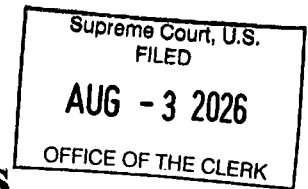


26-5425 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



STEPHANIE ANN RIPPLE,
Administratrix of the Estate of
John Robert McCool,
Petitioner,

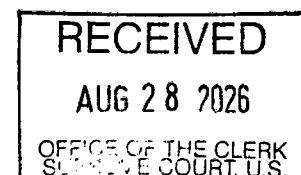
v.

JOHN E. WETZEL, et al.,
Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

Stephanie Ann Ripple
Administratrix of the Estate of John Robert McCool
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Pro Se



QUESTIONS PRESENTED

1. Whether the favorable-termination requirement of *Heck v. Humphrey*, 512 U.S. 477 (1994), bars a 42 U.S.C. § 1983 claim brought by the estate of a prisoner who died in custody, rendering federal habeas corpus relief impossible through no fault of the decedent or the estate.
2. Whether applying *Heck* after a prisoner's death extinguishes the only remaining damages remedy and thereby nullifies a state survival statute that 42 U.S.C. § 1988 requires federal courts to apply.
3. Whether a surviving child has standing under 42 U.S.C. § 1983 to assert a substantive due-process claim for loss of familial association arising from deliberate indifference that caused a parent's death in custody.

PARTIES TO THE PROCEEDING

Petitioner is Stephanie Ann Ripple, Administratrix of the Estate of John Robert McCool,
DN4994.

Respondents, who were parties to the proceeding in the United States Court of Appeals for the
Third Circuit, are:

John E. Wetzel, in his official capacity as Secretary of Corrections of the Pennsylvania
Department of Corrections;

Letitia James, Esq., in her official capacity as Attorney General of the State of New York;

David W. Sunday, Jr.;

Michael O'Donnell; and

Heath Brosius.

All respondents were parties in the court of appeals whose judgments are sought to be reviewed.

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42 Pa. C.S. § 8302	1, 4

OPINIONS BELOW

The Third Circuit's summary affirmances (June 30, 2026 and July 2, 2026) are unreported (App. 7a-16a). The order denying rehearing (July 22, 2026) is unreported (App. 17a-20a). The District Court's memorandum and order (January 30, 2026) is unreported (App. 21a-32a). Also reproduced in the Appendix are the February 27, 1989 New York Habeas Corpus Decree (App. 1a-3a) and the decision of the Pennsylvania Superior Court in *Commonwealth v. McCool*, 457 A.2d 1312 (Pa. Super. 1983) (App. 4a-6a).

JURISDICTION

The United States Court of Appeals for the Third Circuit entered judgment in No. 26-1411 on June 30, 2026, and entered a clarifying order on July 2, 2026. The court of appeals denied rehearing in No. 26-1411 on July 22, 2026. The court of appeals entered judgment in No. 26-1842 on July 2, 2026. Petitioner seeks review of both judgments under Supreme Court Rule 12.4. This petition is timely under 28 U.S.C. § 2101(c). This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amends. VIII, XIV; 42 U.S.C. §§ 1983, 1988; 42 Pa. C.S. § 8302.

STATEMENT OF THE CASE

John Robert McCool died in the custody of the Pennsylvania Department of Corrections on February 22, 2023. Petitioner, his surviving daughter and the Administratrix of his estate, filed this action under 42 U.S.C. § 1983 in the Middle District of Pennsylvania (No. 4:25-cv-00322). The complaint asserted survival claims on behalf of the estate under 42 Pa. C.S. § 8302 and Petitioner's

own claim for loss of familial association arising from alleged deliberate indifference that caused McCool's death in custody.

Central to the estate's claims is a February 27, 1989 New York Habeas Corpus Decree (App. 1a–3a) that addressed the detainers and charges then pending against McCool. The Pennsylvania Superior Court had earlier granted relief on ineffective-assistance grounds in *Commonwealth v. McCool*, 457 A.2d 1312 (Pa. Super. 1983) (App. 4a–6a). The district court dismissed the action, holding that *Heck v. Humphrey*, 512 U.S. 477 (1994), barred the estate's claims because success would necessarily imply the invalidity of the underlying conviction, and that Petitioner lacked standing to pursue an independent familial-association claim.

The Third Circuit granted leave to proceed in forma pauperis and, on June 30, 2026 (clarified July 2, 2026), summarily affirmed “for essentially the reasons given by the District Court.” *Ripple v. Wetzel*, No. 26-1411 (App. 7a–16a). Rehearing was denied on July 22, 2026 (App. 17a–20a). The court of appeals thereby applied Heck's favorable-termination requirement even though McCool's death in custody rendered federal habeas review impossible.

REASONS FOR GRANTING THE PETITION

This Court's Rule 10 provides that certiorari is warranted when a United States court of appeals has decided an important federal question in a way that conflicts with the decision of another court of appeals, or has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power. Both grounds are present.

I. The Circuits Are Divided on Whether Heck Bars § 1983 Claims When Habeas Became Impossible by Death in Custody

Heck holds that a § 1983 plaintiff seeking damages that would necessarily imply the invalidity of a conviction must first obtain favorable termination of that conviction. 512 U.S. at 486–87. The courts of appeals are openly and intractably divided on whether that requirement continues to apply when federal habeas corpus relief is no longer available through no fault of the plaintiff.

Five circuits—the First, Third, Fifth, Seventh, and Eighth—apply *Heck* as an absolute bar regardless of the availability of habeas. See *Figueroa v. Rivera*, 147 F.3d 77, 80–81 (1st Cir. 1998); *Savory v. Cannon*, 947 F.3d 409, 430–31 (7th Cir. 2020) (en banc); *Entzi v. Redmann*, 485 F.3d 998, 1003 (8th Cir. 2007).

Six circuits—the Second, Fourth, Sixth, Ninth, Tenth, and Eleventh—recognize an exception when habeas has become unavailable. See *Huang v. Johnson*, 251 F.3d 65, 73–75 (2d Cir. 2001); *Wilson v. Johnson*, 535 F.3d 262, 267–68 (4th Cir. 2008); *Cohen v. Longshore*, 621 F.3d 1311, 1315–17 (10th Cir. 2010).

Death in custody is the purest instance of habeas impossibility. The Third Circuit’s rigid application of *Heck* in that circumstance places it on one side of a mature, acknowledged split. This Court has repeatedly been asked to resolve the broader question of *Heck*’s reach when habeas is unavailable. The post-mortem context presents the cleanest vehicle yet: the barrier to habeas arose through no fault of the decedent or his estate, and the only remaining federal remedy for the alleged constitutional violations was extinguished. Review is warranted under Rule 10(a).

II. The Decision Below Conflicts with State Survival Statutes Incorporated by § 1988

Section 1988 directs federal courts to look to state law to fill gaps in the civil-rights statutes, including rules of survival, provided those rules are not inconsistent with federal law. Pennsylvania's Survival Act, 42 Pa. C.S. § 8302, expressly preserves a decedent's causes of action. The Third Circuit's application of *Heck* after death extinguished the only remaining damages remedy and thereby nullified the state survival rule that § 1988 requires federal courts to respect. That result independently warrants review under Rule 10.

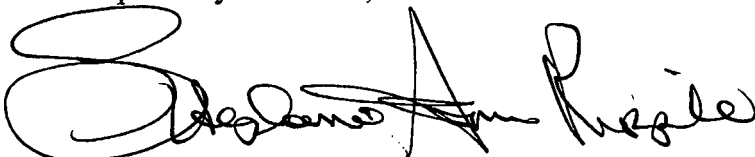
III. A Surviving Child's Familial-Association Standing Under § 1983 Remains Unsettled

Lower courts continue to divide on whether a surviving child may assert a substantive due-process claim for loss of familial association arising from deliberate indifference that causes a parent's death in custody. The question is recurring and important. This case cleanly presents it. Review is warranted under Rule 10.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephanie Ann Ripple", written in a cursive style.

/s/ Stephanie Ann Ripple

Stephanie Ann Ripple

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August 24, 2026

CERTIFICATE OF COMPLIANCE

I hereby certify that this petition for a writ of certiorari complies with the page limitation of Supreme Court Rule 33.2(b) because it contains fewer than 40 pages, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I further certify that this petition complies with the typeface and type-style requirements of Supreme Court Rule 33.2(a) because it has been prepared in a proportionally spaced typeface using Times New Roman 12-point font and is double-spaced.



/s/ Stephanie Ann Ripple

Stephanie Ann Ripple

Administratrix of the Estate of John Robert McCool

Pro Se Petitioner

August 24, 2026