

IN THE SUPREME COURT OF THE UNITED STATES

STEPHEN G. CARDWELL,

Petitioner,

v.

DONATO CIACCIA, M.D.,

Respondent.

No. 26-5076

**REPLY BRIEF FOR PETITIONER
TO RESPONDENT'S BRIEF IN OPPOSITION**

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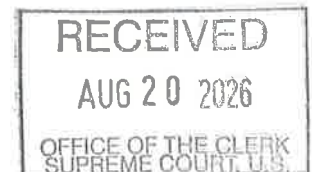


TABLE OF CONTENTS

INTRODUCTION

I. RESPONDENT'S OWN BRIEF CONFIRMS THAT THE FEDERAL CONSTITUTIONAL QUESTIONS WERE NEVER DECIDED.

II. THE INDIANA MEDICAL-MALPRACTICE PROCEDURE DOES NOT RESOLVE THE SEPARATE FEDERAL CONSTITUTIONAL QUESTIONS.

III. RESPONDENT'S CHARACTERIZATION OF THE RECORD DOES NOT ANSWER PETITIONER'S CLAIM THAT THE APPELLATE PROCESS ENDED BEFORE MEANINGFUL CONSTITUTIONAL REVIEW.

IV. RESPONDENT'S POSITION CONCERNING THE EVIDENCE DOES NOT ELIMINATE THE CONSTITUTIONAL QUESTION.

V. RESPONDENT'S ARGUMENT DOES NOT ADDRESS THE ALLEGED DISCRIMINATORY TREATMENT CONNECTED TO SEXUAL ORIENTATION.

VI. THE RESPONDENT'S OWN DESCRIPTION OF THE PROCEDURAL HISTORY SUPPORTS REVIEW OF WHETHER THE STATE PROCESS WAS MEANINGFUL.

CONCLUSION

TABLE OF AUTHORITIES

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

Chambers v. Baltimore & Ohio R.R. Co., 207 U.S. 142 (1907)

Christopher v. Harbury, 536 U.S. 403 (2002)

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

Lewis v. Casey, 518 U.S. 343 (1996)

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

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

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

Obergefell v. Hodges, 576 U.S. 644 (2015)

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

Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252 (1977)

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Boddie v. Connecticut, 401 U.S. 371, 374–77 (1971)

Chambers v. Baltimore & Ohio R.R. Co., 207 U.S. 142, 148 (1907)

Christopher v. Harbury, 536 U.S. 403, 412–15 (2002)

Griffin v. Illinois, 351 U.S. 12, 16–19 (1956)

Lewis v. Casey, 518 U.S. 343, 349–54 (1996)

Logan v. Zimmerman Brush Co., 455 U.S. 422, 428–29, 432–33 (1982)

M.L.B. v. S.L.J., 519 U.S. 102, 110–11, 123–24 (1996)

Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)

Obergefell v. Hodges, 576 U.S. 644, 672–76 (2015)

Romer v. Evans, 517 U.S. 620, 632–35 (1996)

Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 265–68 (1977)

U.S. Const. amend. XIV — Due Process Clause

U.S. Const. amend. XIV — Equal Protection Clause

REPLY BRIEF FOR PETITIONER

Respondent's Brief in Opposition confirms the central problem presented by this Petition: Petitioner's federal constitutional claims were never decided on their merits because the state proceedings ended before Petitioner was afforded meaningful appellate review.

Respondent expressly states that Petitioner's Fourteenth Amendment claims "have not been addressed by the state courts" because his claims were dismissed on procedural grounds.

Respondent therefore asks this Court to deny review because the constitutional questions were never decided.

That position overlooks the question actually presented.

Petitioner is not asking this Court to conduct the underlying medical-malpractice proceeding. He asks this Court to review whether the State may terminate an indigent litigant's access to appellate review, evidence, and meaningful opportunity to present federal constitutional claims, and then rely upon the resulting procedural termination to argue that those constitutional claims are unavailable for review.

Due process protects a meaningful opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Where a State establishes an adjudicatory process for resolving a claim, the State may not arbitrarily deprive a claimant of that process. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428–29, 432–33 (1982).

I. RESPONDENT'S OWN BRIEF CONFIRMS THAT THE FEDERAL CONSTITUTIONAL QUESTIONS WERE NEVER DECIDED.

A. The constitutional claims were presented as a consequence of the denial of meaningful appellate review.

Respondent acknowledges that Petitioner raised due-process arguments in seeking rehearing after the Court of Appeals dismissed the appeal without merits briefing.

The fact that the courts did not reach those constitutional questions does not transform the constitutional claims into ordinary malpractice claims. It demonstrates that Petitioner is challenging the process by which his claims were terminated.

Due process requires an opportunity to be heard that is meaningful in the circumstances. *Mullane*, 339 U.S. at 314.

B. Respondent's argument creates a circular result.

Respondent's position is essentially: (1) the state courts did not decide Petitioner's federal constitutional claims; (2) therefore this Court should not review them; and (3) because the state courts did not decide them, the constitutional issue cannot be considered.

That reasoning leaves an indigent litigant without a forum in which to obtain review of the alleged constitutional deprivation.

Petitioner respectfully submits that the Constitution cannot be satisfied merely by saying that a constitutional claim was never reached when the alleged denial of meaningful access is itself what prevented the claim from receiving judicial consideration.

C. Respondent acknowledges that the Court of Appeals dismissed without further explanation.

Respondent states that the Court of Appeals dismissed Petitioner's appeal "without further explanation" after considering Respondent's motion to dismiss. Respondent likewise acknowledges that the Indiana Supreme Court denied transfer without further explanation. Thus, there was no merits decision resolving Petitioner's Fourteenth Amendment allegations.

D. Petitioner is not asking this Court to decide whether the underlying malpractice allegations are true.

Petitioner's underlying medical allegations explain why the requested evidence mattered.

Petitioner alleges that Dr. Ciaccia performed a biopsy that resulted in the spleen being biopsied rather than the liver and that medical records and other evidence were necessary to establish what

occurred. The question before this Court, however, is not whether Petitioner should ultimately prevail on those medical allegations. The question is whether he was constitutionally entitled to a meaningful opportunity to obtain and present evidence supporting his claims before the appellate process terminated.

E. The absence of a merits decision makes this case different from ordinary factual error.

Respondent relies upon the principle that this Court ordinarily does not grant certiorari merely to correct factual errors or misapplications of properly stated law. Petitioner does not seek such review. He asks the Court to consider whether the process itself denied an indigent litigant meaningful access to the courts. That is a federal constitutional question, not merely a disagreement over the facts of a medical case.

F. The constitutional question cannot disappear merely because the state courts never reached it.

This Court has repeatedly recognized that due process protects a meaningful opportunity to be heard. *Mullane*, 339 U.S. at 314. Where a State establishes a judicial or adjudicatory procedure for resolving a claim, the State cannot arbitrarily deprive a claimant of access to that process. *Logan*, 455 U.S. at 428–29, 432–33.

The question presented here is therefore not whether Petitioner possesses an unlimited constitutional right to discovery or appointed counsel. The question is whether, under the particular circumstances alleged here, the State terminated the judicial process in a manner that prevented an indigent litigant from meaningfully presenting federal constitutional claims before those claims were ever adjudicated.

That distinction is important. Respondent's answer—that the constitutional claims were never decided—does not resolve that question. It leaves the question unanswered.

II. THE INDIANA MEDICAL-MALPRACTICE PROCEDURE DOES NOT RESOLVE THE SEPARATE FEDERAL CONSTITUTIONAL QUESTIONS.

A. A state-law prerequisite does not automatically answer a federal constitutional access-to-courts claim.

Petitioner does not dispute that Indiana has medical-malpractice procedures. The problem is that Respondent treats that state-law requirement as though it resolves every constitutional issue raised by Petitioner. It does not. The question for review is whether state procedures were administered in a manner that denied Petitioner meaningful access to judicial review and necessary evidence.

B. The underlying medical evidence is relevant to explaining why access to records mattered.

Petitioner sought records because he contends those records would establish what happened during the biopsy and the resulting medical consequences. Petitioner contends that discovery of those records was therefore not a fishing expedition. The records were allegedly central evidence.

C. Petitioner's indigency materially changes the access question.

Petitioner was granted leave to proceed in forma pauperis in the trial court. He contends that he was living on a fixed income and did not have the financial resources or reliable internet access necessary to independently obtain electronically maintained records. The constitutional question therefore cannot be reduced to whether records theoretically existed somewhere. The question is whether an indigent litigant had a meaningful and practical opportunity to obtain and use evidence necessary to pursue his claims.

D. The constitutional significance of financial barriers.

Petitioner does not contend that every indigent civil litigant is constitutionally entitled to free discovery or unrestricted access to every record. This Court has recognized, however, that financial barriers can implicate constitutional access to judicial review. *Boddie v. Connecticut*, 401 U.S. 371, 374–77 (1971). The Court has likewise recognized that indigent litigants may not be placed on an unequal footing in obtaining constitutionally protected appellate review in appropriate circumstances. *Griffin v. Illinois*, 351 U.S. 12, 16–19 (1956); *M.L.B. v. S.L.J.*, 519 U.S. 102, 110–11, 123–24 (1996).

Petitioner relies upon those authorities not to establish an unlimited right to free litigation resources, but to demonstrate why his indigency is constitutionally relevant when combined with the alleged denial of evidence and termination of appellate review.

E. Petitioner alleges that the Attorney General's handling of the matter further impaired his ability to obtain meaningful redress.

Petitioner alleges that findings and information relating to his complaint were withheld or delayed for approximately two years. Petitioner further alleges that this delay was connected to discriminatory treatment based upon his sexual orientation. Petitioner does not ask this Court to accept those allegations as already proven. He asks the Court to recognize that the allegations concern matters that could not be fully established without access to the underlying records and evidence.

F. The administrative-procedure argument does not answer the appellate-access question.

Even assuming Respondent is correct concerning the Indiana Medical Malpractice Act, that does not explain why an indigent appellant should lose meaningful access to appellate review of constitutional claims arising from the handling of his case. Respondent's argument therefore addresses the underlying state-law malpractice procedure while leaving Petitioner's principal federal question unanswered.

III. RESPONDENT'S CHARACTERIZATION OF THE RECORD DOES NOT ANSWER PETITIONER'S CLAIM THAT THE APPELLATE PROCESS ENDED BEFORE MEANINGFUL CONSTITUTIONAL REVIEW.

A. A dismissal before merits briefing is not the same as merits adjudication.

Respondent acknowledges that Petitioner argued the Court of Appeals' dismissal without briefing violated due process. Petitioner maintains that this distinction is critical. A court may decide that a case cannot proceed for a legitimate procedural reason. But the existence of a procedural rule does not automatically answer whether the application of that rule deprived an indigent litigant of

meaningful access to the courts.

B. The appellate process was terminated before Petitioner could fully develop the constitutional record.

Petitioner contends that he sought evidence and records necessary to establish his allegations. He further contends that the appellate proceedings ended before he could meaningfully present those issues through merits briefing. Respondent's brief confirms that no merits briefing occurred before dismissal.

C. The lack of explanation makes the constitutional issue more—not less—important.

Respondent acknowledges that both the Court of Appeals dismissal and Indiana Supreme Court denial of transfer lacked further explanation. Petitioner therefore cannot point to a reasoned state-court decision rejecting his federal constitutional arguments on the merits. The absence of an explanation is particularly significant where the petitioner alleges that the process itself prevented meaningful presentation of those federal questions.

D. A procedural rule does not answer whether the procedure was constitutionally administered.

In *Logan v. Zimmerman Brush Co.*, this Court held that although a State may establish procedural requirements for adjudicating claims, the State may not arbitrarily deprive a claimant of the adjudicatory process itself. 455 U.S. at 428–29, 432–33. Petitioner does not ask this Court to disregard Indiana procedural law. He asks whether the State's application of its procedural rules, under the circumstances alleged here, deprived him of meaningful access to the process necessary to present his federal constitutional claims.

E. Respondent's adequate-and-independent-state-ground argument does not fully address the question presented.

Respondent relies on the principle that federal review may be barred when a state judgment rests on an adequate and independent state ground. Petitioner is not asking this Court to reverse a state-law ruling merely because he disagrees with it. He asks whether the State may use

procedural termination to prevent an indigent litigant from meaningfully presenting federal constitutional claims. That question remains unanswered.

F. The case therefore presents a constitutional-access question, not merely a malpractice question.

The underlying medical allegations explain the importance of the evidence. The administrative procedure explains Respondent's defense. But neither answers the federal question: whether an indigent litigant may be denied meaningful access to the records and evidence necessary to present federal constitutional claims and then have those claims terminated without merits briefing, while the State relies upon the resulting procedural disposition to prevent federal review.

**IV. RESPONDENT'S POSITION CONCERNING THE EVIDENCE DOES NOT
ELIMINATE THE CONSTITUTIONAL QUESTION.**

Respondent argues that Petitioner was not denied access to files and that the courts did not improperly prevent him from pursuing his case. Petitioner respectfully disagrees. The dispute demonstrates why the evidence issue should not be dismissed as merely factual.

Petitioner sought discovery concerning the medical records and circumstances surrounding the biopsy. Petitioner contends that those records could have demonstrated the extent of the medical error and its consequences. Because Petitioner was proceeding in forma pauperis and lacked the resources necessary to independently obtain electronic records, the ability to obtain discovery through the judicial process was particularly important.

This Court has recognized that access-to-courts claims may arise where governmental action has rendered judicial remedies unavailable. *Christopher v. Harbury*, 536 U.S. 403, 412–15 (2002). Petitioner does not contend that the Constitution guarantees discovery of every document requested by a litigant. Rather, Petitioner alleges that records central to his claims were unavailable to him, that he was indigent and lacked the resources necessary to obtain them independently, and that his proceedings were terminated before he could meaningfully present the resulting constitutional issues.

The distinction is critical. The evidence is not the constitutional claim itself. The alleged denial of meaningful opportunity to obtain and present the evidence is part of the constitutional claim.

Petitioner also recognizes the limitation stated in *Lewis v. Casey*, 518 U.S. 343, 349–54 (1996): the Constitution does not create a generalized right to litigation resources. Petitioner's claim is narrower and depends upon the particular circumstances alleged here and their effect upon his ability to present his constitutional claims.

V. RESPONDENT'S ARGUMENT DOES NOT ADDRESS THE ALLEGED DISCRIMINATORY TREATMENT CONNECTED TO SEXUAL ORIENTATION.

Petitioner alleged that discriminatory treatment connected to his sexual orientation affected his ability to obtain meaningful redress. Respondent's Brief in Opposition does not meaningfully address the factual basis of that allegation. Instead, Respondent argues that the constitutional claims were never decided by the state courts.

Petitioner does not ask this Court to make a factual finding that discriminatory animus has been established. He asks the Court to review whether an alleged constitutional deprivation was effectively insulated from review because the state proceedings ended before those allegations could receive meaningful consideration.

A. Sexual-orientation discrimination presents a federal constitutional question.

Petitioner recognizes that an allegation is not proof. He does not ask this Court to make a factual finding that discriminatory animus has been established. The point is narrower. Petitioner alleges that *governmental conduct connected to his sexual orientation affected the handling of his complaint and that relevant evidence was withheld or delayed*. If proven, intentional governmental discrimination based upon homosexual status would present a federal constitutional question under the Equal Protection Clause. See *Romer v. Evans*, 517 U.S. 620, 632–35 (1996); *Obergefell v. Hodges*, 576 U.S. 644, 672–76 (2015).

Petitioner further relies upon *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 265–68 (1977), recognizing that discriminatory purpose may be established

through circumstantial evidence and the historical sequence of events.

Whether such discrimination occurred was never adjudicated on the merits. That is precisely why Petitioner seeks review.

**VI. THE RESPONDENT'S OWN DESCRIPTION OF THE PROCEDURAL
HISTORY SUPPORTS REVIEW OF WHETHER THE STATE PROCESS WAS
MEANINGFUL.**

Respondent's chronology establishes: Petitioner filed his action concerning the alleged biopsy; the trial court dismissed the complaint based upon the Indiana Medical Malpractice Act; Petitioner appealed; Respondent filed a motion to dismiss; the Court of Appeals dismissed the appeal without merits briefing; Petitioner sought rehearing; rehearing was denied; Petitioner sought transfer; and the Indiana Supreme Court denied transfer without explanation.

That chronology is not disputed in Respondent's brief. What is disputed is its constitutional significance. Petitioner respectfully submits that the constitutional significance is substantial.

A litigant cannot meaningfully present federal constitutional claims if the appellate process ends before those claims receive meaningful consideration.

The right of access to courts has long been recognized as fundamental to the judicial process. See *Chambers v. Baltimore & Ohio R.R. Co.*, 207 U.S. 142, 148 (1907). The precise scope of that right depends upon the claim and circumstances, but Respondent's reliance upon a procedural disposition cannot itself resolve whether the procedure afforded constitutionally meaningful access.

CONCLUSION

Respondent's Brief in Opposition confirms rather than resolves the fundamental question presented by this Petition.

Respondent acknowledges that Petitioner's Fourteenth Amendment claims were not addressed by the state courts.

Respondent acknowledges that the Court of Appeals dismissed the appeal without further explanation and that the Indiana Supreme Court denied transfer without further explanation.

Respondent relies upon the state medical-malpractice procedure as the reason the underlying case could not proceed.

But that does not resolve whether an indigent litigant was constitutionally entitled to a meaningful opportunity to obtain evidence, present his federal claims, and receive meaningful appellate review.

Petitioner therefore respectfully requests that the Court grant the Petition for a Writ of Certiorari.

In the alternative, Petitioner respectfully requests such other relief as the Court deems appropriate to ensure that federal constitutional claims concerning meaningful access to the courts receive constitutionally adequate consideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Stephen G. Cardwell, certify that on this 14th day of August, 2026, I served a true and correct copy of the foregoing Reply Brief for Petitioner upon counsel for Respondent by depositing a copy in the United States Mail, postage prepaid, addressed to:

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I also sent a courtesy copy by email to counsel at the email address used for service in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 14, 2026.

/s/ Stephen G. Cardwell

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