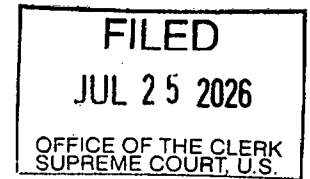


26-5756
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

JOHN J. PASTORE,
Petitioner,

v.

TOMI E. PASTORE,
Respondent.

ORIGINAL

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME JUDICIAL COURT OF MAINE,
SITTING AS THE LAW COURT**

CORRECTED PETITION FOR A WRIT OF CERTIORARI

Seeking Review Exclusively of the April 27, 2026 Order

Maine Law Court No. CUM-25-533

John J. Pastore, Pro Se
32 Main Street
Windham, Maine 04062
johnpastore04062@gmail.com
(207) 939-8083

QUESTION PRESENTED

Title II of the Americans with Disabilities Act applies to state judicial services and requires reasonable modifications to rules, policies, or procedures when necessary to prevent disability-based exclusion. *Tennessee v. Lane*, 541 U.S. 509 (2004); 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(7)(i).

The question presented is:

Whether Title II requires a state appellate court, when it accepts and adjudicates a motion to reinstate supported by specific federal disability-access authorities, to consider the litigant's individual need for a reasonable modification before denying reinstatement and leaving in place a procedural dismissal that rested on a categorical conclusion that filing tasks could not implicate concentration or processing.

LIST OF PARTIES

Petitioner John J. Pastore was the defendant-appellant below. Respondent Tomi E. Pastore was the plaintiff-appellee below.

RELATED PROCEEDINGS

Tomi E. Pastore v. John J. Pastore, No. PORDC-FM-2023-259, Maine District Court, Portland. Final Divorce Judgment entered October 21, 2025, and docketed October 23, 2025.

Tomi E. Pastore v. John J. Pastore, No. CUM-25-533, Maine Supreme Judicial Court, sitting as the Law Court. Appeal dismissed April 3, 2026; reconsideration denied April 10, 2026; second motion to reinstate denied April 27, 2026. This petition seeks review exclusively of the April 27 order.

TABLE OF CONTENTS

PETITION FOR A WRIT OF CERTIORARI	1
OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS	1
STATEMENT OF THE CASE	2
A. The underlying family appeal	2
B. The Law Court recognized Petitioner's ADA disability	2
C. The merits filings were electronically accepted	3
D. The earlier dismissal used a categorical view of disability	3
E. The April 27 order now exclusively under review	4
REASONS FOR GRANTING THE PETITION	5
I. THE APRIL 27 ORDER CONFLICTS WITH THE GOVERNING PRINCIPLES OF TENNESSEE v. LANE	5
II. THE QUESTION IS IMPORTANT TO MODERN STATE-COURT ADMINISTRATION	6
III. THE APRIL 27 ORDER PRESENTS A NARROW VEHICLE	7
IV. REVIEW IS ESPECIALLY IMPORTANT WHERE FAMILY INTEGRITY IS AT STAKE	8
CONCLUSION	8

INDEX TO APPENDICES

Appendix A April 27, 2026 order denying second motion to reinstate	1a
Appendix B April 10, 2026 order denying reconsideration	2a
Appendix C April 3, 2026 order dismissing appeal	3a-4a
Appendix D February 19, 2026 ADA enlargement order	5a
Appendix E March 5 and March 12, 2026 clerk emails	6a-7a
Appendix F Motion for reconsideration	8a-11a
Appendix G VA disability confirmation letter	12a
Appendix H October 21, 2025 final divorce judgment (redacted)	13a-39a
Appendix I Relevant constitutional, statutory, and regulatory provisions	40a
Appendix J Third Supplement adjudicated by the April 27 order	41a-43a

TABLE OF AUTHORITIES

CASES

Boddie v. Connecticut, 401 U.S. 371 (1971)	8
Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001)	4, 6
M.L.B. v. S.L.J., 519 U.S. 102 (1996)	8
PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001)	5
Tennessee v. Lane, 541 U.S. 509 (2004)	4, 5

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. XIV	1
------------------------	---

STATUTES AND REGULATIONS

28 U.S.C. § 1257(a)	1
42 U.S.C. § 12132	1
28 C.F.R. § 35.108	6
28 C.F.R. § 35.130(b)(7)(i)	2, 5

RULES

Supreme Court Rule 10	7
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IN THE SUPREME COURT OF THE UNITED STATES
JOHN J. PASTORE, PETITIONER v. TOMI E. PASTORE

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review exclusively the April 27, 2026 order of the Supreme Judicial Court of Maine, sitting as the Law Court.

OPINIONS BELOW

The order sought to be reviewed is the unpublished April 27, 2026 order accepting Petitioner's Third Supplement as a second motion to reinstate the appeal and denying that motion. It is reproduced at Appendix A. Other earlier orders and record materials are reproduced only as background necessary to understand the April 27 order.

JURISDICTION

The Maine Supreme Judicial Court entered the order sought to be reviewed on April 27, 2026. App. 1a. Petitioner seeks review exclusively of that order. This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS

The Fourteenth Amendment provides, in relevant part, that no State shall deprive any person of life, liberty, or property without due process of law or deny any person the equal protection of the laws.

Title II of the ADA provides: "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132.

The implementing regulation requires a public entity to make reasonable modifications in policies, practices, or procedures when necessary to avoid disability discrimination, unless the entity demonstrates a fundamental alteration. 28 C.F.R. § 35.130(b)(7)(i). Additional provisions are reproduced at Appendix I.

STATEMENT OF THE CASE

A. The underlying family appeal

Petitioner is a self-represented, 100% service-connected, permanently and totally disabled Navy veteran. App. 12a. His service-connected disabilities include traumatic brain injury (TBI), post-traumatic stress disorder (PTSD), and significant physical conditions. TBI and PTSD impair memory, concentration, processing speed, and executive functioning; the physical conditions further burden paper-copy compliance.

Petitioner appealed a Maine divorce judgment involving parental rights and responsibilities, child support, the family home, and substantial financial obligations. The state-law merits are not presented here. The question is whether the April 27 order adjudicating Petitioner's disability-supported reinstatement request complied with Title II's individualized reasonable-modification requirement.

B. The Law Court recognized Petitioner's ADA disability

The initial appellate brief deadline was February 6, 2026. Petitioner requested additional time. On February 19, the Law Court granted an enlargement expressly "as an accommodation under the Americans with Disabilities Act." App. 5a. The order required electronic filing of the brief and appendix and stated that no further enlargement would be granted.

That order established actual notice that Petitioner was requesting disability accommodation in this appeal. It also recognized that parental rights and responsibilities might be involved. App. 5a.

C. The merits filings were electronically accepted

On March 5, Petitioner electronically filed his brief. The clerk wrote that the brief "look[ed] good," accepted it, directed paper copies by March 12, and separately stated that the appendix was due March 5 but could be filed later by party agreement. App. 6a.

On March 12, Petitioner electronically submitted a corrected appendix. The clerk replied: "Previously we accepted your brief with the paper copies being due today. The appendix is also accepted. Please send the hard copies so that we receive them by March 19, 2026." App. 7a. Petitioner understood the final sentence as addressing the accepted materials together. The Law Court later read it as preserving March 12 for the brief and setting March 19 only for the appendix.

Petitioner thereafter told the clerk he was confused, asked what to do, and stated that he would bring the copies. He moved for acceptance and stated that the paper copies were ready to be delivered. His reconsideration motion emphasized that the deficiency concerned paper copies, not the electronically accepted merits filings. App. 8a-11a.

D. The earlier dismissal used a categorical view of disability

In an earlier background order, the Law Court denied enlargement and dismissed the appeal. App. 3a-4a. The order acknowledged Petitioner's TBI and PTSD but reasoned that all Petitioner had left to do was print and deliver copies and that "[p]rinting and delivering briefs and appendices does not involve any 'concentration,' 'processing,' or 'complex legal work.'" App. 4a.

That reasoning did not address whether tracking two accepted electronic documents, different paper-copy dates, and mixed instructions implicated the executive-function limitations the court had already recognized. It made no finding that accepting promptly tendered copies would fundamentally alter appellate review or prejudice Respondent. Reconsideration was denied. App. 2a.

E. The April 27 order now exclusively under review

Petitioner then submitted a Third Supplement asking the Law Court to consider specific disability-access authorities, including *Tennessee v. Lane* and *Duvall v. County of Kitsap*, together with his earlier filings and to grant further just relief. App. 41a-43a. The filing emphasized that the court had recognized his accommodation request before the paper-copy deadlines and asked for individualized consideration of meaningful access. App. 41a-42a.

In the April 27 order, the Law Court described the Third Supplement and its requests, expressly accepted the filing as a second motion to reinstate the appeal, denied that motion, and stated that the appeal remained dismissed. App. 1a. The court did not wait for a response. It did not discuss the federal authorities, the earlier ADA accommodation, individualized functional limitations, reasonable modification, fundamental alteration, or prejudice. It warned that no further filings would be accepted. *Ibid.*

REASONS FOR GRANTING THE PETITION

I. THE APRIL 27 ORDER CONFLICTS WITH THE GOVERNING PRINCIPLES OF TENNESSEE v. LANE

In *Tennessee v. Lane*, this Court held that Title II validly protects access to state judicial services. 541 U.S. 509, 531-34 (2004). *Lane* recognized that a failure to accommodate may have the same practical effect as outright exclusion and that Title II requires reasonable modifications that do not fundamentally alter the service. *Id.* at 531-32.

The April 27 order adjudicated a reinstatement motion that specifically placed *Lane* and other disability-access authorities before the court. App. 1a, 41a-43a. But the order denied reinstatement without addressing whether the requested accommodation was necessary for Petitioner's individual cognitive limitations or whether accepting the copies would fundamentally alter the appellate process.

The governing regulation asks whether a modification is necessary and reasonable for the individual; it does not permit reliance on categorical assumptions about what a disability can affect. 28 C.F.R. § 35.130(b)(7)(i). This Court likewise has stressed individualized inquiry when determining reasonable modification. *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 688 (2001).

By denying reinstatement without addressing the federal question presented, the April 27 order left operative the categorical conclusion that printing and delivery could not involve concentration or processing. But Petitioner's claimed barrier was not the mechanical operation of a printer in isolation. It was understanding and completing a multi-step sequence of electronic acceptance, paper-copy obligations, and differing dates while experiencing documented executive-function limitations.

Other courts applying Title II require a fact-specific inquiry after notice of a need for accommodation. See *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001) (public entity must undertake a fact-specific investigation and gather sufficient information). The April 27 order contains no comparable inquiry, although the adjudicated filing expressly asked the court to consider those principles. App. 41a-43a.

The relief required by Title II is limited. Petitioner does not contend that disability excuses every rule or guarantees success on appeal. He asks only that a court with actual notice determine whether a practical modification - such as a clear consolidated deadline, confirmation of which copies remain due, or acceptance of promptly tendered paper copies - is reasonable before procedural default permanently eliminates appellate access.

II. THE QUESTION IS IMPORTANT TO MODERN STATE-COURT ADMINISTRATION

Lane addressed physical exclusion from a courthouse. State courts now administer access through electronic portals, email acceptance, paper-copy requirements, and short, overlapping notices. These systems can create barriers for litigants with neurological and cognitive disabilities even when the courthouse is physically accessible.

Title II covers mental and neurological impairments and major life activities such as concentrating, thinking, and communicating. 28 C.F.R. § 35.108. Yet courts and litigants lack clear guidance about how Lane's individualized reasonable-modification principle applies when exclusion results from executive-function barriers in hybrid filing administration.

The issue extends beyond Petitioner. Disabled veterans, people with brain injuries, and other self-represented litigants regularly navigate state judicial systems without counsel. The same procedural act may be simple for one

person but disability-limiting for another because it is embedded in a multi-step sequence. A categorical rule makes access depend on stereotype rather than individual function.

Review would not constitutionalize ordinary deadline disputes. It would clarify the prior question Title II requires: after actual notice and a specific disability-related problem, must a court adjudicating reinstatement consider a reasonable modification that preserves equal access without fundamentally altering appellate adjudication? That recurring question warrants review under Rule 10.

III. THE APRIL 27 ORDER PRESENTS A NARROW VEHICLE

This petition seeks review exclusively of the April 27 order. The filing adjudicated by that order expressly presented the federal disability-access authorities and requested that they be considered with the prior record. App. 41a-43a. The court accepted the filing as a motion to reinstate and denied it. App. 1a. The federal question was therefore presented to the state court and passed upon through the denial of the requested reinstatement.

The material facts appear in the state court's own orders and clerk communications. The court expressly granted an ADA-based extension; electronically accepted the brief and appendix; issued paper-copy instructions; and later adjudicated the disability-supported reinstatement request. The issue does not require this Court to decide the divorce merits.

A narrow disposition is available: grant the petition, vacate only the April 27 order, and remand for the Law Court to apply Title II's individualized reasonable-modification standard to the reinstatement request it accepted and adjudicated. The state court would remain free to decide reinstatement under lawful standards after providing meaningful consideration of the federal question.

IV. REVIEW IS ESPECIALLY IMPORTANT WHERE FAMILY INTEGRITY IS AT STAKE

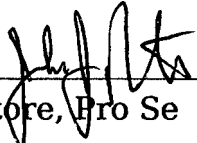
This Court has recognized that meaningful access to judicial process carries special weight in family-status cases. See *Boddie v. Connecticut*, 401 U.S. 371, 376-80 (1971); *M.L.B. v. S.L.J.*, 519 U.S. 102, 116-24 (1996). The Law Court's accommodation order itself recognized "the possibility that parental rights and responsibilities may be at issue." App. 5a.

Petitioner does not claim an automatic constitutional right to appellate review of every financial ruling. But Title II's protection of judicial services, the family interests involved, and the complete loss of appellate review make individualized consideration especially important. Lane confirms that ordinary cost and convenience alone do not justify denying meaningful access when a reasonable modification is available. 541 U.S. at 532-33.

CONCLUSION

The petition for a writ of certiorari should be granted. Alternatively, the Court should grant the petition, vacate only the April 27, 2026 order, and remand for individualized consideration of the reinstatement request under Title II.

Respectfully submitted,



John J. Pastore, Pro Se
32 Main Street
Windham, Maine 04062
johnpastore04062@gmail.com | (207) 939-8083

Dated: September 21, 2026