

No. 26-5355

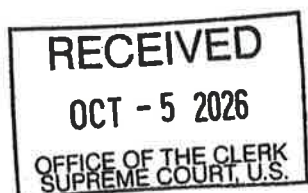
**IN THE
SUPREME COURT OF THE UNITED STATES**

DE MONT KALAI MANAOLE,
Petitioner,
v.
OFFICE OF HAWAIIAN AFFAIRS, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL BRIEF OF PETITIONER
(Supreme Court Rule 15.8)

De MONT Kalai Manaole
Petitioner, Pro Se
86-044 Hoaha Street
Wai'anae, HI 96792
(808) 726-5753
demontconner@gmail.com



SUPPLEMENTAL BRIEF OF PETITIONER

Under Rule 15.8, Petitioner calls the Court's attention to intervening matter in the court of appeals that was not available when the Petition was filed.

1. The Ninth Circuit's Order of September 17, 2026

After the Petition was filed, the United States Department of the Navy (9th Cir. No. 26-3298, Dkt. 11, filed Aug. 10, 2026) and the Board of Water Supply, City and County of Honolulu (Dkt. 12, filed Aug. 20, 2026) moved the Ninth Circuit to dispose of the appeal summarily, without full briefing. The Board's motion relied on the two-year limitations period for 42 U.S.C. § 1983 claims, the subject of Question I of the Petition. The Office of Hawaiian Affairs joined that argument (Dkt. 14, 19). Petitioner opposed (Dkt. 16–18).

On September 17, 2026, the Ninth Circuit denied both motions for summary disposition, denied as moot the motion to stay the briefing schedule (Dkt. 13), and ordered that “[t]he remaining answering briefs are due October 21, 2026.” Order, Dkt. 27 (App. 1a). The motions were denied “without prejudice to raising the arguments in the answering briefs.” *Id.*

2. Why the Order Matters Here

First, the case remains pending in the court of appeals before judgment and will proceed to full merits briefing. It is therefore a case within Rule 11 and 28 U.S.C. § 2101(e).

Second, the court of appeals declined to resolve the limitations question summarily. Petitioner does not suggest that the Order decided the merits; the court expressly preserved Respondents' arguments for the answering briefs. It shows only that the question that disposed of this entire action in the district court will not be resolved in the court below without full adversarial briefing. That is the same question presented here.

Third, four days after that Order, the two Respondents that had sought summary disposition below, the Federal Respondent and the Board, each filed a waiver of the right to respond in this Court (Sept. 21, 2026). No Respondent has filed a brief in opposition. The Court therefore has before it only the Petitioner's account of a question that the court of appeals has now set for full briefing. Rule 15.1 permits the Court to request a response.

CONCLUSION

The petition for a writ of certiorari before judgment should be granted. In the alternative, Petitioner respectfully requests that the Court call for a response from Respondents before acting on the Petition.

Respectfully submitted,

DKM

De MONT Kalai Manaole
Petitioner, Pro Se
86-044 Hoaha Street
Wai'anae, HI 96792
(808) 726-5753
demontconner@gmail.com

September 23, 2026

APPENDIX

Manaole v. Office of Hawaiian Affairs

No. 26-3298 (9th Cir. Sept. 17, 2026) (Dkt. 27)

Order 1a

Case: 26-3298, 09/17/2026, DktEntry: 27.1, (1 of 1)

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 17 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DE MONT KALAI MANAOLE; et al.,

Plaintiffs - Appellants,

v.

OFFICE OF HAWAIIAN AFFAIRS; et al.,

Defendants - Appellees,

DOES, John Does 1-10, Jane Does 1-10,
Doe Corporations, Doe Partnerships, Doe
Unincorporated Associations, Doe
Governmental Units 1-10,

Defendant.

No. 26-3298

D.C. No.

1:26-cv-00029-DKW-KJM

District of Hawaii,

Honolulu

ORDER

Before: HURWITZ, VANDYKE, and SUNG, Circuit Judges.

The motions (Docket Entry Nos. 11, 12) for summary disposition are denied without prejudice to raising the arguments in the answering briefs.

The motion (Docket Entry No. 13) to stay the briefing schedule is denied as moot.

The remaining answering briefs are due October 21, 2026. The optional reply brief is due 21 days after the last answering brief is served.

Anne E. Lopez

Attorney General, State of Hawai'i
Department of the Attorney General
425 South Queen Street
Honolulu, HI 96813

*Counsel for the State of Hawai'i and all State Respondents (DHHL, HHC,
DLNR, HCDA)*

Dentons US LLP

1001 Bishop Street, Suite 1800
Honolulu, HI 96813

Counsel for Respondent Office of Hawaiian Affairs

Glenn T. Uesugi, Esq.

1001 Bishop Street, Suite 2020
Honolulu, HI 96813

Counsel for Respondent Board of Water Supply, City and County of Honolulu

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

Executed on September 23, 2026.



De Mont Kalai Manaole

Petitioner, pro se
86-044 Hoaha Street
Wai'anae, HI 96792
Telephone: (808) 726-5753