

26-5076

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

STEPHEN G. CARDWELL,

Petitioner,

v.

DONATO CIACCIA, M.D.,

Respondent.

FILED
MAY 29 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF INDIANA

PETITION FOR A WRIT OF CERTIORARI

Stephen G. Cardwell

Petitioner Pro Se

5770 North Alton Ave.

Indianapolis, IN 46228

QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment is violated when a state appellate court dismisses an indigent pro se litigant's appeal before merits briefing where the litigant was denied access to the appellate record, denied access to evidence, and allegedly was not served with the appellee's dispositive motion.
2. Whether a state appellate process denies meaningful access to the courts where a litigant proceeding in forma pauperis on a fixed income lacks internet access, lacks funds to purchase records, and is denied practical access to evidence necessary to prosecute an appeal.
3. Whether equal protection and due process are violated where a litigant alleges discrimination and hostility connected to sexual orientation and the courts refuse to meaningfully review those allegations before terminating appellate review.
4. Whether state procedural rules may constitutionally be applied in a manner that prevents review of federal constitutional claims involving denial of access to courts, denial of evidence, and discrimination.
5. Whether this Court should grant certiorari to clarify constitutional protections owed to indigent pro se litigants facing dismissal of appeals without record access, briefing, service of dispositive motions, or meaningful opportunity to be heard.

LIST OF ALL PARTIES

Petitioner:

Stephen G. Cardwell
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Indianapolis, IN 46228

Respondent:

Donato Ciaccia, M.D.
c/o Courtney D. Mills
Riley Bennett Egloff LLP
500 North Meridian Street, Suite 550
Indianapolis, IN 46204

There are no other parties to the proceeding in this Court.

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OPINIONS BELOW

The Indiana Court of Appeals dismissed Petitioner's appeal before merits briefing. Rehearing was denied. Petitioner sought transfer to the Supreme Court of Indiana. The Supreme Court of Indiana denied transfer on May 14, 2026.

JURISDICTION

The Supreme Court of Indiana denied transfer on May 14, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a) because the final judgment of the highest court of the State of Indiana denied review after the Indiana Court of Appeals dismissed Petitioner's appeal.

This petition is timely under Supreme Court Rule 13 if filed within 90 days of the Indiana Supreme Court's denial of transfer.

CONSTITUTIONAL 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.

STATEMENT OF THE CASE

This case concerns whether an indigent pro se litigant may be denied meaningful appellate review where the litigant lacked access to records, lacked internet access, lacked financial means to purchase evidence, alleged discriminatory conduct related to sexual orientation, and was denied merits briefing before dismissal.

Petitioner Stephen G. Cardwell filed civil claims in Indiana state court involving allegations that Respondents Todd Rokita and Donato Ciaccia, M.D., participated in or benefited from concealment and delay surrounding critical medical evidence, a consumer complaint, and a warning letter related to a serious biopsy error. Petitioner alleged conspiracy, denial of redress, denial of access to courts, and discriminatory treatment connected to sexual orientation.

Petitioner alleged that the Indiana Attorney General's Office withheld or delayed notice of a warning letter and consumer complaint determination, and that this delay prevented timely redress. Petitioner alleged that Dr. Ciaccia benefited from that delay because the delay obstructed Petitioner's ability to pursue claims and obtain evidence.

The Indiana trial court granted Petitioner leave to proceed in forma pauperis, recognizing his financial inability to bear litigation costs. Petitioner survives on a fixed income and lacked internet access necessary to obtain electronic records and evidence relied upon in the litigation.

Petitioner repeatedly sought discovery and access to records he contended were essential to prove his claims. Petitioner alleges that the trial court denied meaningful discovery and that critical records were never reasonably provided.

Petitioner appealed. The clerk allegedly failed to provide Petitioner the appellate record necessary to prepare briefing. Respondents or Appellees allegedly filed dispositive motions that were not properly served on Petitioner or were unavailable to him due to lack of internet access and record access. The Indiana Court of Appeals dismissed the appeal before merits briefing occurred.

Petitioner sought rehearing, asserting denial of service, denial of evidence, denial of access to records, discrimination connected to sexual orientation, and denial of meaningful access to courts. Rehearing was denied. Petitioner then sought transfer to the Supreme Court of Indiana. Transfer was denied on May 14, 2026.

Transfer should have been granted because Petitioner raised fundamental constitutional issues involving access to courts, due process, equal protection, indigency, record access, and alleged discriminatory treatment connected to sexual orientation. Instead, the Indiana Supreme Court denied transfer without correcting the breakdown in the appellate process.

This petition follows.

STATEMENT OF FACTS

Petitioner is indigent and was granted leave to proceed in forma pauperis by the Indiana trial court.

Petitioner survives on a fixed income and lacks financial means to purchase transcripts, records, and electronically maintained evidence.

Petitioner lacked reliable internet access necessary to retrieve electronic filings and records.

Petitioner alleges that discovery requests and requests for records were denied or ignored. Petitioner further alleges that dismissal occurred before he received meaningful access to the evidence necessary to prosecute the appeal.

Petitioner contends that hostility and discriminatory treatment connected to sexual orientation permeated the handling of the proceedings and contributed to denial of fair process.

Petitioner contends that the Indiana Supreme Court should have granted transfer because the Indiana Court of Appeals dismissed his appeal without ensuring that he had the record, evidence, service of dispositive filings, or a meaningful opportunity to brief the constitutional issues.

REASONS FOR GRANTING THE WRIT

I. THE INDIANA SUPREME COURT SHOULD HAVE GRANTED TRANSFER BECAUSE DISMISSAL WITHOUT RECORD ACCESS VIOLATED DUE PROCESS.

1. Griffin v. Illinois, 351 U.S. 12 (1956)

In Griffin, this Court held that indigent litigants cannot be denied appellate review because they cannot afford transcripts necessary to prosecute appeals. The Court recognized that appellate rights become meaningless if access depends upon financial ability.

Petitioner similarly alleges that he lacked access to records and evidence necessary to prosecute the appeal. The Indiana Supreme Court should have granted transfer because the denial of record access was not a minor procedural defect, but a constitutional barrier to appellate review.

2. M.L.B. v. S.L.J., 519 U.S. 102 (1996)

M.L.B. held that states may not condition appellate review on financial resources where fundamental interests are implicated. The Court emphasized that justice cannot turn solely on ability to pay.

Petitioner alleges that inability to afford records and evidence effectively prevented appellate review. Transfer should have been granted because Petitioner's in forma pauperis

status showed that he lacked the money needed to obtain the evidence and record materials necessary for appeal.

3. Boddie v. Connecticut, 401 U.S. 371 (1971)

Boddie recognized that access to courts may not be blocked by financial barriers where courts are the exclusive mechanism for relief.

Petitioner had no alternate forum through which to challenge dismissal of his claims. The Indiana Supreme Court should have granted transfer because the state appellate system became unavailable in practice to a person who could not afford the costs of obtaining evidence and records.

4. Bounds v. Smith, 430 U.S. 817 (1977)

Bounds recognized meaningful access to courts as a constitutional principle.

Petitioner alleges he lacked both practical access to records and internet access necessary to obtain evidence. Transfer should have been granted because access to courts means more than a theoretical right to file papers; it requires practical ability to present the claim.

5. Evitts v. Lucey, 469 U.S. 387 (1985)

Evitts held that once appellate review is provided, it must comport with due process.

Petitioner's appeal was dismissed before meaningful review occurred. The Indiana Supreme Court should have granted transfer because Indiana made appellate review available but did not administer that review in a fundamentally fair manner.

**II. THE INDIANA SUPREME COURT SHOULD HAVE GRANTED
TRANSFER BECAUSE DENIAL OF EVIDENCE TO AN INDIGENT
LITIGANT ON A FIXED INCOME RAISES IMPORTANT**

CONSTITUTIONAL QUESTIONS.

1. Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)

Logan held that state procedural failures may not extinguish claims without due process.

Petitioner alleges that failures involving record access and evidence denial destroyed meaningful review. Transfer should have been granted because Petitioner's claims were extinguished by procedural breakdown rather than decided on the merits.

2. Mathews v. Eldridge, 424 U.S. 319 (1976)

Mathews established balancing principles for procedural due process.

Petitioner's interests were substantial, while the risk of erroneous deprivation was severe because Petitioner lacked evidence and records. Transfer should have been granted because the courts did not balance Petitioner's inability to obtain records, fixed income, lack of internet access, and in forma pauperis status before dismissal.

3. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)

Mullane requires procedures reasonably calculated to provide meaningful notice and opportunity to be heard.

Petitioner alleges he lacked both notice and meaningful access to evidence. Transfer should have been granted because dismissal without service of dispositive filings and without access to the record defeated notice and opportunity to respond.

4. Snyder v. Nolen, 380 F.3d 279 (7th Cir. 2004)

Snyder recognized that denial of access to court systems may support constitutional claims where official conduct obstructs litigation.

Petitioner alleges obstruction through denial of records and procedural access. Transfer should have been granted because the appellate process itself became the barrier to review.

5. Shango v. Jurich, 681 F.2d 1091 (7th Cir. 1982)

Shango discussed procedural due-process protections where state-created interests are implicated.

Petitioner alleges that Indiana's appellate procedures created expectations of review that were denied in practice. Transfer should have been granted because the State created an appellate process, but Petitioner was not given a meaningful chance to use it.

**III. THE INDIANA SUPREME COURT SHOULD HAVE GRANTED
TRANSFER BECAUSE DISMISSAL BEFORE MERITS BRIEFING DENIED
MEANINGFUL APPELLATE REVIEW.**

1. Evitts v. Lucey, 469 U.S. 387 (1985)

Evitts held that appellate procedures must satisfy due process.

Dismissal before merits briefing undermined that principle. Transfer should have been granted because Petitioner's appeal was ended before he could present argument.

2. Griffin v. Illinois, 351 U.S. 12 (1956)

Griffin emphasized that appellate rights must be equally available regardless of wealth.

Petitioner alleges wealth barriers prevented meaningful review. Transfer should have been granted because Petitioner's financial condition prevented him from obtaining the same practical access available to a paying litigant.

3. Boddie v. Connecticut, 401 U.S. 371 (1971)

Boddie recognized constitutional concerns where litigants cannot realistically access judicial processes.

Petitioner lacked realistic access to evidence and records. Transfer should have been granted because the appellate process was available in name but not in reality.

4. Bounds v. Smith, 430 U.S. 817 (1977)

Bounds recognized that meaningful access requires practical ability to pursue claims.

Petitioner alleges that practical access was denied. Transfer should have been granted because Petitioner could not brief an appeal without records, evidence, or reliable internet access.

5. Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)

Logan prohibits destruction of claims through procedural breakdowns.

Petitioner alleges procedural failures destroyed the appeal before merits review. Transfer should have been granted because the claims were not rejected after full review, but lost through procedural deprivation.

**IV. THE INDIANA SUPREME COURT SHOULD HAVE GRANTED
TRANSFER BECAUSE THE CASE PRESENTS IMPORTANT QUESTIONS
REGARDING SEXUAL-ORIENTATION DISCRIMINATION.**

1. Romer v. Evans, 517 U.S. 620 (1996)

Romer held that governmental hostility directed toward homosexual persons violates equal protection principles.

Petitioner alleges discriminatory hostility connected to sexual orientation infected treatment of his claims. Transfer should have been granted because courts must meaningfully review claims that state conduct was affected by unconstitutional animus.

2. *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996)

Nabozny recognized equal-protection protections for homosexual individuals facing discriminatory treatment.

Petitioner alleges unequal treatment connected to sexual orientation. Transfer should have been granted because Petitioner alleged that sexual orientation affected how his complaint and access to redress were handled.

3. *Plyler v. Doe*, 457 U.S. 202 (1982)

Plyler recognized that arbitrary discrimination denying meaningful governmental protections raises equal-protection concerns.

Petitioner alleges discriminatory procedural treatment. Transfer should have been granted because arbitrary denial of access to the courts is especially serious when tied to alleged bias.

4. *Romer v. Evans*, 517 U.S. 620 (1996)

Romer further emphasized that laws or actions born of animus cannot survive constitutional scrutiny.

Petitioner alleges animus affected access to fair procedures. Transfer should have been granted because the appellate courts did not review whether discriminatory treatment contributed to denial of redress.

5. *Boddie v. Connecticut*, 401 U.S. 371 (1971)

Boddie emphasized the fundamental importance of access to judicial systems.

Petitioner alleges discriminatory barriers interfered with that access. Transfer should have been granted because the combination of poverty, lack of access, and alleged sexual-orientation animus warranted review.

**V. THE INDIANA SUPREME COURT SHOULD HAVE GRANTED
TRANSFER BECAUSE THIS CASE PRESENTS RECURRING NATIONAL
ISSUES REGARDING INDIGENT PRO SE LITIGANTS.**

1. Bounds v. Smith, 430 U.S. 817 (1977)

Bounds recognized systemic constitutional importance of meaningful court access.

Transfer should have been granted because this case concerns whether indigent litigants receive meaningful or merely symbolic access to appellate courts.

2. Griffin v. Illinois, 351 U.S. 12 (1956)

Griffin addressed unequal access caused by poverty.

Transfer should have been granted because Petitioner's poverty allegedly prevented access to evidence and records required for review.

3. M.L.B. v. S.L.J., 519 U.S. 102 (1996)

M.L.B. emphasized that inability to pay cannot extinguish meaningful appellate rights.

Transfer should have been granted because Petitioner's fixed income and lack of internet access made evidence and record access practically impossible.

4. Evitts v. Lucey, 469 U.S. 387 (1985)

Evitts held that appellate systems must function fairly once created.

Transfer should have been granted because Indiana's appellate process dismissed the appeal before meaningful review occurred.

5. Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)

Logan recognized constitutional limitations on procedural destruction of claims.

Transfer should have been granted because Petitioner's appeal was not resolved after full judicial review, but terminated through procedural barriers beyond his control.

This Court should grant review to clarify constitutional protections for indigent pro se litigants denied practical access to records, evidence, and appellate review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Alternatively, this Court should vacate the judgment below and remand for proceedings consistent with due process, equal protection, and meaningful access to courts.

Respectfully submitted,

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APPENDIX LIST

Appendix A - Indiana Supreme Court order denying transfer on May 14, 2026.

Appendix B - Indiana Court of Appeals order denying rehearing.