

No. 26-5250

IN THE
SUPREME COURT OF THE UNITED STATES

AMRO N. ELKABANY,
Petitioner,

v.

LOUIS C. SHAPIRO, et al.,
Respondents.

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

SUPPLEMENTAL BRIEF FOR PETITIONER
PURSUANT TO SUPREME COURT RULE 15.8

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Date: September 22, 2026

Amro Elkabany

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SUPREME COURT, U.S.

SUPPLEMENTAL BRIEF PURSUANT TO RULE 15.8

Pursuant to Supreme Court Rule 15.8, Petitioner respectfully calls the Court's attention to an intervening matter not available at the time of his last filing in this case: on September 16, 2026, the Supreme Court of New Jersey entered an Order denying Petitioner's Petition for Certification of the judgment in A-003569-24 (Docket No. 091921). A true copy of that Order is attached as **Exhibit 1**.

This intervening development directly bears on the question presented in the pending Petition: whether the denial of meaningful appellate review to an indigent litigant, who could not afford the transcripts required to prosecute his state-court appeal, violates the Due Process Clause of the Fourteenth Amendment.

As set forth in the Petition, Petitioner's state-court appeal was dismissed by the Appellate Division solely because he could not afford the required trial transcripts, notwithstanding that a federal court had independently certified his indigency by granting him leave to proceed in forma pauperis. Petitioner thereafter pursued every available state procedure to obtain substantive review of his constitutional claims despite that financial barrier, including requesting a waiver or reduction of transcript costs and seeking relief under New Jersey Court Rule 2:5-3(c). Each of those requests was denied.

Petitioner's Petition for Certification to the Supreme Court of New Jersey represented his final available avenue within the state court system to obtain substantive review of the constitutional and evidentiary issues that the Appellate Division never reached. The Supreme Court of New Jersey's September 16, 2026 Order denying that petition, without opinion, now closes that avenue. Petitioner has exhausted the available state-court procedures for obtaining appellate review, and at no stage of that process, from the Appellate Division's initial dismissal through the Supreme Court of New Jersey's final denial of certification, have the constitutional and evidentiary issues underlying this case been reviewed on their merits.

This intervening Order confirms, as a matter now beyond dispute, that the financial barrier identified in the Petition did not merely delay appellate review, it foreclosed it entirely at every level of the state court system. Petitioner respectfully submits that this development underscores the importance of the question presented and supports this Court's exercise of its certiorari jurisdiction.

CONCLUSION

For the foregoing reasons, and for the reasons set forth in the Petition, Petitioner respectfully requests that this Court grant the Petition for Writ of Certiorari.

Respectfully submitted,

Amro N. Elkabany

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Date: September 22, 2026

SUPREME COURT OF NEW JERSEY
C-591 September Term 2025
091921

Sumintra Balchan-Elkabany,

Plaintiff-Respondent,

v.

O R D E R

Amro Elkabany,

Defendant-Petitioner.

A petition for certification of the judgment in A-003569-24
having been submitted to this Court, and the Court having considered the
same;

It is ORDERED that the petition for certification is denied.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this
16th day of September, 2026.

A handwritten signature in black ink, appearing to read "Heather J. Bates". The signature is written in a cursive, flowing style.

CLERK OF THE SUPREME COURT