federal jurisdiction without congressional authorization. *Whitmore* supplies the qualification standards for the procedure sought here. This case presents the further question whether § 1654 permits a person who satisfies those standards to initiate a limited civil-

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rights action seeking restoration of court access when state interference prevents the injured person from proceeding personally or through counsel. *Whitmore*, 495 U. S., at 163–165.

Rule 17(c)(2) expressly recognizes next-friend suits for minors and incompetent persons who lack duly appointed representatives. Fed. Rule Civ. Proc. 17(c)(2). This petition asks whether a limited next-friend procedure is also available when state interference prevents an adult from seeking relief personally or through counsel.

This Court's access decisions reinforce the importance of a usable means of presenting the claim. *Johnson v. Avery* held that, absent a reasonable alternative, a State could not prohibit inmates from helping other prisoners prepare postconviction petitions. *Wolff v. McDonnell* extended that assistance principle to preparation of civil-rights actions. Those decisions concern help preparing court filings, rather than authority to represent another person in court. Their relevance here is the practical principle that restricting assistance cannot be evaluated without considering whether the injured person has another effective means of invoking judicial protection. *Johnson v. Avery*, 393 U.S. 483, 490 (1969); *Wolff v. McDonnell*, 418 U.S. 539, 579–580 (1974).

These authorities support the confined extension of next-friend procedure sought here. *Elustra's* reasoning, discussed in Section I.B, reinforces the distinction between giving effect to a particular submission and authorizing general nonlawyer representation. The proposed rule would apply that distinction to an initial request to restore access, with qualification and

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permitted participation determined by the court. Requiring Ryburn to regain access to the courts or counsel before considering his request to remove the alleged barriers would leave that request unanswered. The Court should permit a qualified next friend to obtain consideration of that limited request under the safeguards described below. Other relief requested in the complaint would remain subject to its own legal requirements.

B. A qualified next friend should have a defined role in seeking restoration of access

The requested procedure would require an initial filing that identifies a federal claim, invokes next-friend status, and provides specific facts showing how state interference prevents the injured person from proceeding personally or through counsel and why available alternatives are inadequate. The proposed next friend would bear the burden of establishing that inability and her own dedication and suitability under *Whitmore*. The court would assess those qualifications separately from the injured person's standing and the permitted scope of participation, while retaining authority to decide other properly available threshold issues. *Whitmore*, 495 U. S., at 163–165.

If the next-friend requirements are met, the initial complaint should receive legal effect for the limited purpose of seeking restoration of court access. The district court would define the next friend's permitted participation and retain control over the proceedings. Permission to proceed as next friend would not itself establish entitlement to an injunction; the ordinary

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requirements for relief would still apply. The role should end or narrow when the injured person has a usable means of participating personally or through counsel. In assessing continued need, the court should consider whether the person can meaningfully pursue the action; one successful filing does not, by itself, establish that the alleged barriers have ended.

III. The record warrants vacatur and remand under the clarified rule

A. The original allegations warrant a next-friend inquiry under the requested rule

If this Court recognizes the procedure described in Section II, remand is necessary to determine whether the alleged restrictions prevented Ryburn from pursuing this action personally or through counsel when it began. The panel's reliance on the nonlawyer-representation rule left that question unresolved. Appellate Order 2-3, CA7 ECF No. 19.

The complaint alleged obstruction of outgoing legal correspondence, withholding or alteration of incoming legal mail, and repeated failures to produce Ryburn for scheduled attorney visits. Those allegations concern continuing obstruction of the very channels the district court said he must use. The complaint separately alleged a longstanding relationship, years of assistance with his legal matters, and dedication to his interests. Together, these allegations provide a basis to examine both his asserted inability and petitioner's suitability. Verified Complaint 2-6, 8-11, ND Ind. ECF No. 1; Dismissal Order 1, ND Ind. ECF No. 5.

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On remand, the district court could test the allegations and assess petitioner's asserted qualifications to determine whether a limited next-friend role was necessary when the action began. That inquiry would not assume that she qualified or that Ryburn was entitled to an injunction. The representation rule that foreclosed the inquiry cannot by itself establish harmlessness if this Court holds that a limited next-friend procedure is available.

B. Ryburn's later filings do not eliminate the need for that inquiry

The separate action and its screening ruling are not before this Court. That ruling did not decide whether the original complaint could receive consideration as a limited next-friend submission when filed, and it did not remove the prospective filing restriction directed at petitioner. This petition seeks review of the original dismissal and that restriction. App. 4, 5-6, 11-17.

Respondents relied on Ryburn's post-dismissal handwritten complaint to argue that he could proceed without a next friend, but the panel's reliance on the representation rule left the significance of that filing for his earlier access unresolved. Appellees' Brief 9, CA7 ECF No. 14; Appellate Order 2-3, CA7 ECF No. 19.

In the signed submission on which respondents relied, Ryburn reported that he still could not speak with his attorneys, that sending it through ordinary legal channels would jeopardize his safety, and that the warden had denied law-library access. He attributed his difficulty preparing and organizing the

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information to diminished capacity from untreated brain injuries, and also warned of an impending loss of tablet communications. Petitioner's reply relied on these statements to challenge respondents' inference of adequate access. The original complaint alleged that Ryburn could submit filings only by dictating them to petitioner, including in his pending Indiana Supreme Court matter. His signed federal complaint was submitted after this action had been filed and dismissed. That later submission did not establish that he could have initiated this action without her assistance. Prisoner Complaint 3-6, ND Ind. ECF No. 8; Reply Brief 8-9, CA7 ECF No. 17; Verified Complaint 1, 3-6, 8-9, ND Ind. ECF No. 1.

The original complaint's report of neurological symptoms preceded dismissal; Ryburn's later signed submission explained the asserted effect of untreated brain injuries on his ability to prepare and organize the case. Under the proposed rule, those alleged limitations should be considered together with the barriers to counsel, legal materials, and communication in assessing his ability to initiate this action without assistance. Handwriting a later submission does not by itself resolve that inquiry. On remand, the district court should assess his ability when the action began and any change afterward, including whether a limited next-friend role was initially necessary and remains necessary under Section II.B. Verified Complaint 5, n. 1, ND Ind. ECF No. 1; Prisoner Complaint 4, ¶¶ 2-3, ND Ind. ECF No. 8.

The signed submission also adopted the original complaint's factual allegations. The district court declined to treat it as a motion to reopen and directed

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that a separate action be opened. If this Court recognizes the requested procedure, remand would allow the district court to determine what effect to give the original complaint and Ryburn's later signed adoption of its allegations under that rule. Opening a separate action did not supply the inquiry omitted in this one. Prisoner Complaint 4, 6, ND Ind. ECF No. 8; Order 1-2, ND Ind. ECF No. 9.

C. The prospective filing restriction warrants relief

The December 16 order expressly directed petitioner "to not file anything else on behalf of Gustav Ryburn" and warned that she "may be sanctioned" if she does so. Those provisions appear in separate numbered paragraphs following the dismissal and the direction to provide Ryburn a complaint form. Her opening brief specifically challenged the filing bar and requested vacatur of both provisions. App. 6, ¶¶ (3)-(4); Opening Brief 11, 13, CA7 ECF No. 10 (Feb. 12, 2026).

Degen and *Support Systems* provide analogies for examining whether a prospective restriction is justified and appropriately limited. In *Degen*, this Court required restraint in exercising inherent authority and rejected the exclusion of a fugitive claimant from defending a civil-forfeiture action where less drastic measures could protect the interests at stake. The Seventh Circuit likewise requires sanctions for abuse of judicial process to be tailored to that abuse. Its restriction in *Support Systems* responded to repeated frivolous filings and defiance of sanctions, preserved specified avenues of access, and expressly allowed a

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later request for modification or rescission. Neither decision directly addresses a filing restriction on a nonlawyer proposed next friend. *Degen v. United States*, 517 U.S. 820, 823–824, 826–829 (1996); *Support Systems Int'l, Inc. v. Mack*, 45 F.3d 185, 186–187 (CA7 1995).

The order here identified no abusive filing history, defiance of an earlier order, or finding that petitioner was unsuitable to assist Ryburn. Her lack of a law license supplied the basis for both dismissal and the prospective prohibition. If this Court recognizes the limited procedure sought in Section II, that premise cannot support an unqualified prohibition on invoking it. The district court could enforce the limits of permissible participation through the supervised procedure described in Section II.B. The district court identified no additional need to foreclose a submission that the governing law would permit. Dismissal Order 1, ND Ind. ECF No. 5 (Dec. 16, 2025).

The prohibition contains no stated time limit or exception for changed circumstances. As written, the order could be invoked against any later filing petitioner makes on Ryburn's behalf, without addressing whether changed circumstances or a narrower form of assistance would make that filing permissible. Petitioner seeks review of the restriction directed at her, while recognizing that her personal stake in that restriction does not by itself authorize her to litigate Ryburn's underlying claims. An application in her own right to clarify or modify the restriction is not necessarily a filing on Ryburn's behalf. His ability to submit individual filings after dismissal does not show that he will always be able to reach the court without

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assistance. Under the requested rule, a future application should be assessed on its supported allegations and the lawful scope of assistance.

If this Court adopts the requested procedure, vacatur should expressly reach paragraphs (3) and (4) of the district court's order. Alternatively, petitioner requests that the judgment be vacated insofar as it affirms those paragraphs and the case remanded for clarification or reconsideration of their scope and justification, even if the Court does not adopt the proposed next-friend rule. On that narrower remand, the district court could explain whether the restriction merely restates § 1654's limits on unauthorized representation or imposes an additional prospective prohibition, and consider whether clarification or modification is warranted. The district court would remain free to reject unauthorized representation and address abusive filings.

* * *

The judgment should be vacated and the case remanded with instructions to set aside the filing prohibition and associated sanctions warning in paragraphs (3) and (4) of the district court's order and conduct further proceedings under the next-friend framework this Court establishes. Alternatively, the Court should vacate the judgment insofar as it affirms paragraphs (3) and (4) and remand for clarification or reconsideration of those provisions.

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CONCLUSION

This Court should grant certiorari.

Respectfully submitted.

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