

26-5707

No. \_\_\_\_\_

ORIGINAL

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
  
SUPREME COURT OF THE UNITED STATES

**DANIEL J. FELDMAN,**

Petitioner,

v.

**LINDA STEINHOFF HOLMES,**

Respondent.

On Petition for a Writ of Certiorari to the  
Court of Appeal of the State of California,  
First Appellate District, Division Five

**PETITION FOR A WRIT OF CERTIORARI**

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## **QUESTION PRESENTED**

Whether the Fourteenth Amendment permits a State to foreclose review of a court-access claim through procedural defects that its own filing, notice, and corrective processes denied the litigant a meaningful opportunity to cure.

## **PARTIES AND RELATED PROCEEDINGS**

Petitioner was the plaintiff below. Respondent Linda Steinhoff Holmes was the defendant. The superior-court caption also identifies Doe defendants. Petitioner is an individual and has no corporate disclosure to make.

The earlier unlawful-detainer proceeding was *Holmes v. Feldman*, San Francisco Superior Court No. CUD-19-666401. It settled September 15, 2020. The proceedings under review are *Feldman v. Holmes*, San Francisco Superior Court No. CGC-21-594129, dismissed September 8, 2025; California Court of Appeal No. A175990, dismissed May 1, 2026; and California Supreme Court No. S297025, review denied June 24, 2026. Related writ proceedings in the same action are A174218, denied September 5, 2025; S292812, transferred September 8, 2025; and A174227, denied September 8, 2025. A Rule 20 petition for mandamus and prohibition concerning this action and other proceedings was submitted to this Court on June 2, 2025. That submission was returned without docketing; no case number was assigned.

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## OPINIONS AND ORDERS BELOW

The Court of Appeal's May 1, 2026 dismissal appears at App. 1a-2a. The superior court's September 8, 2025 dismissal entry and pertinent hearing transcript appear at App. 3a-13a (highlighting added). The California Supreme Court's June 24, 2026 denial of review and a stay appears at App. 14a. The April 6, 2026 corrective order appears at App. 15a-16a. The March 11, 2024 order granting in part and denying in part summary adjudication appears at App. 17a-18a. The September 2025 writ orders appear at App. 19a-23a.

## JURISDICTION

The Court of Appeal dismissed A175990 on May 1, 2026. Petitioner sought review in the California Supreme Court on June 10, 2026, and that court denied review on June 24, 2026. App. 1a-2a, 14a. This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a). The ordinary ninety-day period measured from the denial of review expires September 22, 2026. An application dated September 10, 2026 requested an extension through November 20, 2026. Petitioner has not received a ruling and proceeds under the ordinary September 22 deadline.

The judgment presented for review is the May 1, 2026 dismissal of A175990, followed by the California Supreme Court's denial of review. Petitioner challenges the process that terminated his effort to obtain review of the superior court's dismissal of the entire action. He seeks vacatur of that appellate disposition and remand for an effective opportunity to cure the dismissal-record deficiency and obtain consideration of the access objections presented below.

Petitioner invokes finality based on the completed termination of that appeal. Unlike the interlocutory disposition in *Jefferson v. City of Tarrant*, 522 U.S. 75, 81-84 (1997), the challenged decision did not remand unresolved claims for trial; it ended A175990 after the

superior court had dismissed the action. Section 581d requires a signed, filed order for a court-ordered dismissal to constitute a judgment; Rule 8.104(c)(2)'s minute-entry provision applies to appealable orders. App. 31a-32a. A later signed order could permit a new appeal, but would not itself vacate the May 1 dismissal or resolve the federal challenge to the process that terminated A175990. The earlier summary-adjudication and discovery rulings supply the context and consequences of the participation barriers for which Petitioner sought review.

### **CONSTITUTIONAL AND STATUTORY PROVISIONS**

The Fourteenth Amendment provides that no State shall deprive a person of life, liberty, or property without due process of law, or deny any person equal protection of the laws. Its text and 28 U.S.C. § 1257(a) are reproduced at App. 31a (highlighting added).

The First Amendment protects the right to petition the Government for redress of grievances. Its pertinent text and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, appear at App. 33a (highlighting added).

The principal federal claim is denial of procedural due process under the Fourteenth Amendment. The First Amendment's protection of court access and Title II's disability-access requirements inform the asserted deprivation. The relevant Title II regulations are reproduced at App. 34a-36a (highlighting added).

The pertinent California provisions include Code of Civil Procedure § 581d; Rules of Court 1.100, 2.253(b), 2.254(b), 2.255, 2.259(c), 3.1312, 8.60(d), 8.104, 8.264, and 8.272(c)(2); and San Francisco Local Rules 2.11(I), 2.11(M), and 8.3(D). Relevant text appears at App. 31a-32a, 37a-52a (highlighting added).

## INTRODUCTION

**The opportunity to be heard must exist before the opportunity to seek relief is lost.**

Petitioner repeatedly reported barriers in the courts' own filing and accommodation processes, lost the ability to present identified opposition and discovery, and then lost appellate review through a corrective process he also challenges. This petition asks whether the Fourteenth Amendment permits that sequence without an effective opportunity to cure the default and obtain review of the underlying exclusion.

The underlying action seeks redress against Petitioner's former landlord for housing conditions, retaliation, personal injury, and defamation—claims reserved when her eviction action settled in September 2020. His filings describe the loss of his home, belongings, ability to work, and resources to obtain counsel. They allege that fabricated accusations of violence and elder abuse followed him to medical providers and another landlord, disrupting treatment and contributing to a second eviction and homelessness. His partner, Christopher Hefner, and a pet died; he attributes those deaths to the apartment conditions and conduct he sought to investigate. These losses explain the urgency of the civil forum he sought. App. 58a, 62a, 64a, 71a-72a, 74a, 87a, 91a, 94a, 96a-100a, 102a-104a (highlighting added).

**Petitioner alleges a deliberate effort to prevent that evidence from being heard.** His submissions identify security-camera video, audio recordings, utility records, environmental testing, and proposed witness testimony concerning alleged bribery, manufactured violence accusations, and dangerous apartment conditions. They include criminal-referral requests concerning the alleged murder of Hefner, attempted murder of Petitioner, and hate-crime conduct. He contends that the prospect of exposing that evidence supplied a motive for Respondent and counsel to obstruct discovery and exploit his exclusion from court. His

allegation of coordination with court personnel rests on the recurring filing defects, the vendor explanations recounted in his trial brief locating changes on the clerk side, repeated notice, and unequal access for the opposing submissions. App. 24a, 64a, 66a-69a, 91a, 100a-113a, 117a, 121a-137a, 139a (highlighting added).

The procedural consequences are concrete. For approximately twenty-two months, Petitioner reported recurring defects that blocked necessary opposition and discovery filings. His contemporaneous email states that clerks directed him to request oral argument because he could not file, but he was denied argument at the February 1, 2024 hearing. Respondent then obtained partial adjudication because he had failed to create a triable factual issue. The excluded rebuttal included the written settlement requiring surrender of possession in October 2020, which he repeatedly offered against Respondent's assertion that his retaliatory-eviction claim accrued in December 2019. He renewed that argument through 2025. App. 17a-18a, 63a, 65a, 95a, 108a-113a, 117a, 138a-142a (highlighting added).

Repeated requests for filing repairs, accommodation, restored discovery, sanctions, and counsel did not restore those lost opportunities. His sustained search for legal assistance left him unrepresented at the critical proceedings. The accommodation dispute forced the choice he described at the time: urgent eye surgery or preparation for trial. He postponed surgery and attributes his subsequent permanent vision loss to the delay. The action was later dismissed during another medical emergency. App. 3a, 5a-12a, 25a, 70a-72a, 74a, 86a-93a, 114a-120a, 143a-146a (highlighting added).

Petitioner acknowledges the missed April 27 appellate response. He had followed the clerk-directed correction and received confirmation of acceptance; the later electronic notices were routed away from the inbox he ordinarily reviewed, and no paper copy reached him. Workshop

invitations continued after dismissal. He sought restoration on June 4, the day after learning of dismissal. His sworn explanation connected the notice failure to disability, homelessness, and unfamiliarity with the system. The petition challenges the effectiveness of that corrective route as well as the exclusion that preceded it. App. 53a-54a, 75a-80a, 147a-148a (highlighting added).

The federal question extends to litigants whose access depends on court-controlled filing systems, fee waivers, and disability accommodations. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), and *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673 (1930), protect a real opportunity to preserve a substantive claim through state adjudication; *Tennessee v. Lane*, 541 U.S. 509 (2004), recognizes the fundamental importance of accessible courts. **Petitioner asks this Court to restore the opportunity to be heard before procedural default makes the denial of that opportunity unreviewable.**

## STATEMENT OF THE CASE

### **A. The earlier eviction case and sustained search for counsel explain the claims and need for access.**

Holmes filed the unlawful-detainer action in December 2019. Petitioner defended without counsel during COVID restrictions. His July 2020 declaration described four months of unanswered calls and emails to the court's Self-Help Access Center and disability advocates while he prepared his defense. A filing was captioned "CHALLENGED BY BEING IN PROPER, NOT BY CHOICE" and stated that he had "petitioned every legal organization for help." App. 92a-93a (highlighting added).

On July 13, 2020, Petitioner appeared without counsel for Holmes's deposition, but Holmes did not appear. The reporter's transcript records his appearance, his account of service, and the nonappearance. App. 152a-156a (highlighting added). He continued seeking testimony and discovery to rebut the violence accusations made against him.

The eviction case settled when called for trial on September 15, 2020. Its written terms required surrender of possession and keys by October 15, 2020, at 5 p.m. Holmes agreed to pay \$11,000 upon timely surrender, subject to the settlement conditions, and the parties reserved their other claims. Holmes later requested dismissal of the entire action with prejudice. App. 94a-98a (highlighting added). The specified surrender date became concrete evidence Petitioner repeatedly sought to present against the limitations defense in this damages action.

Petitioner pursued the claims reserved by that settlement. His declaration for the February 1, 2024 hearing survives in a copy marked UNFILED; he supplied courtesy copies to the clerk and defense while seeking acceptance of the blocked papers. App. 101a-103a, 157a-159a

(highlighting added). The declaration recounts that Daniel Bornstein, Respondent's counsel in the unlawful-detainer action, sought settlement after receiving trial disclosures identifying recordings, proposed witnesses, and Petitioner's intention to examine Bornstein about manufactured accusations. Petitioner contends that preventing public examination of that evidence motivated both the settlement and the later obstruction of discovery in the reserved damages action.

Petitioner's search for counsel concerning Holmes's interference with his tenancy predated the December 2019 eviction action. His submissions recount extensive pre-2020 efforts and later loss of assistance. App. 92a-93a (highlighting added). He contacted firms by telephone, email, and website intake forms; assembled records, timelines, and supporting documents; and repeatedly followed up. Many approaches ended in a refusal or no further response.

A September 19, 2026 audit of 7,113 Sent-folder messages from January 2016 onward, with separately examined replies, supplies a current accounting of that effort. The California-associated counsel-search and advice inventory contains 733 distinct sent emails, including 503 to 153 independent law-practice contacts and 181 to 83 academic or clinic contacts. Seventy-eight practices received an identified request for representation or limited review; other contacts sought advice, supplied materials, or followed up. The broader California/Kentucky inventory identifies 360 independent practices receiving representation or limited-review requests. Existing-counsel work and the two matters are separately classified. Petitioner estimates that email captures less than half of his overall search activity because he also called offices and completed web intake forms. The unique-contact totals count the located correspondence; they are not doubled from that estimate.

The paid-assistance correspondence with LegalShield/PPLSI and two provider firms contains 34 sent emails and 12 human replies, plus a separate acknowledgment. On January 24, 2024, LegalShield advised that the attorneys it contacted had declined and its network resources were exhausted. On December 5, 2024, the Bar Association of San Francisco reported that its referral efforts had found no attorney willing even to consult on this matter and offered a refund. These contemporaneous emails, reviewed for the September 2026 accounting, reinforce the diligence described in the court submissions at App. 92a-93a (highlighting added).

Although he obtained assistance at some stages, sustained outreach did not secure representation for the critical proceedings. Petitioner attributes that difficulty to the complexity of the case and its corruption allegations. He does not accuse the prospective lawyers he contacted of participating in the interference. His search demonstrates why effective access as a self-represented litigant remained essential.

**B. Recurring party-record defects prevented necessary filings from November 2023 onward.**

Petitioner filed this housing and defamation action in July 2021. Beginning in approximately November 2023, incorrect party information prevented him from filing as plaintiff through the superior court's electronic system. Screenshots show a blank first-name field, an incorrect middle initial, duplicate party entries, and former-counsel associations. Re-entering his identity did not provide a lasting correction. App. 110a-113a (highlighting added).

His May 9, 2024 email to court staff described the same failure across at least three approved vendors. Submissions failed without a transaction number. A clerk could sometimes manually accept a document, but ordinary submission remained unreliable. **The email explained that he**

**had already lost timely opposition and reconsideration opportunities.** It also reported that attempted corrections disappeared within hours. App. 111a-112a (highlighting added).

His August 26, 2024 application stated that the problems had continued since November 2023, with critical failures in January, March, and May 2024. Some repairs occurred in July, but errors continued. The application described twelve versions of his name and the need to attempt filing through multiple vendors even for that request. It expressly connected the defects to his inability to participate in discovery and oppose summary adjudication. App. 117a (highlighting added).

Petitioner alleges coordinated retaliation involving Respondent, her counsel, and court personnel. His August 2025 trial brief reported that three approved vendors traced the recurring changes to the clerk side of the filing gateway. App. 91a, ¶5 (highlighting added). The defects returned after attempted repairs, appeared across vendors using that gateway, and disabled his plaintiff identity while Respondent continued filing through counsel. Court staff sometimes accepted papers manually, but repeated notice to clerks, Court Executive Officer Brandon Riley, Chief Operations Officer Wayne Parinas, and the vendors did not produce a durable correction. App. 70a-72a, 74a, 108a-113a, 117a (highlighting added).

The unequal treatment had concrete consequences. Respondent's accusations and dispositive submissions reached the court while Petitioner's opposition, reconsideration, discovery, corrective motions, and sanctions requests repeatedly did not. After notice, the court continued acting on Respondent's filings and treated the missing rebuttal as a failure to create a triable factual issue. Petitioner identifies that sequence as evidence that Respondent and counsel exploited the exclusion and court personnel knowingly perpetuated it.

The evidence Petitioner sought to present was specific. In his December 15, 2022 deposition, taken with defense counsel present, he testified about security-camera video and audio recording

a bribe involving Respondent's representative and San Francisco Department of Building Inspection (DBI) inspectors; photographs and videos contradicting the official abatement of uncorrected violations; and videos of a PG&E inspector identifying diverted electricity and an electrician removing added lines serving upstairs premises. He also testified about police statements and recorded activity underlying his narcotics-laboratory allegation. App. 127a-134a (highlighting added). Holmes's November 19, 2016 letter corroborates the diversion of common-area electricity through his meter and encloses \$450 reimbursement. App. 135a (highlighting added).

His preserved 2024 declaration describes a May 2019 speakerphone conversation, recorded and transcribed by Petitioner and his partner Christopher Hefner, concerning manufactured accusations of violence and elder abuse. Daniel Bornstein represented Respondent in the earlier eviction case. The declaration separately recounts statements by Jonathan Bornstein, Daniel's brother and former law partner, about Daniel's discussions of killing unwanted tenants and reported knowledge concerning Hefner's death. Petitioner sought Jonathan's testimony; Jonathan later refused. App. 101a-106a (highlighting added). The complaint also describes experts Petitioner hired to test the apartment for water contamination and mold. His deposition explains that a PG&E inspector identified diverted electricity and a San Francisco Police Department (SFPD) officer connected that pattern to a possible narcotics laboratory. His reports of drug activity and official bribery preceded the eviction, and his February 14, 2018 email requested investigation of an attempt on his life. App. 62a, 64a, 66a, 68a, 99a-100a, 125a-126a, 130a-132a (highlighting added). He later identified May 2025 Louisville body-camera and dispatch materials concerning the renewed housing interference. App. 136a-137a (highlighting added).

The defense knew of these subjects. Respondent's filed August 15, 2025 exhibit list identifies Petitioner's deposition, PG&E service reports, an electrical-repair and reimbursement notice, DBI complaints, and a recording. App. 127a-134a, 160a-162a (highlighting added). Petitioner sought to complete discovery, authenticate the recordings, obtain witness testimony, and present that evidence for decision. He alleges that the threatened civil, professional, and criminal consequences supplied a motive to prevent that examination, and connects that motive to the recurring filing defects and continued use of accusations he was unable effectively to rebut.

In his signed August 25, 2025 criminal-referral request, Petitioner identified Respondent, upstairs tenant James Severance, and her former unlawful-detainer counsel Daniel Bornstein concerning the alleged murder of his partner Christopher Hefner and attempted murder of Petitioner. He also requested investigation of Holmes, Ivy Apartments staff and attorneys, and participants identified in body-camera footage and witness accounts for hate-crime conduct, perjury or subornation, and obstruction, together with State Bar investigation of counsel. The preserved copy appears at App. 121a-124a (highlighting added). Earlier requests identified Robert (Bob) Noelke, Respondent's repair representative; DBI Senior Inspector Jamie Sanbonmatsu; and DBI Inspector Alan Davison for alleged bribery and corruption. His declaration also named Tom Hui, then the head of DBI. App. 69a, 107a (highlighting added).

His filed objection and preserved declaration describe repeated, unsuccessful requests to the FBI, police, District Attorney, Controller, Mayor, and other authorities for investigation and accountability. App. 67a-68a, 107a (highlighting added). He then sought an effective civil forum while the retaliation he attributed to Respondent continued through the Kentucky housing events. App. 71a, 86a-88a, 122a (highlighting added). His motive allegation explains the stakes of the evidence he sought to present and why he contends the repeated barriers were deliberate. The

relief sought here is the opportunity to develop that evidence and obtain adjudication of his civil claims.

This prolonged exclusion included occasional manual acceptance and partial repairs. Those exceptions did not restore timely access for the blocked documents or the litigation opportunities already lost. His March 2026 notice still reported unresolved party-record errors and displayed duplicate names and obsolete counsel associations. App. 147a-149a (highlighting added). Petitioner reports that these record defects remain as of September 2026, although acceptance of his debit card now allows him to file. He seeks redress for the lost opportunities during the earlier blockage, as well as effective correction of the continuing record defects.

**C. Blocked written opposition and denied oral argument preceded partial summary adjudication.**

Respondent moved for summary adjudication on November 8, 2023, as recurring party-record failures began blocking Petitioner's filings. Her motion treated December 26, 2019 as the latest accrual date for the retaliatory-eviction claim and asserted untimeliness even after COVID tolling. App. 163a, 166a-167a (highlighting added). **Petitioner challenged the motion as frivolous and knowingly misleading** because its December 2019 move-out premise conflicted with the contemporaneous possession record. The September 2020 settlement required him to vacate by October 15 and expressly defined that obligation to include removing personal possessions and delivering the keys. App. 95a (highlighting added). On October 15 itself, Respondent's eviction counsel, Daniel Cheung, asked, "Have you moved out yet?" Petitioner replied that he was "almost done moving"; counsel later stated that he had been informed possession was restored. These communications were reproduced in Exhibit 8 to Petitioner's reconsideration affidavit. App. 168a-173a (highlighting added). Petitioner sought to present the

settlement, correspondence, and later retaliatory acts to challenge the defense's factual account and limitations argument. App. 141a-142a, 174a-175a (highlighting added). **He alleges that the timing and recurring filing failures reflect deliberate coordination between defense counsel and clerks** to prevent this documentary rebuttal from reaching the court.

**Petitioner's request for sanctions did not depend on proving clerk participation.** He separately charged counsel with knowingly misrepresenting the possession history. His reconsideration papers invoked Code of Civil Procedure §128.5, and his later submissions requested sanctions and referral of counsel to the State Bar. App. 122a-123a, 175a (highlighting added). California law authorizes monetary and nonmonetary sanctions for qualifying litigation misconduct under §§128.5 and 128.7. Proven dishonesty may also warrant professional discipline, including suspension or disbarment, under Business and Professions Code §6106. These requests rested on counsel's own conduct, independently of Petitioner's allegations of clerk interference. Petitioner seeks restoration of an effective opportunity to present the documentary rebuttal and obtain consideration of his properly presented requests for sanctions and disciplinary referral.

The access complaint was contemporaneous. On February 1, 2024, immediately after the hearing, Petitioner wrote that he had repeatedly attempted to file but was removed as plaintiff when he added himself to the system. He explained: **"I was told by the filing clerks to ask to make verbal arguments since there were errors, and as you saw I was not allowed to make any."** Respondent later filed that email as an exhibit to counsel's declaration. App. 108a-109a (highlighting added).

Petitioner was the nonmoving party and was denied oral argument. He recounts that, when he asserted his right to argue, the clerk told the judge that he had ample opportunity to oppose in

writing, despite knowing of the filing barriers, and his microphone was muted. **His request to speak was not argument on the merits.** His filed objection states that clerks erroneously treated his lack of filings as disqualifying him from speaking, in violation of Rule 8.3. App. 63a (highlighting added). Local Rule 8.3(D), reproduced in Respondent's notice, bars argument when the opposing party was not notified and does not appear. App. 164a-165a (highlighting added); see also App. 39a (highlighting added). Both sides appeared. Petitioner contends that denying him oral argument in these circumstances violated that rule and denied him a meaningful opportunity to oppose the motion.

The signed March 11 order granted adjudication of the retaliatory-eviction issue because Petitioner failed to create a triable factual issue. It denied a separate request directed to a treble-damages claim the court could not locate in the identified cause of action. App. 17a-18a. Petitioner challenges the constitutional fairness of imposing the failure-to-rebut consequence after the filing and hearing barriers he reported.

Reconsideration did not supply an effective cure. Petitioner mailed a courtesy copy to the clerk and sent the papers to defense counsel while seeking their acceptance for filing. His May 2024 declaration describes the copies supplied to both sides, clerks' assurances that filing could follow, and the subsequent rejection. After staff would not provide a hearing date for Superior Court Judge Ronald E. Quidachay, they suggested submission with the date to be determined; a temporary vendor patch then allowed transmission, but Department 501 rejected the papers for the missing date. App. 63a, 157a-159a (highlighting added). The UNFILED marking thus records the failed filing effort; the papers had been tendered and the access problem brought to the clerk's attention.

Petitioner alleges deliberate interference by the clerks and defense counsel based on this sequence: written opposition was blocked; the requested oral argument was denied; defense counsel received his immediate protest; and Respondent obtained an adverse order based on the absent factual rebuttal. App. 17a-18a, 63a, 108a-109a (highlighting added). The resulting injury was the loss of both an opportunity to present his opposition and an effective means to correct the ruling.

Petitioner renewed the same limitations objection through 2025. His February 6 written objection again contrasted the asserted 2019 surrender with possession litigation through September 2020. His July 7 objection, filed August 21, incorporated that challenge and sought reconsideration, reopened discovery, oral argument, and equal procedures. His memorandum filed August 20 requested calendaring of previously ignored sanctions and relief. App. 62a, 64a-66a, 68a, 73a-74a, 138a-140a (highlighting added). These were continuing efforts to obtain correction before Superior Court Judge Rochelle East dismissed the case, not a single unsuccessful attempt in 2024. Petitioner contends that the defense benefited twice: his rebuttal and discovery were excluded, and their absence then sustained the adverse ruling.

**D. A credit-card or attorney-account prerequisite defeated the granted fee waiver.**

In 2024, File & ServeXpress became the manager of the superior court's electronic filing gateway. Other approved providers remained available, but transmitted through that shared gateway. Petitioner's filings specifically distinguished that arrangement from the systems used in the Court of Appeal and California Supreme Court. App. 55a-56a, 60a-61a (highlighting added).

Petitioner had a debit card, no credit card, and a fee waiver entered February 27, 2023 covering superior-court filings. App. 26a-28a. His declarations describe a gateway that would not accept

his debit card and required either a credit card or an attorney account before he could submit papers. Selecting another approved vendor did not bypass the shared gateway. App. 55a-56a, 60a-61a, 86a-88a (highlighting added).

His declaration executed August 21, 2025 stated that he remained locked out of File & ServeXpress and approved providers because of credit-card or attorney requirements. He was indigent and self-represented. He attributed the later homelessness and medical deterioration to Respondent's deliberate interference with his Kentucky housing, including republication of the accusations being litigated and resulting loss of medication and records. He asked for clerk-accepted email filing while electronic access was restored. App. 71a, 86a-88a (highlighting added).

The practical alternatives did not answer that problem. He had already explained, while living in Kentucky in May 2024, that paper production and submission would cost him nearly \$750 per filing, which he could not afford. The housing and medical crisis he attributed to Respondent's interference further impaired paper and in-person filing. His declaration explained that he was serving the opposing parties by email while still unable to place the necessary papers before the court. App. 87a, 111a (highlighting added).

An August 21, 2025 notice identified expert-disclosure and objection papers, an address and due-process objection requesting discovery reopening, and proof of service prepared and served on July 7 but not docketed because of the filing lockout. The defense could receive his position while the court lacked the corresponding filing. App. 89a-90a (highlighting added).

These facts implicate express safeguards in the rules. Local Rule 2.11(I) requires electronic filings to pass through a vendor; Rule 2.11(M) appoints the vendor as the clerk's agent for the specified filing functions. Rule 2.255(e) requires contracts to recognize the court's ownership of

filing-system contents and exclusive control of the system's use. Rule 2.255(f) prohibits requiring credit-card, debit-card, or bank information to create an account, and restricts such prerequisites for services within a granted fee waiver. App. 37a-38a, 43a (highlighting added).

**The credit-card or attorney-account prerequisite prevented this fee-waiver recipient from using the means available to Respondent through counsel.** The exemption from mandatory electronic filing offered no effective solution when paper filing was unaffordable and later medically impracticable.

The September 5, 2025 appellate order cited an ADA Coordinator's email stating that two providers accepted debit cards, and cited papers that had reached the superior-court docket. App. 21a. Petitioner's objection was that those facts did not demonstrate a usable route for his particular account through the shared gateway or timely access for the excluded papers. He raised the distinction again in seeking California Supreme Court review. App. 55a-56a, 60a-61a (highlighting added). The later trial ruling's reliance on higher-court filings did not address it. App. 7a-8a (highlighting added).

Petitioner reports that debit-card filing became available to him in 2026. That later change explains why he can now submit papers despite continuing party-record errors. It does not show that the route was available when opposition and discovery were due in 2024 and 2025.

**E. Repeated requests for correction did not restore lost discovery opportunities.**

The loss extended throughout important discovery periods. Petitioner's declaration executed August 19 and filed August 20, 2025 stated: "Because I was blocked, I could not conduct discovery-no motions to compel were filed, no subpoenas were enforced, and I had no practical ability to respond to or oppose motions that the defense filed." App. 71a (highlighting added).

That declaration identified Chief Operations Officer Wayne Parinas and Court Executive Officer Brandon Riley as officials who acknowledged operational problems and told him he could later seek reopened discovery. App. 71a (highlighting added). Petitioner sought their intervention to correct party information, restore filing access, and address the conduct of the personnel responsible for those functions.

Petitioner repeatedly emailed court management, called and left voicemail messages, and renewed requests when repairs failed. The May 2024 correspondence, August 2024 application, and August 2025 declaration trace continuing defects and lost opposition and discovery opportunities. App. 70a-72a, 74a, 86a-88a, 108a-113a, 117a (highlighting added). He sought correction of his party record, restoration of filing access, investigation of the recurring changes, and an effective means to reopen discovery before trial. Troubleshooting, repeated submissions, and the search for assistance consumed time and resources needed for the litigation.

The September 19, 2026 audit separately identifies 206 sent messages and 156 incoming messages in the California state-court subset. Incoming messages comprise 19 notices, 46 automated acknowledgments, absence notices or delivery failures, and 91 human replies: 60 substantive procedural or issue responses, nine routing replies, fourteen acknowledgments, and eight refusals. The primary party-record/blocking/investigation category contains 21 sent requests or follow-ups, six substantive responses, three routing replies, and three acknowledgments. Twenty-six sent emails identify Brandon E. Riley as a recipient; no reply authored by him was located. Wayne Parinas authored three direct replies, acknowledging a pending investigation and confirming two particular August 2025 filing accommodations. None supplied completed investigation findings. Provider notices and filing-support answers are counted separately.

The inventory also covers disability advocates, hospitals and patient complaints, victim compensation, building inspection, police and prosecutors, and the mayor, controller, and other public offices. It separates requests, follow-ups, evidence forwards, decisions, referrals, and routine notices. This post-record accounting documents the scope of his efforts; the appendix citations identify the evidence presented below.

During follow-up calls to Riley's office, Petitioner asked why Riley had not returned his calls. Petitioner recounts that Riley's administrative assistant told him he needed a lawyer to contact the office. That instruction left a litigant unable to obtain counsel facing an additional barrier to correction of the filing process. His declaration and memorandum document repeated notice to administrators and the continuing discovery consequences. App. 70a-72a, 74a (highlighting added).

The September 2024 trial-continuance order left discovery tied to the earlier trial date and required a separate reopening request. The February 6, 2025 order continuing trial at Respondent's request again left discovery closed, subject to a limited exception for previously noticed expert depositions. App. 25a, 29a-30a.

Petitioner sought targeted reopening to examine Respondent and witnesses including her husband Curtis Holmes, upstairs tenants James Severance and Reggie Snowden, her former unlawful-detainer counsel Daniel Bornstein, and his brother Jonathan Bornstein. He identified recordings, communications, body-camera evidence, dispatch records, and audit information bearing on the allegations he was litigating. He also sought to prevent disputed accusations from being reused as grounds for procedural rulings while he lacked the means to develop his rebuttal. App. 74a, 87a (highlighting added).

Petitioner also sought sanctions for the disputed limitations motion and repeated violence accusations; striking of those accusations; restoration of discovery; advance costs for subpoenas, depositions, forensic work, experts, and filing; professional and criminal referrals. App. 121a-124a (highlighting added). He also requested review of Martin F. Triano, the court-appointed settlement conference officer who supervised mediation in the unlawful-detainer action in 2020 and in this action in August 2024. Petitioner reported that Triano disclosed longstanding personal ties to Respondent and her family, refused to recuse, and allowed unidentified participants. He sought administrative review and vacatur of tainted settlement-conference outcomes. App. 91a, 124a (highlighting added). He attributes the depletion of housing, health, and financial resources needed to retain counsel to the injuries and continued conduct for which he sought relief. These requests sought the means to develop and present the case as well as redress for the alleged harm.

Some applications were denied without prejudice or routed to another department; discovery remained closed. The August memorandum separately reserved a newly served sanctions motion during its safe-harbor period and did not seek its adjudication that day. App. 25a, 29a-30a, 73a-74a (highlighting added). Petitioner's claim concerns the continuing failure to provide an effective hearing on the excluded opposition and renewed corrective requests before dismissal, including where a denial left his identified rebuttal unanswered.

**F. Delayed accommodations and a medical emergency culminated in dismissal.**

Petitioner repeatedly sought accommodation for visual limitations, serious illness, remote participation, and filing. The timing mattered: assistance had to permit preparation and participation before discovery closed and trial proceeded.

Petitioner sought accommodation so that urgent eye surgery would not require sacrificing his pending claims. Following retinal surgery on June 14, 2024, his retina detached again. His physician's August 16 letter documented the renewed detachment, surgery scheduled for August 23, and postoperative restrictions that would prevent travel and substantially limit participation. App. 146a (highlighting added). Petitioner submitted a request through the court's ADA coordinator, Joy Guandique, seeking a continuance of trial and discovery. On August 20, Guandique notified him that **the accommodation request had been denied in whole or in part**. With trial still approaching, Petitioner faced the choice he described contemporaneously: undergo surgery and be unable to prepare and participate, or postpone treatment despite the threatened loss of sight. He canceled the August 23 operation to preserve his ability to pursue the case. His August 26 declaration and emergency application expressly documented that decision and his specialists' warning that delay threatened permanent blindness. App. 114a-120a, 143a-146a, particularly 144a and 116a (highlighting added).

The court subsequently continued trial, but relief came after the scheduled operation had been canceled and left discovery tied to the original September 16 trial date, requiring another application to reopen it. App. 25a. Petitioner attributes the permanent loss of vision in his left eye, despite subsequent unsuccessful efforts to restore it, to the treatment delay imposed by that choice. The later continuance also failed to restore the discovery opportunities lost during his medical incapacity and filing exclusion. His accommodation claim therefore concerns the concrete consequences of denying timely relief despite medical documentation and his use of the court's designated disability-assistance process: delayed treatment, permanent injury, and continued inability to prepare his case.

The unequal treatment became explicit at the February 6, 2025 hearing. The court granted Respondent a medical continuance based on counsel's declaration describing her condition and treatment, **without a physician's letter, hospital records**, or a declaration from Respondent or her physician. App. 29a-30a, 176a-177a (highlighting added). Petitioner's own initial request, submitted through the court's disability-accommodation process **with medical documentation of retinal detachment, scheduled surgery, and postoperative restrictions, had been denied**, precipitating the cancellation described above. App. 114a-116a, 143a-146a (highlighting added). His written objection filed on February 6 identified this disparity and a second, related injury: defense counsel again accused him of attacking Respondent and invoked that accusation to justify withholding medical documentation. These were the violence and elder-abuse accusations underlying the earlier eviction proceeding and his pending defamation claims, which he challenged as fabricated and sought to disprove through recordings, testimony, and discovery. His objection records that the judge refused to hear his oral opposition or allow him to correct counsel's statements before ruling. The court granted Respondent's continuance while leaving his discovery closed. Petitioner identifies this combination as concrete evidence of bias: his documented medical emergency initially failed to secure accommodation, while Respondent obtained relief without comparable medical documentation and renewed the very accusations he was seeking an effective opportunity to challenge. App. 29a-30a, 62a-64a, 66a (highlighting added).

In 2025, Petitioner alleged that Respondent and persons acting with or for her-including lawyers whose participation he sought to investigate-deliberately precipitated his Kentucky housing crisis by republishing the same disputed violence accusations to his new landlord. He characterized the resulting eviction and homelessness as a retaliatory diversion designed to destabilize him,

consume his time and resources, and derail the approaching California damages trial. He attributes the loss of stable housing, medication, records, financial resources, and his ability to return to California to that conduct. App. 58a, 71a-72a, 86a-88a, 91a (highlighting added). Those consequences materially impaired every alternative later invoked against him: paper filing, in-person appearance, retention of counsel, medical substantiation, and reliable management of an unfamiliar electronic-notice channel.

At the September 8, 2025 trial call, Petitioner's mother reported that he was in Costa Rica undergoing emergency abdominal surgery. She requested a continuance and an opportunity to submit medical documentation. App. 5a-7a (highlighting added). **Petitioner sought time to substantiate the reported medical emergency and preserve the action.**

The September 5 appellate writ order left the remote-appearance issue to be addressed at the September 8 hearing. The September 8 writ order treated the medical-proof and translation request as premature and directed him toward superior-court relief. App. 19a-23a. At the trial call, his mother asked the superior court to accept available Spanish-language hospital records under seal or allow twenty-one days to obtain certified translations. App. 5a-6a, Tr. 6:26-7:6 (highlighting added).

Judge East acknowledged Petitioner's 8:49 a.m. email reporting hospitalization and anticipated surgery. The judge reasoned that it was unlikely Petitioner could have emailed forty-five minutes before emergency surgery, treated his explanations as pretextual, and dismissed the action without prejudice. App. 11a-12a (highlighting added). Petitioner challenges the inference that the ability to send an urgent message demonstrated an ability to conduct a trial. He sought a stay so the current emergency could be evaluated and substantiated without losing the action.

The court also declared that Petitioner had unrestricted filing access, relying in part on recent appellate and California Supreme Court submissions. App. 7a-8a (highlighting added). Those submissions used a different mechanism from the superior court's File & ServeXpress route and did not impose the credit-card prerequisite he described below. His filings expressly raised that distinction. App. 55a-56a, 60a-61a (highlighting added). Successful resort to an emergency appellate process did not itself answer whether he could timely submit opposition and discovery papers in the superior court.

The dismissal also left an unresolved defect in the court record. After granting Respondent's oral motion, the superior court recorded the dismissal in its mini-minutes, but no signed dismissal order had been entered. Petitioner received no separate Notice of Entry or signed dismissal order. When he requested the dismissal record, Superior Court Civil Records directed him to the mini-minutes. He then followed the appellate clerk's instruction to attach those minutes to his Civil Case Information Statement, and the corrected submission was accepted. Yet the absence of a signed dismissal order subsequently became one of the grounds for dismissing his appeal. **The missing order was a defect in the court's own record that Petitioner had repeatedly sought help to resolve.** App. 1a-3a, 14a-16a, 75a-79a (highlighting added).

**G. The dismissal-record defect and missed notice foreclosed appellate review.**

After the Court of Appeal dismissed the appeal on May 1, 2026, Petitioner **continued receiving invitations** to participate in the Civil Appellate Self-Help Workshop operated by the Justice and Diversity Center, including the May 6 and June 3 sessions. He continued attending those sessions to obtain assistance prosecuting this same appeal. Having not seen the dismissal order, the continuing invitations and workshop communications reinforced his understanding that the appeal remained active; those communications did not alert him that it had already been

dismissed. His June 10 sworn declaration describes his participation on April 1, May 6, and June 3 and his continuing efforts to obtain the missing dismissal order. He first learned of the dismissal during the June 3 consultation and sought restoration on June 4. This sequence demonstrates his continued pursuit of appellate review and explains why he did not discover the dismissal sooner. App. 75a-79a (highlighting added).

On April 6, the Court of Appeal directed him to provide a signed dismissal order or an evidence-supported letter brief by April 27. He missed that response. Having followed the earlier clerk instruction and received confirmation that his corrected Civil Case Information Statement was accepted, he did not discover the additional directive before its deadline. On May 1 the court dismissed for both the absent signed order and the missed response. App. 1a-2a, 14a-16a, 75a-79a (highlighting added).

In his June 10 sworn declaration, Petitioner explained that **the TrueFiling service emails had been routed away from his normal inbox**. This was his first experience receiving TrueFiling email service in this posture, and he had been checking the TrueFiling website for case activity. He first learned of the dismissal during the June 3 workshop consultation and sought restoration on June 4. After the earlier clerk-directed correction had been accepted, he had not understood that an additional order required a response. His declaration describes the routing problem, his unfamiliarity with the process, and his prompt effort to restore review. App. 76a-78a (highlighting added).

Petitioner's documented homelessness resulted from Respondent's alleged retaliation. His sworn submissions describe republication of the disputed violence accusations, a retaliatory Kentucky eviction, seizure or destruction of possessions, and interruption of medication. App. 58a, 71a-72a, 86a-88a, 91a (highlighting added). A March 2026 superior-court clerk notice had gone

to an obsolete Kentucky address; Petitioner submitted a correction to that court, identified himself as homeless, and requested email notice. App. 147a-148a (highlighting added). Although he supplied a Plano correspondence address, he lacked reliable physical-mail access and faced additional difficulty managing the unfamiliar electronic notice process.

**Before dismissal, the Court of Appeal itself had received an express disability disclosure.**

Petitioner's fee-waiver application and supporting declaration, filed March 31, stated: "I am homeless and disabled, including blindness in one eye following an assault and denied accommodation request for leave to surgically repair it." The same application supplied a telephone number. His March 9 notice of appeal expressly requested "[s]ervice by email only due to homelessness." App. 178a-180a (highlighting added). These disclosures placed his disability and housing limitations before the appellate court while corrective action remained possible. The appeal concerned a civil action for which Petitioner had estimated damages exceeding \$4 million. App. 181a (highlighting added).

Petitioner's sworn explanation addresses why the electronic transmissions did not produce timely awareness in the notice process he was using. The accepted correction and continuing workshops reinforced his understanding that the appeal remained active; his June 4 request followed immediately upon discovery of dismissal. App. 75a-79a (highlighting added).

On June 4, Petitioner sought vacatur, reinstatement, and permission to submit a late response, and renewed his effort to obtain a signed dismissal or confirmation that none existed. App. 78a-79a (highlighting added). TrueFiling returned the submission with the notification: "REJECTED by VPONS: The First District Court of Appeal no longer has jurisdiction of this appeal. (CRC 8.264(b)(1).)" App. 182a (highlighting added). **His explanation and request for an effective cure therefore received no merits determination through that submission.**

On June 10, Petitioner asked the California Supreme Court to restore review of his due-process and disability-access objections. The petition challenged the loss of a “meaningful opportunity to participate” and requested a “disability-accessible cure” of the signed-order or appealability defect, followed by consideration of the underlying due-process, ADA, filing-access, and participation issues. App. 53a-56a (highlighting added). Review and a stay were denied June 24 without an explanatory opinion. App. 14a.

## REASONS FOR GRANTING THE PETITION

Review is warranted for three reasons. First, the challenged disposition conflicts with this Court's requirement that state adjudicative procedures provide a meaningful opportunity to protect a civil claim. Second, the appellate dismissal made the missing order and missed response conclusive without an effective opportunity to cure the barriers described in Petitioner's sworn submissions. Third, the interaction of court-controlled electronic filing, fee waivers, and disability accommodations presents an important federal access question that extends beyond a single rejected document.

### **I. The challenged disposition conflicts with the constitutional requirement of a meaningful opportunity to be heard.**

A State must provide meaningful process before extinguishing a protected civil claim. In *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428-433, 436-437 (1982), the State's own failure to comply with its adjudicative procedure could not destroy the claimant's cause of action without constitutionally adequate process. *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 677-682 (1930), likewise protects a real opportunity to assert a substantive right through state judicial procedures. These decisions require examination of the process actually available to the litigant.

Here, Petitioner identified necessary papers he could not file, the recurring party-record defects that prevented submission, and the resulting loss of opposition and compulsory discovery. Screenshots and contemporaneous correspondence place the defects before court personnel while corrective action could still have preserved those opportunities. App. 63a, 70a-72a, 74a, 86a-90a, 108a-113a, 117a (highlighting added). The February 2024 sequence is especially direct: blocked

written opposition, denied oral argument, and adjudication of the retaliatory-eviction issue for failure to create a triable factual dispute. App. 17a-18a, 63a, 108a-109a (highlighting added). A process that **prevents the rebuttal and then imposes the consequence of its absence** fails the opportunity-to-be-heard requirement.

The relevant opportunity must exist when participation matters. Occasional manual acceptance did not enable the blocked opposition or discovery motion. **A continuance that left discovery closed did not restore the lost means of obtaining evidence.** Successful emergency filings through a different appellate system did not establish access to the superior-court gateway. The rulings relied on those partial measures without resolving the continuing exclusion documented in Petitioner's submissions. App. 7a-8a, 21a, 25a, 55a-56a, 60a-61a, 70a-72a, 74a, 86a-90a, 108a-113a, 117a (highlighting added).

Petitioner contends that the sustained pattern demonstrates intentional interference: recurring changes after repairs, vendor reports tracing defects to the clerk side, repeated notice, denial of oral opposition, and unequal access for opposing submissions. The defense's interest in preventing examination of the identified evidence supplies the motive he alleges. App. 67a, 69a-72a, 74a, 91a, 101a-113a, 117a, 127a-137a, 160a-162a (highlighting added). The later orders continued the consequences of the excluded rebuttal without resolving the specific settlement-and-surrender showing renewed through 2025. App. 7a-13a, 17a-18a, 65a, 95a, 138a-142a (highlighting added). Meaningful review requires examining that cumulative loss of participation and the effectiveness of the attempted cures. The constitutional injury is the inability to present and obtain adjudication of material claims and opposition before their absence becomes dispositive.

**Petitioner expressly invoked federal disability-access law** in his filed August 21, 2025 application, citing “Title II ADA (reasonable modifications/effective communication)” and “*Tennessee v. Lane* (access-to-courts).” App. 81a-83a, particularly 83a (highlighting added). The Court of Appeal’s September 5 order denied writ relief after addressing email-filing access, remote appearance, and the handling of his August 19 and 21 applications. App. 19a-21a. His June 10 petition for review renewed due-process and ADA objections and sought an accessible opportunity to cure the dismissal-record defect. App. 53a-56a (highlighting added). These specific objections put the loss of meaningful participation and the corrective process before the state courts. Petitioner asks this Court to decide the federal constitutional question arising from that deprivation. The California Supreme Court denied review June 24. App. 14a.

**II. The appellate dismissal denied an effective opportunity to cure and obtain review of the access claim.**

Both grounds of the May 1 dismissal must be considered together. Section 581d requires a signed, filed court-ordered dismissal. The superior court directed Petitioner to the available minutes, and appellate staff instructed him to attach them to his Civil Case Information Statement. He did so and received confirmation that the corrected submission was accepted. App. 31a-32a, 75a-79a (highlighting added). The later April 6 directive demanded a signed order or a letter brief, but Petitioner did not see it in time. The dismissal thus closed review through a record deficiency and a notice sequence he had repeatedly tried to navigate.

Petitioner acknowledges the missed response and supplies the circumstances explaining it: the accepted clerk-directed correction, service emails routed away from his normal inbox, unfamiliarity with the process, disability and homelessness, continuing workshop participation, and action the day after discovery. App. 53a-54a, 75a-80a, 178a-180a (highlighting added). The

Court of Appeal had received his disability and homelessness disclosures before the April 6 directive. **A brief telephone alert at the number in his filings was an available additional means of warning him that an unanswered directive threatened dismissal.** Petitioner submits that the known limitations and the course of corrective communications required consideration of whether he had an effective opportunity to discover and cure the default before losing review. The requested relief would allow the missing-order issue and the access claim to be considered through an effective corrective procedure.

*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314-315 (1950), requires notice reasonably calculated under the circumstances to inform the affected person and permit an objection. *Dusenbery v. United States*, 534 U.S. 161, 168-173 (2002), applies that practical standard rather than a guarantee of actual receipt. Petitioner's challenge concerns the combined notice and correction process: the earlier accepted cure, his disclosed disability and homelessness, the electronic route, and the opportunity for correction when the problem became known.

The facts in *Harrow v. Department of Defense*, 601 U.S. 480, 483-484 (2024), illustrate the importance of identifying the precise procedural barrier: a litigant missed an emailed decision and sought review after discovering it. This Court held the federal statutory deadline nonjurisdictional and remanded. *Id.* at 489-490. Here, the question arises under the Fourteenth Amendment and concerns California's notice and corrective procedures. The petition asks whether those procedures furnished a meaningful opportunity to protect the appeal before their operation foreclosed it.

California Rule 3.1312(d) permits another party to prepare a proposed order when the prevailing party fails to do so. In April 2026, Petitioner requested the dismissal record, and Civil Records

directed him to the mini-minutes. After discovering dismissal of his appeal, he renewed his request on June 4 for a signed order or confirmation that none existed and the procedure for obtaining entry of one. On June 5, Civil Records confirmed that no signed order appeared in the register. App. 75a-79a, 84a-85a (highlighting added). **Those records requests produced no signed order.** Rules 8.60(d), 8.264, and 8.272(c)(2) address default relief, finality, and remittitur. App. 50a-52a (highlighting added). Petitioner challenges the effectiveness of the corrective opportunity afforded before A175990 became final and records his immediate June 4 effort to obtain relief after discovering dismissal. App. 182a (highlighting added).

The state procedural grounds do not answer that federal challenge merely by restating the requirements he failed to satisfy. *Lee v. Kemna*, 534 U.S. 362, 375-376, 381-385 (2002), recognizes that an exceptional application of a state procedural rule can be inadequate to foreclose federal review. Petitioner invokes that principle because the operation of the notice and corrective process is itself part of the claimed deprivation. He followed the clerk-directed correction, continued pursuing the appeal, and sought relief immediately upon learning of dismissal. *Brinkerhoff-Faris* requires a real opportunity to protect the right. Review is warranted to determine whether these procedural grounds could constitutionally end this appeal without an effective opportunity to cure.

### **III. Court-controlled filing and disability procedures must provide effective access before litigation opportunities expire.**

The recurring federal question is what safeguards must exist when the State makes a court-controlled system the gateway to adjudication, receives notice that the gateway is failing, and nevertheless enforces participation deadlines against the affected litigant. The answer matters to indigent and disabled litigants who depend on fee waivers, accessible intake, and timely

accommodations. This case presents the interaction directly: corrupted party data, unsuccessful repairs, a granted fee waiver defeated by an account prerequisite, blocked opposition and discovery, medical restrictions, and a corrective process that closed without reaching the access claim. An effective safeguard must preserve a timely route to a judge and a remedy for opportunities lost while that route was unavailable.

*Tennessee v. Lane*, 541 U.S. 509, 522-523, 531-534 (2004), recognizes the fundamental importance of access to courts and sustains Title II's application to the class of cases implicating that right. Title II prohibits disability-based exclusion from public services. 42 U.S.C. § 12132. Its regulations address ineffective access, discriminatory administration, reasonable modifications, and effective communication. 28 C.F.R. §§ 35.130(b)(1)(iii), (b)(3), (b)(7)(i), 35.160(a)(1), (b)(1)-(2). App. 33a, 35a-36a (highlighting added).

California Rule 1.100 supplies an accommodation procedure, including oral or written requests, prompt responses, written reasons for denials, and review. App. 45a-49a (highlighting added). Federal regulations require covered public entities to designate a responsible employee and publish prompt and equitable disability-grievance procedures. 28 C.F.R. § 35.107. App. 34a (highlighting added). Petitioner invoked those functions to obtain timely participation. The delayed retinal-surgery response left discovery closed; the later emergency request sought time to provide medical verification before the action was dismissed. App. 5a-6a, 25a, 114a-120a, 143a-146a (highlighting added). His ability to send an urgent email did not establish an ability to conduct trial.

The filing safeguards were equally specific. California Rules 2.255(c)-(f) and Local Rule 2.11(M) preserve court control over vendor intake and restrict financial-account prerequisites, including for services covered by a granted fee waiver. Rule 2.259(c) provides attempted-date

treatment for qualifying filings rejected because of demonstrated court-system technical problems. App. 37a-38a, 42a-44a (highlighting added). Petitioner's declarations and vendor correspondence describe a credit-card or attorney-account barrier that operated before he could submit the necessary papers despite his fee waiver. App. 26a-28a, 86a-90a (highlighting added).

The paper-filing exemption under Rule 2.253(b) did not furnish an effective alternative. Petitioner supplied courtesy copies while seeking acceptance, encountered rejection when a requested hearing date was unavailable, and explained the unaffordable cost of repeated remote paper submissions. Later medical and housing conditions further impaired that route. App. 40a, 63a, 86a-88a, 111a, 157a-159a (highlighting added). Nor did vendors' general acceptance of debit cards establish that his account could submit through the shared gateway when opposition and discovery were due. His state-court submissions expressly raised that distinction. App. 21a, 55a-56a, 60a-61a (highlighting added).

The First Amendment's protection of access to adjudicative forums reinforces this claim. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011). Petitioner repeatedly sought correction of his filing identity and an operative means to submit papers. His declaration identifies notice to management and continuing discovery consequences. App. 70a-72a, 74a (highlighting added). The asserted injury is obstruction of adjudicative participation after those requests, beyond the unanswered grievance at issue in *Smith v. Arkansas State Highway Employees*, 441 U.S. 463, 465-466 (1979).

Rule 10(c) warrants review of this important federal question and the challenged disposition's conflict with Logan and Brinkerhoff-Faris. The governing principle must ensure that a State's own intake failures do not become unanswerable procedural defaults and that a promised cure supplies an actual opportunity to preserve the claim. The requested remand would implement

that protection by allowing cure of the dismissal-record deficiency and consideration of the access claim. The contemporaneous notices, specific excluded rebuttal, repeated corrective requests, and resulting rulings provide a concrete record for deciding that question.

### CONCLUSION

The petition for a writ of certiorari should be granted. The Court should vacate the May 1, 2026 dismissal of A175990 and **remand for an effective, disability-accessible opportunity to cure the dismissal-record deficiency and obtain consideration of the federal court-access claims**, including the resulting opposition, discovery, accommodation, and dismissal issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Feldman", is written over a horizontal line.

Daniel J. Feldman

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