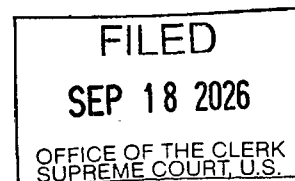


26-5686

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES



JORDAN ARTHUR BLOOM,

Petitioner,

v.

INOVA HEALTH SYSTEM AND JAWAD CHAUDHRY, M.D.,

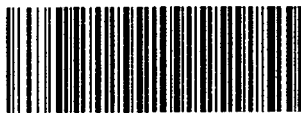
Respondents.

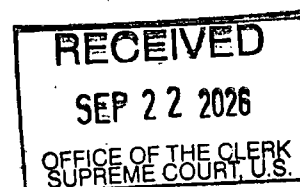
On Petition for a Writ of Certiorari to the

Supreme Court of Virginia

PETITION FOR A WRIT OF CERTIORARI

Jordan Arthur Bloom
Petitioner, *Pro Se*
3315 N. Brandywine St.
Arlington, Virginia 22207
(571) 317-9823
arthuriana89@gmail.com

	
ION14028008	United States Supreme Court
Recipient: Clerks Office	
Sender: Jordan Bloom	
Processed: 9/18/2026 12:08:06 PM 633	
	



QUESTIONS PRESENTED

This case arises from the involuntary civil commitment of a voluntarily admitted psychiatric patient, and from the subsequent, and total, foreclosure of any judicial forum — state or federal — in which he could test the lawfulness of that commitment. The Supreme Court of Virginia dismissed Petitioner's petition for appeal without reaching the merits, on the ground that he had not filed a separate notice of appeal with the clerk of the Court of Appeals of Virginia, even though he timely filed his petition for appeal with the Supreme Court of Virginia itself and the intermediate court's order never advised him — a *pro se* litigant — that a separate filing was required. The questions presented are:

1. Whether a state supreme court's dismissal of a *pro se* litigant's petition for appeal, for failure to make a second, distinct filing with a different clerk's office of which he was never notified by any court or rule communicated to him, rests on a state procedural ground that is "adequate" within the meaning of this Court's independent-and-adequate-state-ground doctrine, or whether the unforeseeable and unannounced nature of the requirement, as applied, renders the ground inadequate to bar this Court's review of the federal question presented below.

2. Whether the Fourteenth Amendment's Due Process Clause is violated when a State (a) permits a hospital to continue the confinement of a voluntarily admitted psychiatric patient through a temporary detention order obtained on the sworn

statement of a substitute petitioner rather than the treating facility itself, (b) never notifies the confined patient of any right to appeal that confinement while he remains confined, and (c) thereafter forecloses all civil remedies for the confinement, in perpetuity, on the ground that the patient did not challenge the order during the very confinement he had no ability to appeal.

PARTIES TO THE PROCEEDING

Petitioner Jordan Arthur Bloom was the plaintiff in the Circuit Court of Fairfax County, the appellant in the Court of Appeals of Virginia, and the appellant/petitioner in the Supreme Court of Virginia.

Respondents Inova Health System and Jawad Chaudhry, M.D. were the defendants in the Circuit Court of Fairfax County and the appellees in the Court of Appeals of Virginia and the Supreme Court of Virginia.

There are no corporate parties requiring a Rule 29.6 disclosure statement, as Petitioner is an individual.

RELATED CASES

There are no related cases to this proceeding.

TABLE OF CONTENTS

QUESTIONS PRESENTED	1
PARTIES TO THE PROCEEDING	3
TABLE OF AUTHORITIES	6
OPINIONS BELOW	8
JURISDICTION	9
CONSTITUTIONAL PROVISION INVOLVED	10
STATEMENT OF THE CASE	11
A. The Confinement.....	11
B. The Circuit Court Proceedings	12
C. The Court of Appeals Proceedings	12
D. The Supreme Court of Virginia Proceedings	13
REASONS FOR GRANTING THE PETITION	14

I. The Jurisdictional Dismissal Below Rests on an Application of State Procedural Law That Was Neither Foreseeable Nor Evenhandedly Applied to a Pro Se Litigant, and Is Therefore Not an "Adequate" State Ground	14
II. <i>Bowles v. Russell</i> Does Not Control, Because Rule 5:14(a) Is a Court-Made Filing Rule, Not a Statutory Jurisdictional Deadline	16
III. If the Independent and Adequate State Ground Question Is Resolved in Petitioner's Favor, the Case Presents a Substantial and Recurring Due Process Question of the Kind This Court Has Reserved for Its Review	17
IV. The Question Is of Sufficient Importance, and the Consequences of Denial Sufficiently Severe, to Warrant Review	19
CONCLUSION	19

TABLE OF AUTHORITIES

Cases

<i>Bowles v. Russell</i> , 551 U.S. 205 (2007)	14
<i>James v. Kentucky</i> , 466 U.S. 341 (1984)	13
<i>Michigan v. Long</i> , 463 U.S. 1032 (1983)	13
<i>NAACP v. Alabama ex rel. Patterson</i> , 357 U.S. 449 (1958)	13
<i>Osborne v. Ohio</i> , 495 U.S. 103 (1990)	13
<i>Staub v. City of Baxley</i> , 355 U.S. 313 (1958)	13
<i>Vitek v. Jones</i> , 445 U.S. 480 (1980)	15
<i>Youngberg v. Romeo</i> , 457 U.S. 307 (1982)	15

Constitutional Provisions

U.S. Const. amend. XIV, § 1	<i>passim</i>
-----------------------------------	---------------

Statutes and Rules

28 U.S.C. § 1257(a)	9
Sup. Ct. R. 13.3	9
Va. Sup. Ct. R. 5:14(a)	<i>passim</i>
Va. Sup. Ct. R. 5:17(a)	13
Va. Sup. Ct. R. 5A:18	12
Va. Sup. Ct. R. 5A:20(e)	12
Va. Code § 37.2-808	<i>passim</i>
Va. Code § 37.2-809	<i>passim</i>

OPINIONS BELOW

The order of the Circuit Court of Fairfax County granting Respondents' plea in bar and dismissing Petitioner's complaint with prejudice (May 9, 2025) is unreported and reproduced at Appendix A.

The order of the Court of Appeals of Virginia affirming the judgment of the Circuit Court (Mar. 16, 2026) is unreported and reproduced at Appendix B.

The order of the Supreme Court of Virginia dismissing Petitioner's petition for appeal for failure to timely file a notice of appeal under Rule 5:14(a) (June 29, 2026) is unreported and reproduced at Appendix C.

The order of the Supreme Court of Virginia denying Petitioner's petition for rehearing (Sept. 3, 2026) is unreported and reproduced at Appendix D.

JURISDICTION

The Supreme Court of Virginia entered its order dismissing the petition for appeal on June 29, 2026. Appendix C. Petitioner timely sought rehearing, which the Supreme Court of Virginia denied on September 3, 2026. Appendix D. This petition is filed within 90 days of the denial of rehearing, as computed under Rule 13.3 of the Rules of this Court, which runs the filing period from the date of the order denying a timely petition for rehearing rather than from the date of the original judgment.

This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a). Petitioner recognizes, and addresses directly in Part I of the Reasons for Granting the Petition, that the June 29, 2026 order rests on a Virginia procedural rule, and that this Court's jurisdiction accordingly depends on that ground being inadequate, as a matter of federal law, to bar review.

CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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.” U.S. Const. amend. XIV, § 1.

STATEMENT OF THE CASE

A. The Confinement

Petitioner presented voluntarily to the Inova Fairfax Hospital emergency room in July 2021, seeking treatment. He was admitted as a voluntary patient. Rather than remaining a voluntary patient free to leave, Petitioner was subsequently detained against his will pursuant to a temporary detention order ("TDO") dated July 15, 2021. The TDO was not sought by the hospital as petitioner; it was sworn out in the name of Petitioner's spouse who was not present. The TDO was executed on Petitioner in the early morning hours of July 16, 2021, and an involuntary commitment hearing followed on July 19, 2021, resulting in a detention order authorizing confinement of up to 30 days. Petitioner was released on August 4, 2021, after roughly three weeks of involuntary confinement.

Under Virginia's own statutory scheme, a TDO is available "only when the person is unwilling to volunteer or incapable of volunteering for admission." Petitioner had already volunteered for admission. Petitioner alleges that the decision to seek a TDO in the name of a substitute petitioner, rather than an emergency custody order sought by the treating facility itself — the instrument Virginia law provides for exactly this situation — was designed to manufacture color of law for a confinement the hospital could not otherwise justify. At no point during his three-week

confinement was Petitioner advised of any right to appeal the order that confined him.

B. The Circuit Court Proceedings

Petitioner, proceeding *pro se*, filed suit in the Circuit Court of Fairfax County on March 10, 2025, asserting claims including false imprisonment, fraud, and intentional infliction of emotional distress, on the theory that the TDO had been fraudulently procured. Respondents moved for a plea in bar, arguing that Petitioner's claims were time-barred and precluded by *res judicata* because they amounted to a collateral attack on the TDO and detention order. At the hearing on the plea in bar, Respondents introduced copies of the TDO and detention order taken from the hospital's own electronic records — not certified copies from the issuing court, which Respondents' counsel represented the general district court had declined to provide. The Circuit Court overruled Petitioner's objection to this evidence, held that the discovery rule did not toll the statute of limitations, and granted the plea in bar, dismissing the complaint with prejudice on May 9, 2025.

C. The Court of Appeals Proceedings

Petitioner appealed to the Court of Appeals of Virginia. On March 16, 2026, a three-judge panel affirmed, but did not reach the merits of any of Petitioner's substantive arguments. Instead, the Court of Appeals held that Petitioner's statute-of-limitations argument under 42 U.S.C. § 1983 had been waived because it was not

raised in the Circuit Court, Rule 5A:18, that his *res judicata* arguments were likewise waived for lack of preservation, and that his remaining assignments of error were waived under Rule 5A:20(e) for failure to cite legal authority in his *pro se* brief. The Court of Appeals ordered Petitioner, the losing *pro se* litigant, to pay Respondents \$150 in damages.

D. The Supreme Court of Virginia Proceedings

Petitioner, still self-represented and still without the assistance of counsel, sought further review. Rule 5:17(a) of the Rules of the Supreme Court of Virginia required a petition for appeal to be filed within a set period after the Court of Appeals' judgment. Separately, Rule 5:14(a) required Petitioner to file a distinct notice of appeal with the clerk of the Court of Appeals — a different filing, with a different clerk's office, than the petition for appeal itself. Nothing in the Court of Appeals' March 16, 2026 order advised Petitioner of the Rule 5:14(a) requirement. Petitioner filed his petition for appeal directly with the Supreme Court of Virginia on April 10, 2026, five days before the Rule 5:17(a) deadline, and served Respondents, who thus had actual and timely notice of his intent to seek further review.

On April 20, 2026 — the last day of the applicable filing period, and the first and only notice Petitioner ever received of the Rule 5:14(a) requirement from any source — Respondents moved to dismiss on the ground that Petitioner had not filed the separate notice of appeal. Petitioner opposed the following day. On June 29, 2026,

the Supreme Court of Virginia granted the motion and dismissed the petition for appeal solely on the ground that the notice of appeal had not been timely filed under Rule 5:14(a). Appendix C. The order did not address, and did not need to address, any of the merits of the case, the Court of Appeals' waiver rulings, or any federal question.

Petitioner filed a petition for rehearing on July 7, 2026, arguing that the Court of Appeals' silence as to the Rule 5:14(a) requirement directly caused the default, that his timely petition for appeal constituted substantial compliance producing no prejudice to Respondents, and that the Court retained equitable authority to permit a *nunc pro tunc* cure. The Supreme Court of Virginia denied rehearing without opinion on September 3, 2026. Appendix D. This petition follows.

REASONS FOR GRANTING THE PETITION

Petitioner recognizes that this case reaches the Court in an unusual posture: the last state court to rule dismissed on a docketing ground, without addressing the merits or the intermediate court's waiver rulings. Petitioner addresses that posture directly, because it is the threshold question this Court must resolve before anything else in the case can be reached.

I. The Jurisdictional Dismissal Below Rests on an Application of State Procedural Law That Was Neither Foreseeable Nor Evenhandedly Applied to a Pro Se Litigant, and Is Therefore Not an "Adequate" State Ground.

This Court ordinarily will not review a state court judgment that rests on an independent and adequate state ground. *Michigan v. Long*, 463 U.S. 1032, 1041 (1983). But a state procedural ground is not "adequate" for this purpose merely because a state court labels it jurisdictional. This Court has repeatedly declined to treat a state procedural bar as adequate where its application to the particular litigant was novel, unforeseeable, or inconsistent with the way the rule had otherwise been applied. See *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 457–58 (1958) (state procedural ground inadequate where its application was novel and could not fairly have been anticipated); *Staub v. City of Baxley*, 355 U.S. 313, 319–20 (1958) (similar); *James v. Kentucky*, 466 U.S. 341, 348–49 (1984) (state court's departure from its own settled practice, applied against a litigant who had no

reason to anticipate it, did not present an adequate state ground). The same principle has been applied where a procedural requirement operated as a trap for an unrepresented litigant who had no realistic way of learning of it. Cf. *Osborne v. Ohio*, 495 U.S. 103, 124–125 (1990) (addressing the interaction between state procedural default and preservation of federal claims).

The dismissal here fits within that line. Rule 5:14(a) required Petitioner to make a filing distinct from, and in addition to, the petition for appeal he did timely file with the correct court. Nothing in the Court of Appeals' order below — the only communication Petitioner received from any court between the intermediate judgment and the deadline — identified that additional requirement. Petitioner, appearing without counsel, did precisely what a reasonable self-represented litigant would do: he filed his petition for appeal with the court that would decide it, before the deadline, and served the opposing party, who therefore had actual and timely notice of his intent to pursue further review. The first and only notice Petitioner received of the separate Rule 5:14(a) filing requirement arrived on the last day it could have been cured — in the form of Respondents' motion to dismiss.

This is precisely the circumstance in which the adequacy of a state ground is placed in doubt: a rule applied for the first time, against an unrepresented litigant, without any prior notice reasonably calculated to inform him of it, resulting in the total forfeiture of appellate review of a claim implicating a three-week loss of physical liberty. A ground that operates as an undisclosed trap for *pro se* litigants does not

serve the purposes an adequate state ground is supposed to serve — predictability, and the orderly administration of the State's own courts — and this Court's review should not be foreclosed by it.

II. Bowles v. Russell Does Not Control, Because Rule 5:14(a) Is a Court-Made Filing Rule, Not a Statutory Jurisdictional Deadline.

Petitioner anticipates that Respondents will invoke *Bowles v. Russell*, 551 U.S. 205 (2007), which held that a statutory time limit for filing a notice of appeal in federal court is mandatory and jurisdictional, and cannot be excused by equitable considerations even where a litigant reasonably relied on a court's own error. *Bowles* is a serious obstacle, and Petitioner does not minimize it. But *Bowles* turned on the fact that the deadline at issue was set by Congress, not by a court rule — a distinction this Court emphasized was central to why equitable exceptions were unavailable. 551 U.S. at 210–13. Rule 5:14(a) is not a statute; it is a rule of the Supreme Court of Virginia's own making, adopted under that court's rulemaking authority. A self-imposed docketing rule, applied without any prior notice to an unrepresented party, stands on different footing than a congressionally prescribed jurisdictional deadline, and this Court's adequate-state-ground doctrine — rather than *Bowles's* rule of strict statutory construction — supplies the governing framework for evaluating whether the dismissal here bars review.

III. If the Independent-and-Adequate-State-Ground Question Is Resolved in Petitioner's Favor, the Case Presents a Substantial and Recurring Due Process Question of the Kind This Court Has Reserved for Its Review.

This Court has long recognized that involuntary civil commitment "is a massive curtailment of liberty," and that the process due before, during, and after such confinement is a matter of federal constitutional concern. *Vitek v. Jones*, 445 U.S. 480, 491-94 (1980) (requiring notice, an adversarial hearing, and counsel before an inmate is involuntarily transferred for psychiatric treatment); *Youngberg v. Romeo*, 457 U.S. 307, 316 (1982) (recognizing a liberty interest under the Due Process Clause implicated by involuntary institutional confinement). Petitioner's position is that the protections *Vitek* requires for a convicted inmate facing psychiatric transfer apply with at least equal force to a voluntary patient who was never diagnosed, never afforded a hearing before his status changed from voluntary to involuntary, and was confined on the strength of an order sought by a substitute petitioner rather than the facility actually holding him.

Central to Petitioner's due process claim is a discrete and recurring problem: individuals confined pursuant to civil commitment orders are, as a structural matter, uniquely poorly positioned to learn of and exercise appellate rights while confined, precisely because the confinement itself cuts them off from counsel, from records, and often from meaningful contact with the outside legal system. Petitioner was never told, during his three weeks of confinement, that the order confining him

could be appealed. He is now told, years later and after two rounds of state appellate litigation, that his failure to have appealed it while confined — combined with a separate, undisclosed filing deadline at the last stage of review — permanently forecloses any judicial examination of whether that confinement was lawful in the first place. The compounding effect of these two failures of notice, one at the moment of confinement and one at the moment of final appellate review, is the kind of systemic due process concern this Court has found warrants its attention, because it will recur for every civilly committed patient in Virginia who lacks the resources to retain counsel.

IV. The Question Is of Sufficient Importance, and the Consequences of Denial Sufficiently Severe, to Warrant Review.

Petitioner has now been denied a hearing on the merits of his claims at every level: the Circuit Court dismissed without reaching the truth of the underlying allegations; the Court of Appeals affirmed on waiver grounds without reaching the merits; and the Supreme Court of Virginia dismissed on a docketing ground without reaching either the merits or the waiver ruling below. No court, state or federal, has ever examined whether Petitioner's three-week involuntary psychiatric confinement was, as he alleges, procured through a temporary detention order obtained by a substitute petitioner under circumstances Virginia's own statutes do not permit. If this Court declines review, that question will never be examined by any court. That consequence — the permanent, unreviewed foreclosure of a claim arising from a

serious deprivation of physical liberty, resulting from a chain of procedural defaults that includes at least one rule of which Petitioner was never given notice — is precisely the kind of case in which this Court's intervention is warranted notwithstanding the procedural posture in which it arrives.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jordan Arthur Bloom", written over a horizontal line.

Jordan Arthur Bloom
Petitioner, Pro Se
3315 N. Brandywine St.
Arlington, Virginia 22207
(571) 317-9823
arthuriana89@gmail.com

Date: September 17, 2026