

IN THE SUPREME COURT OF THE UNITED STATES

No. 26A-

Jane Doe,
Applicant/Plaintiff-Appellant,

v.

UMass-Amherst *et al.*,
Respondents/Defendants-Appellees.

Dated August 13, 2026

**APPLICATION TO ASSOCIATE JUSTICE KETANJI BROWN JACKSON
FOR A 60-DAY EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT**

To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the First Circuit:

Pursuant to the U.S. Supreme Court Rules 13.5, 22, and 30, Applicant appearing *pro se*, respectfully requests a **60-day extension of time** to file her Petition for a Writ of Certiorari in this matter, up to and including **Friday, October 23, 2026**.

In support of this request, Applicant states as follows:

JUDGMENT SOUGHT TO BE REVIEWED AND JURISDICTION

1. The order sought to be reviewed is not the May 27, 2025 judgment of dismissal for “want of diligent prosecution” (App/4-5) issued by a panel of the USCA for the First Circuit, in the consolidated appellate track *Doe v. UMass-Amherst, et al.*, Court of Appeals Docket No. 23-1118 (consolidated with seven other appeals numbered respectively 23-1119, 23-1142, 23-1143, 24-1074, 24-1180, 24-1181, and 25-1025). Rather, it is the final closing order entered nearly one year later, on **May 26, 2026** (App/6-7), by the same panel, which recharacterized all of Applicant’s post-judgment filings as a petition for panel rehearing and summarily denied it. Absent an extension, Applicant’s 90-day window to file a petition for a writ of certiorari will expire on **August 24, 2026**.

2. Pursuant to the U.S. Supreme Court Rules 13.5 and 30.2, a Justice of this Court may, for good cause, extend the time to seek certiorari for a period not exceeding 60 days. The application must reach the Clerk at least 10 days before the petition is due, absent extraordinary circumstances. This application is being filed on August 13, 2026, via next-day commercial delivery for arrival on the 14th.

3. The jurisdiction of this Court is invoked under **28 U.S.C. § 1254(1)**.

SUMMARY OF THE CASE AND STRUCTURAL DEFECTS BELOW

4. This case stems from a federal civil action commenced on April 22, 2019 under the case number, 3:19-cv-30056-MGM, in the District of Massachusetts.

The underlying appellate proceedings have suffered from extraordinary, systemic administrative and procedural defects executed by the Clerk's Office of the Court of Appeals for the First Circuit. These irregularities, of which most are laid out in Applicant's recently submitted affidavit (App/14-18) attached as Exhibit A to her latest motion to the Court of Appeals mailed on August 5, 2026, resulted in a severe deprivation of Applicant's constitutional right to Due Process via a structural denial of legal notice (App/16), the suppression of the medical evidence of a severe physical incapacity (App/15-16), and the deletion and back-dating of entries (App/15-16) on the public PACER record to enforce an engineered default dismissal for "want of diligent prosecution" (App/16).

5. Specifically, as recounted in her August 5, 2026 affidavit (App/15), Applicant was suffering from acute, documented ophthalmological impairment subjecting her to near-permanent risk of blindness (App/21, 24-26, 28, 31), paired with severe financial destitution (App/26, 33). Despite mailing on July 25, 2025 a complete finalized 202-page Opening Brief and an exhaustive 126-page Supplemental Record Appendix (SRA) that locked her cured status into the public record as early as July 29, 2025 (entry date logged by Case Manager), the First Circuit panel, after having held for 350 days Applicant's timely June 10, 2025 motion to set aside dismissal, actioned a "recharacterization trap" on May 26, 2026 (App/6-7), building the false optical illusion on the docket of a multi-layered review

while completely suppressing Applicant's cured opening brief and her SRA, and leaving on the seal her third medical certificate (attached to her timely June 10, 2025 motion to set aside dismissal; App/35), visibly unread.

BASIS FOR GOOD CAUSE AND JUSTIFICATION FOR EXTENSION

6. The U.S. Supreme Court Rule 13.5 permits an extension of up to 60 days upon a showing of good cause. Extraordinary and compelling circumstances exist in this case that prevent Applicant from executing a concise, helpful petition by the current August 24, 2026 deadline:

Awaiting Direct Rulings on Pending August 5, 2026 Motion to Expedite, for Clerical Clarification of Service, and to Incorporate Attached Evidence.

7. On June 1, 2026, Applicant mailed two emergency motions in the First Circuit to recall the mandate and maintain the seal on her sensitive medical records, respectively. As of August 13, 2026, these emergency motions have remained pending for over 70 consecutive days, despite the fact that this time the Appellees finally broke their silence—they indeed did not oppose Applicant's fully-cured opening brief or her SRA—to file oppositions (App/18), notably demanding that the Court protect and maintain a default created by a clearly documented procedural error while continuing to stay completely silent on the merits of Applicant's unopposed late opening brief and SRA (App/18). This administrative dormancy is actively consuming Applicant's strict statutory timeline to seek certiorari.

8. On August 5, 2026, Applicant mailed to the First Circuit panel another formal motion seeking this time a) to expedite rulings on her pending two June 1, 2026 emergency motions, b) a clerical clarification of service, and c) to incorporate the attached evidence. This motion directly challenges ongoing, documented defects on the face of the appellate public ledger—specifically, the deletion of a live, unfinished brief file (Entry 108288777) (App/16) and a five-hour retroactive back-dating layout executed by the Clerk’s Office on June 2, 2025 (App/15-16) manifestly to block single-justice review.

9. Because the First Circuit panel has allowed Applicant’s two June 1, 2026 emergency motions (retroactively logged with June 3, 2026 as the docket entry date) to sit frozen for over 70 days, Applicant cannot safely construct her petition for a writ of certiorari until the lower court clarifies the operative appellate record, which at this juncture is fractured, or explicitly denies the motion to expedite mailed by Applicant on August 5, 2026. (At 4:15 pm on August 11, 2026, this motion was logged on the USCA public docket while being antedated to August 10, 2026; and the *actual* date of service was not mentioned.)

10. Remarkably, if the panel denies the June 1, 2026 motion to recall the mandate or refuses to rule on this critical, dispositive emergency motion, despite the August 5, 2026 motion to expedite, there will be a clean reviewable order to take to this Court. Indeed, as Applicant argued in both her June 1, 2026 emergency motion

to recall and her June 8, 2026 reply, the panel’s May 26, 2026 recharacterization of local rule filings as a “petition for panel rehearing” is a clear error. Pursuant to *U.S. v. Fraser*, 407 F.3d 9, 10 (1st Cir. 2005) and *Kashner Davidson Sec. Corp. v. Mscisz*, 601 F.3d 19, 22 (1st Cir. 2010), the First Circuit explicitly adopted the Supreme Court’s stringent standard for recalling a mandate established in *Calderon v. Thompson*, 523 U.S. 538, 547, 118 S.Ct. 1489, 1497 (1998). This standard warrants recalling the mandate where exceptional circumstances exist—such as the fact that Applicant’s time to seek certiorari remains active.

11. Further, by filing oppositions while remaining completely silent on the merits of the late opening brief and the SRA, Respondents have executed a fatal admission: they have effectively conceded that they cannot defend the merits of the case and are instead hiding behind an artificially-created default.

Documented Medical Duress

12. Applicant is a vulnerable, self-represented, and indigent litigant proceeding under extreme medical and financial hardship. As documented via three confidential medical attestations from treating specialists entered under seal—two on March 13, 2025, from an optometrist (App/28, 30), and one on June 10, 2025, from an ophthalmologist (App/35)—Applicant suffers from progressive health duress, specifically an eye-inflammation disease that places her at a severe risk of

clinical blindness. This physical limitation restricts Applicant's ability to safely review hundreds of pages across this consolidated multi-case appellate record.

Extreme Complexity of the Procedural Record

13. This case involves an unprecedented administrative vacuum spanning eight consolidated appeals (Nos. 23-1118 *et al.*). Former counsel of record for Applicant, Lawrence Stein (App/24-25), is solely responsible for consolidating the first seven appeals against Applicant's clear objections and for delaying for nine months Applicant's efforts to preserve a fundamental legal error—the USDC's *sub silentio* conversion of the motions to dismiss into motions for summary judgment.

14. Following the USCA's grant of Lawrence Stein's motion to withdraw, Applicant finally preserved her argument—which she had attempted to raise since February 2024 and had originally retained Stein to present—that the lower court improperly resolved genuine issues of material fact by looking outside the four corners of her complaint without notice and without permitting discovery, evidentiary hearings, or oral argument. District Judge Mark G. Mastroianni indeed admitted, in a decision dated November 6, 2024 (App/10-11), that he had resolved most of Applicant's claims by raising legal theories never previously presented—not even by the defendants themselves—and predicated upon facts gleaned from outside the pleadings. Despite that concession, compelled to seek review, leading to the January 8, 2025 opening of her eighth and final appeal: No. 25-1025.

Subsequently, on January 15, 2025, Applicant sought to create two distinct groups of four appeals each to file two manageable, focused briefs instead of one massive omnibus document (App/14). However, that request was inexplicably denied on February 24, 2025 (App/14) by the chief appellate judge, who instead ordered the consolidation of eight appeals, thereby unduly complicating the case and forcing Applicant to argue over 40 legal questions in a single, oversized opening brief within only 45 days of the order (App/14).

15. Additionally, the record involves severe clerical mistakes perpetrated by the USCA—including the administrative scrubbing of a lodged 127-page draft (App/15-16), as well as a retroactive, back-dated panel entry executed six days *after* a default dismissal had already been ordered (App/15-16)—which have contributed to funneling a meritorious matter into a closed-loop procedural paper trap. Consequently, structural time is mandatory to organize and synthesize this dense but also fragmented, back-dated, and edited chronological USCA record into a concise, coherent, high-utility petition for a writ of certiorari.

Acute Need to Secure Counsel

16. Because of these technical legal barriers, the visual duress, and the magnitude of the structural defects at issue, it is necessary for an unrepresented layperson to safely frame these due process questions with the meaningful assistance of an attorney. Consequently, Applicant also requires additional time to actively seek

pro bono or retained legal counsel who can adequately evaluate this complex record and draft—in a manner that will be the most helpful to this Court in determining whether to issue a GVR order—a comprehensive petition for a writ of certiorari. The requested extension is therefore indispensable to allow Applicant to secure counsel and prevent a forfeiture of her statutory rights under physical duress.

The Lower Court's Operational Recognition Stay

17. The First Circuit panel's order that denied Applicant's post-judgment motions while retroactively recharacterizing her cured filings as a petition for rehearing was entered on May 26, 2026 (App/6-7). Simultaneously, in the same order, the panel made the decision of hastening the mandate issuance (App/6-7). Accordingly, less than 24 hours later, the First Circuit issued an expedited mandate on May 27, 2026 (App/8-9).

18. On June 3, 2026, within less than 24 hours of Applicant filing her emergency stay motion, U.S. District Judge Mark G. Mastroianni stayed all district court proceedings explicitly to preserve the *status quo* pending this Court's review (App/12)—effectively demonstrating the non-frivolous and extraordinary nature of the procedural conflicts at the USCA.

Absolute Lack of Electronic Access and Paper Bottlenecks

19. Applicant is a *pro se* litigant proceeding *in forma pauperis* who, by virtue of proceeding under a pseudonym, has been excluded by the lower courts from

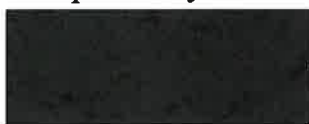
utilizing the electronic CM/ECF system. Applicant has thus been restricted entirely to the physical paper mail track, which is a structural barrier that delays the transmission of documents, duplicates the administrative burden, and causes severe logistical bottlenecks while Applicant's strict statutory clocks continue to run.

No Prejudice to Respondents

20. No prejudice will result to Respondents from a modest 60-day extension, as the underlying district court proceedings are already stayed by order of the district court (App/12). By contrast, the USCA's failure to rule on the pending motion to recall continues to cause Applicant irreparable constitutional harm.

WHEREFORE, because good cause explicitly exists under the extraordinary circumstances of this case, Applicant requests that her time to file a Petition for a Writ of Certiorari be extended by sixty (60) days, up to and including **Friday, October 23, 2026**.

Respectfully submitted on the 13th day of August 2026,

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United States Court of Appeals For the First Circuit

Nos. 23-1118
23-1119
23-1142
23-1143
24-1074
24-1180
24-1181
25-1025

JANE DOE,

Plaintiff - Appellant,

v.

UNIVERSITY OF MASSACHUSETTS-AMHERST, a public educational institution of more than 300 employees; DR. DEREK LOVLEY, an individual; DR. TOSHIYUKI UEKI, an individual; DR. JOHN LOPES, an individual; JOY WARD, an individual; CHIEF SCOTT LIVINGSTONE, an individual; DR. KUMBLE SUBBASWAMY, an individual; SERGEANT JONATHAN HALL, an individual; KARLEE DRUMGOOL, an individual; DR. CYNTHIA GERSTL-PEPIN, an individual; SEAN REGAN, an individual; CHIEF TYRONE PARHAM, an individual; ATTORNEY RANDALL E. SMITH, an individual,

Defendants - Appellees.

Before

Barron, Chief Judge,
Kayatta and Rikelman, Circuit Judges.

JUDGMENT

Entered: May 27, 2025

The first in this series of eight consolidated appeals was initiated by Plaintiff-Appellant Jane Doe in early 2023. Since that time, Doe has noticed seven additional appeals and has filed numerous motions for extensions of time and other relief, but she has not filed a complete opening brief.

By order entered February 24, 2025, this court granted Doe a "final extension" of 45 days to file her opening brief. This court warned that "failure to file an opening brief by the extended deadline set out above may result in dismissal of all of the above-captioned appeals without further warning."

After entry of the February 24 order, Doe tendered certain papers ex parte and filed motions seeking an extension of time to file her opening brief and other relief, but she did not tender a finalized opening brief. Doe did tender in support of one of her other filings a copy of a brief that she admits is unfinished; however, the court's prior warning was clear, and it remains the case that Doe has not filed her opening brief. Because Doe was warned that her appeals might be dismissed without further warning if she failed to file an opening brief within 45 days of entry of the February 24 order and because Doe has failed to file a complete opening brief within 45 days of the February 24 order, the eight above-captioned appeals are dismissed. See Local Rules 3.0(b) ("If appellant does not . . . file the docketing statement or any other document within the time set by the court, the appeal may be dismissed for want of diligent prosecution.") & 27.0(c) (court may summarily dispose of appeals under appropriate circumstances).

All remaining pending motions, including motions seeking reconsideration of prior orders and/or appointment of counsel, are denied. The papers tendered ex parte shall be returned to Doe, cf. Local Rule 11.0(c)(2), and any requests for relief set out in those papers also are denied.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Jane Doe
Mark Alden Johnson
Denise Barton
Deborah I. Ecker
Hannah Vail

United States Court of Appeals For the First Circuit

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23-1119
23-1142
23-1143
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UNIVERSITY OF MASSACHUSETTS-AMHERST, a public educational institution of more than 300 employees; DR. DEREK LOVLEY, an individual; DR. TOSHIYUKI UEKI, an individual; DR. JOHN LOPES, an individual; JOY WARD, an individual; CHIEF SCOTT LIVINGSTONE, an individual; DR. KUMBLE SUBBASWAMY, an individual; SERGEANT JONATHAN HALL, an individual; KARLEE DRUMGOOL, an individual; DR. CYNTHIA GERSTL-PEPIN, an individual; SEAN REGAN, an individual; CHIEF TYRONE PARHAM, an individual; ATTORNEY RANDALL E. SMITH, an individual,

Defendants - Appellees.

Before

Barron, Chief Judge,
Kayatta and Rikelman, Circuit Judges.

ORDER OF COURT

Entered: May 26, 2026

Following this court's entry of a judgment of dismissal on May 27, 2025, Appellant Jane Doe has made a number of filings. The filing dated June 10, 2025, and captioned as an "Ex-Parte Motion to Set Aside Dismissal of Series of Eight Consolidated Appeals" has been accepted for filing ex parte and under seal; we note the absence of any objection to such treatment. We have

construed all of appellant's post-judgment filings, collectively, as a petition for panel rehearing, and that petition is **denied**. Mandate shall enter forthwith. See Fed. R. App. P. 41(b) (court may hasten entry of mandate).

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Jane Doe

Mark Alden Johnson

Denise Barton

Deborah I. Ecker

Hannah C. Vail

**Additional material
from this filing is
available in the
Clerk's Office.**