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No. _____

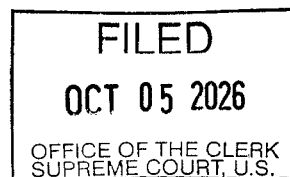
Original

IN THE
SUPREME COURT OF THE UNITED STATES

MAHFOOZ AHMAD,
Petitioner,

v.

COLIN DAY, COURTNEY DUTTER, iCIMS INC.,
NAVI HEALTH INC., BEACON HILL STAFFING GROUP,
and VISTA EQUITY PARTNERS,
Respondents.



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

**PETITION FOR
A WRIT OF CERTIORARI**

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QUESTION PRESENTED

Whether an intervening decision of this Court construing a federal statute can, alone or with other circumstances, constitute “extraordinary circumstances” under Federal Rule of Civil Procedure 60(b)(6)?

PARTIES TO THE PROCEEDING

Petitioner is Mahfooz Ahmad, plaintiff-appellant below. Respondents are Colin Day, Courtney Dutter, iCIMS Inc., Beacon Hill Staffing Group, Navi Health Inc., and Vista Equity Partners (captioned in the Second Circuit as Vista Equity Partners Management, LLC), defendants-appellees below. Petitioner is an individual; Rule 29.6 does not apply.

RELATED PROCEEDINGS

Under Rule 14.1(b)(iii), the directly related proceedings are:

- *Ahmad v. Day*, No. 1:20-cv-04507 (S.D.N.Y.): leave-to-amend order, ECF 187 (Dec. 28, 2022); opinion dismissing the Second Amended Complaint, ECF 236 (June 6, 2023); order denying Rule 60(b)(6) relief, ECF 251 (Mar. 26, 2026); order denying reconsideration, ECF 253 (Apr. 21, 2026).
- No. 26-1126 (2d Cir.): appeal dismissed Sept. 30, 2026 (the judgment under review here).
- No. 23-920 (2d Cir.): appeal dismissed Nov. 7, 2023; mandate issued Dec. 7, 2023; reconsideration denied as moot Dec. 8, 2023.
- No. 24-856 (2d Cir.): appeal dismissed Aug. 5, 2024; motion to recall the mandate denied Aug. 7, 2025.
- No. 23-6337 (U.S.): certiorari denied Feb. 20, 2024; rehearing denied Mar. 25, 2024.
- No. 24-6397 (U.S.): certiorari denied Apr. 7, 2025; rehearing denied May 27, 2025.

- No. 25-562 (U.S.): certiorari denied Jan. 12, 2026; rehearing denied Mar. 2, 2026.

This petition seeks review of the Second Circuit's September 30, 2026 judgment in No. 26-1126.

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OPINIONS BELOW

The Second Circuit's order dismissing No. 26-1126 (Sept. 30, 2026, Dkt. 78.1) is unreported. App. A. The district court's orders denying Rule 60(b)(6) relief (Mar. 26, 2026, ECF 251) and reconsideration (Apr. 21, 2026, ECF 253) are unreported. App. B–C. The underlying opinions, ECF 236 (June 6, 2023) and ECF 187 (Dec. 28, 2022), are in the Appendix at App. E–F.

JURISDICTION

The court of appeals entered its judgment on September 30, 2026. Petitioner did not seek rehearing. This petition is filed within 90 days of that judgment. Sup. Ct. R. 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RULE AND STATUTORY PROVISIONS INVOLVED

Federal Rule of Civil Procedure 60(b) provides:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: . . . (6) any other reason that justifies relief.

STATEMENT OF THE CASE

A. The district court proceeding

Petitioner, proceeding pro se, sued in June 2020 alleging employment discrimination, wage-and-hour violations, and misappropriation of intellectual property. ECF 187 at 5. In ECF 187 (Dec. 28, 2022), the magistrate judge considered

a proposed second amended complaint, ECF 168-1, naming nine defendants. *Id.* at 1. The court disregarded paragraphs that made allegations against defendants “in an undifferentiated manner as a group,” *id.* at 7, and granted leave to amend only against iCIMS, Day, and Dutter, *id.* at 18. It also held that the complaint met Rule 8 as to iCIMS and declined to rule on futility. *Id.* at 15–16. Petitioner filed the amended complaint, ECF 188. On June 6, 2023, the district court dismissed it under Rule 12(b)(6). ECF 236. The court recited as an element of the discrimination claims that the plaintiff “was subject to an adverse employment action,” *id.* at 6, and held that the pay, hostile-environment, and termination allegations lacked facts showing the treatment was because of race, religion, or national origin, *id.* at 6–9. It dismissed the FLSA and trade-secret claims on other grounds. *Id.* at 9–13. It noted that the New York City Human Rights Law applies a more liberal standard and dismissed those claims. The court declined to grant leave to amend, directed entry of judgment for defendants, and closed the case.

B. The earlier appeals and petitions

The Second Circuit dismissed No. 23-920 on November 7, 2023, as lacking “an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e). It denied a stay of mandate on December 7, 2023, and denied reconsideration as moot on December 8, 2023. It dismissed No. 24-856 on August 5, 2024, on the same ground, citing its inherent authority, and denied a motion to recall the mandate on August 7, 2025. This Court denied certiorari in Nos. 23-6337, 24-6397, and 25-562; the last rehearing was denied on March 2, 2026.

C. The Rule 60(b)(6) motion

This Court decided *Muldrow v. City of St. Louis*, 601 U.S. 346 (2024). It held that a Title VII plaintiff challenging a job transfer must show “some harm” to an identifiable term or condition of employment, not “significant” harm. Four days after this Court denied rehearing in No. 25-562, Petitioner moved under Rule 60(b)(6) to reopen the judgment and amend, citing *Muldrow* as an intervening decision. ECF 250 at 1–3 (signed Mar. 6, 2026; docketed Mar. 25, 2026). On March 26, 2026, the district court denied the motion in one sentence, “as both untimely and frivolous.” ECF 251. Petitioner moved under Rules 52(b) and 59(e), citing *Muldrow* and the interaction of the ECF 187 and ECF 236 orders. ECF 252 at 1–5. The district court denied that motion on April 21, 2026. ECF 253.

D. The Second Circuit appeal, No. 26-1126

Petitioner appealed (No. 26-1126) and proceeded in forma pauperis. A single judge denied the motion for consolidated briefing on July 30, 2026 (Dkt. 69.1). On August 17, 2026, the clerk stayed the briefing schedule pending the appellees’ motion to enjoin and to deny or dismiss the appeal (Dkt. 75.1). On August 27, 2026, Petitioner moved for panel review of both orders. On September 30, 2026, the panel dismissed the appeal as one that “lacks an arguable basis either in law or in fact,” citing *Neitzke* and § 1915(e). It denied the appellees’ motions, denied Petitioner’s motion for panel review as moot, and gave a warning about further filings. Dkt. 78.1. The order gave no further reasons.

REASONS FOR GRANTING THE WRIT

This petition presents one question of federal civil procedure: how an intervening decision of this Court construing a federal statute figures in the “extraordinary circumstances” inquiry under Rule 60(b)(6). The Second Circuit did not answer it. It dismissed the appeal in two lines as lacking an arguable basis.

I. The Courts of Appeals do not describe the question the same way

This Court held in *Gonzalez v. Crosby*, 545 U.S. 524 (2005), that a change in the Court’s reading of a statute of limitations did not justify Rule 60(b)(6) relief on the record there, which also showed a lack of diligence. In *Buck v. Davis*, 580 U.S. 100 (2017), it described the inquiry as one that weighs the risk of injustice to the parties, the risk of injustice in other cases, and the risk of undermining public confidence. And in *Blom Bank SAL v. Honickman*, 605 U.S. 204 (2025), it confirmed that a post-judgment request to amend must satisfy Rule 59(e) or 60(b) before Rule 15(a) applies. The Court did not state that intervening decisional law can never justify reopening a case. The door is left open for exceptional circumstances. This case presents the exceptional circumstances of district court orders ECF 187 and ECF 236.

The lower courts frame the role of a change in decisional law differently. The Ninth Circuit rejects a per se rule and weighs the change together with the circumstances of the particular motion. *Phelps v. Alameida*, 569 F.3d 1120 (9th Cir. 2009). The Third Circuit has likewise treated a change in law as capable of contributing to extraordinary circumstances. *Cox v. Horn*, 757 F.3d 113 (3d Cir. 2014). Other circuits, including the Second and Eleventh, state that a change in

decisional law alone is generally insufficient. *Tapper v. Hearn*, 833 F.3d 166 (2d Cir. 2016); *Marrero Pichardo v. Ashcroft*, 374 F.3d 46 (2d Cir. 2004); *Arthur v. Thomas*, 739 F.3d 611 (11th Cir. 2014); *see also Hernandez v. Thaler*, 630 F.3d 420 (5th Cir. 2011); *U.S. ex rel. Garibaldi v. Orleans Parish School Board*, 397 F.3d 334 (5th Cir. 2005). The Seventh Circuit takes the position that changing precedent does not disrupt a closed case. *Kathrein v. City of Evanston*, 752 F.3d 680 (7th Cir. 2014). Also, relevant, *Collins v. City of Wichita*, 254 F.2d 837 (10th Cir. 1958). Also relevant is *Waetzig v. Halliburton Energy Services, Inc.*, 604 U.S. 305 (2025). Also relevant here, Rule 60(b)(6) permits extraordinary relief from a final judgment when circumstances not covered by the other Rule 60(b) grounds make continued enforcement of the judgment unjust. *Sargeant v. Columbia Forest Products, Inc.*, 75 F.3d 86 (2d Cir. 1996). The Court has not said how *Gonzalez* applies when a statutory decision such as *Muldrow* issues after a civil judgment; litigants and district courts need an answer.

II. The question presented is recurring and important

Every decision of this Court construing a federal statute can prompt motions to reopen earlier judgments. *Muldrow* itself changed the harm a Title VII plaintiff must show. Whether such a decision may count toward Rule 60(b)(6) relief, and how it is weighed against finality, should not turn on the circuit in which the judgment is entered. The question also matters most to pro se litigants, whose cases are often resolved in orders that give no reasons.

III. The decision below shows why the question was never answered

A claim lacks an arguable basis in law only if it rests on an “indisputably meritless legal theory.” *Neitzke*, 490 U.S. at 327. A question on which courts of appeals describe the standard differently, and on which this Court has not spoken very clearly, is not indisputably meritless. Yet the district court rejected the Rule 60(b)(6) motion in one sentence (ECF 251), and the Second Circuit dismissed the appeal in two lines (Dkt. 78.1). Neither court explained whether *Muldrow* could count toward extraordinary circumstances, along with the other ECF 187 and ECF 236 circumstances, or why.

Timeliness does not supply an independent answer. Rule 60(c)(1) “reasonable time” depends on the circumstances. Here, Petitioner appealed twice, sought certiorari three times, and moved four days after this Court denied rehearing. Whether this delay was unreasonable was not explained.

Petitioner also relied on other circumstances. ECF 187 disregarded group allegations and denied leave to add six defendants (Beacon Hill, naviHealth, Clay Richards, Vista, Susquehanna, and Comcast) on grounds of personal jurisdiction, standing, and pleading specificity. ECF 187 at 7–17. ECF 236 then discounted the trade-secret claim because it relied on those removed defendants’ conduct without alleging coordination. ECF 236 at 12–13. Petitioner raised this sequence, including the “removal of defendants,” as a circumstance in the Rule 59(e) and Rule 60(b)(6) motions. ECF 252 at 3–4. Whether those rulings, together with an intervening

decision, warrant reopening is the kind of question *Buck* describes. It should be and must be answered with reasons.

The Court should grant the petition to decide the question or, in the alternative, vacate the judgment and remand so the Second Circuit can address it.

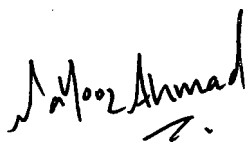
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mahfooz Ahmad, Petitioner pro se

Dated: October 5, 2026

A handwritten signature in black ink, appearing to read "Mahfooz Ahmad", with a small flourish at the end.