No. 26-6005

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN DOE,

Petitioner,

v.

CALIFORNIA SOUTHERN UNIVERSITY;
AMERICAN INTERCONTINENTAL UNIVERSITY SYSTEM, INC.,

Respondents.

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

MOTION TO EXPEDITE CONSIDERATION OF THE PETITION FOR A WRIT OF CERTIORARI

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MOTION TO EXPEDITE CONSIDERATION OF THE PETITION

Petitioner John Doe respectfully moves under Supreme Court Rule 21 for an order expediting consideration of the accompanying Petition for a Writ of Certiorari. Petitioner requests that: (1) any response to the Petition be filed within 21 days after the case is placed on the docket; (2) any reply be filed within 7 days after that response deadline; and (3) the Petition be distributed for the earliest practicable Conference. Petitioner expressly waives the ordinary 14-day waiting period under Supreme Court Rule 15.5 and requests distribution after the requested 7-day reply period.

REASONS FOR EXPEDITION

1. PETITIONER FACES A CONCRETE RISK OF LOSING, FOR A SECOND CONSECUTIVE YEAR, A TIME-SENSITIVE PREDOCTORAL CLINICAL-PSYCHOLOGY INTERNSHIP OPPORTUNITY WITH THE LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH.

This case does not involve an abstract academic disagreement. Petitioner is completing a Doctor of Psychology (Psy.D.) pathway leading toward professional clinical-psychology training and licensure. Petitioner has completed his dissertation work and successfully passed the dissertation-presentation component of his doctoral defense. His academic record reflects a 3.91 doctoral GPA and Magna Cum Laude standing. The remaining academic dispute concerns four oral-defense questions and the University's refusal to permit those remaining questions to be completed in the written format Petitioner requested as a disability accommodation.

At the same time, Petitioner has been pursuing a predoctoral psychology internship opportunity with the Los Angeles County Department of Mental Health (LACDMH), a public mental-health system providing clinical training relevant to Petitioner's doctoral and professional pathway. LACDMH informed Petitioner and the University that the school must initiate an academic-affiliation agreement before an eligible student may proceed through the internship-placement process. The University advised Petitioner in September 2025 that its review of that affiliation process could take approximately 30 to 45 days or longer. More than one year has

now passed.

Petitioner was unable to move forward through the LACDMH pathway during the prior cycle. If the present opportunity is lost while the academic and litigation barriers remain unresolved, this will be the second consecutive year in which Petitioner has been unable to pursue the LACDMH predoctoral clinical-psychology internship pathway despite having identified the opportunity and sought the University's required participation. Available positions may be filled while this litigation remains pending. Expedition is therefore crucial because later review cannot restore that particular internship opportunity or the year of professional clinical training that would have been lost.

2. PETITIONER'S UNRESOLVED DEGREE-CONFERRAL AND DISABILITY-ACCOMMODATION DISPUTE DIRECTLY AFFECTS HIS ABILITY TO PROCEED INTO CLINICAL TRAINING.

Petitioner's November 14, 2025 oral defense did not conclude the doctoral process. His committee chair subsequently confirmed in writing that Petitioner performed well and passed the presentation component. The remaining dispute concerns the questioning component. Petitioner has requested that the four remaining oral-defense questions be provided and answered in writing as an accommodation under the Americans with Disabilities Act and Section 504. That requested accommodation changes the communication format of the remaining questioning; it does not change the dissertation, the four questions themselves, the academic standard, or the competency being evaluated.

Petitioner has also challenged substantial departures from the University's published oral-defense procedure during the first defense, including the failure properly to identify participants, real-time intervention by an administrator who was not identified as a committee member, and failure to complete the published deliberation-and-notification sequence with Petitioner. Petitioner further states that the first defense substantially affected his health and disability-related functioning. He therefore seeks an accessible means of completing the remaining four questions without being returned to substantially the same live environment.

Upon successful completion of the remaining accommodated questioning, prompt completion of the required academic signatures, entry of the final doctoral result, and conferral of the Doctor of Psychology degree are necessary to prevent further delay in Petitioner's clinical-training pathway. Petitioner has already spent more than one year attempting to resolve these final doctoral-completion issues. Further delay threatens another professional training cycle.

3. THE URGENCY WAS SQUARELY PRESENTED TO THE NINTH CIRCUIT BEFORE IT DISMISSED THE INTERLOCUTORY APPEAL.

Petitioner expressly sought expedited appellate treatment and informed the Ninth Circuit that the underlying doctoral-completion and professional clinical-training issues were time-sensitive. Respondents opposed expedition and also affirmatively sought dismissal of the interlocutory appeal as moot based on Petitioner's filing of an amended complaint after the District Court granted leave to amend.

The consequences were foreseeable, the urgency was squarely presented, Respondents intentionally sought dismissal notwithstanding those consequences, and the Ninth Circuit nevertheless applied a rule that extinguished immediate review without conducting the material-change or effectual-relief inquiry Petitioner requested. On October 20, 2026, the Ninth Circuit granted Respondents' motion and dismissed the appeal as moot.

The resulting problem is immediate: the requested disability accommodation remains unresolved; the remaining doctoral-defense questions remain unresolved; the Psy.D. degree has not been conferred; the University-side LACDMH affiliation issue remains unresolved; and the LACDMH predoctoral clinical-psychology internship process continues on a timetable that does not stop for federal litigation.

4. DELAY THREATENS TO DEFEAT THE PURPOSE OF THE IMMEDIATE APPELLATE REVIEW CONGRESS AUTHORIZED UNDER 28 U.S.C. § 1292(a)(1).

Petitioner sought preliminary injunctive relief because ordinary litigation on a final-judgment timetable could not adequately protect against injuries occurring while the case remained pending. Congress authorized immediate appellate review of orders refusing injunctions through 28 U.S.C. §

1292(a)(1) because some requests for interim relief cannot be effectively vindicated after the relevant opportunity has passed.

That concern is concrete here. If the current LACDMH predoctoral internship opportunity is filled or otherwise becomes unavailable while this case proceeds, later appellate review cannot recreate that lost training opportunity. More significantly, Petitioner would then have lost access to the LACDMH pathway for a second consecutive year while the same doctoral-completion and institutional-affiliation barriers remained unresolved. Waiting for eventual final judgment cannot return Petitioner to the beginning of a missed recruitment and placement cycle.

5. PETITIONER'S PERSONAL AND CAREGIVING CIRCUMSTANCES FURTHER HEIGHTEN THE PRACTICAL CONSEQUENCES OF ANOTHER YEAR OF DELAY.

Petitioner is an older doctoral candidate with disabilities. He is also the sole breadwinner in his household and the primary caregiver for his 86-year-old aunt, who resides with him and is fully dependent on him for support and caregiving. These circumstances are not asserted as an independent basis for Supreme Court jurisdiction and do not alter the governing legal standard. They do, however, make the consequences of repeated year-long delay especially significant.

Petitioner has already devoted substantial time to completing the Psy.D. program, his dissertation, and the professional requirements necessary to move toward clinical practice while simultaneously managing his own disabilities, supporting his household, and providing substantial daily caregiving. For Petitioner, another missed annual clinical-training opportunity is not merely a scheduling inconvenience. It represents another year in which degree completion, supervised clinical training, and progress toward professional practice may remain stalled while the financial and caregiving responsibilities of the household continue without interruption.

Expedition is therefore especially important because time lost in this case cannot simply be recovered later. Prompt consideration would permit the Court to address the jurisdictional question while meaningful relief may still have practical value and before a second consecutive LACDMH training cycle is lost.

6. THE PETITION PRESENTS A NARROW, FULLY DEVELOPED JURISDICTIONAL QUESTION CAPABLE OF PROMPT REVIEW.

The Petition does not ask this Court, at the certiorari stage, to determine whether Petitioner ultimately prevails on his underlying disability-discrimination or retaliation claims. It presents a narrow federal jurisdictional question: whether filing an amended complaint pursuant to leave granted in the same order denying preliminary injunctive relief automatically moots an appeal under 28 U.S.C. § 1292(a)(1) because the prior pleading is superseded, or whether Article III requires the court of appeals to determine whether the amendment materially changed the controversy and whether any effectual relief remains available.

The Fifth and Eleventh Circuits have taken materially different approaches to that question, and the Ninth Circuit applied the categorical approach challenged in the Petition. Petitioner amended because the District Court authorized amendment as the means to cure the pleading and continue the federal civil-rights action. Compliance with that court-authorized process then became Respondents' asserted basis for eliminating immediate appellate review. The Court can address that antecedent jurisdictional question without resolving the underlying disability merits and, if appropriate, remand for the Ninth Circuit to conduct the required Article III inquiry.

7. EXPEDITION WOULD PRESERVE MEANINGFUL REVIEW WITHOUT UNFAIR PREJUDICE TO RESPONDENTS.

Respondents have already litigated the jurisdictional issue extensively in the Ninth Circuit. They moved to dismiss the appeal, opposed Petitioner's request for expedition, addressed Petitioner's effectual-relief arguments, and briefed the competing appellate authorities. A shortened response period therefore would not require Respondents to confront an unfamiliar controversy.

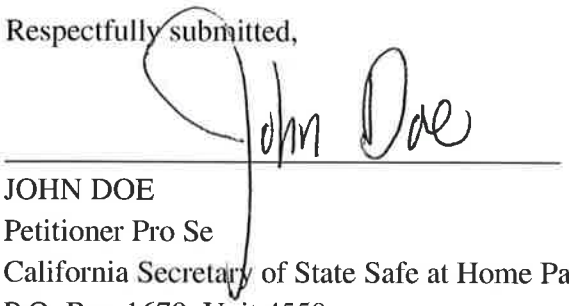
By contrast, the effects of delay are not symmetrical. Respondents' jurisdictional arguments remain available regardless of whether the Petition is considered promptly. Petitioner's LACDMH internship opportunity does not necessarily remain available. Once a placement cycle closes or positions are filled, a later judicial ruling cannot recreate that lost opportunity. Petitioner does not seek through this motion an automatic grant of preliminary injunctive relief or adjudication of the

underlying merits. He asks only that the Petition be considered on a timetable that does not permit the passage of time itself to destroy the practical value of the review sought.

CONCLUSION

For these reasons, Petitioner respectfully requests that the Court expedite consideration of the Petition for a Writ of Certiorari; require any response within 21 days after docketing; permit Petitioner to file any reply within 7 days after the response deadline; accept Petitioner's waiver of the ordinary waiting period under Supreme Court Rule 15.5; and distribute the Petition for the earliest practicable Conference.

Respectfully submitted,



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October 23, 2026