

26-5714
No. _____

ORIGINAL

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

FILED

SEP 24 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ZVI KRIPLE,
Petitioner,

v.

HORSERACING INTEGRITY AND SAFETY AUTHORITY;
FEDERAL TRADE COMMISSION,
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether, when a pro se petitioner timely seeks judicial review of final federal administrative action in a court of appeals that lacks direct-review jurisdiction, 28 U.S.C. § 1631 requires the court to consider transfer to a federal district court in which an Administrative Procedure Act action could have been brought, rather than limiting the transfer inquiry to other courts of appeals.

LIST OF PARTIES AND RELATED CASES

Parties. Petitioner Zvi Kriple was the petitioner in the United States Court of Appeals for the Fourth Circuit. Respondents are the Horseracing Integrity and Safety Authority (HISA) and the Federal Trade Commission (FTC). Petitioner is an individual; no corporate disclosure statement is required from him.

Related proceedings.

- *Zvi Kriple v. Horseracing Integrity and Safety Authority; Federal Trade Commission*, No. 26-1392, United States Court of Appeals for the Fourth Circuit. Judgment entered July 23, 2026.
- *In the Matter of Zvi Kriple*, FTC Docket No. 9446. Administrative Law Judge Decision on Application for Review entered March 4, 2026.

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR A WRIT OF CERTIORARI

Petitioner Zvi Kriple respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The July 23, 2026 order of the United States Court of Appeals for the Fourth Circuit in No. 26-1392 is reproduced at Appendix A. The March 4, 2026 Administrative Law Judge Decision on Application for Review in FTC Docket No. 9446 is reproduced at Appendix B.

JURISDICTION

The Fourth Circuit entered judgment on July 23, 2026. No petition for rehearing was filed. This Court has jurisdiction under 28 U.S.C. § 1254(1). Under Supreme Court Rule 13, the petition is due within 90 days after entry of judgment.

STATUTORY AND REGULATORY PROVISIONS INVOLVED

Relevant provisions include 15 U.S.C. § 3058; 5 U.S.C. §§ 701-706; 28 U.S.C. §§ 610, 1254(1), and 1631; and 16 C.F.R. §§ 1.146(c)(4) and 1.147. Section 1631 provides for transfer, in the interest of justice, when an action, appeal, or petition for review of administrative action is filed in a federal court lacking jurisdiction. Section 610 defines the relevant federal courts to include both courts of appeals and district courts. The pertinent provisions are quoted and cited in the argument below.

STATEMENT OF THE CASE

1. HISA disciplinary proceeding. Petitioner is a racehorse trainer. HISA charged him under Racetrack Safety Program Rule 2215(a)(4) in connection with veterinary care provided to the horse Royal Honey at Belterra Park in August 2025. An Internal Adjudication Panel found a violation and imposed a two-year suspension. HISA's Board affirmed.

Petitioner has consistently disputed the merits. He maintained that he attempted to obtain veterinary assistance during a weekend when veterinarians he sought were unavailable, that he provided supportive medication while seeking help, and that material evidence concerning veterinarian availability and communications was disputed. Those merits disputes are not the question presented here.

2. FTC review. Petitioner sought administrative review under 15 U.S.C. § 3058. On March 4, 2026, FTC Administrative Law Judge Jay L. Himes affirmed the Board's decision and sanctions. FTC regulations governing this process address when an ALJ decision constitutes the final decision of the Commission subject to judicial review under 5 U.S.C. § 704. See 16 C.F.R. §§ 1.146(c)(4), 1.147.

3. Fourth Circuit proceeding. Proceeding pro se, Petitioner sought judicial review in the Fourth Circuit. The FTC and HISA moved to dismiss for lack of jurisdiction. Petitioner opposed dismissal and alternatively asked the court to transfer the matter to an appropriate venue.

4. Decision below. On July 23, 2026, the Fourth Circuit concluded that 15 U.S.C. § 3058 did not supply direct court-of-appeals jurisdiction. It dismissed the petition and denied transfer because “no other court of appeals would have jurisdiction over this action.” App. 2. The order did not address transfer to a federal district court.

REASONS FOR GRANTING THE PETITION

I. THE DECISION BELOW DID NOT CONSIDER THE DISTRICT-COURT TRANSFER ROUTE RECOGNIZED BY § 1631.

Section 1631 expressly applies when a civil action, appeal, or petition for review of administrative action is filed in a federal court lacking jurisdiction. It directs transfer, when the interest of justice so requires, to another qualifying federal court in which the matter could have been brought.

The Fourth Circuit has itself used § 1631 to transfer an administrative-review matter from the court of appeals to a federal district court. In *Lee v. Boeing Co.*, 123 F.3d 801 (4th Cir. 1997), the court concluded that it lacked jurisdiction over a petition seeking review of an administrative decision and transferred the matter to the United States District Court for the District of Maryland under § 1631. The court emphasized the understandable jurisdictional mistake and the risk that dismissal could leave the claimant time-barred.

Here, Petitioner likewise sought judicial review of administrative action in the Fourth Circuit, the court found direct appellate jurisdiction lacking, and Petitioner expressly requested transfer. Yet the transfer analysis ended with the statement that no other court of appeals would have jurisdiction. The order did not consider whether a district court could receive the matter under § 1631. At minimum, *Lee* demonstrates that court-of-appeals-to-district-court transfer is within § 1631's operation when its statutory requirements are satisfied.

II. THE TEXT OF §§ 1631 AND 610 INCLUDES DISTRICT COURTS.

Section 1631 provides, in pertinent part, that when an action, appeal, or petition for review of administrative action is filed in a federal court and that court finds a want of jurisdiction, "the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought." 28 U.S.C. § 1631.

Section 610 defines the relevant "courts" to include "the courts of appeals and district courts of the United States." 28 U.S.C. § 610. The transfer inquiry therefore is not textually confined to another court of appeals.

The D.C. Circuit has likewise emphasized § 1631's mandatory cast when its conditions are met. See *Center for Nuclear Responsibility, Inc. v. NRC*, 781 F.2d 935, 943 (D.C. Cir. 1986). The narrow question here is whether, after finding jurisdiction wanting and receiving an express transfer request, the Fourth Circuit should have considered the district-court route rather than ending its inquiry with other courts of appeals.

III. THE ADMINISTRATIVE SCHEME MAKES THE FORUM QUESTION IMPORTANT.

HISA establishes a national regulatory system capable of imposing substantial professional sanctions. Section 3058 provides administrative review through the FTC, but it does not expressly designate a regional court of appeals for direct judicial review of the type Petitioner attempted here. FTC regulations address final Commission action subject to judicial review under 5 U.S.C. § 704.

That structure creates a practical forum problem for regulated persons, especially those proceeding without counsel. Section 1631 exists to prevent a good-faith jurisdictional mistake from unnecessarily destroying a timely claim. The issue is not limited to horse racing because § 1631 applies generally to federal administrative-review filings.

IV. THIS CASE CLEANLY PRESENTS THE TRANSFER QUESTION.

The Fourth Circuit did not decide the merits of Petitioner's challenge. It dismissed solely for lack of jurisdiction. Petitioner expressly requested transfer, and the court expressly denied it. The question presented therefore does not require this Court to decide the disputed facts concerning Royal Honey or the ultimate merits of the agency decision.

Nor must this Court decide in the first instance whether Petitioner will ultimately prevail under the APA. The narrower issue is whether the court below should have considered a federal district court as a potential transferee under § 1631. A remand would permit the lower court to address the appropriate district, whether the action could have been brought there when filed, and whether transfer serves the interest of justice.

CONCLUSION

The petition for a writ of certiorari should be granted. Alternatively, the Court should vacate the judgment below and remand for consideration of transfer under 28 U.S.C. § 1631 to an appropriate federal district court.

Respectfully submitted,

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